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## CITY COUNCIL MEETING AGENDA

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Notice is hereby given that the Rockport City Council will hold a regular meeting on Tuesday, January 9, 2024, at 6:30 p.m. The meeting will be held in person at the Training Room of the Rockport Service Center, 2751 State Highway 35 Bypass, Rockport, Texas. **The live stream link to view the meeting is:** <https://www.youtube.com/@rockporttxgov>.

Public participation is valued and citizens wishing to express their views on any topic or agenda item can 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 to the right, or if attending the meeting in person register before the meeting begins. Using the same form, citizens can also provide written comments to the City Secretary by 4:00 p.m. on the day of the meeting. The comments will be read at the meeting.



The matters to be discussed and acted upon are as follows:

### **Opening Agenda**

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1. Call meeting to order.
2. Pledge of Allegiance.
3. 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 **Agenda** item or any subject matter, will be read at 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.

### **Consent Agenda**

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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 City Council Regular Meeting Minutes of December 12, 2023, and Special Meeting Minutes of December 13, 2023.
5. Deliberate and act to appoint members to Planning and Zoning Commission.

### **Public Hearings**

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6. Conduct a Public Hearing on a request from Ocean Glory Homes for permanent closure/abandonment/vacation of a 20-foot-wide alleyway lying between Lots 4 through 6 and Lots 12 through 14, Block No. 108, Manning Addition, City of Rockport, Aransas County, Texas; being 0.069 acre.

## **Regular Agenda**

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7. Deliberate and act on first reading of an Ordinance authorizing the closing, vacating, and abandonment of 0.069 acre of land being a 20-foot wide alleyway lying between Lots 4 through 6 and Lots 12 through 14, Block 108, Manning Addition, City of Rockport, Aransas County, Texas, according to the Plat recorded in Volume 1, Page 7, Plat Records of Aransas County, Texas; providing for the terms and conditions of such vacation and abandonment; authorizing the Mayor to execute a Quitclaim Deed for the 0.069 acre to be closed, vacated and abandoned; and providing for an effective date.
8. ***Postponed – December 12, 2023:*** Deliberate and act on request to close South Austin Street from Market Street to the south side of Wharf Street; West one-half block of Main Street to Austin Street and one-half block of East Main Street towards Water Street; and West one-half block of St. Mary's Street to Austin Street on March 15, 2024, from 4:00 p.m. to 11:00 p.m. and March 16, 2024, from 7:00 a.m. to 11:00 p.m., for the 5<sup>th</sup> Annual Crawfish Festival; or alternate locations.
9. Deliberate and act on second and final reading of an Ordinance amending the City of Rockport Code of Ordinances Chapter 26 "Businesses" by adding Article III Short Term Rentals; repealing all ordinances to the extent they are in conflict; providing for severability; providing for penalties; and providing an effective date.
10. Reports from Council.  
At this time, the City Council will report/update on activities in respective Wards, and 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; 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.

## **Executive Session**

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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:

11. Section 551.071 Consultations with Attorney seeking the advice of attorney about pending or contemplated litigation, or a settlement offer; and 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: 1) City Hall; and 2) Concho Street & General Land Office (GLO) drainage projects.
12. Section 551.072 Deliberations about Real Property to deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.

## **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.

### 13. Adjournment.

## **Special Accommodations**

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodation or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's office at (361) 729-2213, ext. 225 or FAX (361) 790-5966 or email [tvaldez@cityofrockport.com](mailto:tvaldez@cityofrockport.com) for further information. Braille is not available. The City of Rockport reserves the right to convene into executive session under Government Code §§ 551.071-551.074 and 551.086.

In accordance with the requirements of Texas Government Code Section 551.127, a member of the governing body may participate in this meeting from a remote location. A quorum of the governing body as well as the presiding officer shall be physically present at the above posted location, which shall be open to the public. Those participating remotely shall be visible and audible to the public for all open portions of the meeting. A member of a governmental body who participates in a meeting remotely as provided by law, shall be counted as present at the meeting for all purposes.

## **Certification**

I certify that the above notice of meeting was posted on the bulletin board at the Rockport Service Center, 2751 State Highway 35 Bypass, Rockport, Texas on Friday, January 5, 2024, at 2:05 p.m. and on the City's website at [www.cityofrockport.com](http://www.cityofrockport.com). I further certify that the following News Media were properly notified of this meeting as stated above: *The Rockport Pilot*.



Teresa Valdez, City Secretary

**CITY COUNCIL AGENDA**  
**Regular Meeting: Tuesday, January 9, 2024**

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**AGENDA ITEM: 4**

Deliberate and act on approval of City Council Regular Meeting Minutes of December 12, 2023, and Special Meeting Minutes of December 13, 2023..

**SUBMITTED BY:** City Secretary Teresa Valdez

**APPROVED FOR AGENDA:** VRS

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**BACKGROUND:** Please see the accompanying City Council meeting minutes.

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**FISCAL ANALYSIS:** N/A

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**RECOMMENDATION:** Staff recommends Council approve the Minutes, as presented.



# CITY OF ROCKPORT

## MINUTES

### CITY COUNCIL REGULAR MEETING

6:30 p.m., Tuesday, December 12 , 2023

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 December 2023, 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 Tim Jayroe  
Mayor Pro-Tem Andrea Hattman, Ward 4  
Council Member Stephanie Rangel, Ward 1  
Council Member Danielle Hale, Ward 2  
Council Member Brad Brundrett, Ward 3

#### **CITY COUNCIL MEMBER(S) ABSENT**

#### **STAFF MEMBERS PRESENT**

City Manager Vanessa Shrauner  
City Attorney Art Rodriguez, Jr.  
Assistant to the City Manager Kimberly Henry  
City Secretary Teresa Valdez  
Director of Public Works and Building & Development Services Mike Donoho  
Chief of Police Greg Stevens  
Parks & Leisure Services Director Gene Camargo  
Director of Information Technology Bob Argetsinger  
Communications Center Director Lee Brown  
Director of Finance Robbie Sorrell  
Police Patrol Captain Nathan Garcia  
Police Criminal Investigation Division Captain Nathan Anderson  
Police Officer Tim Sawicki  
Police Detective/Investigator Juan Canales  
Police Lieutenant Stephanie Garcia

#### **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 Jayroe at 6:30 p.m. on Tuesday, December 12, 2023, in the Training Room of the Rockport Service Center, 2751 State Highway 35 Bypass, Rockport, Texas.

### **2. Pledge of Allegiance.**

Mayor Pro-Tem Hattman led the Pledge of Allegiance to the U.S. flag.

### **3. Presentation: 2023 Texas Women's Leadership Institute graduate – Kimberly Henry, Assistant to the City Manager.**

Mayor Jayroe presented Kimberly Henry with her graduate certificate from the Texas Women's Leadership Institute.

### **4. Presentation: Chief's Direct Commendation Award in Police Department – Juan Canales.**

Police Chief Greg Stevens presented Juan Canales with the Chief's Direct Commendation Award for his actions in a several months long investigation which culminated in numerous arrests including the arrest of a well-known Rockport drug dealer, two search warrants, the seizure of high quantities of several types of controlled substances, and illicit currency.

### **5. 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 Agenda item or any subject matter, will be read 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.

1. Andrew Kane, 2106 Lakeview Drive: Are you aware of the city staff's attempts to delay or deny public information the citizens have a right to access; Why is the City consistently using delay tactics and lawyering up on public information requests; it is a tremendous waste of City resources and disrespects the citizens who have a right to access this public information.
2. Kristie Rutledge, 1411 Dana Drive: Many public information requests are denied or delayed; pull Agenda Item 12 for discussion – I have a lot of recommendations for changes; Thank you Council – you did the right thing a month ago when you decided to

postpone the ordinances repealing the out of City water and wastewater rates.

### **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.

- 6. Deliberate and act on approval of City Council Regular Meeting Minutes of November 14, 2023.**
- 7. Deliberate and act on 4<sup>th</sup> quarter report from the Rockport Cultural Arts District for Fiscal Year 2022-2023 marketing expenditures.**
- 8. Deliberate and act on report from Rockport-Fulton Chamber of Commerce for Fiscal Year 2022-2023 marketing expenditures for HummerBird celebration.**
- 9. Deliberate and act on report from Rockport-Fulton Chamber of Commerce for marketing expenditures made for 2023 Seafair.**
- 10. Deliberate and act on 4<sup>th</sup> quarter report from the Texas Marine Science Institute/Mission Aransas National Estuarine Research Reserve for Fiscal Year 2022-2023 Bay Education expenditures.**
- 11. Deliberate and act on taxicab permit request from Craig Potts, doing business as Rockport Ride, for a one-year period.**
- 12. Deliberate and act on a Resolution adopting guidelines for City Council Board and Commission appointments.**

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

Council Member Brundrett asked that Consent Agenda Item No. 12 be removed from the Consent Agenda for separate discussion.

**MOTION:** Council Member Brundrett moved to approve the Consent Agenda Items 1 through 11, as presented. Council Member Rangel seconded the motion. Motion carried unanimously.

### **Consent Agenda Item 12.**

Council Member Brundrett requested the City Manager give a brief overview of this Item.

City Manager Vanessa Shrauner said Council has previously discussed that each Ward is not necessarily represented on the various boards and commissions. Ms. Shrauner explained the guidelines basically lay out how appointments will be made. Ms. Shrauner added this is not trying to re-write the Charter.

Discussion was held between Council and Ms. Shrauner.

Kristie Rutledge, 1411 Dana Drive, addressed the Council and commented: I have recommendations about specific language that needs to be changed; think the language is unclear; no requirement for minutes to be posted to City website-some minutes not put on website for over a year; this is not ready for consideration; all public comments submitted must be recorded in the minutes as submitted and transcribed accurately and completely.

City Manager Shrauner stated this could be word smithed all day, but most of the things are in City ordinances.

City Secretary Teresa Valdez stated the reason some of the minutes are not on the website is because some of the boards only meet once or twice a year and thus minutes are not approved until the next meeting. Ms. Valdez expressed that only approved minutes are placed on the website.

Mayor Jayroe stated the City does not have a large group of volunteers to fill positions and he has relied on Council Members to find members even if not in their Wards. Mayor Jayroe added that this has worked very well.

**MOTION:** Council Member Hale moved to approve Consent Agenda Item 12. Mayor Pro-Tem Hattman seconded the motion. Motion carried unanimously.

### **Public Hearings**

#### **13. Conduct a Public Hearing on a proposal to increase water and wastewater rates for all customers outside of the City Limits of Rockport, Texas.**

Mayor Jayroe opened the Public Hearing at 7:03 p.m.

Council Member Rangel read the Citizen Participation Forms from the following:

1. Elizabeth Green, 104 Boardwalk Avenue: Vote no on Agenda Items 23-26.
2. Susan Fritz, 247 Starboard Avenue: Vote no on Agenda Items 23-26.
3. Ed Buckle, 4811 FM 1781: Vote no on Agenda Items 23-26.
4. Houston Sterne, 10 Primrose Drive, Fulton: Vote no on Agenda Items 23-26.

Council Member Hale read the Citizen Participation Forms from the following:

5. Steve Lewis, 150 Palm Drive: Vote no on Agenda Items 13 and 23-26.
6. Debbie Cleary, 1414 Dana Drive: Vote no on Agenda Items 23-26.
7. Leonard Sims, 46 Primrose Circle: Vote no on the proposed rate increases.
8. Lucy Rhoads, 219 A Lazy Road: Vote no on Agenda Items 23-26.
9. Laura McCorkle, 807 North 10<sup>th</sup> Street, Fulton: Deny raising the water tax rate for Fulton and Aransas County.

Council Member Brundrett read the Citizen Participation Forms from the following:

10. Victoria Crick-Thorton, 125 Port Avenue: I am against the water rates hikes for customers outside the City.
11. Nancy Moody, 141 Heron Oaks: Do not raise water rates.
12. Miki Chavez, 712 Pine Avenue: Vote no on Agenda Items 23-26.
13. Joan Leal, 610 North 6<sup>th</sup> Street, Fulton: Vote no to utility rate increase for Fulton and Aransas County.
14. Donna Setterbo (Johns), 302 Cenizo Street: Shame on City officials for punishing out of City customers for years of City officials' fiscal mismanagement.

Mayor Pro-Tem Hattman read the Citizen Participation Forms from the following:

15. Kelse Jennings, 302 West Orleans Street: Vote no on Agenda Items 23-26.
16. Darlene Davenport, 66 Portia Street: Vote no on Agenda Items 23-26.
17. Jason Brown, 506 North Hood Street: Vote no on Agenda Items 23-26.
18. Ronald Smart, 154 Port Avenue: Vote no on Agenda Items 23-26.
19. Michael Ascherl, 209 Starboard Avenue: Vote no on Agenda Items 23-26.

Mayor Jayroe read the Citizen Participation Form from the following:

20. Curt Hatfield, 1006 Merinel Lane: Vote no on Agenda Item 13; behind closed door secret meetings that do not benefit the taxpayer in any way.

Mayor Jayroe requested if anyone knew Mr. Hatfield to ask him to let the Mayor know when, where and what time the secret meetings were held, and he would be happy to address.

John "Tub" Kernan, 1401 Royal Oak Trail, addressed the Council and commented: You are probably not the sole blame for this – probably has gone on for a long time; Mistakes happen, forgive, and forget and have equal rights for everyone that uses water and wastewater.

Mary Clare Kane, 38 Primrose Circle, addressed the Council and commented: Vote no on Agenda Items 23-26.

Kathy Kane, 109 Boardwalk Avenue, addressed the Council and commented: Vote no on Agenda Items 23-26.

Andrew Kane, 2106 Lakeview Drive, addressed the Council and commented: Vote no on Agenda Items 23-26; there is no need to rescind the rate and set a new rate due to a notice being sent four days late – that does not make the rate illegal like the City Manager is telling you.

Kristie Rutledge, 1411 Dana Drive, addressed the Council and commented: Repealing the rate increases is on the Agenda solely for cancelling the petition.

Patrick Kane, 1123 East Cedar Street, addressed the Council and commented: The petition was submitted to the Public Utility Commission last week and City staff does not want the Commission to review the rates; The City hasn't done a legitimate rate study in at least 16 years; The Council based their decisions on misinformation; Vote no on all four Agenda items.

Mayor Jayroe closed the Public Hearing at 7:32 p.m.

### **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:**

- 14. Section 551.071 Consultations with Attorney seeking the advice of attorney about pending or contemplated litigation, or a settlement offer; and 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: 1) Utilities – repealing rates and rate setting; and 2) Concho Street & General Land Office (GLO) drainage projects.**
- 15. Section 551.072 Deliberations about Real Property to deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.**
- 16. Section 551.074 Personnel Matters - deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee: A) City Secretary; B) Police Chief; and C) City Manager Evaluation.**

At 7:34 p.m., Mayor Jayroe convened the City Council into executive session pursuant to the provisions of Chapter 551 of the Texas Government Code, in accordance with the authority contained in: Section 551.071 Consultations with Attorney seeking the advice of attorney about pending or contemplated litigation or a settlement offer; and 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: 1) Utilities – repealing rates and rate setting; and 2) Concho Street & General Land Office (GLO) drainage projects; Section 551.072 Deliberations about Real Property to deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person; and Section 551.074 Personnel Matters - deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee: A) City Secretary; B) Police Chief; and C) City Manager Evaluation.

### **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 8:40 p.m., Mayor Jayroe reconvened the Rockport City Council into open session pursuant to the provisions of Chapter 551 of the Texas Government Code.

## **Regular Agenda**

Mayor Jayroe said the Council will move ahead to Agenda Items 23-26.

**23. *Postponed – November 14, 2023:* Deliberate and act on first reading of an Ordinance partially repealing Ordinance No. 1909 regarding water rates for ratepayers located out of the city; providing for refunds; providing for the validity of said ordinance; repealing all prior Ordinances in conflict herewith; and providing for an effective date.**

Andrew Kane, 2106 Lakeview Drive, addressed the Council and commented: There were 900 ratepayers who signed the petition and that is nearly three times as many voters who voted for all four of our council persons; Vote no on all four of these Agenda items tonight; the impartial Public Utility Commission process won't take long – last week they assigned an administrative law judge; If you invalidate the petition already on the docket by playing obvious games to circumvent jurisdiction, you might just piss off the wrong judge and suffer the consequences.

Kristie Rutledge, 1411 Dana Drive, addressed the Council and commented: Has notification to customers ever been done since 2011; Isn't it the right thing to do and go back and repeal all those rates since 2011; Only right thing to do is vote no on Agenda Items 23-26; To use the excuse to repeal because of notification is a lie.

City Manager Vanessa Shrauner said this is the same item the Council saw in November. Ms. Shrauner explained that notice was not properly sent out because it was defective by printer. Ms. Shrauner stated the Ordinance needs to be repealed and refunds made.

City Attorney Art Rodriguez, Jr., addressed the Council regarding Agenda Items 23 and 25. Mr. Rodriguez stated Texas Water Code Section 13.043(i) is prescriptive in the way a municipally owned utility, within 60 days of a decision on a rate change, has to provide notice to each ratepayer. Mr. Rodriguez said the City notice was given to the third-party printer, but the effective date of the rate change was not in the Notice, so the rate adopted by the City is ineffective and subject to challenge, and there has been a challenge filed. Mr. Rodriguez stated that one of the demonstrations the City is going to have to make is that we have followed the law, and I can't do that; my recommendation is to repeal. Mr. Rodriguez explained that Agenda Items 23 and 25 are independent of Agenda Items 24 and 26. Mr. Rodriguez added the Petition is to appeal rates that were adopted, and it has done what it is intended to do, rates go back to what they were before.

Council Member Brundrett asked if Council does not move forward with Item 23, how long is this process before a decision is made.

Mr. Rodriguez answered 18-24 months and there are several administrative steps. Mr. Rodriguez added that he respectfully disagreed that a judge had been assigned.

Mayor Pro-Tem Hattman said the City has the documentation showing the printing company error, and we have to fix the error on our part. Mayor Pro-Tem Hattman stated this is not about the petition, it is about fixing our error.



Mayor Jayroe said it was important for elected officials to do what is in the best interest of the citizens. Mayor Jayroe stated his belief was that it was best to repeal and sitting and doing nothing would create debt for the citizens of Rockport.

Council Member Hale said it is very frustrating to be here; the process we are going through is painful and Council is still finding administrative changes that have to be fixed. Council Member Hale expressed the Council is obligated to fix this today.

Council Member Rangel stated she agreed with the things said by Council, and she has to uphold the legal obligations, regardless of her position. Council Member Rangel said she supported the petition from the start, and she did not agree with the rates, and she still does not agree.

**MOTION:** Mayor Jayroe moved to approve the first reading of an Ordinance partially repealing Ordinance No. 1909 regarding water rates for ratepayers located out of the city; providing for refunds; providing for the validity of said ordinance; repealing all prior Ordinances in conflict herewith; and providing for an effective date. Council Member Hale seconded the motion. Motion carried 4-1.

FOR MOTION: Mayor Jayroe, Council Member Hale, Council Member Brundrett, and Mayor Pro-Tem Hattman.

AGAINST MOTION: Council Member Rangel.

**24. Postponed – November 14, 2023: Deliberate and act on first reading of an Ordinance amending the City of Rockport Code of Ordinances Chapter 102 “Utilities,” Article II. “Water Service.” Division 3. “Service Charges” by amending Water Rates for out of City Customers; providing for the validity of said Ordinance; repealing all prior Ordinances in conflict herewith; and providing for an effective date.**

Patrick Kane, 1123 East Cedar Street, addressed the Council and commented: If the Council is really truly concerned about following law, then the rate you are considering is illegal; Set the rate to be the same; Task staff to do a rate study and then come back; Left out 2” rate for commercial; City staff is playing games – reduce by \$.20 and increase by \$.05.; now charging more for residential than commercial; if you are serious put something out there on rockportwater.com.

Andrew Kane, 2106 Lakeview Drive, addressed the Council and commented: Just rescind the damn notice and leave rates alone; correct the mistakes.

Kristie Rutledge, 1411 Dana Drive, addressed the Council and commented: There is no reason to have new water rates; you have been given bad advice – untruthful advice, you did not need to repeal the rates, just send the notice; there is no penalty for a late notice; there is no justification for Agenda Items 24 and 26; the whole thing is about cancelling the Petition; shame on you.

City Manager Vanessa Shrauner called the Council’s attention to a handout distributed to them showing water and wastewater rates for Pre 9-15, Post 9-15, Relief rates, and Increase equal to City rates. Ms. Shrauner explained the previous action tonight by Council rescinded the column in blue, the green column are the rates as of this moment which is no increase over last year, and the red column is the 3.61% increase which in City customers received this year.



Discussion was held between Council and Ms. Shrauner.

Council Member Brundrett told Mr. Patrick Kane he didn't want to take away from the Petition and was this something that was agreeable.

Patrick Kane responded to Council Member Brundrett that he does not believe the City subsidizes out of City customers and that the City needs to get their books right. Mr. Kane added that if the City sets a new rate, he is going to petition, and the City will have to pay it back. Mr. Kane stated the City should do a rate study because the previous studies have not been rate studies.

**MOTION:** Council Member Brundrett moved to adopt the pre-September 15, 2023 rates for out of City utility customers with the understanding that staff begin the work on getting a rate study. Mayor Pro-Tem Hattman seconded the motion.

City Attorney Art Rodriguez, Jr., said it was not necessary for Council to take any action on this item because the action of Agenda Item No. 23 set the out of City water rates to the Pre 9/15 rates.

Mayor Jayroe stated Council is directing staff to get a rate study.

**MOTION WITHDRAWN:** Council Member Brundrett withdrew his motion.

**25. Postponed – November 14, 2023: Deliberate and act on first reading of an Ordinance partially repealing Ordinance No. 1910 regarding Wastewater rates for ratepayers located out of the city; providing for refunds; providing for the validity of said ordinance; repealing all prior Ordinances in conflict herewith; and providing for an effective date.**

City Attorney Art Rodriguez, Jr. said this is the same discussion that was held on Agenda Item 23, except this was for out of City wastewater rates.

**MOTION:** Mayor Jayroe moved to approve the first reading of an Ordinance partially repealing Ordinance No. 1910 regarding Wastewater rates for ratepayers located out of the city; providing for refunds; providing for the validity of said ordinance; repealing all prior Ordinances in conflict herewith; and providing for an effective date. Council Member Brundrett seconded the motion. Motion carried 4-1.

FOR MOTION: Mayor Jayroe, Council Member Hale, Council Member Brundrett, and Mayor Pro-Tem Hattman.

AGAINST MOTION: Council Member Rangel.

