

CITY OF ROCKPORT

MINUTES

CITY COUNCIL REGULAR MEETING 6:30 p.m., Tuesday, January 9, 2024 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 9th day of January 2024, 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. – *via ZOOM for Executive Session only*
Assistant to the City Manager Kimberly Henry
City Secretary Teresa Valdez
Director of Public Works and Building & Development Services Mike Donoho
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

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, January 9, 2024, in the

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

2. Pledge of Allegiance.

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

Mayor Jayroe announced that the City Council may not take any action on Agenda Item 9 because staff is recommending postponement.

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 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.

Patrick Kane, 1123 East Cedar Street, addressed the Council and commented: I have heard from the City Manager that the City will deny a Short-Term Rental permit for accessory use dwellings in residential districts as they are illegal according to the City's codes; there is no differentiation between accessory buildings and short-term rentals; went to the Comprehensive Plan and it states "the language in the existing ordinances should be amended to allow for smaller homes on infill lots and accessory dwelling units"; and would like City Council to ask staff to provide an update on the projects and actions they are undertaking to implement the Comprehensive Plan.

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 December 12, 2023, and Special Meeting Minutes of December 13, 2023.

7. Deliberate and act to appoint members to Planning and Zoning Commission.

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

MOTION: Council Member Brundrett moved to approve the Consent Agenda, as presented. Council Member Hale seconded the motion. Motion carried unanimously.

Public Hearings

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.

Mayor Jayroe opened the Public Hearing at 6:35 p.m.

City Secretary Teresa Valdez explained that when the City receives a Petition for the vacating of an alleyway or street a Public Hearing is required per Ordinance. Ms. Valdez stated the City has received a Petition for permanent abandonment of a 20-foot-wide alleyway in Block 108 of the Manning Addition.

There were no public comments.

Mayor Jayroe closed the Public Hearing at 6:36 p.m.

Regular Agenda

- 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.**

City Secretary Teresa Valdez said the City had received a Petition for the vacating of a 20-foot-wide alleyway lying between Lots 4 through 6 and Lots 12 through 14, Block 108, Manning Addition from Ocean Glory Homes. Ms. Valdez stated the required Public Hearing was conducted this evening and this is the first reading of the Ordinance to vacate the 20-foot-wide alleyway. Ms. Valdez added the alleyway is appraised at \$0.

MOTION: Council Member Brundrett moved to approve the 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. Council Member Rangel seconded the motion. Motion carried unanimously.

- 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 5th Annual Crawfish Festival; or alternate locations.**

City Manager Shrauner stated the requestor has moved off of his request to close South Austin Street for the Annual Crawfish Festival. Ms. Shrauner said the requestor will consider using the 43 acres previously purchased by the City with a cost share going to the City. Ms. Shrauner added a lot of logistics need to be worked out between now and the next Council meeting, and it will take some work, and thinks it could be worked out. Ms. Shrauner stated the new request could be brought to the Council at the January 23, 2024 meeting.

MOTION: Council Member Brundrett moved to deny 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 5th Annual Crawfish Festival. seconded the motion. Motion carried unanimously.

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.

City Manager Vanessa Shrauner said staff respectively recommends Council postpone the second and final reading of the Ordinance until the January 23, 2024 Council meeting due to staff family illnesses and emergencies that prevented them from getting the fees finalized in this Ordinance. Ms. Shrauner stated the Ordinance clearly delineates between short-term and long-term rentals. Ms. Shrauner declared she has not told anybody the City would deny permits.

Council Member Rangel said she has received some correspondence and she wanted to make sure those concerns were addressed.

Ms. Shrauner stated she has been in correspondence with the person Ms. Rangel received the correspondence from and she will email Ms. Rangel a copy of said correspondence.

George Reikers, 802 East Market Street, addressed the Council and commented: Section 26.36 of the Ordinance does not allow weddings, meetings, or gatherings and South Rockport Neighbors has done that for years with their meetings; and too much government.

Ms. Shrauner responded to Mr. Riekers that he had an older version of the Ordinance.

Jim Godfrey, 802 East Market Street, addressed the Council and commented: Concerns regarding a contact person being available 24-hours a day; International Residential Code cited in Ordinance- has 40 Chapters – has Council read this; where the word "shall" is you could put "will"; and suggest City officials meet with short-term rental committee.

Ms. Shrauner responded to Mr. Godfrey that she has attended two meetings of the Short-Term Rental Council and will be attending another on the 17th to do a presentation.

Carl Brown, 732 South Pearl Street, addressed the Council and commented: Bought property in May 2021; you are running out the Bed & Breakfast and short-term rentals.

Patrick Kane, 1123, East Cedar Street addressed the Council and commented: Has spoken with Ms. Shrauner and she addressed his concerns except the change to the number of days for an owner to file a written appeal with the City Council – It says 5 days and it should say 30 days; daytime guests are being included in the occupancy count and this was specifically struck down by the Texas Third Court of Appeals; RV's are not short-term rentals and that is straight from the Texas Comptroller; you are adding things that will be challenged; International Code still says “insert section”; and several small minor changes need to be made for final reading.

Council Member Hale suggested an outline be put on the City's website of the process when this was first started and all the meetings conducted. Council Member Hale said there are full packets of information in Agenda Packets that citizens may see. Council Member Hale added she thought it was an important story on how this Council approached public comment on this.

Ms. Shrauner said she will have that information for the first meeting in February.

MOTION: Council Member Brundrett moved to postpone until the first Council meeting in February, the 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. Mayor Pro-Tem Hattman seconded the motion. Motion carried unanimously.

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; 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 she has been working with several people on the short-term rental ordinance. Council Member Rangel stated she enjoyed the holidays with her family in Washington.

Council Member Hale said she will not be attending the next Council meeting because she is involved with the San Patricio & Aransas County A & H show that will be in Sinton. Council Member Hale announced she will not be filed for re-election because she will be moving into the County. Council Member Hale expressed she enjoyed her service as a Council Member.

Council Member Brundrett announced the Texas Aggie Singing Cadets will be performing at

6:30 p.m. on Thursday night at the Martin Luigi Auditorium and this is a fundraiser for scholarships for the Rockport-Fulton A&M Club.

Mayor Pro-Tem Hattman reported she attended the Stormwater meeting yesterday and she asked Ms. Shrauner to give a report from that meeting.

Ms. Shrauner stated this has been a committee for 10 years or more and it was formed to borrow money and do a project. Ms. Shrauner said they continue to meet while they pay back the loan and the entities are trying to turn that committee into a more technical committee. Ms. Shrauner stated all entities are on board and will be working together and they intend to adopt a comprehensive drainage plan for the entire peninsula. Ms. Shrauner added each entity will have a person and a back-up.

Mayor Jayroe stated he wanted to recognize Jack Lyons who passed away on December 7, 2023. Mayor Jayroe said Mr. Lyons was 99 years old and a treasure to our community; he was Lynn Powers' father. Mayor Jayroe expressed Mr. Lyons was important to him and to the community.

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:

- 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.**

At 7:11 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) City Hall; and 2) Concho Street & General Land Office (GLO) drainage projects; and 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.

At 7:56 p.m., Mayor Jayroe reconvened the Rockport City Council into open session pursuant to the provisions of Chapter 551 of the Texas Government Code.

13. Adjournment.

At 7:56 p.m., Council Member Brundrett moved to adjourn the meeting. Motion was seconded by Mayor Pro-Tem Hattman. Motion carried unanimously.

ATTEST:


Teresa Valdez, City Secretary



APPROVED:


Andrea Hattman, Mayor Pro-Tem