**26. Postponed – November 14, 2023: Deliberate and act on first reading of an Ordinance amending the City of Rockport Code of Ordinances Chapter 102 “Utilities,” Article III. “Wastewater Service.” Division 4. “Service Charges” by amending Wastewater Rates for out of City Customers; providing for the validity of said Ordinance; repealing all prior Ordinances in conflict herewith; and providing for an effective date.**

City Manager Vanessa Shrauner called the Council's attention to the handout distributed showing the Pre-9/15 Rates, Post 9/15 Rates, Relief Rate, and Increase to in City rates. Ms. Shrauner said a rate study will also cover wastewater rates.

Council Member Brundrett said that no action was necessary because the action of Agenda Item No. 25 set the out of City wastewater rates to the Pre 9/15 rates.

**17. Deliberate and act on request to close South Austin Street from Market Street to the south side of Wharf Street; West one-half block of Main Street to Austin Street and one-half block of East Main Street towards Water Street; and West one-half block of St. Mary's Street to Austin Street on March 15, 2024, from 4:00 p.m. to 11:00 p.m. and March 16, 2024, from 7:00 a.m. to 11:00 p.m., for the 5<sup>th</sup> Annual Crawfish Festival.**

Billy McCra, 209 Austin Street and owner of Attitudes & Latitudes, addressed the Council and commented: He does not agree with the closure of any part of Austin Street by a private business or any market stalls that compete with the Downtown Merchants; Put together a petition and the summary of the results show that the majority 75% do not agree with any closure of street for private event or vendor.

Council Member Rangel read the Citizen Participation Forms received from the following:

1. Vickie Totten, 215 South Water Street, and 1104 Wharf Street: While not opposed to ever closing Austin Street, we are not in favor of closing it during Spring Break.
2. Bonnie Carlisle, 406 South Austin Street: I am opposed to the road closure and use of Rockport's Downtown Heritage District during Spring Break for the Crawfish Festival.

Council Member Hale read the Citizen Participation Forms received from the following:

3. Susan Gerhardt, 309 West Market Street: Would be willing to support closing the street on a date other than Spring Break, when it is not detrimental to our profits.
4. Sharon Miller, 103 South Austin Street: I disagree with a private individual being able to make a profit while putting other businesses at risk of loss in sales; I am not against festivals, just believe the Downtown District is too small and not a safe and feasible location for a festival of this size.

Council Member Brundrett read the Citizen Participation Form received from:

5. Elizabeth Green, 104 Boardwalk Avenue: Vote no for Agenda Item 17.

Mayor Pro-Tem Hattman read the Citizen Participation Forms received from the following:

6. Olivia Bransom, 514 South Austin Street: I am strongly in opposition to this street closure.
7. Marsha Reid, 105 Forest Hills: I am in favor of the street closure for the Crawfish Festival, although I would prefer another weekend – if this is the date selected, I will support it.

Augie Garcia, with Sr. Boil House and the 5<sup>th</sup> Annual Crawfish Cook-Off and Tasting, addressed the Council. Mr. Garcia explained he is employed by the school district and is off during Spring Break so that is why he scheduled it for that time. Mr. Garcia said this began in 2020 in trying to raise money for a couple of organizations, and then COVID happened; it helped boost the economy and no one saw how big it was going to get. Mr. Garcia stated he totally understand the Downtown

Merchants concerns and he does not want to hinder any businesses. Mr. Garcia said if the gentleman's petition is true he will back off and he can move this event to another city, or another location if City has another location.

Discussion was held between Council and Mr. Garcia.

**MOTION:** Council Member Brundrett moved to deny the request to close South Austin Street from Market Street to the south side of Wharf Street; West one-half block of Main Street to Austin Street and one-half block of East Main Street towards Water Street; and West one-half block of St. Mary's Street to Austin Street on March 15, 2024, from 4:00 p.m. to 11:00 p.m. and March 16, 2024, from 7:00 a.m. to 11:00 p.m., for the 5<sup>th</sup> Annual Crawfish Festival. Mayor Pro-Tem Hattman seconded the motion.

Further discussion was held between Council and Mr. Garcia.

**AMEND MOTION:** Council Member Brundrett moved to amend his motion to postpone consideration of this Agenda Item until the City Council Meeting on January 9, 2023. Council Member Rangel seconded the motion. Motion carried unanimously.

**MAIN MOTION:** Motion failed unanimously.

*Council took a recess from 10:13 p.m. until 10:19 p.m.*

**18. Deliberate and act on second and final reading of an Ordinance amending the Official Zoning Map as stipulated under Article 4.1 of the City of Rockport Zoning Ordinance Number 1027 by changing the zoning of land from R-1 (1<sup>st</sup> Single Family Dwelling District) for property located at 1875 State Highway 35 Bypass; also known as Certified Auto Repair, City of Rockport, Aransas County, Texas, to B-1 (General Business District) to comply with current use of property; repealing all ordinances in conflict therewith; providing for severability; and providing an effective date.**

**MOTION:** Council Member Hale moved to approve the second and final reading of an Ordinance amending the Official Zoning Map as stipulated under Article 4.1 of the City of Rockport Zoning Ordinance Number 1027 by changing the zoning of land from R-1 (1<sup>st</sup> Single Family Dwelling District) for property located at 1875 State Highway 35 Bypass; also known as Certified Auto Repair, City of Rockport, Aransas County, Texas, to B-1 (General Business District) to comply with current use of property; repealing all ordinances in conflict therewith; providing for severability; and providing an effective date. Council Member Brundrett seconded the motion. Motion carried unanimously.

**19. Deliberate and act on second and final reading of an Ordinance authorizing the closing, vacating and abandonment of a 0.167 acre of land being a 16-foot wide alley way out of Block No. 13, Bellevue Subdivision, Aransas County, Texas, according to the map recorded in Volume 1, Page 12, Plat Records Aransas County, Texas; providing for the terms and conditions of such vacation and abandonment, authorizing the Mayor to**

**execute a Quitclaim Deed for the 0.167 acre to be closed, vacated and abandoned; and providing for an effective date.**

City Secretary Teresa Valdez said there had been no changes to the Ordinance since Council approved the first reading on October 24, 2023.

**MOTION:** Mayor Pro-Tem Hattman moved to approve the second and final reading of an Ordinance authorizing the closing, vacating and abandonment of a 0.167 acre of land being a 16-foot wide alley way out of Block No. 13, Bellevue Subdivision, Aransas County, Texas, according to the map recorded in Volume 1, Page 12, Plat Records Aransas County, Texas; providing for the terms and conditions of such vacation and abandonment, authorizing the Mayor to execute a Quitclaim Deed for the 0.167 acre to be closed, vacated and abandoned; and providing for an effective date. Council Member Rangel seconded the motion. Motion carried unanimously.

**20. Deliberate and act on first reading of an Ordinance granting to AEP Texas, Inc., its successors and assigns, a non-exclusive franchise to construct, maintain and operate lines and appurtenances and appliances for conducting electricity in, over, under, and through the streets, avenues, alleys and public places of the City of Rockport, Texas.**

City Manager Vanessa Shrauner said this is a non-exclusive franchise agreement and it has not changed from the previous franchise agreement except the term is now 15 years.

Patrick King, AEP Texas External Affairs Manager, addressed the Council. Mr. King said this was the renewal of the previous 25-year Franchise Agreement.

**MOTION:** Mayor Pro-Tem Hattman moved to approve the first reading of an Ordinance granting to AEP Texas, Inc., its successors and assigns, a non-exclusive franchise to construct, maintain and operate lines and appurtenances and appliances for conducting electricity in, over, under, and through the streets, avenues, alleys and public places of the City of Rockport, Texas. Council Member Hale seconded the motion. Motion carried unanimously.

**21. Deliberate and act on first reading of an Ordinance amending the City of Rockport Code of Ordinances Chapter 26 “Businesses” by adding Article III Short Term Rentals; repealing all ordinances to the extent they are in conflict; providing for severability; providing for penalties; and providing an effective date.**

Patrick Kane, 1123 East Cedar Street, addressed the Council and commented: This is the first time the public has seen this version of the proposed ordinance; I have pointed out several significant issues to the City staff that should prevent the ordinance from being approved tonight; I am asking you to vote no on this Agenda item.

Mayor Jayroe read the Citizen Participation Form received from:

1. Eric Henderson, 1004 North Wood Street: Prior to supporting such an expansion of City government, I would like to see some kind of report of the complaints attributed to this type of business; perhaps a trade organization could be formed by those pursuing this type of business.

Kristie Ruthledge, 1411 Dana Drive, addressed the Council and commented: I have a lot of concerns; this is a huge source of income for people and now you will be taking it away; delay until January.

Mayor Jayroe read the Citizen Participation Forms received from the following:

1. Dave and Beth Foster, 36 Curlew Drive: We fully support and ask you to pass the Short-Term Rental Ordinance.
2. Lynn Powers, 66 Blue Heron Drive: Please follow the silent majority and allow this bill to be passed.

City Manager Vanessa Shrauner said the City has spent a better part of a year gathering input; town forums were held in each Ward and the Short-Term Rental Council was consulted. Ms. Shrauner stated that basically the City could address all existing problems through existing ordinances and the Appendix points back to the ordinances in place. Ms. Shrauner added the fee for registration should be adequate to cover the cost of the Rentalscape Short Term Rental (STR) ID and Monitoring Program, which is essential to the success of our STR Program, and staff's time to do site inspections at initial registration as well as any renewal registrations. Ms. Shrauner said this fee should also cover a code officer to handle increased complaints.

Discussion was held between Council and Ms. Shrauner

Council Member Brundrett said he would like to change Section 26-40 to allow for 30 or 45 days on filing an appeal.

**MOTION:** Mayor Pro-Tem Hattman moved to approve the first reading of an Ordinance amending the City of Rockport Code of Ordinances Chapter 26 "Businesses" by adding Article III Short Term Rentals; repealing all ordinances to the extent they are in conflict; providing for severability; providing for penalties; providing an effective date, changing Section 26-40 to say 30 days on filing an appeal, and the second reading of the Ordinance at the January 9, 2024, City Council Meeting. Council Member Brundrett seconded the motion. Motion carried unanimously.

**22. Deliberate and act on first reading of an Ordinance amending City of Rockport Code of Ordinances Chapter 102 "Utilities", Article IV "Surcharge Revenue Account" Section 102.404 "Penalties" relating the consequences of opting out; repealing all prior ordinances in conflict herewith; and providing for an effective date.**

Director of Finance Robbie Sorrell said at the November 14, 2023, Council meeting, Council was informed the City of Rockport has operated the surcharge revenue account as an opt-out program; however, per the Code of Ordinances, the surcharge is mandated under penalty of "suspension or loss of municipal utility service". Mr. Sorrell stated Council asked staff to prepare and ordinance supporting the practice of voluntary participation and in accordance with PUC Chapter 24, Subchapter F.

**MOTION:** Council Member Brundrett moved to approve the first reading of an Ordinance amending City of Rockport Code of Ordinances Chapter 102 "Utilities", Article IV "Surcharge

Revenue Account” Section 102.404 “Penalties” relating the consequences of opting out; repealing all prior ordinances in conflict herewith; and providing for an effective date. Mayor Pro-Tem Hattman seconded the motion. Motion carried unanimously.

## **27. Presentation on Concho Street Drainage project.**

City Manager Vanessa Shrauner gave an update (PowerPoint presentation below) on the Concho Street Drainage project. Ms. Shrauner said we have completed all we are able to at this time, and we are all the way to Veterans Memorial Park and unable to connect to harbor. Ms. Shrauner reviewed the timeline and stated that nothing towards an easement has materialized. Ms. Shrauner added the pipe has been installed in the ground for 10 years or more and the issue is getting across Navigation District property. Ms. Shrauner called the Council’s attention to the map showing the area impacted by the City not being able to drain; if we have a significant event, people in this area will be significantly impacted. Ms. Shrauner stated the City Attorney has drawn up a standard easement to present to the Navigation District. Ms. Shrauner added an estimate to finish the project will be brought to Council and will require a budget amendment. Ms. Shrauner declared the City has to act or we will flood those people out.

Council Member Hale said she appreciated the update and it was very unfortunate that the project is this far along and we haven’t been able to make that connection that had been approved a long time ago.

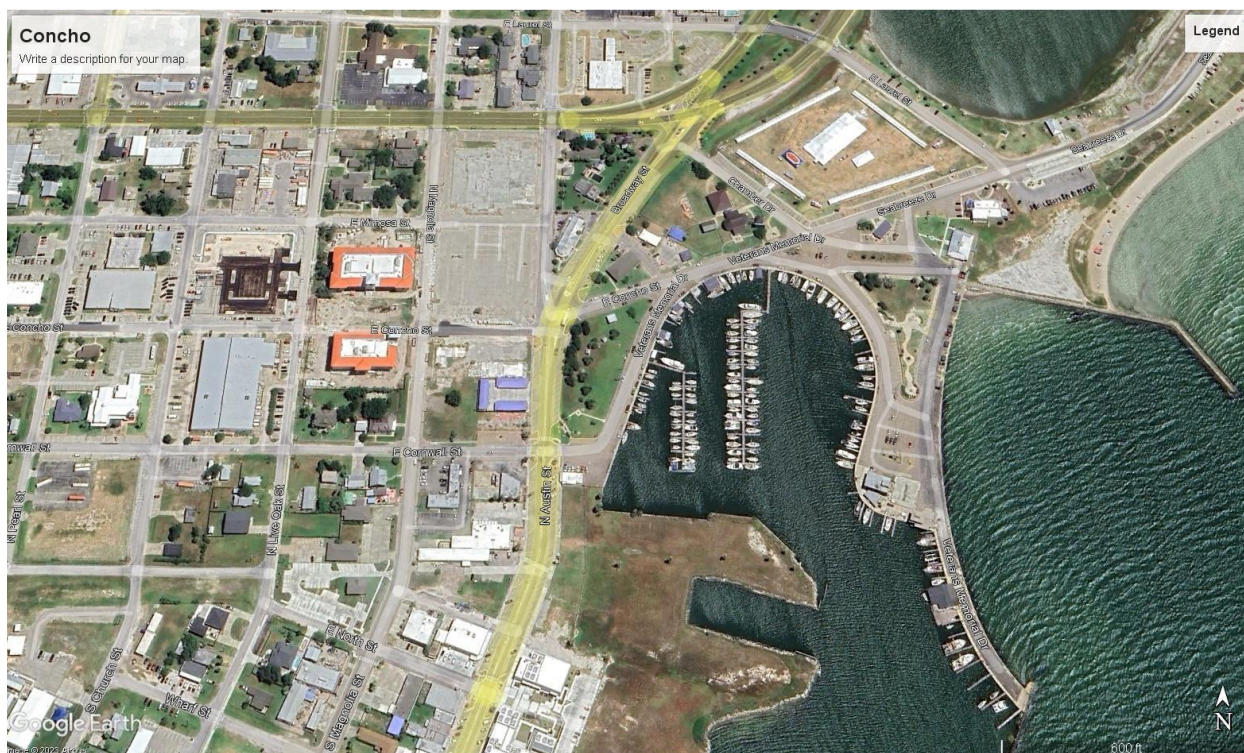
Council Member Brundrett asked if the City’s fix of connecting at a different spot is effective.

Ms. Shrauner answered it is only draining at about 20% and if we get a big flood, it’s going to take all those houses out.

### **CONCHO DRAINAGE IMPROVEMENTS CONSTRUCTION PLANS ROCKPORT, TX**

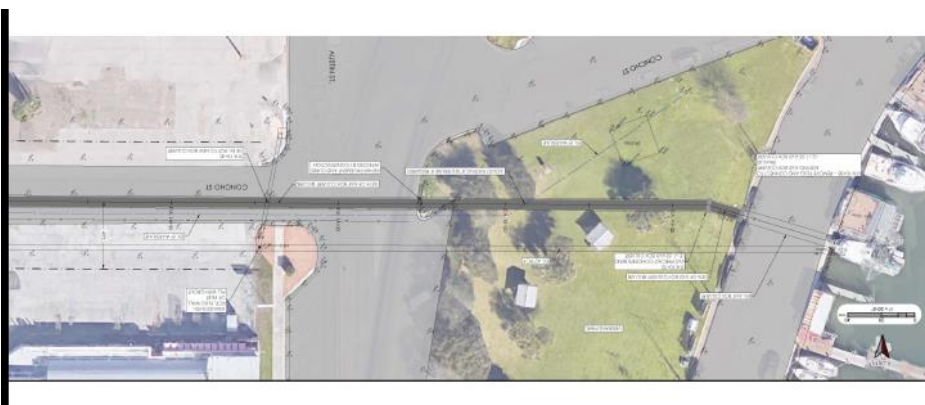


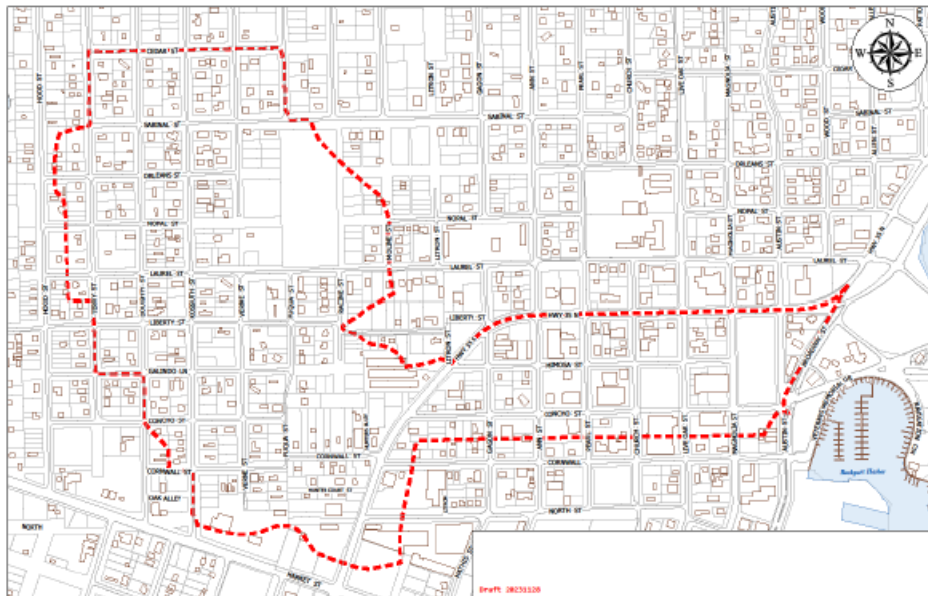
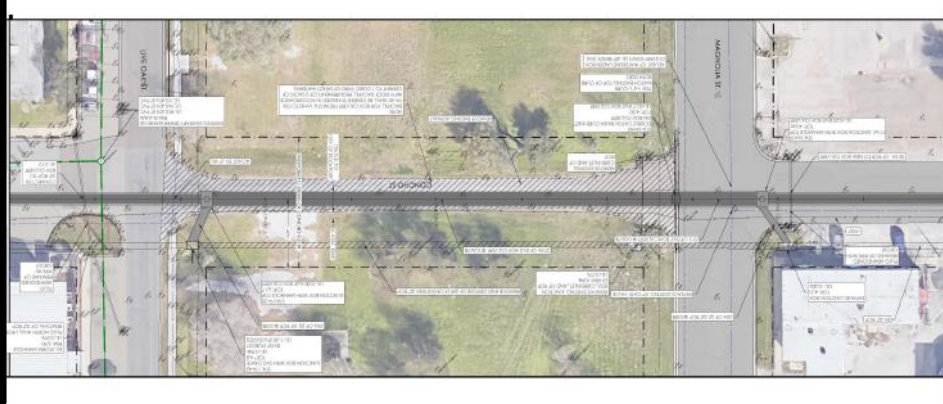




## Timeline

- 11/12/2021 – No Trespass Letter Received
- 2/28/2022 – Offered \$25,000 for easement
- 3/2/2022 – V.9 Of license agreement offered
- Interim City Manager Morton made contact in effort to negotiate an agreement
- I have had conversations with parties, but nothing has materialized







## Next Steps

- Draw up a standard easement to present to the Navigation District

### 28. Reports from Council.

At this time, the City Council will report/update on activities in respective Wards, and 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 Rangel reported the Christmas Festival went very well.

Council Member Hale reported she rode in the Tropical Christmas Parade in the City's golf cart.

Council Member Brundrett reported attended the Little Bay Water Quality meeting today with Vanessa put on by Texas A&M; a lot of good information. Going to have another meeting in February or March.

Mayor Pro-Tem Hattman reported she attended Christmas in the District, and it was a lot of people and a good time. I did hold a town hold in Whistlers Cover to receive public input.

Mayor Jayroe stated it's a great time of the year; be careful, find somebody that could use a little bit of help at Christmas. Appreciate the public being here.

### 29. Adjournment.

At 10:59 p.m., Council Member Brundrett moved to adjourn the meeting. Motion was seconded by Council Member Hale. Motion carried unanimously.

**APPROVED:**

\_\_\_\_\_  
Tim Jayroe, Mayor

**ATTEST:**

\_\_\_\_\_  
Teresa Valdez, City Secretary

# CITY OF ROCKPORT

## MINUTES

### CITY COUNCIL SPECIAL MEETING

6:30 p.m., Wednesday, December 13, 2023

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 13<sup>th</sup> day of December 2023, 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 Tim Jayroe  
Mayor Pro-Tem Andrea Hattman, Ward 4  
Council Member Stephanie Rangel, Ward 1  
Council Member Danielle Hale, Ward 2  
Council Member Brad Brundrett, Ward 3

#### **CITY COUNCIL MEMBER(S) ABSENT**

#### **STAFF MEMBERS PRESENT**

City Manager Vanessa Shrauner  
City Attorney Art Rodriguez, Jr.  
Assistant to the City Manager Kimberly Henry  
City Secretary Teresa Valdez  
Director of Finance Robbie Sorrell  
Police Patrol Captain Nathan Garcia  
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 Jayroe at 6:30 p.m. on Wednesday, December 13, 2023, in the Training Room of the Rockport Service Center, 2751 State Highway 35 Bypass, Rockport, Texas.

## 2. Pledge of Allegiance.

Mayor Jayroe led the Pledge of Allegiance to the U.S. flag.

*Mayor Jayroe said at this time citizens could address the Council regarding items not on the Agenda.*

1. Kristie Rutledge, 1411 Dana Drive: I recognize the way the utility rate petition was handled went different from the way the City handled the city hall petition; Thank you and look forward to things to come; You did the right thing on postponing the short-term rental ordinance – don't be afraid to put that off even longer.
2. Patrick Kane, 1123 East Cedar Street: Thank you for extending the deadlines for appeals on short-term rentals; Appreciate the City Manager clearing up the City's intent on the number of occupants, except that is not what the ordinance states; How do I get the disconnect fixed with regard to accessory dwellings – needs to be addressed across the board before going to the Planning and Zoning Commission.

*Mayor Jayroe announced that Agenda Items 7, 9 and 10 have been removed from the Agenda.*

### Regular Agenda

3. **Deliberate and act on second and reading of an Ordinance granting to AEP Texas, Inc., its successors and assigns, a non-exclusive franchise to construct, maintain and operate lines and appurtenances and appliances for conducting electricity in, over, under, and through the streets, avenues, alleys and public places of the City of Rockport, Texas.**

Mayor Jayroe said there had been no changes in format or content of the Ordinance since Council approved the first reading of the Ordinance on December 12, 2023.

**MOTION:** Council Member Brundrett moved to approve the second and final reading of an Ordinance granting to AEP Texas, Inc., its successors and assigns, a non-exclusive franchise to construct, maintain and operate lines and appurtenances and appliances for conducting electricity in, over, under, and through the streets, avenues, alleys and public places of the City of Rockport, Texas. Mayor Pro-Hattman seconded the motion. Motion carried unanimously.

4. **Deliberate and act on second and final reading of an Ordinance amending City of Rockport Code of Ordinances Chapter 102 "Utilities", Article IV "Surcharge Revenue Account" Section 102.404 "Penalties" relating the consequences of opting out; repealing all prior ordinances in conflict herewith; and providing for an effective date.**

Director of Finance Robbie Sorrell said there had been no changes in format or content of the Ordinance since Council approved the first reading of the Ordinance on December 12, 2023.

**MOTION:** Council Member Brundrett moved to approve the second and final reading of an Ordinance amending City of Rockport Code of Ordinances Chapter 102 "Utilities", Article IV "Surcharge Revenue Account" Section 102.404 "Penalties" relating the consequences of opting

out; repealing all prior ordinances in conflict herewith; and providing for an effective date. Council Member Rangel seconded the motion. Motion carried unanimously.

- 5. *Postponed – November 14, 2023:*** Deliberate and act on second and final reading of an Ordinance amending City of Rockport Code of Ordinances Chapter 102, ‘Utilities’, Article IV. ‘Surcharge Revenue Account’, by amending Section 102-401 “Surcharge”, to increase surcharge fee repealing all ordinances in conflict therewith; providing for severability; and providing an effective date.

Director of Finance Robbie Sorrell said this is the second reading of the Ordinance increasing the Utility Bill Surcharge from \$1.35 per utility bill to \$2.00 per utility bill. Mr. Sorrell stated this will be reflected in the February utility bill.

Council Member Hale asked if there was a required notice for this.

Mr. Sorrell answered he was not aware of one.

**MOTION:** Mayor Pro-Tem Hattman moved to approve the second and final reading of an Ordinance amending City of Rockport Code of Ordinances Chapter 102, ‘Utilities’, Article IV. ‘Surcharge Revenue Account’, by amending Section 102-401 “Surcharge”, to increase surcharge fee repealing all ordinances in conflict therewith; providing for severability; and providing an effective date. Council Member \_\_\_\_\_ seconded the motion. Motion carried unanimously.

- 6. Deliberate and act on an Ordinance partially repealing Ordinance No. 1909 regarding water rates for ratepayers located out of the city; providing for refunds; providing for the validity of said ordinance; repealing all prior Ordinances in conflict herewith; and providing for an effective date.**

Mayor Jayroe said two Citizen Participation Forms had been received and he read them:

1. Kathy Kane, 109 Boardwalk Avenue: Thank the Council for their actions last night regarding the water and wastewater rates for out of City customers; encourage you to pursue a full rate study; encourage you to consider a customer-based board.
2. Mary Clare Kane, 38 Primrose Circle: Thank the Council who reached a compromise with the water rate issue at last night’s meeting.
3. Leonard H. Sims, 46 Primrose Circle: Rate increases should be applied equitably for all customers; urge the Council to vote no on the proposed rate increases.

The following citizens addressed the Council and commented:

1. Kristie Rutledge, 1411 Dana Drive: If you can incorporate a rate study in the second and final reading of the Ordinance to ensure it is done; your administrative fees need to be justified by the rate study.

2. Andrew Kane, 2106 Lakeview Drive: Not going to say thank you because I wanted the petition to go to the Public Utility Commission, but you did what was best for the City; Sounds like you discredit the citizens and take staff's word which is all false.
3. Patrick Kane, 1123 East Cedar Street: Thank you for your actions last night; There is a lot of animosity toward the City – let's put that behind us by moving forward in an open, honest and transparent manner.

Council Member Brundrett asked City Attorney if the rate study needed to be put in the motion.

City Attorney Art Rodriguez, Jr. answered that will be brought back to Council asking them to approve the Request for Proposals for a rate study.

Council Member Rangel asked how long will it be before that comes to Council.

City Manager Vanessa Shrauner answered probably January or February.

**MOTION:** Council Member Brundrett moved to approve the second reading of an Ordinance partially repealing Ordinance No. 1909 regarding water rates for ratepayers located out of the city; providing for refunds; providing for the validity of said ordinance; repealing all prior Ordinances in conflict herewith; and providing for an effective date. Council Member Rangel seconded the motion. Motion carried unanimously.

- 7. Deliberate and act on an Ordinance amending the City of Rockport Code of Ordinances Chapter 102 "Utilities," Article II. "Water Service." Division 3. "Service Charges" by amending Water Rates for out of City Customers; providing for the validity of said Ordinance; repealing all prior Ordinances in conflict herewith; and providing for an effective date.**

Removed from Agenda.

- 8. Deliberate and act on an Ordinance partially repealing Ordinance No. 1910 regarding Wastewater rates for ratepayers located out of the city; providing for refunds; providing for the validity of said ordinance; repealing all prior Ordinances in conflict herewith; and providing for an effective date.**

Mayor Jayroe said there had been no changes in format or content since Council approved the first reading of the Ordinance on December 12, 2023.

**MOTION:** Mayor Pro-Tem Hattman moved to approve the second reading of an Ordinance partially repealing Ordinance No. 1910 regarding Wastewater rates for ratepayers located out of the city; providing for refunds; providing for the validity of said ordinance; repealing all prior Ordinances in conflict herewith; and providing for an effective date. Council Member Hale seconded the motion. Motion carried unanimously.

- 9. Deliberate and act on an Ordinance amending the City of Rockport Code of Ordinances Chapter 102 “Utilities,” Article III. “Wastewater Service.” Division 4. “Service Charges” by amending Wastewater Rates for out of City Customers; providing for the validity of said Ordinance; repealing all prior Ordinances in conflict herewith; and providing for an effective date.**

Removed from the Agenda.

- 10. Deliberate and act on second and final reading of an Ordinance amending the City of Rockport Code of Ordinances Chapter 26 “Businesses” by adding Article III Short Term Rentals; repealing all ordinances to the extent they are in conflict; providing for severability; providing for penalties; and providing an effective date.**

Removed from the Agenda.

**11. Adjournment.**

At 6:53 p.m., Council Member Brundrett moved to adjourn the meeting. Motion was seconded by Mayor Pro-Tem Hattman. Motion carried unanimously.

**APPROVED:**

\_\_\_\_\_  
Tim Jayroe, Mayor

**ATTEST:**

\_\_\_\_\_  
Teresa Valdez, City Secretary

## CITY COUNCIL AGENDA

### Regular Meeting: Tuesday, January 9, 2024

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#### AGENDA ITEM: 5

Deliberate and act to appoint members to Planning and Zoning Commission

**SUBMITTED BY:** Danielle Hale, Council Member Ward 2 & Mayor Jayroe

**APPROVED FOR AGENDA:** VRS

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**BACKGROUND:** The Council adopted Guidelines for Board and Commission Appointments on December 12, 2023. According to the Guidelines each Council Member should appoint one person from their Ward to serve on each board, and the positions above the number of Council people are to all to be chosen by the Mayor with input from the City Council. Currently there are two (2) vacancies on the Planning and Zoning Commission. Council Member Hale has submitted an application received from Josh Dowling for Council consideration, and Mayor Jayroe has submitted an application received from Rocky Gudim for Council consideration. The applications are attached hereto.

#### PLANNING & ZONING COMMISSION

PLACE NO.	MEMBER'S NAME	EXPIRATION DATE	WARD	COMMENTS
1	Ruth Davis	June 1, 2025	1	
2	<b>VACANT</b>	June 1, 2025	2	
3	Kim Hesley	June 1, 2024	3	
4	Ric Young	June 1, 2025	4	
5	Warren Hassinger	June 1, 2025	3	
6	Thomas Blazek	June 1, 2025	4	
7	<b>VACANT</b>	June 1, 2024		

Council Liaison: Council Member Brundrett

Alternate: Mayor Pro-Tem Hattman

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**FISCAL ANALYSIS:** N/A

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**STAFF RECOMMENDATION:** None.



## CITY OF ROCKPORT

2751 State Highway 35 Bypass

Rockport, TX 78382

361-729-2213

APPLICATION FOR  
BOARD OR COMMISSION APPOINTMENT

Check area of Interest:

- ☐ Park and Leisure Services Advisory Board
- ☒ Planning and Zoning Commission
- ☐ Tree & Landscape Committee
- ☐ Zoning Board of Adjustment/Building Standards Commission

Name: Josh Dowling Age (Optional): \_\_\_\_\_Home Address: 102 N Santa Clara Dr. Ward No: 2

Home Phone: \_\_\_\_\_ Work Phone: \_\_\_\_\_

Business Address: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

Resident of City for 1.5 years Voter Registration No. \_\_\_\_\_Occupation: Commercial ConstructionEducation: B.S. Organizational Leadership/ Management

Special Knowledge or Experience Applicable to City Board or Commission Function: (attach additional information if needed)

5+ years commercial construction, current Parks & Leisure Chair, sit on advisory boards in San Antonio.

- |                                                           |                                                              |
|-----------------------------------------------------------|--------------------------------------------------------------|
| <input checked="" type="checkbox"/> Banking/Finance       | <input checked="" type="checkbox"/> Business Development     |
| <input checked="" type="checkbox"/> Building/Construction | <input type="checkbox"/> Promotion/Marketing                 |
| <input type="checkbox"/> Real Estate/Development          | <input type="checkbox"/> Manufacturing/Industrial Operations |
| <input type="checkbox"/> Industrial Training              | <input type="checkbox"/> Law/Contract Administration         |

Other Information (civic activities, etc.) \_\_\_\_\_

I have attended one or more meetings of the board or commission for which I have applied:

☐ Yes ☒ NoDate: 12-15-2023

Signature: \_\_\_\_\_



RETURN COMPLETED FORM TO THE CITY SECRETARY'S OFFICE

ALL INFORMATION MUST BE FURNISHED IN ORDER TO BE CONSIDERED

Email to: [tvaldez@cityofrockport.com](mailto:tvaldez@cityofrockport.com)  
ACTIVE BOARDS/COMMISSIONS



**CITY OF ROCKPORT**  
 2751 State Highway 35 Bypass  
 Rockport, TX 78382  
 361-729-2213

**APPLICATION FOR  
 BOARD OR COMMISSION APPOINTMENT**

Check area of Interest:

- |                                                                                   |                                                                   |
|-----------------------------------------------------------------------------------|-------------------------------------------------------------------|
| <input type="checkbox"/> Keep Rockport Beautiful Advisory Board (suspended)       | <input type="checkbox"/> Park and Leisure Services Advisory Board |
| <input checked="" type="checkbox"/> Planning and Zoning Commission                |                                                                   |
| <input type="checkbox"/> Rockport Heritage District Board (suspended)             | <input type="checkbox"/> Tree & Landscaping Committee             |
| <input type="checkbox"/> Zoning Board of Adjustment/Building Standards Commission |                                                                   |

Name: Rocky Gudim Age (Optional): 57  
 Home Address: 1016 S. Magnolia St., Rockport, TX 78382 Ward No: 1  
 Home Phone: [REDACTED] Work Phone: [REDACTED]  
 Business Address: 1016 S. Magnolia St., Rockport, TX 78382  
 E-mail Address: [REDACTED]  
 Resident of City for 23 years Voter Registration No. 1193505300  
 Occupation: Owner - G&H Construction Group, LLC.  
 Education: Graduate of Rockport/Fulton High School - Some College - USMC - 9 years

**Special Knowledge or Experience Applicable to City Board or Commission Function:**  
 Family has lived in Rockport for over 200 years. Grandfather started Hynes Services, Inc over 60 years ago which is still run as a family business. I own and operate G&H Construction Group and work directly with Hynes Service, Inc. I own multiple properties and construct and remodel homes and business in Rockport and have a vested interest in zoning and building standards regulation.

- |                                                           |                                                                         |
|-----------------------------------------------------------|-------------------------------------------------------------------------|
| <input type="checkbox"/> Banking/Finance                  | <input checked="" type="checkbox"/> Business Development                |
| <input checked="" type="checkbox"/> Building/Construction | <input type="checkbox"/> Promotion/Marketing                            |
| <input type="checkbox"/> Real Estate/Development          | <input checked="" type="checkbox"/> Manufacturing/Industrial Operations |
| <input type="checkbox"/> Industrial Training              | <input type="checkbox"/> Law/Contract Administration                    |

Other Information (civic activities, etc.)

Volunteer Knights of Columbus, The History Center for Aransas County, Rockport Cemetery, Leadership Aransas County, Taste of Rockport, Rockport Crawfish Festival, Aransas County Tire Event. Member of Rockport/Fulton Chamber of Commerce, South Rockport Neighbors, USMC Veteran.

☒ Yes ☐ No

Date: 09-12-2023

Signature:

*Rocky Gudim*  
Signed via SeamlessDoc.com  
 Key: 312b035370004012d720185341007574

**ALL INFORMATION MUST BE FURNISHED IN ORDER TO BE CONSIDERED**

Email any questions to: [citysec@cityofrockport.com](mailto:citysec@cityofrockport.com)

**CITY COUNCIL AGENDA**  
**Regular Meeting: Tuesday, January 9, 2024**

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**AGENDA ITEM: 6**

Conduct a Public Hearing to consider a request from Ocean Glory Homes for permanent closure/abandonment/vacation of a 20' wide alleyway lying between Lots 4 through 6 and Lots 12 through 14, Block No. 108, Manning Addition, City of Rockport, Aransas County, Texas.

**SUBMITTED BY:** City Secretary Teresa Valdez

**APPROVED FOR AGENDA:** VRS

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**BACKGROUND:** Ocean Glory Homes is requesting the permanent closure, abandonment, and vacating of a 20' wide alleyway lying between Lots 4 through 6 and Lots 12 through 14, Block 108, Manning Addition, City of Rockport, Aransas County, Texas.

The Public Works and Building and Development Departments have evaluated the request and state that granting the petition will have no negative impact on current or expected future utilities, transportation needs, or development.

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**FISCAL ANALYSIS:** The 20' wide alleyway is appraised at \$0. See the accompanying appraisal for more detail.

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**RECOMMENDATION:** Public hearing - not an action item.



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## PUBLIC HEARING

### Rockport City Council

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**NOTICE** is hereby given that the Rockport City Council will hold a Public Hearing on Tuesday, January 9, 2024, at 6:30 p.m., at the Rockport Service Center, 2751 State Highway 35 Bypass, Rockport, Texas, to consider a request from Ocean Glory Homes for permanent closure/abandonment/vacation of a 20' wide alleyway lying between Lots 4 through 6 and Lots 12 through 14, Block No. 108, Manning Addition, City of Rockport, Aransas County, Texas; being 0.069 acre.

The City encourages citizens to participate and make their views known at this Public Hearing. For further information on this request please contact the City Secretary at (361) 729-2213. This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's office at (361) 729-2213 ext. 225 or FAX (361) 790-5966 or e-mail [tvaldez@cityofrockport.com](mailto:tvaldez@cityofrockport.com) for further information. Braille is not available.

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**POSTED:** this the 15<sup>th</sup> day of November 2023, at 3:30 p.m., on the bulletin board at the Rockport Service Center, 2751 State Highway 35 Bypass, Rockport, Texas and on the website [www.cityofrockport.com](http://www.cityofrockport.com).

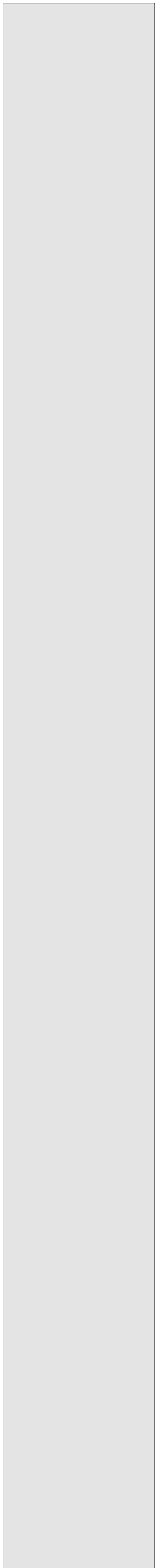
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**PUBLISHED:** in *The Rockport Pilot* in the Saturday, December 16, 2023, Edition, in accordance with the City of Rockport Code of Ordinances.

**CITY OF ROCKPORT, TEXAS**

A handwritten signature in blue ink, which appears to read "Teresa Valdez".

Teresa Valdez, City Secretary



**APPRAISAL OF  
THE PROPERTY LOCATED AT**

TBD Block 108, Manning Addition  
Rockport, TX 78382

**as of**

December 12, 2023

**for**

City of Rockport  
2751 State Highway 35 Bypass  
Rockport, Tx  
78382

**by**

Lynch Appraisal Services  
506 South Live Oak  
Rockport, TX 78382

33

LAND APPRAISAL REPORT

File No. **K-11-11**

IDENTIFICATION

Owner **City of Rockport**

Census Tract **9503**

Map Reference **A-3**

Property Address **TBD Block 108, Manning Addition**

City **Rockport**

County **Aransas**

State **TX**

Zip Code **78382**

Legal Description **Proposed Closing of a 20 Foot Wide Alley Out of Block 108, Manning Addition**

Sale Price **\$N/A**

Date of Sale **N/A**

Property Rights Appraised ☒ Fee ☐ Leasehold ☐ De Minimis PUD

Actual Real Estate Taxes **\$N/A** (yr.)

Client **City of Rockport**

Address **2751 State Highway 35 Bypass, Rockport, Tx, 78382**

Occupant **Vacant**

Appraiser **Francis P. Lynch**

Instructions to Appraiser **Market Value**

Intended User: **City of Rockport**

Intended Use: **Asset Valuation**

NEIGHBORHOOD

Location

☐ Urban ☒ Suburban ☐ Rural

Built Up

☐ Over 75% ☒ 25% to 75% ☐ Under 25%

Growth Rate

☐ Fully Dev. ☐ Rapid ☒ Steady ☐ Slow

Property Values

☐ Increasing ☒ Stable ☐ Declining

Demand/Supply

☐ Shortage ☒ In Balance ☐ Over Supply

Marketing Time

☐ Under 3 Mos. ☒ 4-6 Mos. ☐ Over 6 Mos.

Present Land Use

**60**

% 1 Family

**5**

% 2-4 Fam

% Apts.

% Condo

**15**

% Commercial

100.00

% Industrial

**20**

% Vacant

%

Change in Present Land Use

☒ Not Likely ☐ Likely (\*) ☐ Taking Place (\*)

(\*) From

To

Predominant Occupancy

☒ Owner ☐ Tenant 

% Vacant

Single Family Price Range

**\$ 75**

to \$

**350**

Predominant Value \$

**125**

Single Family Age

**New**

yrs. to

**50**

yrs.

Predominant Age

**20**

yrs.

Employment Stability

Good

Avg.

Fair

Poor

☐ ☒ ☐ ☐

Convenience to Employment

☐ ☒ ☐ ☐

Convenience to Shopping

☐ ☒ ☐ ☐

Convenience to Schools

☐ ☒ ☐ ☐

Adequacy of Public Transportation

☐ ☒ ☐ ☐

Recreational Facilities

☐ ☒ ☐ ☐

Adequacy of Utilities

☐ ☒ ☐ ☐

Property Compatibility

☐ ☒ ☐ ☐

Protection from Detrimental Conditions

☐ ☒ ☐ ☐

Police and Fire Protection

☐ ☒ ☐ ☐

General Appearance of Properties

☐ ☒ ☐ ☐

Appeal to Market

☐ ☒ ☐ ☐

Comments including those factors, favorable or unfavorable, affecting marketability (e.g. public parks, schools, noise)

**The subject is in the south part of Rockport. Improvements are a mix of various styled single family residences, both site built and manufactured, as well as some commercial properties along Bronte. Convenience to schools, shopping and employment centers is average. There are no known adverse neighborhood features.**

SITE

Dimensions **20 x 150** = **3000 sf** ☐ Corner Lot

Zoning Classification **B-1 General Business** Present improvements ☐ do ☐ do not conform to zoning regulations

Highest and best use: ☒ Present use ☐ Other (specify)

Public ☒ Other (Describe)

Elec. ☒

Gas ☐

Water ☒

San. Sewer ☐ **Septic**

☐ Underground Elect. & Tel.

OFF SITE IMPROVEMENTS

Street Access: ☐ Public ☐ Private

Surface **None**

Maintenance: ☐ Public ☐ Private

☐ Storm Sewer ☐ Curb/Gutter

☐ Sidewalk ☐ Street Lights

Topo **Level**

Size **Small**

Shape **Rectangular**

View **Average**

Drainage **Appears Adequate**

Is the property located in a HUD Identified Special Flood Hazard Area? ☒ No ☐ Yes

Comments (favorable or unfavorable including any apparent adverse easements, encroachments or other adverse conditions)

**Typical utility easements. All easements, restrictions, etc are considered acceptable. Site size is from a survey provided by the client and assumed accurate. The subject has a small narrow site which has no functional utility. \*\*\* See Additional Comments \*\*\***

MARKET DATA ANALYSIS

The undersigned has recited three recent sales of properties most similar and proximate to subject and has considered these in the market analysis. The description includes a dollar adjustment, reflecting market reaction to those items of significant variation between the subject and comparable properties. If a significant item in the comparable property is superior to, or more favorable than, the subject property, a minus (-) adjustment is made, thus reducing the indicated value of subject; if a significant item in the comparable is inferior to, or less favorable than, the subject property, a plus (+) adjustment is made, thus increasing the indicated value of the subject.

For the Market Data Analysis ☒ See grid below. ☐ See narrative attachment.

ITEM	Subject Property	COMPARABLE NO. 1		COMPARABLE NO. 2		COMPARABLE NO. 3	
Address	Block 108, Manning Addition Rockport, TX 78382						
Proximity to Subj.							
Sales Price	\$ N/A		\$		\$		\$
Price	\$ N/A		\$		\$		\$
Data Source	Inspection						
Date of Sale and Time Adjustment	DESCRIPTION N/A	DESCRIPTION	+ (-) \$ Adjustment	DESCRIPTION	+ (-) \$ Adjustment	DESCRIPTION	+ (-) \$ Adjustment
Location	Average						
Site/View	Average/Average						
Site Area	3000 sf						
Functional Utility	Poor						
Access	None						
Sales or Financing Concessions	N/A N/A						
Net Adj. (Total)		<input type="checkbox"/> Plus <input type="checkbox"/> Minus \$		<input type="checkbox"/> Plus <input type="checkbox"/> Minus \$		<input type="checkbox"/> Plus <input type="checkbox"/> Minus \$	
Indicated Value of Subject		\$		\$		\$	

Comments on Market Data:

**There have been no recent sales of similar properties. Due to the subject's small size, poor functionality and lack of access it is my opinion that the property has no value.**

Comments and Conditions of Appraisal:

**The appraisal is subject to the attached Certification and Contingent and Limiting Conditions. Appraiser's conclusion of value is based on the assumption that there are no hidden or unapparent conditions of the property that might impact upon buildability. \*\*\* See Additional Comments \*\*\***

Final Reconciliation:

**The Sales Comparison Approach was omitted as there have been no sales of similar vacant sites. The Income Approach was omitted as there are no known ground leases of similar properties. The Cost Approach was omitted as the property is currently unimproved.**

I ESTIMATE THE MARKET VALUE, AS DEFINED, OF SUBJECT PROPERTY AS OF **December 12**, **2023** to be **\$0**

Lynch Appraisal Services

This appraisal report is subject to the scope of work, intended use, intended user, definition of market value, statement of assumptions and limiting conditions, and certifications. The appraiser may expand the scope of work to include any additional research or analysis necessary based on the complexity of this appraisal assignment.

**SCOPE OF WORK:** The scope of work for this appraisal is defined by the complexity of this appraisal assignment and the reporting requirements of this appraisal report form, including the following definition of market value, statement of assumptions and limiting conditions, and certifications. The appraiser must, at a minimum: (1) perform a complete visual inspection of the subject property, (2) inspect the neighborhood, (3) inspect each of the comparable sales from at least the street, (4) research, verify, and analyze data from reliable public and/or private sources, and (5) report his or her analysis, opinions, and conclusions in this appraisal report.

**DEFINITION OF MARKET VALUE:** The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller, each acting prudently, knowledgeably and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby: (1) buyer and seller are typically motivated; (2) both parties are well informed or well advised, and each acting in what he or she considers his or her own best interest; (3) a reasonable time is allowed for exposure in the open market; (4) payment is made in terms of cash in U. S. dollars or in terms of financial arrangements comparable thereto; and (5) the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions\* granted by anyone associated with the sale.

\*Adjustments to the comparables must be made for special or creative financing or sales concessions. No adjustments are necessary for those costs which are normally paid by sellers as a result of tradition or law in a market area; these costs are readily identifiable since the seller pays these costs in virtually all sales transactions. Special or creative financing adjustments can be made to the comparable property by comparisons to financing terms offered by a third party institutional lender that is not already involved in the property or transaction. Any adjustment should not be calculated on a mechanical dollar for dollar cost of the financing or concession but the dollar amount of any adjustment should approximate the market's reaction to the financing or concessions based on the appraiser's judgment.

**STATEMENT OF ASSUMPTIONS AND LIMITING CONDITIONS:** The appraiser's certification in this report is subject to the following assumptions and limiting conditions:

1. The appraiser will not be responsible for matters of a legal nature that affect either the property being appraised or the title to it, except for information that he or she became aware of during the research involved in performing this appraisal. The appraiser assumes that the title is good and marketable and will not render any opinions about the title.
2. The appraiser has examined the available flood maps that are provided by the Federal Emergency Management Agency (or other data sources) and has noted in this appraisal report whether any portion of the subject site is located in an identified Special Flood Hazard Area. Because the appraiser is not a surveyor, he or she makes no guarantees, express or implied, regarding this determination.
3. The appraiser will not give testimony or appear in court because he or she made an appraisal of the property in question, unless specific arrangements to do so have been made beforehand, or as otherwise required by law.
4. The appraiser has noted in this appraisal report any adverse conditions (such as the presence of hazardous wastes, toxic substances, etc.) observed during the inspection of the subject property or that he or she became aware of during the research involved in performing this appraisal. Unless otherwise stated in this appraisal report, the appraiser has no knowledge of any hidden or unapparent deficiencies or adverse conditions of the property (such as, but not limited to, the presence of hazardous wastes, toxic substances, adverse environmental conditions, etc.) that would make the property less valuable, and has assumed that there are no such conditions and makes no guarantees or warranties, express or implied. The appraiser will not be responsible for any such conditions that do exist or for any engineering or testing that might be required to discover whether such conditions exist. Because the appraiser is not an expert in the field of environmental hazards, this appraisal report must not be considered as an environmental assessment of the property.




**APPRAISER'S CERTIFICATION:** The Appraiser certifies and agrees that:

1. I have, at a minimum, developed and reported this appraisal in accordance with the scope of work requirements stated in this appraisal report.
2. I performed a complete visual inspection of the subject property.
3. I performed this appraisal in accordance with the requirements of the Uniform Standards of Professional Appraisal Practice that were adopted and promulgated by the Appraisal Standards Board of The Appraisal Foundation and that were in place at the time this appraisal report was prepared.
4. I developed my opinion of the market value of the real property that is the subject of this report based on the sales comparison approach to value. I have adequate comparable market data to develop a reliable sales comparison approach for this appraisal assignment. I further certify that I considered the cost and income approaches to value but did not develop them, unless otherwise indicated in this report.
5. I researched, verified, analyzed, and reported on any current agreement for sale for the subject property, any offering for sale of the subject property in the twelve months prior to the effective date of this appraisal, and the prior sales of the subject property for a minimum of three years prior to the effective date of this appraisal, unless otherwise indicated in this report.
6. I researched, verified, analyzed, and reported on the prior sales of the comparable sales for a minimum of one year prior to the date of sale of the comparable sale, unless otherwise indicated in this report.
7. I selected and used comparable sales that are locationally, physically, and functionally the most similar to the subject property.
8. I have reported adjustments to the comparable sales that reflect the market's reaction to the differences between the subject property and the comparable sales.
9. I verified, from a disinterested source, all information in this report that was provided by parties who have a financial interest in the sale of the subject property.
10. I have knowledge and experience in appraising this type of property in this market area.
11. I am aware of, and have access to, the necessary and appropriate public and private data sources, such as multiple listing services, tax assessment records, public land records and other such data sources for the area in which the property is located.
12. I obtained the information, estimates, and opinions furnished by other parties and expressed in this appraisal report from reliable sources that I believe to be true and correct.
13. I have taken into consideration the factors that have an impact on value with respect to the subject neighborhood, subject property, and the proximity of the subject property to adverse influences in the development of my opinion of market value. I have noted in this appraisal report any adverse conditions (such as, the presence of hazardous wastes, toxic substances, adverse environmental conditions, etc.) observed during the inspection of the subject property or that I became aware of during the research involved in performing this appraisal. I have considered these adverse conditions in my analysis of the property value, and have reported on the effect of the conditions on the value and marketability of the subject property.
14. I have not knowingly withheld any significant information from this appraisal report and, to the best of my knowledge, all statements and information in this appraisal report are true and correct.
15. I stated in this appraisal report my own personal, unbiased, and professional analysis, opinions, and conclusions, which are subject only to the assumptions and limiting conditions in this appraisal report.
16. I have no present or prospective interest in the property that is the subject of this report, and I have no present or prospective personal interest or bias with respect to the participants in the transaction. I did not base, either partially or completely, my analysis and/or opinion of market value in this appraisal report on the race, color, religion, sex, age, marital status, handicap, familial status, or national origin of either the prospective owners or occupants of the subject property or of the present owners or occupants of the properties in the vicinity of the subject property or on any other basis prohibited by law.
17. My employment and/or compensation for performing this appraisal or any future or anticipated appraisals was not conditioned on any agreement or understanding, written or otherwise, that I would report (or present analysis supporting) a predetermined specific value, a predetermined minimum value, a range or direction in value, a value that favors the cause of any party, or the attainment of a specific result or occurrence of a specific subsequent event.
18. I personally prepared all conclusions and opinions about the real estate that were set forth in this appraisal report. If I relied on significant real property appraisal assistance from any individual or individuals in the performance of this appraisal or the preparation of this appraisal report, I have named such individual(s) and disclosed the specific tasks performed in this appraisal report. I certify that any individual so named is qualified to perform the tasks. I have not authorized anyone to make a change to any item in this appraisal report; therefore, any change made to this appraisal is unauthorized and I will take no responsibility for it.
19. I identified the client in this appraisal report who is the individual, organization, or agent for the organization that ordered and will receive this appraisal report.
20. I am aware that any disclosure or distribution of this appraisal report by me or the client may be subject to certain laws and regulations. Further, I am also subject to the provisions of the Uniform Standards of Professional Appraisal Practice that pertain to disclosure or distribution by me.
21. If this appraisal report was transmitted as an "electronic record" containing my "electronic signature," as those terms are defined in applicable federal and/or state laws (excluding audio and video recordings), or a facsimile transmission of this appraisal report containing a copy or representation of my signature, the appraisal report shall be as effective, enforceable and valid as if a paper version of this appraisal report were delivered containing my original hand written signature.

**SUPERVISORY APPRAISER’S CERTIFICATION:** The Supervisory Appraiser certifies and agrees that:

1. I directly supervised the appraiser for this appraisal assignment, have read the appraisal report, and agree with the appraiser's analysis, opinions, statements, conclusions, and the appraiser's certification.
2. I accept full responsibility for the contents of this appraisal report including, but not limited to, the appraiser's analysis, opinions, statements, conclusions, and the appraiser's certification.
3. The appraiser identified in this appraisal report is either a sub-contractor or an employee of the supervisory appraiser (or the appraisal firm), is qualified to perform this appraisal, and is acceptable to perform this appraisal under the applicable state law.
4. This appraisal report complies with the Uniform Standards of Professional Appraisal Practice that were adopted and promulgated by the Appraisal Standards Board of The Appraisal Foundation and that were in place at the time this appraisal report was prepared.
5. If this appraisal report was transmitted as an “electronic record” containing my “electronic signature,” as those terms are defined in applicable federal and/or state laws (excluding audio and video recordings), or a facsimile transmission of this appraisal report containing a copy or representation of my signature, the appraisal report shall be as effective, enforceable and valid as if a paper version of this appraisal report were delivered containing my original hand written signature.

**APPRAISER**

Signature 

Name Francis P. Lynch

Company Name Lynch Appraisal Services

Company Address 506 South Live Oak

Rockport, TX 78382

Telephone Number 361-729-1309

Email Address lynchapp@swbell.net

Date of Signature and Report December 15, 2023

Effective Date of Appraisal December 12, 2023

State Certification # TX-1326623-R

or State License # \_\_\_\_\_

or Other \_\_\_\_\_ State # \_\_\_\_\_

State TX

Expiration Date of Certification or License 02/28/2025

ADDRESS OF PROPERTY APPRAISED

TBD Block 108, Manning Addition

Rockport, TX 78382

APPRAISED VALUE OF SUBJECT PROPERTY \$ 0

CLIENT

Name \_\_\_\_\_

Company Name City of Rockport

Company Address 2751 State Highway 35 Bypass

Rockport, Tx 78382

Email Address \_\_\_\_\_

**SUPERVISORY APPRAISER (ONLY IF REQUIRED)**

Signature \_\_\_\_\_

Name \_\_\_\_\_

Company Name \_\_\_\_\_

Company Address \_\_\_\_\_

\_\_\_\_\_

Telephone Number \_\_\_\_\_

Email Address \_\_\_\_\_

Date of Signature \_\_\_\_\_

State Certification # \_\_\_\_\_

or State License # \_\_\_\_\_

State \_\_\_\_\_

Expiration Date of Certification or License \_\_\_\_\_

**SUBJECT PROPERTY**

☐ Did not inspect subject property

☐ Did inspect exterior of subject property from street

Date of Inspection \_\_\_\_\_

☐ Did inspect interior and exterior of subject property

Date of Inspection \_\_\_\_\_

**COMPARABLE SALES**

☐ Did not inspect exterior of comparable sales from street

☐ Did inspect exterior of comparable sales from street

Date of Inspection \_\_\_\_\_



ADDITIONAL COMMENTS				
Intended User	City of Rockport			
Property Address	TBD Block 108, Manning Addition			
City	Rockport	County	Aransas	State TX Zip Code 78382
Client	City of Rockport			

**SITE**

It is no more than 20 feet wide at any point which would make it almost impossible to build any type of significant improvements. The property is also landlocked and has no access. 3rd Street to its north, 4th Street to its south and Young Street to its east are all closed where the subject is located and there is land between the subject and Bronte Street to the west. It is my opinion that the subject property has no market value due to its small size, poor functionality and lack of access. See survey and field notes in addenda.

**ADDITIONAL COMMENTS**

COMMENTS ON PREVIOUS SALES OF SUBJECT AND COMPARABLES: There have been no recorded sales or transfers of the subject property within the past three years. There have been no recorded sales or transfers of the comparables within the year prior to their sales reported in the sales grid. COMMENTS ON SUBJECT'S LISTING AND SALE: The subject property is not currently listed for sale in the MLS. To our knowledge the property has not been offered for sale within the past year. To our knowledge there is no current agreement of sale, option or listing involving the subject property.

DISCLOSURE ADDENDUM

Intended User	City of Rockport		
Property Address	TBD Block 108, Manning Addition		
City	Rockport	County	Aransas
		State	TX
		Zip Code	78382
Client	City of Rockport		

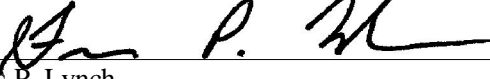
DEFINITION OF INSPECTION:

The term "Inspection", as used in this report, is not the same level of inspection that is required for a "Professional Home Inspection". The appraiser does not fully inspect the electrical system, plumbing system, mechanical systems, foundation system, floor structure, or subfloor. The appraiser is not an expert in construction materials and the purpose of the appraisal is to make an economic evaluation of the subject property. If the client needs a more detailed inspection of the property, a home inspection, by a Professional Home Inspector, is suggested.

DIGITAL SIGNATURES:

The signature(s) affixed to this report, and certification, were applied by the original appraiser(s) or supervisory appraiser and represent their acknowledgements of the facts, opinions and conclusions found in the report. Each appraiser(s) applied his or her signature electronically using a password encrypted method. Hence these signatures have more safeguards and carry the same validity as the individual's hand applied signature. If the report has a hand-applied signature, this comment does not apply.

APPRaiser:

Signature: 

Name: Francis P. Lynch

Date Signed: December 15, 2023

State Certification #: TX-1326623-R

or State License #:

State: TX

Expiration Date of Certification or License: 02/28/2025

SUPERVISORY APPRAISER (ONLY IF REQUIRED):

Signature:

Name:

Date Signed:

State Certification #:

or State License #:

State:

Expiration Date of Certification or License:

☐ Did

☐ Did Not Inspect Property

Borrower/Client City of Rockport			
Property Address TBD Block 108, Manning Addition			
City Rockport	County Aransas	State TX	Zip Code 78382
Lender/Client City of Rockport			

APPRAISAL AND REPORT IDENTIFICATION

This Appraisal Report is one of the following types:

- ☒ **Appraisal Report** This report was prepared in accordance with the requirements of the Appraisal Report option of USPAP Standards Rule 2-2(a).
- ☐ **Restricted Appraisal Report** This report was prepared in accordance with the requirements of the Restricted Appraisal Report option of USPAP Standards Rule 2-2(b). The intended user of this report is limited to the identified client. This is a Restricted Appraisal Report and the rationale for how the appraiser arrived at the opinions and conclusions set forth in the report may not be understood properly without the additional information in the appraiser's workfile.

ADDITIONAL CERTIFICATIONS

I certify that, to the best of my knowledge and belief:

- The statements of fact contained in this report are true and correct.
- The report analyses, opinions, and conclusions are limited only by the reported assumptions and are my personal, impartial, and unbiased professional analyses, opinions, and conclusions.
- I have no (or the specified) present or prospective interest in the property that is the subject of this report and no (or specified) personal interest with respect to the parties involved.
- I have no bias with respect to the property that is the subject of this report or the parties involved with this assignment.
- My engagement in this assignment was not contingent upon developing or reporting predetermined results.
- My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
- My analyses, opinions, and conclusions were developed and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice.
- This appraisal report was prepared in accordance with the requirements of Title XI of FIRREA and any implementing regulations.

PRIOR SERVICES

- ☒ I have **NOT** performed services, as an appraiser or in any other capacity, regarding the property that is the subject of the report within the three-year period immediately preceding acceptance of this assignment.
- ☐ I **HAVE** performed services, as an appraiser or in another capacity, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment. Those services are described in the comments below.

PROPERTY INSPECTION

- ☐ I have **NOT** made a personal inspection of the property that is the subject of this report.
- ☒ I **HAVE** made a personal inspection of the property that is the subject of this report.

APPRAISAL ASSISTANCE

Unless otherwise noted, no one provided significant real property appraisal assistance to the person signing this certification. If anyone did provide significant assistance, they are hereby identified along with a summary of the extent of the assistance provided in the report.

ADDITIONAL COMMENTS

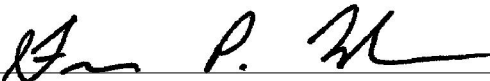
Additional USPAP related issues requiring disclosure and/or any state mandated requirements:

MARKETING TIME AND EXPOSURE TIME FOR THE SUBJECT PROPERTY

- ☐ A reasonable marketing time for the subject property is \_\_\_\_\_ day(s) utilizing market conditions pertinent to the appraisal assignment.
- ☐ A reasonable exposure time for the subject property is \_\_\_\_\_ day(s).

APPRAISER

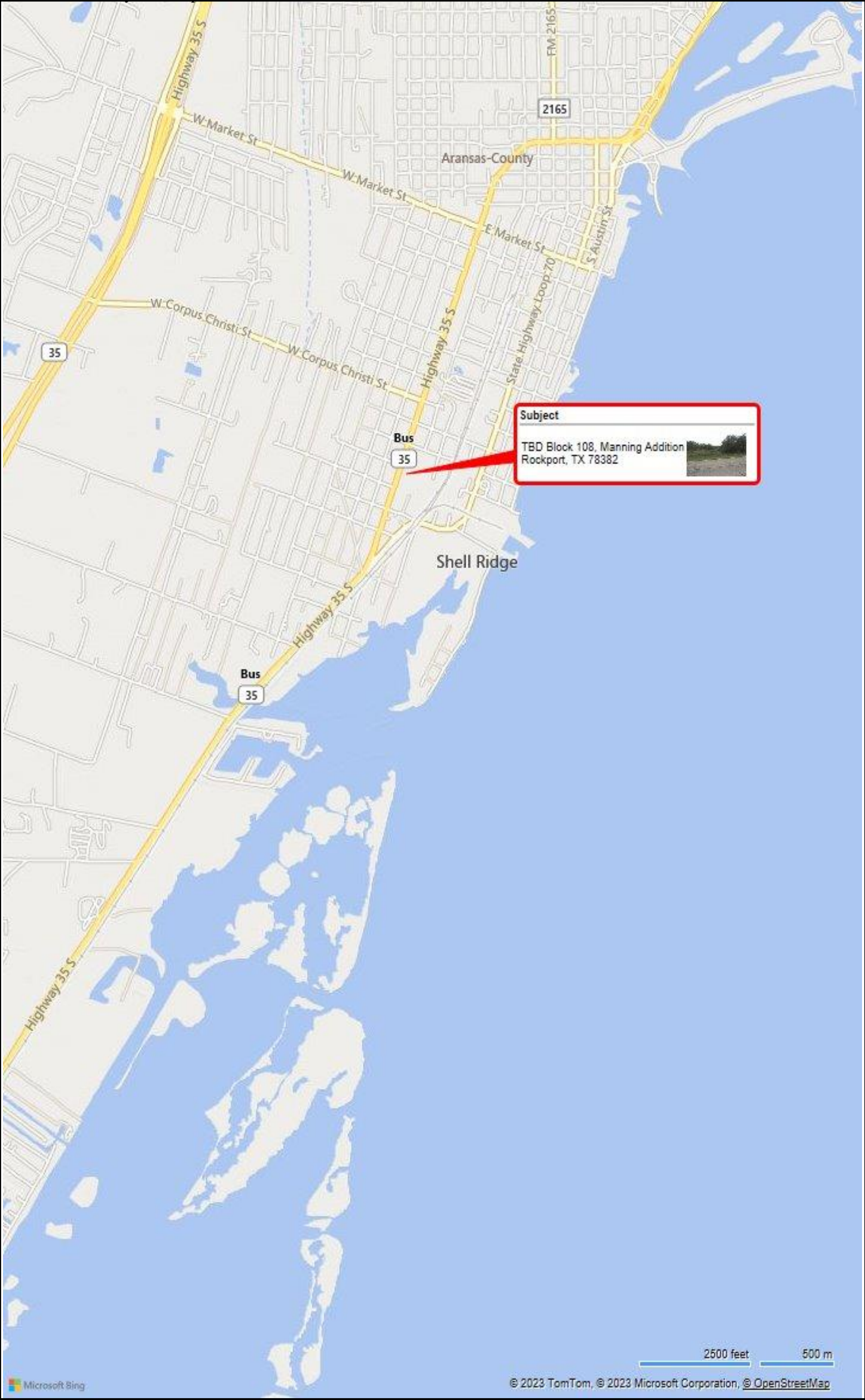
SUPERVISORY APPRAISER (ONLY IF REQUIRED)

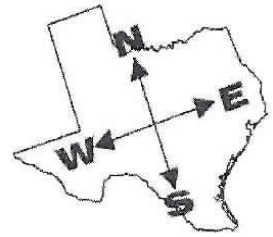
Signature 	Signature _____
Name Francis P. Lynch	Name _____
Date of Signature December 15, 2023	Date of Signature _____
State Certification # TX-1326623-R	State Certification # _____
or State License # _____	or State License # _____
State TX	State _____
Expiration Date of Certification or License 02/28/2025	Expiration Date of Certification or License _____
Effective Date of Appraisal December 12, 2023	Supervisory Appraiser Inspection of Subject Property:

<input type="checkbox"/> Did Not	<input type="checkbox"/> Exterior-only from Street	<input type="checkbox"/> Interior and Exterior
----------------------------------	----------------------------------------------------	------------------------------------------------

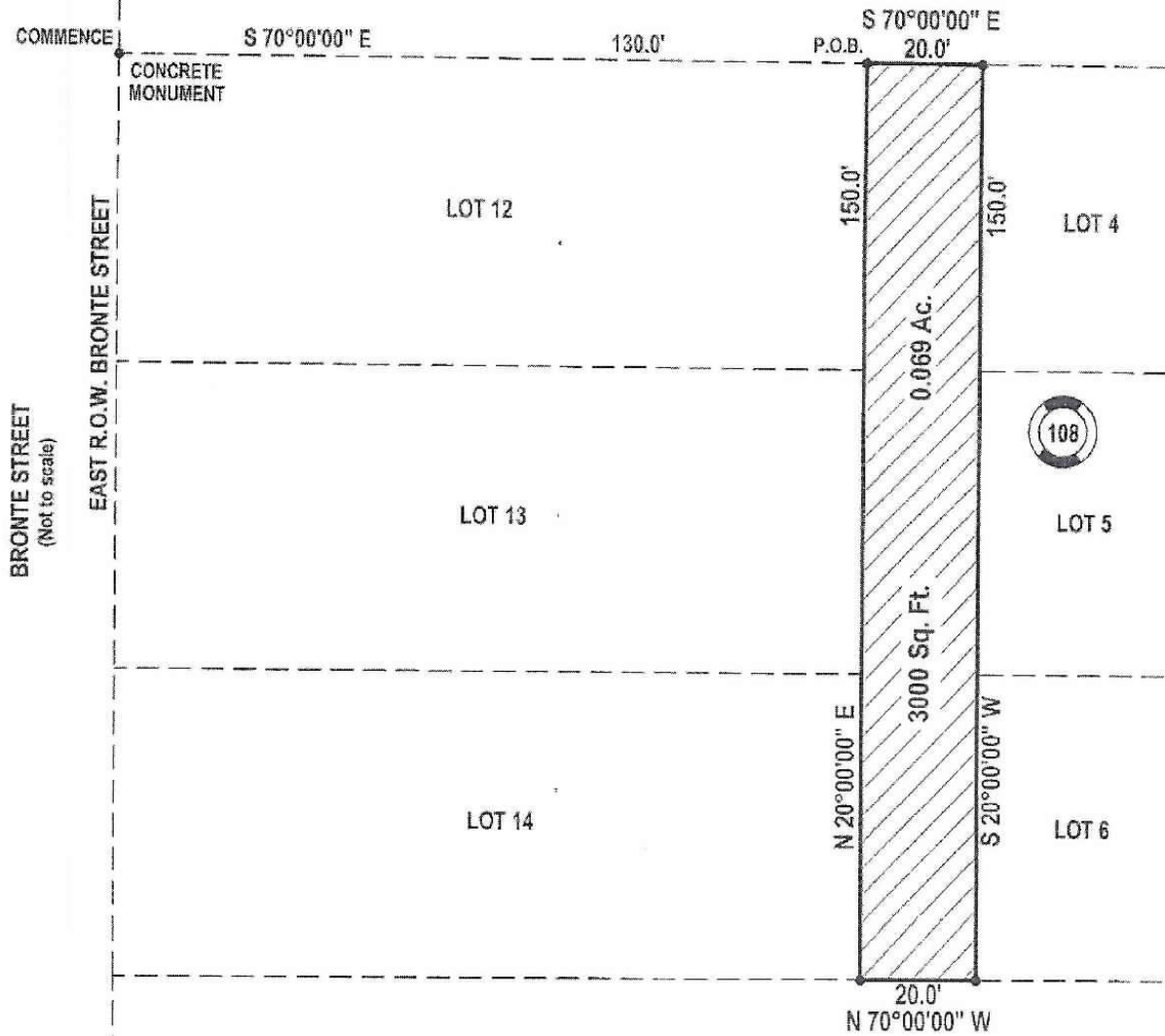
Location Map

Intended User	City of Rockport		
Property Address	TBD Block 108, Manning Addition		
City	Rockport	County	Aransas
		State	TX
		Zip Code	78382
Client	City of Rockport		





LOT 1, BLOCK 1, DEL CAMPO MEAT MARKET  
VOL. 8, PG. 17, P.R.A.C.T.



LOT 1, BLOCK 1, HORIZON COTTAGE  
VOL. 6, PG. 249, P.R.A.C.T.



FIELD NOTES  
EXHIBIT "A"

BEING THE DESCRIPTION OF A 20.0 FOOT WIDE ALLEYWAY LYING BETWEEN LOT NOS. 4 THROUGH 6 AND LOT NOS. 12 THROUGH 14, BLOCK NO. 108, MANNING ADDITION, CITY OF ROCKPORT, ARANSAS COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN VOLUME 1, PAGE 7, PLAT RECORDS OF ARANSAS COUNTY, TEXAS, WITH SAID 0.069 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUND AS FOLLOWS:

**COMMENCE** at a concrete monument found in the East R.O.W. line of Bronte Street and being the existing Northwest corner of Lot No. 12; **THENCE** South 70°00'00" East along the North boundary line of Lot No. 12, a distance of 130.0 feet to the Northeast corner of Lot 12; also being the **NORTHWEST** corner and **PLACE OF BEGINNING** of this survey;

**THENCE**, South 70°00'00" East crossing said alley way a distance of 20.0 feet to a point being the Northwest corner of said Lot No. 4, and being the **NORTHEAST** corner of this description;

**THENCE**, South 20°00'00" West along the West boundary line of said Lots 4 through 6, a distance of 150.0 feet to the **SOUTHEAST** corner of this description;

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**THENCE**, North 20°00'00" East along the East boundary line of said Lots 12 through 14, a distance of 150.0 feet to the **PLACE OF BEGINNING** and containing 0.069 acres or 3000 square feet of land more or less.

SEE ACCOMPANYING EXHIBIT "B"  
FILENAME: 231011dh1

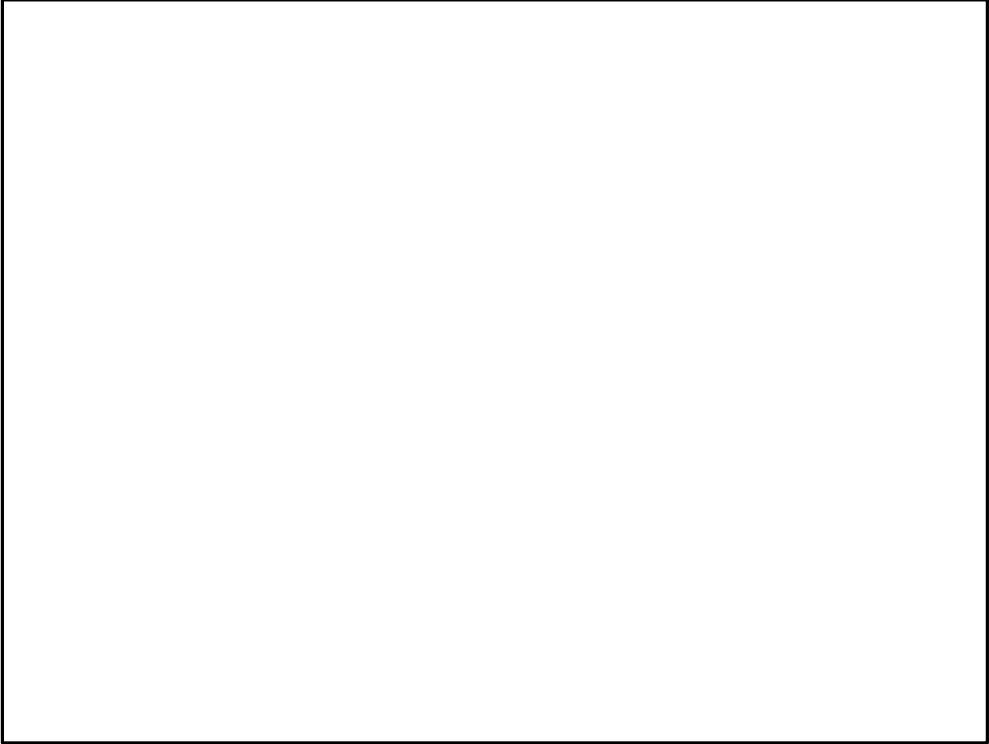
231011dh1fn

PHOTOGRAPH ADDENDUM

Intended User	City of Rockport				
Property Address	TBD Bronte Avenue				
City	Rockport	County	Aransas	State	TX
				Zip Code	78382
Client	City of Rockport				



FRONT VIEW OF  
SUBJECT PROPERTY



REAR VIEW OF  
SUBJECT PROPERTY



STREET SCENE OF  
SUBJECT PROPERTY

Intended User	City of Rockport		
Property Address	TBD Block 108, Manning Addition		
City	Rockport	County	Aransas
		State	TX
		Zip Code	78382
Client	City of Rockport		

FRANCIS PATRICK LYNCH  
506 S LIVE OAK  
ROCKPORT, TX 78382



### Certified Residential Real Estate Appraiser

Appraiser: **Francis Patrick Lynch**

License #: **TX 1326623 R**

License Expires: **02/28/2025**

Having provided satisfactory evidence of the qualifications required by the Texas Appraiser Licensing and Certification Act, Occupations Code, Chapter 1103, authorization is granted to use this title:  
Certified Residential Real Estate Appraiser

For additional information or to file a complaint please contact TALCB at [www.talcb.texas.gov](http://www.talcb.texas.gov).



**Chelsea Buchholtz**  
Commissioner

## CITY COUNCIL AGENDA

### Regular Meeting: Tuesday, January 9, 2024

---

**AGENDA ITEM:** 7

Deliberate and act on the first reading of an Ordinance authorizing the closing, vacating and abandonment of a 20-foot alleyway lying between Lots 4 through 6 and Lots 12 through 14, Block 108, Manning Addition, City of Rockport, Aransas County, Texas; according to the Plat recorded in Volume 1, Page 7, Plat Records of Aransas County, Texas; providing for the terms and conditions of such vacation and abandonment; authorizing the Mayor to execute a Quitclaim Deed for the 20-foot wide alleyway to be closed, vacated and abandoned; and providing for an effective date.

**SUBMITTED BY:** City Secretary Teresa Valdez

**APPROVED FOR AGENDA:** VRS

---

**BACKGROUND:** Ocean Glory Homes is requesting the permanent closure, abandonment, and vacating of a 20-foot wide alleyway lying between Lots 4 through 6 and Lots 12 through 14, Block 108, Manning Addition, City of Rockport, Aransas County, Texas. The Public Works and Building and Development Departments have evaluated the request and state that granting the petition will have no negative impact on current or expected future utilities, transportation needs, or development.

Per City Ordinance No. 1092 “Public Way Closure Policy” an appraisal is required Staff has published notification and scheduled the Public Hearing to move the process along as quickly as possible. According to the Ordinance: “Upon close of the public hearing, Council shall either grant or deny the request by petitioner. Such petition, if not acted upon at the meeting at which it appears on the agenda for public hearing, may at such time be passed, tabled or continued on the agenda to any subsequent City Council meeting.”

For additional information see attached Ordinance No. 1092 and the Petition from Ocean Glory Homes.

---

**FISCAL ANALYSIS:** The City has received the appraisal for the 0.069 acre of land, being a 20-foot wide alleyway lying between Lots 4 through 6 and Lots 12 through 14, Block 108, Manning Addition. The appraised value is \$0.

---

**RECOMMENDATION:** Staff recommends Council approve the first reading of the Ordinance authorizing the closing, vacating and abandonment of a 20-foot wide alleyway lying between Lots 4 through 6 and Lots 12 through 14, Block 108, Manning Addition, City of Rockport, Aransas County, Texas, according to the Plat Recorded in Volume 1, Page 7, Plat Records of Aransas County, Texas; providing for the terms and conditions of such vacation and abandonment; authorizing the Mayor to execute a Quitclaim Deed for the 0.069 acre to be closed, vacated and abandoned; and providing for an effective date.



## ORDINANCE NO.

**AN ORDINANCE AUTHORIZING THE CLOSING, VACATING AND ABANDONMENT OF 0.069 ACRE OF LAND BEING A 20-FOOT WIDE ALLEYWAY LYING BETWEEN LOTS 4 THROUGH 6 AND LOTS 12 THROUGH 14, BLOCK 108, MANNING ADDITION, CITY OF ROCKPORT, ARANSAS COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN VOLUME 1, PAGE 7, PLAT RECORDS OF ARANSAS COUNTY, TEXAS; PROVIDING FOR THE TERMS AND CONDITIONS OF SUCH VACATION AND ABANDONMENT; AUTHORIZING THE MAYOR TO EXECUTE A QUITCLAIM DEED FOR THE 0.069 ACRE TO BE CLOSED, VACATED AND ABANDONED; AND PROVIDING FOR AN EFFECTIVE DATE.**

---

**WHEREAS**, the City of Rockport, Texas is a Home-Rule City incorporated and operating under the laws of the State of Texas, which has the authority under its Charter and Chapter 282 and 253 of the Local Government Code, as amended, to close, vacate and abandon municipal rights-of-way, streets or alleys, by ordinance, when such action is in the best interest of and serves the public purpose; and

**WHEREAS**, the City of Rockport has received a request from the abutting property owner Ocean Glory Homes for the City to close, vacate and abandon the 0.069 acre of land being a 20-foot wide alleyway lying between Lots 4 through 6 and Lots 12 through 14, in Block 108, Manning Addition, Rockport, Aransas County, Texas; and

**WHEREAS**, the property owner is the sole property owner abutting the 0.069 acre, such that there are no other abutting property owners to be notified of the vacation and abandonment; and

**WHEREAS**, the City Manager and Public Works Department have reviewed the requested vacation and abandonment 0.069 acre of land being a 20-foot wide alleyway lying between Lots 4 through 6 and Lots 12 through 14, in Block 108, Manning Addition, Rockport, Aransas County, Texas, and the sale of the 0.069 acre of land to Ocean Glory Homes; and the City Council now finds that the utilities currently existing, or that will exist in the future, if any, in the area of the unopened street and/or public right-of-way will be sufficiently protected by being either relocated or placed into easements, and that the utility companies serving the area including and surrounding the right-of-way have determined that their utilities, if existing, will also be sufficiently protected by the same means; and

**WHEREAS**, the City of Rockport did cause to be published a Notice in the official newspaper of the City on Saturday, December 16, 2023, advising of a Public Hearing to be held on Tuesday, January 9, 2024, at 6:30 p.m. at the Rockport Service Center; and

**WHEREAS**, the City Council of the City of Rockport, Texas, finds and declares that it is in the best interest of all citizens of the City of Rockport, Texas that the 0.069 acre of land being a 20-foot wide alleyway lying between Lots 4 through 6 and Lots 12 through 14, in Block 108, Manning Addition, Rockport, Aransas County, Texas, be vacated and abandoned and sold to Ocean Glory Homes for fair market value and deposited in the street maintenance fund, as required by state law.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCKPORT, TEXAS:**

**Section 1:** That the identified 0.069 acre of land being a 20-foot wide alleyway lying between Lots 4 through 6 and Lots 12 through 14, in Block 108, Manning Addition Rockport, Aransas County, Texas, on Exhibit “A,” attached hereto and made a part of this Ordinance for all purposes, be, and the same is hereby closed, abandoned and vacated insofar as the right, title or interest of the public is concerned.

**Section 2:** That said 0.069 acre of land being a 20-foot wide alleyway lying between Lots 4 through 6 and Lots 12 through 14, in Block 108, Manning Addition, Rockport, Aransas County, Texas is not needed for public roadway purposes and it is in the public interest of the City of Rockport to close, abandon and vacate said described portion of the street and/or public right-of-way for use as roads and roadways.

**Section 3:** That the 20-foot wide alleyway lying between Lots 4 through 6 and Lots 12 through 14, in Block 108, Manning Addition, be closed, abandoned and vacated, as shown by the survey and metes and bounds attached hereto as Exhibit “A” and made a part hereof for all purposes, be deeded by quitclaim deed to Ocean Glory Homes.

**Section 4:** That the Mayor is hereby authorized and directed to convey and transfer by quitclaim deed the 20-foot wide alleyway lying between Lots 4 through 6 and Lots 12 through 14, in Block 108, Manning Addition, City of Rockport, Aransas County, Texas, that is to be closed, abandoned and vacated for the fair market value of the street, which is the interest of the City of Rockport, Texas, in and to the said streets and/or public rights-of-ways, except for any past, present, or future utility easement belonging to the City.

**Section 5:** That the closing, vacation, abandonment and transfer provided for herein shall extend only to the public right and title in and to the tract of land described in this Ordinance and shall be construed only to that interest the governing body of the City of Rockport may legally and lawfully close, abandon, vacate and convey.

**Section 6:** That the consideration for said transfer to Ocean Glory Homes shall be deposited in the street maintenance fund of the City of Rockport as is required by provisions of the state law as set forth in the Local Government Code, Section 253.001, as amended.



**Section 7:** Any previously adopted ordinances, and any subsequent amendments to them, that conflict with this Ordinance are all hereby repealed.

**Section 8:** If any provision, section, sentence, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void, or invalid, the validity of the remaining portions of this Ordinance shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof, or provisions or regulations contained herein, shall become inoperative or fail by reason of any unconstitutionality of any other portion hereof, and all provisions of this Ordinance are declared severable for that purpose.

**Section 9:** This ordinance shall become effective upon adoption on second reading by the Rockport City Council.

**APPROVED** on first reading on the 9<sup>th</sup> day of January 2024.

**CITY OF ROCKPORT, TEXAS**

\_\_\_\_\_  
Tim Jayroe, Mayor

**ATTEST:**

\_\_\_\_\_  
Teresa Valdez, City Secretary

**APPROVED, PASSED and ADOPTED** on second and final reading on the \_\_\_\_ day of January 2024.

**CITY OF ROCKPORT, TEXAS**

\_\_\_\_\_  
Tim Jayroe, Mayor

**ATTEST:**

\_\_\_\_\_  
Teresa Valdez, City Secretary

FIELD NOTES  
EXHIBIT "A"

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**COMMENCE** at a concrete monument found in the East R.O.W. line of Bronte Street and being the existing Northwest corner of Lot No. 12; **THENCE** South 70°00'00" East along the North boundary line of Lot No. 12, a distance of 130.0 feet to the Northeast corner of Lot 12; also being the **NORTHWEST** corner and **PLACE OF BEGINNING** of this survey;

**THENCE**, South 70°00'00" East crossing said alley way a distance of 20.0 feet to a point being the Northwest corner of said Lot No. 4, and being the **NORTHEAST** corner of this description;

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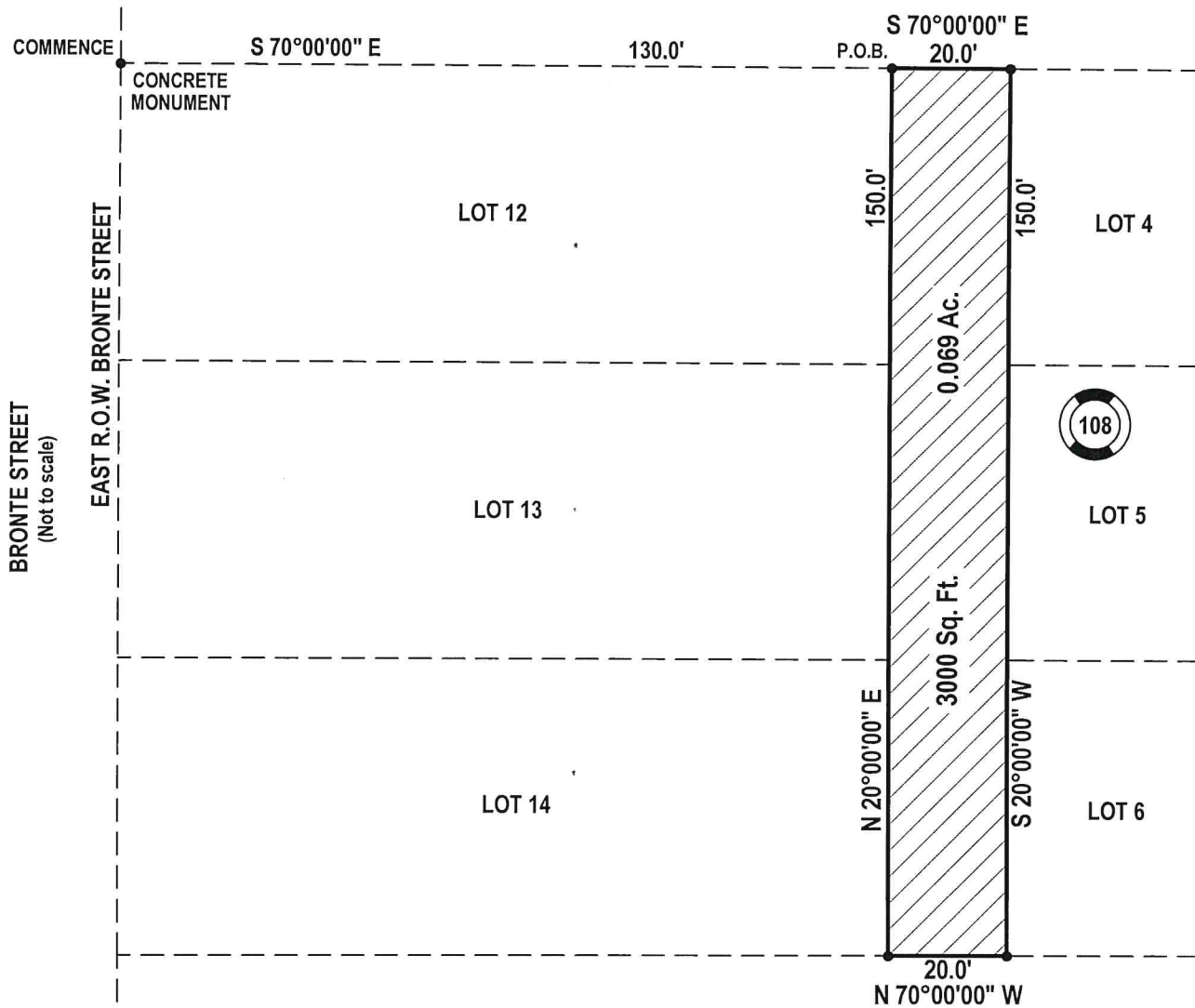
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SEE ACCOMPANYING EXHIBIT "B"  
FILENAME: 231011dh1

231011dh1fn



LOT 1, BLOCK 1, DEL CAMPO MEAT MARKET  
VOL. 8, PG. 17, P.R.A.C.T.



LOT 1, BLOCK 1, HORIZON COTTAGE  
VOL. 6, PG. 249, P.R.A.C.T.

\*See Accompanying Field Note Description Exhibit "A"\*



411 S. Pearl St., P.O. Box 2322  
Rockport, Texas 78381

☎: 361-729-6479  
☎: 361-729-7933  
✉: jerryb@gbsurveyor.com  
🌐: www.gbsurveyor.com

20' WIDE ALLEYWAY EMBRACING 0.069 ACRES OF LAND LOCATED BETWEEN  
LOTS 4-6 AND 12-14, BLOCK 108, MANNING ADDITION,  
CITY OF ROCKPORT, VOLUME 1, PAGE 7, PLAT RECORDS OF ARANSAS COUNTY, TEXAS

SCALE 1" = 30'

OCTOBER 11, 2023

FILE NAME: 231011dh1

NOTE: Per Rockport Code of Ordinances Section 86-88 - T

10.25.23  
(Date)

The Honorable Mayor and City Council  
c/o City Secretary Teresa Valdez  
City of Rockport  
2751 SH 35 Bypass  
Rockport, TX 78382

RE: Petition for closure, abandonment and vacating of Alley way Abandoned.

Dear Mayor and Council Members:

We, the undersigned petitioners, respectfully request that the undeveloped  
Alley way Between the lots 4, 5, 6, 12, 13, 14 Bk 108  
(description of property to be vacated, closed, abandoned) Manning Addition

be closed, abandoned, and vacated. The requested section to be closed is more particularly described in the attached survey and metes and bounds description. The petitioners are the only property owners abutting the requested closure.

If approved, this request will Allow us to join 12, 13, 14 & 4, 5, 6 for 1 lot.  
(describe reason/intent for request and how it will benefit petitioners)

The closure **will/will not** affect any existing utilities.  
(select one)

**Petitioner No. 1**

Reza Khalili (Ocean Glory Homes)

(Printed Name of Owner)

[Signature]

(Signature of Owner)

10-25-23

(Date Signed)

361-745-8888

(Telephone Number)

ocean glory homes@gmail  
(Email Address)

**Physical Address of Property:**

1716-1724 Hwy 35 S.  
Rockport, TX 78382

**Mailing Address of Owner:**

6901 Sir Lancelot  
Corpus Christi, TX 78413

**Petitioner No. 2**

(Printed Name of Owner)

(Signature of Owner)

(Date Signed)

(Telephone Number)

(Email Address)

**Physical Address of Property:**

Rockport, TX 78382

**Mailing Address of Owner:**

**NOTE: Per Rockport Code of Ordinances Section 86-88 - T**

**Petitioner No. 3**

\_\_\_\_\_  
(Printed Name of Owner)

\_\_\_\_\_  
(Signature of Owner)

\_\_\_\_\_  
(Date Signed)

\_\_\_\_\_  
(Telephone Number)

\_\_\_\_\_  
(Email Address)

**Physical Address of Property:**

\_\_\_\_\_  
Rockport, TX 78382

**Mailing Address of Owner:**

\_\_\_\_\_  
\_\_\_\_\_

**Petitioner No. 4**

\_\_\_\_\_  
(Printed Name of Owner)

\_\_\_\_\_  
(Signature of Owner)

\_\_\_\_\_  
(Date Signed)

\_\_\_\_\_  
(Telephone Number)

\_\_\_\_\_  
(Email Address)

**Physical Address of Property:**

\_\_\_\_\_  
Rockport, TX 78382

**Mailing Address of Owner:**

\_\_\_\_\_  
\_\_\_\_\_



FIELD NOTES  
EXHIBIT "A"

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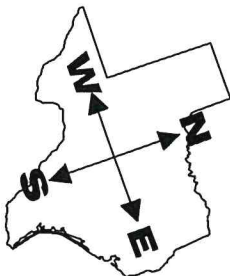
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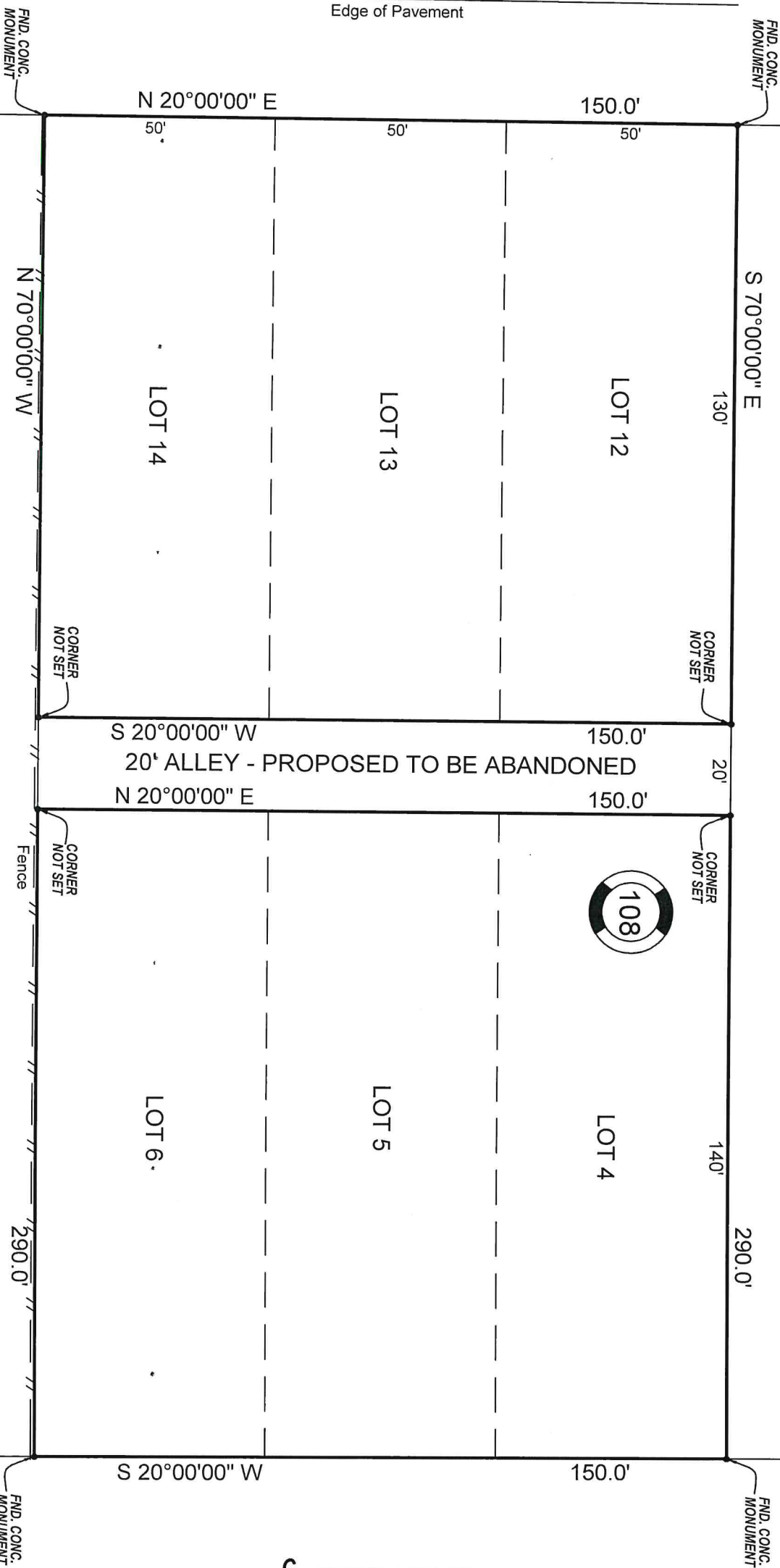


LOT 1, BLOCK 1, DEL CAMPO MEAT MARKET  
VOL. 8, PG. 17, P.R.A.C.T.



STATE HIGHWAY 35 BUSINESS  
100' R.O.W.

YOUNG STREET  
60' R.O.W.



FLOOD DATA

This is to certify that I have consulted the Federal Flood Hazard Map dated 2.17.16, and found that the property described herein is (or) is not ☒ located in a "Special Flood Hazard Area."  
Zone ☒ Base Elevation  N/A  
Panel No. 0240G  
Community No. 485504

This information is based on scaling the location of this survey on the F.E.M.A. referenced map. This information is intended to be used to determine insurance rates only and not to identify specific flooding conditions.

LEGAL DESCRIPTION

LOT 1, BLOCK 1, HORIZON COTTAGE  
VOL. 6, PG. 249, P.R.A.C.T.

LOTS 4, 5, 6, 12, 13 AND 14,  
BLOCK 108, MANNING ADDITION  
CITY OF ROCKPORT, ARANSAS COUNTY, TEXAS  
RECORDED IN VOLUME 1, PAGE 7, PLAT RECORDS OF ARANSAS COUNTY, TEXAS  
SCALE 1" = 20'  
OCTOBER 10, 2023

SURVEYOR CERTIFICATION

I, J. L. Brundrett, Jr., A Registered Professional Land Surveyor in the State of Texas, do hereby certify to the named recipients that this plat drawing correctly reflects the results of an on the ground survey conducted by me or under my supervision on the foregoing property and that there are no visible easements, intrusions, or protrusions (except as shown herein).

J. L. Brundrett, Jr., R.P.L.S., Reg. No. 2133  
ARANSAS COUNTY, TEXAS  
PLAT NO. P-414

NOTES:

1. Plat bearing used for directional control unless otherwise noted.
  2. This plat is in violation of "Copyright Laws" if not accompanied by original seal and signature.
  3. Surveyor has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, or in schedule "B" of the title commitment to determine whether they do or do not affect subject property.
  4. 5/8" Steel rebars found and set at all property corners unless otherwise shown. All set rods are capped with Griffith and Brundrett.
- FILE NAME: 231010dh3

CURRENT PARTY

Prepared For:  
Reza Khalili

COPYRIGHT NOTICE

Any copy of this drawing must bear the surveyor's original seal and signature in red ink or the drawing is an unauthorized reproduction which may have been altered or changed without the surveyor's knowledge.  
This original work is protected under Copyright Laws, Title 17, United States Code Sections 101 and 102. All violators will be prosecuted to the fullest extent of the law.

FIRM NAME & ADDRESS

**Griffith & Brundrett**  
Surveying & Engineering, Inc.  
4111 S. Pearl St., P.O. Box 2322  
Rockport, Texas 78381  
P: 361-729-6479  
F: 361-729-7933  
E: jbrund@gsurveyor.com  
W: www.gsurveyor.com



**ORDINANCE NO. 1092**

**AN ORDINANCE ESTABLISHING A POLICY AND PROCEDURE FOR CITIZENS TO REQUEST THE ABANDONING, ALTERING, CLOSING OR VACATING OF STREETS, ALLEYS AND OTHER PUBLIC WAYS OR PORTIONS THEREOF; ESTABLISHING ADMINISTRATIVE FEES TO BE PAID BY PETITIONERS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.**

- WHEREAS,** the City Council of the City of Rockport, Texas, has the power to establish, construct, alter, close, vacate and abandon public streets, alleys and other public ways to the City; and
- WHEREAS,** the City Council of the City of Rockport, Texas, deems it reasonable and proper to establish a policy and a procedure whereby persons may initiate, by petition, a request for the City to proceed in the exercise of said powers by the City where such is not deemed necessary for future use; and
- WHEREAS,** the City Council of the City of Rockport, Texas, deems it reasonable and proper that any person or persons requesting by petition that the City consider and exercise said powers regarding street, alleys and other public ways, should give notice of such request, provide certain other documents, and pay the expenses associated with the request:

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCKPORT, TEXAS:**

**Section 1. AMENDMENT AND ADDITION OF POLICY TO CHAPTER 86**

Article IV of Chapter 86, "Streets, Sidewalks and Other Public Places," is amended by creating "Division 1. - Generally" from existing Sections 86-76 through 86-80; and by adding "Division 2. - Public Ways Closure Policy," Sections 86-85 through 86-95, as follows:

**ARTICLE IV. STREETS, SIDEWALKS AND OTHER PUBLIC PLACES**

**DIVISION 1. GENERALLY**

(No change to §§ 86.76 through 86-80)

**DIVISION 2. PUBLIC WAY CLOSURE POLICY**

**Sec. 86-85. Policy.** No street, alley or other public way, or portion thereof, shall ever be closed, narrowed or vacated if doing so would result in a violation of or be in conflict with the City of Rockport's land development codes, or otherwise be contrary to the best interest of the public, considering all reasonable future use of such street, alley or other public way. Any petitioner requesting a street, alley or other public way, or portion thereof, be closed, narrowed or vacated must comply with all the following sections of this policy, but such shall constitute only a request and not be permitted except pursuant to the provisions hereof.

**Sec. 86-86. Petition Required.** Any person or persons (herein "petitioner") desiring to have the City Council exercise its powers regarding the closing, narrowing or vacating of streets, alleys or other public ways, or portions thereof, must file with the City Secretary a petition, on a form acceptable by the City, directed to the City Council requesting that such action be taken. The petition must be signed and acknowledged by all current owners of property abutting the street, alley or public way or portion thereof sought to be closed. The petitioner may not rely solely on the most recent county certified tax rolls to determine the current names

and addresses of all abutting property owners. A list of the owners' names and addresses of all property abutting the street, alley, public way or portion thereof that is the subject of the petition must be attached to the petition. The City may require the petitioner to provide copies of documents filed in the Aransas County Deed Records to evidence the current abutting owners. The petition shall not be accepted unless and until all requirements of this policy have been met and the City is satisfied that all current abutting property owners have signed the petition. Upon acceptance, the City Secretary shall provide copies of the petition to the City Manager and all other City staff or officials whom the City Manager directs.

**Sec. 86-87. Fee.** Upon the filing of a petition with the City Secretary, an administration fee shall be paid to the City in an amount equal to Fifty and No/100 Dollars (\$50.00) for the first one hundred feet (100') linear length of affected property and Ten and No/100 Dollars (\$10.00) for each thirty-five feet (35') of affected length, or portion, thereafter.

**Sec. 86-88. Survey Required.** For a petition to be accepted, petitioner must provide a survey or plat, together with a typed legal description, of the street, alley or other public way, or portion thereof, sought to be abandoned, altered, closed or vacated and the property abutting thereon, prepared by a licensed land surveyor. The costs of the survey or plat shall be paid by the petitioner.

**Sec. 86-89. Review by City Staff.** The City staff shall review the request as to the impact on utilities, drainage and/or the future traffic needs and circulation, and shall issue a report to the City Secretary and City Manager, outlining the staff's findings and its recommendation for consideration by the City Council. A staff report finding no objection to the request shall not bind the City Council to grant the petition, and is as such only advisory upon the Council.

**Sec. 86-90. Notice of Public Hearing on the Petition.** After receipt of the staff report, the City Secretary shall cause a public hearing to be set on this petitioner's request. Notice of such public hearing on the petition must be given by publication in the official newspaper of the City no more than thirty (30) days nor fewer than fifteen (15) days proceeding the date of that set for public hearing on the proposed request. Such notice shall fairly state the action requested giving a description of the property or street affected.

**Sec. 86-91. Appraisal.** The City Manager or the City Council may, at any time, request and obtain an independent appraisal of the value of the property sought by petitioner to be closed, narrowed or abandoned. Such appraisal may be used to determine what consideration, if any, may be required to be paid by petitioner or anyone else to be benefited by the petitioner's request, should final action be taken by the City Council pursuant to this policy.

**Sec. 86-92. Public Hearing.** The City Council shall hear evidence as to the reasons why such street, alley, public way or portion thereof should or should not be abandoned, altered, vacated or closed. The City Council may adjourn or continue the public hearing as it alone deems necessary and in the best interest of the public. Upon close of the public hearing, the Council shall either grant or deny the request by petitioner. Such petition, if not acted upon at the meeting at which it appears on the agenda for public hearing, may at such time be passed, tabled or continued on the agenda to any subsequent City Council meeting.

**Sec. 86-93. Passage of Ordinance.** The Council may grant the petition only by adoption of an ordinance, pursuant to its Charter. However, a three-fourths (3/4) majority of votes of the City Council shall be necessary to adopt an ordinance to abandon, alter, vacate or close the street, alley, public way or portion thereof.

**Sec. 86-94. Conditions Precedent to Granting of Petition.**

- a) The Council shall determine what consideration, if any, shall be paid by the abutting property owners, pursuant to Chapter 272 of the Local Government Code, which may be equal to or less than the fair market value as determined by recent City appraisal obtained pursuant to this policy.
- b) The Council may retain utility and/or drainage easements across those portions of the street, alley or other public way, or portion thereof, if it deems such reservation necessary.
- c) The Council may require written verification from any or all franchised utilities, including but not limited to electric, gas, telephone or cable, evidencing such utilities' current or



anticipated future use of the street, alley or other public way sought to be closed, narrowed or vacated.

- d) Prior to granting the petition, the Council may require all the abutting property owners to execute with the City a written agreement accepting any and all Council-imposed conditions required pursuant to this section.
- e) Prior to granting the petition, the Council may require all abutting property owners to execute with the City a written agreement between themselves, stating what interest each claims or will claim, if any, in the underlying fee simple, should the petition be later granted.

**Sec. 86-95. City May Act Without Petition.** Nothing herein shall be construed so as to limit the City of Rockport's right to close, narrow or abandon any dedicated street, alley, public way or portion thereof in the valid exercise of its police power.

## **Section 2. REPEALER**

Any previously adopted ordinances, and any subsequent amendments to them, that are in conflict with this ordinance are all hereby repealed.

## **Section 3. NO RETROACTIVE EFFECT**

The adoption of this policy shall not alter or affect any previous acts or actions that may have been taken by the City Council of the City of Rockport regarding prior street or alleyway closures, it being intended that such policy be prospective and operate only as to future requests made to the City of Rockport to close narrow or abandon any street, alley or other public way.

## **Section 4. SEVERABILITY**

If any provision, section, sentence, clause or phrase of this ordinance, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this ordinance shall not be affected thereby, it being the intent of the City Council in adopting this ordinance that no portion hereof, or provisions or regulations contained herein, shall become inoperative or fail by reason of any unconstitutionality of any other portion hereof, and all provisions of this ordinance are declared severable for that purpose.

## **Section 5. EFFECTIVE DATE**

This ordinance shall be in full force and effect as soon as all necessary publication requirements have been met.

**PASSED AND APPROVED** on first reading this 13<sup>th</sup> day of JULY 1999.

**CITY OF ROCKPORT, TEXAS**

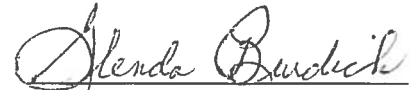
  
Glenda Burdick, Mayor

**ATTEST:**

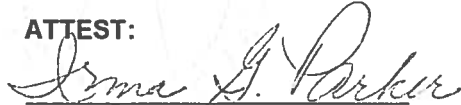
  
Irma G. Parker, City Secretary

PASSED, APPROVED AND ADOPTED on second and final reading this 27<sup>th</sup> day of JULY 1999.

CITY OF ROCKPORT, TEXAS

  
Glenda Burdick, Mayor

ATTEST:

  
Irma G. Parker, City Secretary

**CITY COUNCIL AGENDA**  
**Regular Meeting: Tuesday, January 9, 2024**

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**AGENDA ITEM: 8**

*Postponed – December 12, 2023:* Deliberate and act on request to close South Austin Street from Market Street to the south side of Wharf Street; or alternate locations.

**SUBMITTED BY:** City Manager Vanessa Shrauner

**APPROVED FOR AGENDA:** VRS

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**BACKGROUND:** Augie Garcia, with Sr. Boil House, addressed the City Council on December 12, 2023 and requested the closure of Austin Street for the 5<sup>th</sup> Annual Crawfish Cook-Off and Tasting. The attached documentation was included in the December 12, 2023 City Council Agenda Packet.

Council received citizen and Downtown Merchants' comments in opposition to the event being held during Spring Break. Billy McCraw, owner of Attitudes & Latitudes stated he had put together a petition and the summary of the results showed that the majority 75% do not agree with any closure of street for private event or vendor.

Mr. Garcia stated he totally understood the Downtown Merchants' concerns and he did not want to hinder any businesses. Mr. Garcia said if the gentleman's petition is true, he will back off and he can move this event to another city, or another location if City has another location.

Council moved to postpone consideration of this Agenda Item until the City Council Meeting on January 9, 2023.

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**FISCAL ANALYSIS:**

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**RECOMMENDATION:**





January 5th, 2024

City Manager  
2751 St. Hwy 35 Bypass  
Rockport, Texas 78382

Dear Mayor and City Council,

On behalf of SR Boil House, the Board of Directors of the Rockport Crawfish Cook-Off and Tasting, we would like to share that we are in the planning process of the 5th Annual Crawfish Cook-Off and Tasting scheduled for March 15th-16th. This year we aim to make an even bigger and better event than last year. Each year we have more than doubled the event in size including, vendors, food trucks, a carnival, live music entertainment, cook-off teams and much more. With utilizing the Rockport Beach park festival grounds and the area in front of the Water Street downtown, our 5th year has outgrown the usual places for this amazing event. Last year having hosted more than 20k+ people during this two day spectacular event to date has donated more than \$60,000 to local youth and non-profit organization in the Rockport-Fulton area.

Therefor, we are requesting the use of the 40 acre track located on the bypass for the date of March 13-March 18th. Included is a map visual view of the streets we're requesting be closed. Also, we are hoping to gain signed consent from any businesses that would be affected by the street closures for and permission to close the streets. We are excited to host the 5th Annual Crawfish festival in the downtown area. We hope to showoff our beautiful downtown as well as bring more business for the downtown merchants and more tax revenue to our city. A safety plan, trash plan, parking plan as well and traffic plan has been included with this request.

Augie Garcia  
Sr Boil House  
Rockport Crawfish Cook-Off and Tasting.



October 31, 2023

City Manager  
2751 St. Hwy 35 Bypass  
Rockport, Texas 78382

Dear Mayor and City Council,

On behalf of SR Boil House, the Board of Directors of the Rockport Crawfish Cook-Off and Tasting, we would like to share that we are in the planning process of the 5th Annual Crawfish Cook-Off and Tasting scheduled for March 15th-16th. This year we aim to make an even bigger and better event than last year. Each year we have more than doubled the event in size including, vendors, food trucks, a carnival, live music entertainment, cook-off teams and much more. With utilizing the Rockport Beach park festival grounds and the area in front of the Water Street downtown, our 5th year has outgrown the usual places for this amazing event. Last year having hosted more than 20k+ people during this two day spectacular event to date has donated more than \$60,000 to local youth and non-profit organization in the Rockport-Fulton area.

Therefor, we are requesting that S. Austin St. from Market street to the south side of Warf St. be shut down from March 15th, 4pm to 11pm and March 16th, 7am -11pm. Side street closures would include: 1/2 block East and West on Main St. St. Mary's St. Included is a map visual view of the streets we're requesting be closed. Also, we are hoping to gaine signed consent from any businesses that would be affected by the street closures for and permission to close the streets. We are excited to host the 5th Annual Crawfish festival in the downtown area. We hope to showoff our beautiful downtown as well as bring more business for the downtown merchants and more tax revenue to our city. A safety plan, trash plan, parking plan as well and and traffic plan has been included with this request.

Augie Garcia  
Sr Boil House  
Rockport Crawfish Cook-Off and Tasting.



## **INSURANCE BINDER**



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
11/27/2023

63

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> Next First Insurance Agency, Inc. PO Box 60787 Palo Alto, CA 94306	<b>CONTACT NAME:</b>		
	<b>PHONE (A/C, No, Ext):</b> (855) 222-5919	<b>FAX (A/C, No):</b>	
	<b>E-MAIL ADDRESS:</b> support@nextinsurance.com		
<b>INSURED</b> SR Boil House LLC 113 S Kossuth St Rockport, TX 78382	<b>INSURER(S) AFFORDING COVERAGE</b>		<b>NAIC #</b>
	<b>INSURER A:</b> State National Insurance Company, Inc.		12831
	<b>INSURER B:</b>		
	<b>INSURER C:</b>		
	<b>INSURER D:</b>		
	<b>INSURER E:</b>		
<b>INSURER F:</b>			

<b>COVERAGES</b>	<b>CERTIFICATE NUMBER:</b> 555257497	<b>REVISION NUMBER:</b>
THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.		

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> <b>COMMERCIAL GENERAL LIABILITY</b>						<b>EACH OCCURRENCE</b> \$1,000,000.00
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR						<b>DAMAGE TO RENTED PREMISES (Ea occurrence)</b> \$100,000.00
							<b>MED EXP (Any one person)</b> \$15,000.00
							<b>PERSONAL &amp; ADV INJURY</b> \$1,000,000.00
	GEN'L AGGREGATE LIMIT APPLIES PER:						<b>GENERAL AGGREGATE</b> \$2,000,000.00
	<input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC						<b>PRODUCTS - COMPI/OP AGG</b> \$2,000,000.00
	OTHER:						\$
	<b>AUTOMOBILE LIABILITY</b>						<b>COMBINED SINGLE LIMIT (Ea accident)</b> \$
	<input type="checkbox"/> ANY AUTO						<b>BODILY INJURY (Per person)</b> \$
	<input type="checkbox"/> OWNED AUTOS ONLY	<input type="checkbox"/> SCHEDULED AUTOS					<b>BODILY INJURY (Per accident)</b> \$
	<input type="checkbox"/> HIRED AUTOS ONLY	<input type="checkbox"/> NON-OWNED AUTOS ONLY					<b>PROPERTY DAMAGE (Per accident)</b> \$
							\$
	<b>UMBRELLA LIAB</b>	<input type="checkbox"/> OCCUR					<b>EACH OCCURRENCE</b> \$
	<b>EXCESS LIAB</b>	<input type="checkbox"/> CLAIMS-MADE					<b>AGGREGATE</b> \$
	<input type="checkbox"/> DED <input type="checkbox"/> RETENTION \$						\$
	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b>						<input type="checkbox"/> PER-STATUTE <input type="checkbox"/> OTH-ER
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	<input type="checkbox"/> Y/N	N/A				<b>E.L. EACH ACCIDENT</b> \$
	If yes, describe under DESCRIPTION OF OPERATIONS below						<b>E.L. DISEASE - EA EMPLOYEE</b> \$
							<b>E.L. DISEASE - POLICY LIMIT</b> \$
A	Professional Liability			NXTMR13528-03-GL	04/27/2023	04/27/2024	<b>Each Occurrence:</b> \$1,000,000.00 <b>Aggregate:</b> \$2,000,000.00

**DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES** (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

The Certificate Holder is City of Rockport. This Certificate Holder is an Additional Insured on the General Liability policy per the Additional Insured Automatic Status Endorsement. All Certificate Holder privileges apply only if required by written agreement between the Certificate Holder and the insured, and are subject to policy terms and conditions.

<b>CERTIFICATE HOLDER</b> City of Rockport 402 E Laurel St Rockport, TX 78382	<b>LIVE CERTIFICATE</b>  Click or scan to view	<b>CANCELLATION</b> SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.  AUTHORIZED REPRESENTATIVE 
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# EVENT WASTE MANAGEMENT PLAN

## EVENT INFORMATION

Event name: 5th Annual Rockport Crawfish Cook-Off and Tasting    Event date: March 15 -16

Event address/location: 501 S Austin St

Expected attendance: 8000-10000

## CONTACT INFORMATION

Primary contact (name): Augustine Garcia

Contact phone: 361-205-9595

Cell phone: 361-205-9595

Email address: srboilhouse@gmail.com

Applicant signature: \_\_\_\_\_

Secondary contact (name): Summer Morrow

Contact phone (during event): 361-205-2555

Email address: rockportcrawfest@gmail.com

## WASTE MANAGEMENT CONTRACTED SERVICES

Garbage dumpsters/Totes/Bins:

Company: Republic Waste Management / Rockport Roll Off

Contact: Mike Reeves / Joe Peirce

Phone: 361-549-3097 / 361-834-3553

Porta potties: ☐ Check box if same contractor as above

Company: Texas Throne

Contact: Katherine Miller

Phone: 361-438-9972



## Waste management commitment

- Every effort will be made to encourage waste diversion through the provision of an adequate number of clearly labeled receptacles for garbage, recyclables, and compost waste on each event day. Furthermore, the event will ensure that all requirements outlined in the provincial and municipal bylaws are adhered to including ensuring all receptacles are emptied into containers by midnight on each day of the event or removed same-day by the contracted provider.
- All event vendors (e.g. food trucks) will be notified of our waste management plan, specifically that they are expected to support the waste diversion efforts including the safe disposal of grey water and cooking oils.
- All waste brought on-site will be removed following the event (on the last day of the event), including a thorough site clean to ensure all waste is removed from the event grounds as well as the immediate surrounding area (e.g. approx. 100 feet radius surrounding the event site).
- There will be a sufficient number of washrooms to ensure there is a minimum of one washroom (e.g. porta potty) for every 200 people attending the event.
- The event will ensure safe potable and/or bottled drinking water is provided at the event, that water is not drawn from un-permitted water receptacles (e.g. public taps located on-site or near-by), and ensure all provincial and municipal health and safety requirements are met for water and food services.

## Waste management goals

- Achieve 100% diversion of recyclables.
- Reduce general waste by 50%.
- Return the event site to its original (or better) condition within 12 hours of the event.

## Requirements

Your plan details must include:

- Disposal bin placement (if you are arranging for a disposal bin). A site plan showing the disposal bin's location(s) and all recycling and waste container locations.
- Information about private company hired to clean up. Your plan must list the company name, contact person and phone number. In addition, include the time you have hired them to do the clean-up. A copy of the contract is required.
- How your waste management plan will be communicated to vendors, volunteers and attendees.

Waste collection, bins and materials

Private company name: Volunteers

Contact name: Augie Garcia

Contact phone: 361-205-9595

Cell phone: 361-205-9595

Number of hired staff:

Number of volunteers: 15

Waste receptacles provided for the event are as follows:

Garbage Dumpsters - 3

Garbage Totes - 60

Garbage Bins - 1

☐ Check this box if you are managing your own waste (e.g., using residential bins, managing litter with volunteers, etc.)

Typical waste by material type

List types of waste that will be generated by your event. All food services will provide compostable and/or recyclable plates, drinking vessels, and eating utensils.

Serve ware: Cups, Trays,

Packaging materials (e.g. cardboard, plastic film): None

Containers (e.g. water bottles, juice boxes, pop cans): Water Bottles and misc. concession waste

Other (e.g. food waste): Crawfish waste

Hand wash stations

The following number of washrooms will be provided at the event: 5

Washrooms (washroom facilities located on-site at event, e.g. public washrooms in park): 0

Washrooms (washroom facilities located within one city block of the event site, e.g. public washrooms at nearby park or commercial building) 0

Porta Potties (located on-site) 60

Water

(Water required for drinking, food safety service, and event installations (e.g. pools) will be provided by the event and/or event vendors per the local health and safety requirements that will be approved prior to the event.):

Eventsite map (Refer to the attached site map for the placement of all waste receptacles and washrooms at the event.)

Approvals

This Event Management Plan Will be implemented by:

Name: \_\_\_\_\_

Date Received: \_\_\_\_\_

Signature: \_\_\_\_\_

Approved By: \_\_\_\_\_



## **Safety Plan**

## Safety Plan for the Rockport Crawfish Cook-Off and Tasting

During our festival , the safety of participants, volunteers, and vendors is our highest responsibility. Our Safety Plan outlines the procedures that will be used to increase public safety and will prepare organizers and volunteers on how to deal with emergency situations. The event coordinators would like the event to free of incident but understand that situation can arise. We would like to insure to our stake holders that we have prepared our event and staff to handle any situation and take pride on creating a safe event for our community.

### Event Information

Event Name	Rockport Crawfish Cook-Off and Tasting
Event Date	March 15th and 16th 2024
Event Location	Downtown Rockport, Austin St.
Est. Attendance	8-10k per day
Event Start/ End Times	March 15 5pm-11 March 16 10am-11pm

### Contact Information

Event Day Contact	Augie Garcia
Event Day Contact Info	361-205-9595
Safety Leader	Genave Garcia
Safety Leader Contact Info	361-230-3120

### First Aid

- 1) Who will provide on-site First Aid during your event?

Allegiance Mobile Health

- 2) How many First Aid attendants will be on-site during your event?

2

### Activities

- 1) What medium to high-risk activities will take place during your event (bouncy castles, alcohol consumption, fireworks, etc.)? What plans or procedures are in place to minimize the risk factors? If you require additional space, please include on a separate piece of paper.

## Risk Mitigation

- 1) What steps will be taken if the following incidents take place? How will you communicate these incidents to event participants?

- a. A lost child

Each gate exit along with event coordinators are equipped with radios/walkie talkies. We will use code Superman. When the announce that code the team will literally fly to the exits, safety coordinator will take the microphone on main stage to announce the missing child and local police officers on duty will be notified.

- b. A medical emergency

During an medical emergency the effected party will be directed to the nearest first aid station. EMS will be notified and event coordinators will document the emergency.

- c. A fire emergency

During a fire emergency safety coordinators will be notified. Safety officers will attempt to control the fire with extinguishers. Local police on duty will be notified. If the fire is to big to control locally the fire department will be notified and the are will be cleared of all pedestrians.

- d. An evacuation

In the event of an evacuation, event coordinators will take the stage to announce the evacuation. Event coordinator will announce where the exits are and the reason for the evacuation. Emergency exist will be open to provide multiple ways for the crowds to disperse.

- e. Event Cancellation

Notification will be announce via social media as well as email and call list. The event refund policy will take effect to ensure that the patrons are satisfied.

## Communication Info

- 1) What method of communication will you use to keep event organizers and volunteers informed during the event?

Radios and walkie talkies are given to staff and volunteers.

- 2) Where will your volunteer headquarters be located?

Volunteers headquarters will be stage at SR Boil House.

- 3) Safety Protocols will be communicated to vendors by:

Safety protocols are delivered in a vendor packet. During our vendor meeting we will read and discuss the safety protocols and each vendor will sign their confirmation that they understand safety protocols.





## Traffic Plan

# TRAFFIC FLOW





## **Road Closure and Event Footprint**





## **Event Layout**







**Business Consent Signature**



Option 1  
Partial Closure



October 31, 2023

City Manager  
2751 St. Hwy 35 Bypass  
Rockport, Texas 78382

Dear Mayor and City Council,

This is my written consent to agree or not agree to close down the street in front of my business for the purpose of the 5th Annual Crawfish Cook-Off and Tasting. I understand Austin St. and the aforementioned streets in the attachment map, will be closed on March 15th-16th. Friday from 4pm until 11pm and Saturday 7am till 11:00pm.

Augie Garcia  
Sr Boil House

Not available

1. Jacklin Johnson	<input checked="" type="checkbox"/> Agree	<input type="checkbox"/> Disagree	Coastal Merchants	<input type="checkbox"/> Agree	<input checked="" type="checkbox"/> Disagree
2. Marsha Reid	<input checked="" type="checkbox"/> Agree	<input type="checkbox"/> Disagree	Randy Mann	<input type="checkbox"/> Agree	<input checked="" type="checkbox"/> Disagree
3. Christian Garcia	<input checked="" type="checkbox"/> Agree	<input type="checkbox"/> Disagree	Psychic Seas Tattoo	<input type="checkbox"/> Agree	<input checked="" type="checkbox"/> Disagree
4. Tasha Martin	<input checked="" type="checkbox"/> Agree	<input type="checkbox"/> Disagree		<input type="checkbox"/> Agree	<input type="checkbox"/> Disagree
5. Tracy Borrell	<input checked="" type="checkbox"/> Agree	<input type="checkbox"/> Disagree		<input type="checkbox"/> Agree	<input type="checkbox"/> Disagree
6. Diane Loyd	<input checked="" type="checkbox"/> Agree	<input type="checkbox"/> Disagree		<input type="checkbox"/> Agree	<input type="checkbox"/> Disagree
7. Rebecca Vison	<input checked="" type="checkbox"/> Agree	<input type="checkbox"/> Disagree		<input type="checkbox"/> Agree	<input type="checkbox"/> Disagree
8. <sup>Chalabon</sup> <del>March</del> Shawn	<input checked="" type="checkbox"/> Agree	<input type="checkbox"/> Disagree		<input type="checkbox"/> Agree	<input type="checkbox"/> Disagree
9. Michelle Serrin New Breeze	<input checked="" type="checkbox"/> Agree	<input type="checkbox"/> Disagree		<input type="checkbox"/> Agree	<input type="checkbox"/> Disagree
10. Latti McLeod	<input checked="" type="checkbox"/> Agree	<input type="checkbox"/> Disagree		<input type="checkbox"/> Agree	<input type="checkbox"/> Disagree
11. Janice Tarango	<input checked="" type="checkbox"/> Agree	<input type="checkbox"/> Disagree		<input type="checkbox"/> Agree	<input type="checkbox"/> Disagree
12. Molly Baker	<input checked="" type="checkbox"/> Agree	<input type="checkbox"/> Disagree		<input type="checkbox"/> Agree	<input type="checkbox"/> Disagree
13. Deborah Glenn	<input checked="" type="checkbox"/> Agree	<input type="checkbox"/> Disagree		<input type="checkbox"/> Agree	<input type="checkbox"/> Disagree
14. Michael McMahon	<input checked="" type="checkbox"/> Agree	<input type="checkbox"/> Disagree		<input type="checkbox"/> Agree	<input type="checkbox"/> Disagree
15. Eisa Cobles	<input checked="" type="checkbox"/> Agree	<input type="checkbox"/> Disagree		<input type="checkbox"/> Agree	<input type="checkbox"/> Disagree
16. Samir	<input type="checkbox"/> Agree	<input checked="" type="checkbox"/> Disagree		<input type="checkbox"/> Agree	<input type="checkbox"/> Disagree
17. Casey Whitley	<input checked="" type="checkbox"/> Agree	<input type="checkbox"/> Disagree		<input type="checkbox"/> Agree	<input type="checkbox"/> Disagree
	<input type="checkbox"/> Agree	<input type="checkbox"/> Disagree		<input type="checkbox"/> Agree	<input type="checkbox"/> Disagree
	<input type="checkbox"/> Agree	<input type="checkbox"/> Disagree		<input type="checkbox"/> Agree	<input type="checkbox"/> Disagree

1. Avidity Salon
2. Sassy's Boutique
3. SR Boilhouse
4. Rockbottom
5. Beach House
6. For the Birds
7. Treasure Island
8. Moon Over Water Gallery & Artist Market
9. New Beginnings
10. Songbird Chic
11. Whiskey Palm
12. Baker Law Firm
13. Rockport Gallery
14. Rockport Daily Grind
15. Elisa Baker ART
16. Mermaid Ranch
17. Rockport Living





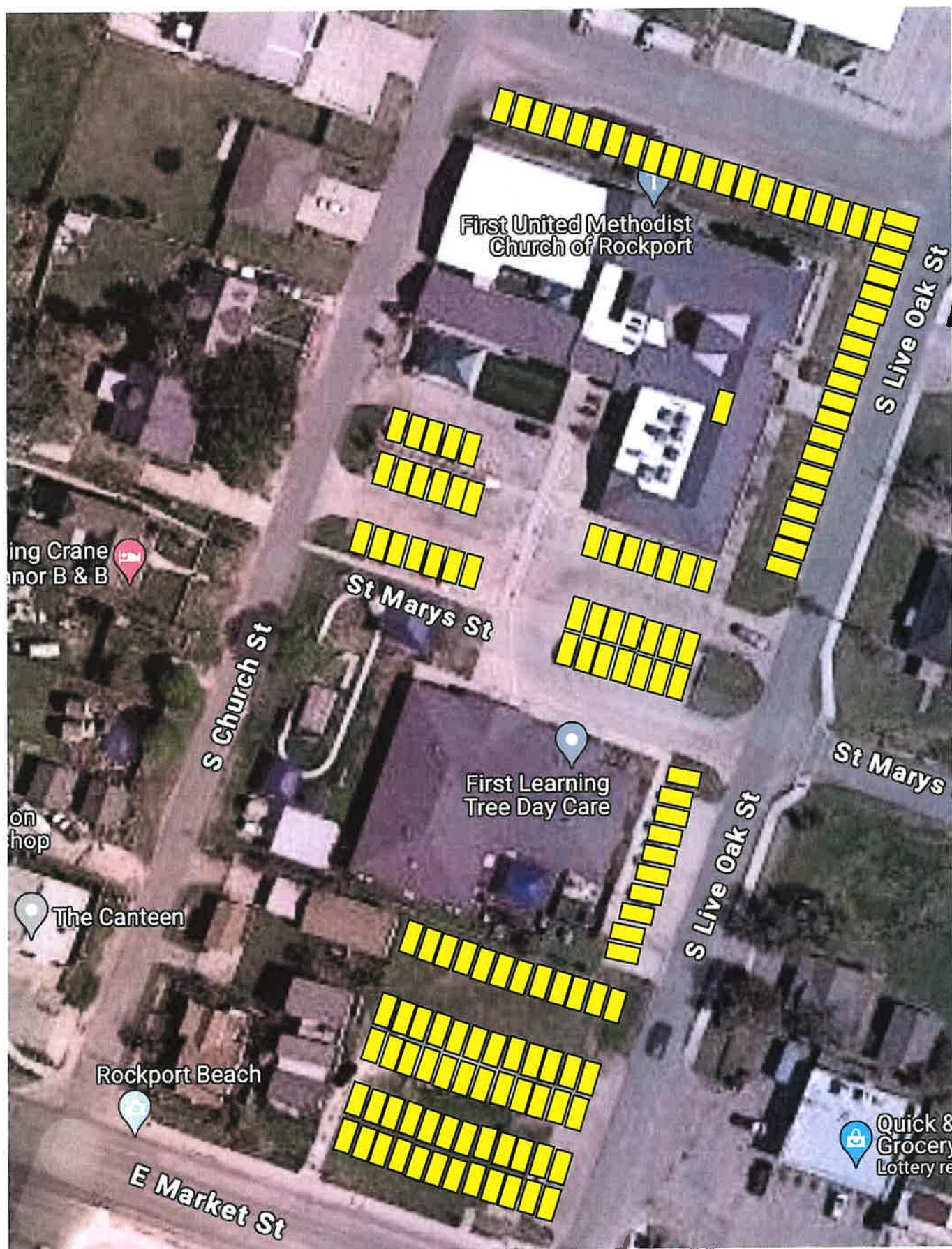




## **Parking Plan for the 2024 Rockport Crawfish Cook-Off and Tasting**

Attached you will find maps of the potential parking areas that can be used for the festival. Although this is a total representation of the event parking, it will serve as a base for potential parking areas. All these areas have not yet been approved, but the land owners have been contacted about the possibility of being used. The event will have Golf Cart shuttles to and from each of these areas. Insurance binders will be provided for areas being used as advertised parking. Our best guestimate for parking which does not include additional parking through out downtown is 1293 parking spots. This has the potential to serve 5,000 - 6000 patrons. As parking space becomes available the maps will be updated.

**1st Learning Tree 150 parking spots**  
**600 Potential guest**

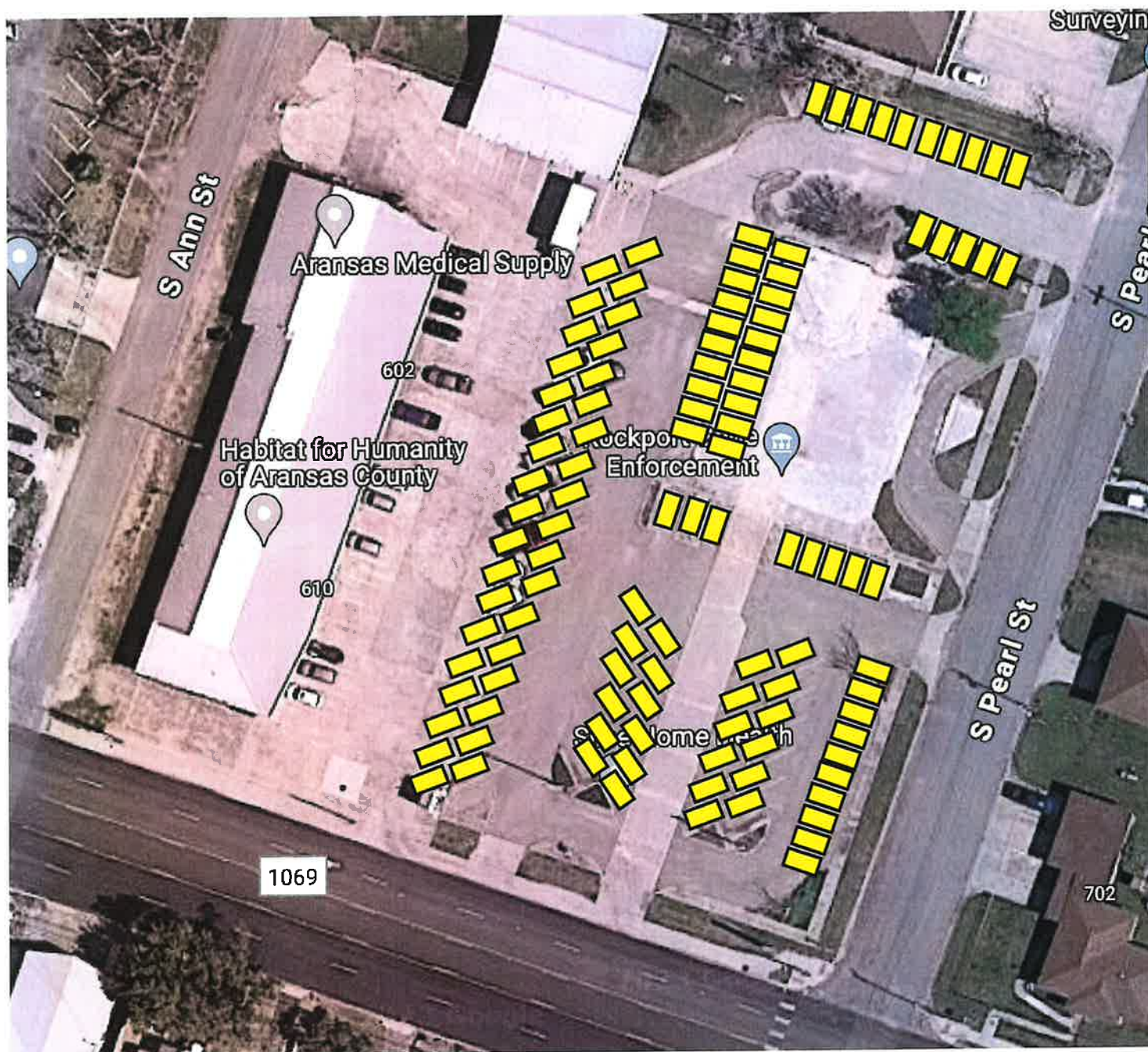






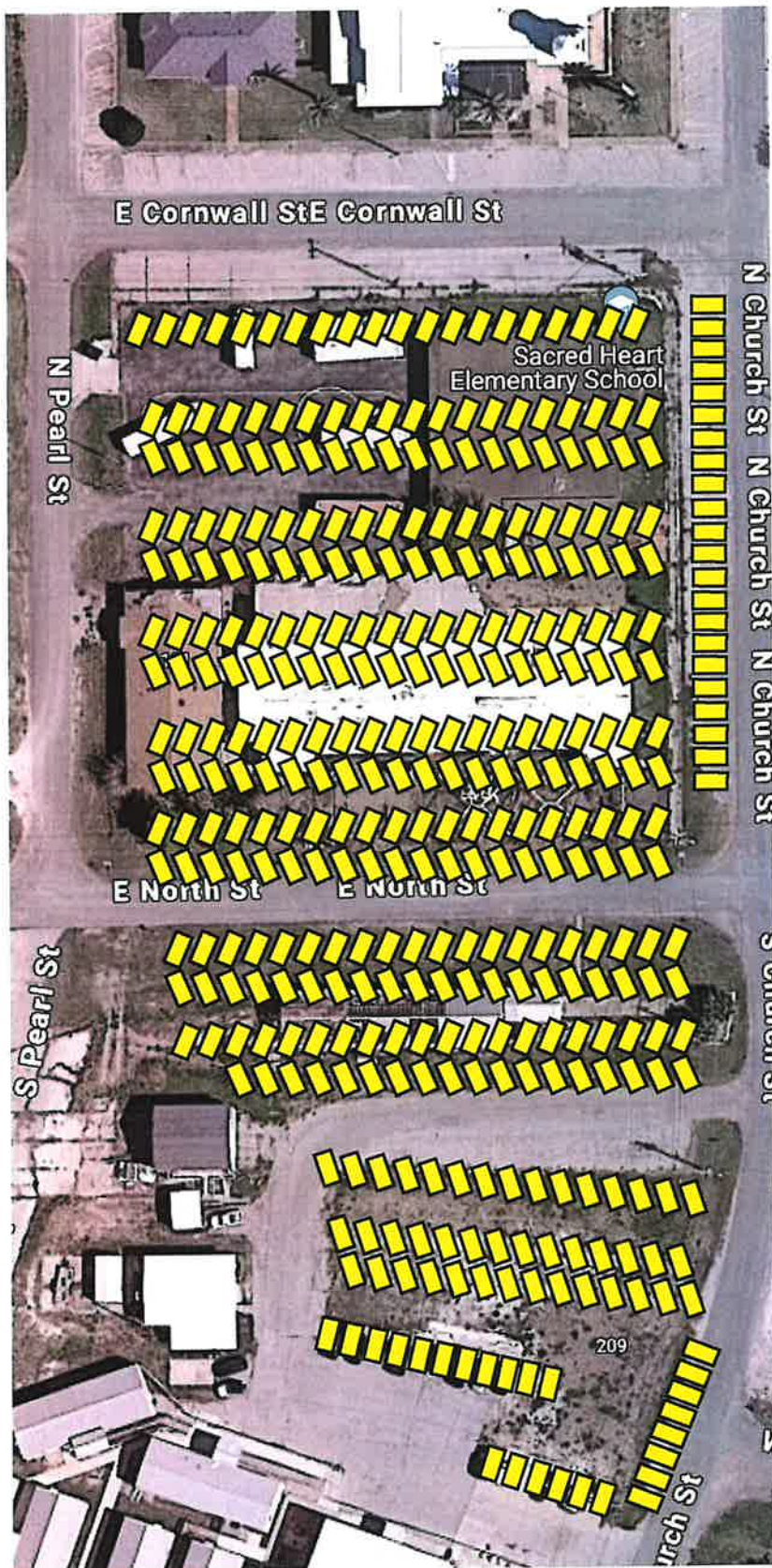
**76 parking spots**  
**304 Potential**  
**guest**

**Old City Hall Area 114 parking spots 456 guest**





**Sacred Heart Area**  
**189 parking spots**  
**756 guest**







**Depot - 56 spots 224 guest / Church Unlimited 80 spots - 320 guest / addition 78 parking spots - 312 guest**



**CITY COUNCIL AGENDA**  
**Regular Meeting: Tuesday, January 9, 2024**

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**AGENDA ITEM: 9**

Deliberate and act on second and final reading of an Ordinance amending the City of Rockport Code of Ordinances Chapter 26 “Businesses” by adding Article III Short Term Rentals; repealing all ordinances to the extent they are in conflict; providing for severability; providing for penalties; and providing an effective date.

**SUBMITTED BY:** Carey Dietrich - Assistant Director of Building & Development / Community Planner

**APPROVED FOR AGENDA: VRS**

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**BACKGROUND:** The discussion regarding the registration of short-term rentals has been ongoing for many months. The Building and Development Department conducted workshops with each Ward to discuss the amendment and receive recommendations from the public. Public input was received, and City Council discussed the proposed Ordinance at a Workshop on October 24, 2023. The final draft was presented to Council on December 12, 2023.

It is believed that we can address most of the issues arising with Short Term Rentals through our existing ordinances, so an Exhibit A points back to the Ordinances in place.

The fee for registration should be adequate to cover the cost of the Rentalscape Short Term Rental ID & Monitoring Program, which is essential to the success of our STR Program, and staff’s time to do site inspections at initial registration as well as any renewal registrations. Looking forward, this fee should also cover a code officer to handle increased complaints.

On December 12, 2023, Council moved to approve the first reading of the Ordinance with a change to Section 26-40 to say 30 days on filing an appeal. There have been no other changes in format or content of the Ordinance since Council approved the first reading.

See accompanying Ordinance for additional information.

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**FISCAL ANALYSIS: N/A**

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**RECOMMENDED ACTION:** Staff respectfully requests the second & final reading be postponed until the second Council meeting in January 2023, due to unforeseen staff circumstances.

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING THE CITY OF ROCKPORT CODE OF ORDINANCES CHAPTER 26 “BUSINESSES” BY ADDING ARTICLE III SHORT TERM RENTALS; REPEALING ALL ORDINANCES TO THE EXTENT THEY ARE IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR PENALTIES; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, on January 9, 2023, the Building & Development Department conducted a workshop for citizens of Ward 2 to review and make recommendations regarding the amendment to Chapter 26;

**WHEREAS**, on January 12, 2023, the Building & Development Department conducted a workshop for citizens of Ward 3 to review and make recommendations regarding the amendment to Chapter 26;

**WHEREAS**, on January 17, 2023, the Building & Development Department conducted a workshop for citizens of Ward 4 to review and make recommendations regarding the amendment to Chapter 26;

**WHEREAS**, on January 26, 2023, the Building & Development Department conducted a workshop for citizens of Ward 1 to review and make recommendations regarding the amendment to Chapter 26;

**WHEREAS**, on Tuesday, December 12, 2023, at a regular City Council meeting, the City Council conducted a Public workshop to allow citizens to review and make recommendations regarding the amendment to Chapter 26;

**WHEREAS**, on Tuesday, December 12, 2023, the City Council, after consideration and recommendation by City Staff, determined that the ordinance amendment be approved as provided herein.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCKPORT, TEXAS:**

**Section 1.** Chapter 26 of the Code of Ordinances of the City of Rockport, Texas is hereby amended as set forth in the attached Exhibit A, incorporated herein.

**Section 2.** The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

**Section 3.** All ordinances and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

**Section 4.** If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of

such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Ordinance would have been enacted without such invalid provision.

**Section 5.** It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

**Section 6.** Failure to comply with any provision of this Ordinance constitutes a class C misdemeanor punishable as provided by the general penalty provisions of section 1-7 of the Rockport Code of Ordinances.

**Section 7.** This Ordinance shall be effective upon the date of final adoption hereof, and publication of the caption and penalties as required by law.

**Section 8.** This Ordinance shall become effective upon adoption by second and final reading.

**APPROVED** and **PASSED** on first reading the 12<sup>th</sup> day of December 2023.

**CITY OF ROCKPORT:**

\_\_\_\_\_  
Tim Jayroe, Mayor

**ATTEST:**

\_\_\_\_\_  
Teresa Valdez, City Secretary

**APPROVED, PASSED and ADOPTED** on second reading the \_\_\_\_ day of \_\_\_\_\_ 2023.

**CITY OF ROCKPORT:**

\_\_\_\_\_  
Tim Jayroe, Mayor

**ATTEST:**

\_\_\_\_\_  
Teresa Valdez, City Secretary

## “EXHIBIT A”

### CHAPTER 26 BUSINESSES

#### ARTICLE III - SHORT TERM RENTALS

##### Sec. 26-32 Purpose

The purpose of this Article is to establish regulations for the registration and use of privately owned dwellings as Short Term Rentals, to minimize negative ancillary impact on surrounding properties, to ensure the timely collection and payment of Hotel Occupancy Tax, and to provide for the general welfare of residents and visitors.

##### Sec. 26-33 Definitions.

The following words, terms and phrases when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*City.* The City of Rockport, Texas.

*Local Contact Person.* The Owner, Operator, or person designated by the Owner or the Operator, who shall be available for the purpose of responding to concerns or requests for assistance related to the Owner's Short Term Rental.

*Occupant(s)* shall mean the person or persons who have rented the short term rental for a specified period and the daytime visitors of the overnight occupants.

*Operator.* The Owner or the Owner's authorized representative who is responsible for compliance with this Article while advertising and/or operating a Short Term Rental.

*Owner.* The person or entity that holds legal or equitable title to the Short Term Rental property.

*Short Term Rental (STR).* A privately owned dwelling, including but not limited to, a single family dwelling, condominium, duplex, townhouse, mobile home, **recreational vehicle (RV)** or any portion of such dwellings, rented by the public for consideration, and used for dwelling, lodging or sleeping purposes for any period less than 30 consecutive days. The term applies regardless of whether the dwelling was originally constructed or zoned as a residential dwelling. The term short term rental does not include:

- (1) Multi-family dwelling(s), apartment complex, hotel, motel, dormitory, public or private club, recreational vehicle park, hospital and medical clinic, nursing home or convalescent home, foster home, transitional housing facility, any housing operated or used exclusively for religious, charitable or educational purposes, and any housing owned by a governmental agency and used to house its employees or for governmental purposes.
- (2) Rental of a property pending closing of a real estate purchase contract.



*Short Term Rental Permit.* A permit issued by the City authorizing the use of a privately owned dwelling as a Short Term Rental.

*Short Term Rental Unit.* One or more habitable rooms forming a single habitable division within a Short Term Rental, or an entire undivided Short Term Rental, which is advertised to be occupied, is occupied, or is intended to be occupied by a single party of Guests under a single reservation and/or single rental payment.

#### **Sec. 26-34 Applicability**

- (a) The property owner shall designate themselves or an agent to comply with the requirements of this Article on behalf of the owner. The owner or designated agent is sometimes referred to as "operator" herein.
- (b) The owner shall not be relieved from any personal responsibility or personal liability for noncompliance with any applicable law, rule or regulation pertaining to the use and occupancy of the residential dwelling unit as a short term rental unit, regardless of whether such noncompliance was committed by the owner, operator, authorized agent or representative or the occupants or guests of the occupants.
- (c) This article is not intended to provide any owner/operator of residential property with the right or privilege to violate any city zoning (Chapter 118; City of Rockport Code), private conditions, covenants or restrictions applicable to the owner's property that may prohibit the use of such owner's residential property for short term rental purposes as defined in this section or to repeal, arrogate, or impair any existing easements, covenants, or deed restrictions.
- (d) Abrogation and greater restrictions. Where this article and another ordinance conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- (e) An advertisement promoting the availability of short-term rental property in violation of any provision of this ordinance is prima facie evidence of a violation.
- (f) The provisions of this article pertaining to short term rentals shall be reviewed by the city council within one year of the adoption of Ordinance No. \_\_\_\_\_. Those provisions are subject to amendment or repeal upon such review or at any other time. The adoption of the short term rental provisions of this article shall not be construed to create any enforceable right to the continuation of short term rentals or any right to compensation for loss, damages, costs, or expenses alleged to have been incurred in reliance upon its adoption or suffered as a result of its repeal.

#### **Sec. 26-35 Registration and Permit**

a) *Registration Required:* Prior to using a dwelling unit as a short term rental or advertising in any manner the availability of the dwelling unit for short term rental use, the operator must submit the following information on a form and in the manner prescribed by the City Manager or his/her designee:

(1) The name, address, email and telephone number of the Owner and Operator of the subject short term rental unit;

(2) The name, address, email and telephone number of a designated Local Contact Person;

(3) The Local Contact Person is the Operator or person designated by the Operator who is available for the purpose of:

i. Responding to complaints **presented by the Rockport Police Department** regarding the condition, operation, or conduct of occupants of the short term rental unit; and

**ii. Responding in person or by phone within twenty four (24) hours to all other complaints; and**

iii. Taking remedial action in a timely manner to resolve any such complaints;

(4) The name, mailing and physical address of the proposed short term rental unit;

(5) The number of sleeping rooms and applicable occupancy limit of the proposed short term rental unit. For purposes of this section a sleeping room is any enclosed habitable space within a dwelling unit which complies with the minimum room dimension and egress requirements of the adopted International Residential Code (insert section). This shall not be interpreted to include living rooms, family rooms and other similar rooms in which furniture such as fold-down beds or convertible couches are provided on a permanent basis for regular accommodation of residents, temporary or otherwise;

i. Maximum occupancy is two (2) adults per sleeping room, plus an additional **two (2)** per dwelling unit. Children shall not be counted in the occupancy calculation. For purposes of this section an adult is an individual twelve (12) years or older at the time of rental.

ii. The maximum occupancy of a short term rental shall be determined at the time a short term rental permit is issued or renewed. That capacity shall not be increased by subsequent construction of any addition to the structure covered by the permit or by construction of any other structure located on the property without an inspection and approval by the Building Official and submission of an amended registration form;

(6) If the applicant does not own the property where the rental unit is located, the applicant must provide written documentation, signed by the property owner before a notary public, authorizing the registrant to operate a short term rental on the premises;

(7) The zoning district classification of the property, to be verified by the Building and Development Services Department;

(8) A diagram showing the proposed layout of the property use and any on-site parking available for the Short Term Rental;

(9) Payment of all fees, established by this article or the City Council and, for registration renewals, proof of collection and payment of Hotel Occupancy Tax due during the preceding registration periods; and

(10) Incomplete applications will not be processed and, as a result, any premises associated with an incomplete application will not be registered in compliance with or as required by this division; and

(11) Any additional information the City Manager or his/her designee determines necessary for the administration of this section.

(b) Prior to issuance of a Short Term Rental Permit, the Operator shall allow an on-site inspection of the Short Term Rental Unit by the Building Official or his/her designee to ensure compliance with the following:

(1) The requirements set forth in Section 26-36(a)(1) through (9) of this Article; and

(2) The requirements set forth in Sections 26-36(b)(1) through (9) of this Article.

Subsequent year registrations must include an affidavit that there are no changes since the last inspection. A live inspection must occur every 5 years.

(c) Any existing short term rental shall have ninety (90) days from adoption of the ordinance from which this article derives to complete the required registration and obtain their short term rental permit.

(d) Transferability. A short term rental permit is not transferable to a new property owner. a new owner must apply for a short term rental permit within sixty (60) days from the closing date of the purchase or any other conveyance of ownership. Failure of a new property owner to apply for permit within sixty (60) days from the closing date may result in the revocation or non- renewal of an existing short term rental permit or the denial of a new short term rental registration.

(e) Any property owner delinquent and/or owing city fees to include but not limited to property taxes, sanitation or utility service fees, and property maintenance fees will be prohibited from registering a short term rental until such time as payment or acceptable resolution is approved by the **City Manager or his/her designee**.

(f) Registration fee; renewal fee.

(1)The short term rental registration form shall be accompanied by an initial non-refundable per unit registration fee as established by City Council.

(2) The initial registration of the short term rental is valid for twenty four (24) months from the date the completed registration is filed with the city and payment of the

registration fee has been made unless ownership of the short term rental changes at which time a new registration will be required and new permit issued. Subsequent renewal of a short term rental will be on an annual calendar year basis beginning January 1 of each year..

(g) Each short term rental, once properly registered, shall be issued a permit with a unique registration number. The registration number must be included in any and all advertisement for the short term rental including internet booking sites.

**Sec. 26-36. Short Term Rental operational requirements.**

(a) The Operator shall post the following information in a prominent location within the Short Term Rental Unit, using a form promulgated by the City:

- (1) The unique Short Term Rental Permit number assigned to the Short Term Rental Unit;
- (2) Operator name and number;
- (3) Local Contact Person name and number;
- (4) The location of any on-site and off-site parking spaces available for Guests;
- (5) The occupancy limits;
- (6) Instructions to Guests concerning disposal of garbage and handling of garbage containers;
- (7) Depiction of floor plan identifying evacuation routes, including the dwelling's exits, primary evacuation routes and secondary evacuation routes near the front door of the dwelling;
- (8) Information to assist guests in the case of emergencies posing threats to personal safety or damage to property, including emergency and non-emergency telephone numbers for police, fire and emergency medical services providers and instructions for obtaining severe weather, natural or manmade disaster alerts and updates;
- (9) Notification that the Guests are responsible for compliance with all applicable laws, rules and regulations pertaining to the use and occupancy of the Short Term Rental, and that Guests may be fined by the City for violations of this Article; and

(b) The Operator shall operate a Short Term Rental in compliance with the following:

- (1) Zoning regulations prescribed for the zoning district in which such Short Term Rental is located, set forth in Chapter 118 of the Code of Ordinances.
- (2) City of Rockport Sign Ordinance, as applicable, set forth in Chapter 6 Article II of the Code of Ordinances.
- (3) Maximum occupancy limits prescribed by the Building Official, pursuant to the International Fire Code as adopted in Chapter 46 Article III of the Code of Ordinances.
- (4) Parking shall comply with Chapter 98, Article IV of the City's Code of Ordinances
- (5) Each Short-Term Rental owner shall provide in the Short-Term Rental working smoke/carbon monoxide detectors in accordance with adopted codes, and at least one working type A fire extinguisher. The premises shall otherwise comply with the applicable Code of Ordinance requirements, including but not limited to all building and fire codes.
- (6) City of Rockport Hotel Occupancy Tax Ordinance, set forth in Chapter 94 Article IV of the Code of Ordinances.
- (7) City of Rockport Noise and Sound Level Regulation Ordinance, set forth in Chapter 42 Article III of the Code of Ordinances.
- (8) City of Rockport Garbage Collection Ordinance, set forth in Chapter 82 Article II of the Code of Ordinances. Accumulation of trash per Chapter 42 Article II division 2.
- (9) During any period when a Short Term Rental is occupied or intended to be occupied by Guests, the Local Contact Person shall be available for the purpose of responding to concerns or requests for assistance related to the condition, operation, or conduct of Guests of the Short Term Rental.

#### **Sec. 26-37. Notification of complaints.**

Complaints related to the operation of a Short Term Rental, including but not limited to complaints concerning noise, garbage, parking, and disorderly conduct by Guests, shall be reported to the City Code Enforcement office for daytime hours and the Police Department after hours.

#### **Sec. 26-38. Compliance with other laws.**

The Owner, Operator, Local Contact Person, and Guests shall comply with all applicable laws, rules and regulations pertaining to the operation, use, and occupancy of a Short Term Rental. The Owner shall not be relieved from any civil or criminal liability for a violation of this Article,



regardless of whether such violation is committed by the Owner, Operator, Local Contact Person, or Guest of the Owner's Short Term Rental.

Nothing in this Article shall be construed to relieve any person or Owner of any other applicable requirements of federal, state, or local law, rules, or regulations. Nothing in this Article shall be construed to provide any property owner with the right or privilege to violate any private conditions, covenants, and restrictions applicable to the Owner's property that may prohibit the use of such Owner's property as a Short Term Rental as defined in this Article.

**Sec. 26-39. Compliance and Penalty provision.**

- (a) It shall be unlawful for any person or entity to violate any provision of this Article. Proof that a violation of this Article occurred at a Short Term Rental shall create a rebuttable presumption that the Owner of said Short Term Rental committed the violation.
- (b) Any violation of this Article is a Class C misdemeanor offense, and upon conviction, shall be punished by a fine as set forth in Section 1-7 of the Code of Ordinances.
- (c) Prosecution under this Article shall not require the pleading or proving of any culpable mental state.
- (d) Penalties provided for in this Article are in addition to any other criminal or civil remedies that the City may pursue under federal, state, or local law.

**Sec. 26-40. Permit suspension or revocation; appeal.**

Upon conviction of a violation of this Article, the City Manager may suspend or revoke any Short Term Rental Permit issued for the same Short Term Rental where the violation occurred. The City Manager shall notify an Owner of a suspension or revocation under this Section in writing, delivered by Certified Mail, Return Receipt Requested, and mailed to the address of the Owner as set forth on the most recent Short Term Rental Permit application submitted to the City.

An Owner may appeal a notice of suspension or revocation under this Section by filing a written appeal with the City Manager within thirty days following the date said notice was deposited in the U.S. Mail. Following a timely filing of an appeal hereunder, the Owner may present evidence to the City Manager related to the suspension or revocation under this Section. Following the City Manager's final decision on appeal, the Owner may appeal an adverse decision of the City Manager by filing a written appeal with the City Council within five business days following the date of the City Manager's final decision.