

# CITY OF ROCKPORT

## MINUTES

### CITY COUNCIL REGULAR MEETING

6:30 p.m., Tuesday, May 23, 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 at the meeting.

On the 23<sup>rd</sup> day of May 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  
Assistant to City Manager Kimberly Henry  
City Attorney Art Rodriguez, Jr.  
Director of Public Works and Building & Development Services Mike Donoho  
Chief of Police Greg Stevens  
Parks & Leisure Services Director Gene Camargo  
Information Technology Director Bob Argetsinger  
Communications Center Director Lee Brown  
Building & Development Services Assistant Director & Community Planner Carey Dietrich

#### ELECTED OFFICIALS PRESENT

Aransas County Judge Ray Garza

#### 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, May 23, 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.

**3. Presentation of Certificate of Election to newly-elected official for Ward 1.**  
*(Presentación del Certificado de Elección al funcionario recién elegido para el Barrio 1.)*

Mayor Jayroe presented the Certificate of Election to Stephanie Rangel the newly-elected Council Member for Ward 1.

**4. Administration of Oath of Office to newly-elected official for Ward 1.**  
*(Administración del Juramento del Cargo al funcionario recién elegido para el Barrio 1.)*

Aransas County Judge Ray Garza administered the Oath of Office to Stephanie Rangel the newly-elected Council Member for Ward 1.

**5. Presentation of Certificate of Election to re-elected official for Ward 3.**  
*(Presentación del Certificado de Elección al funcionario reelecto del Barrio 3.)*

Mayor Jayroe presented the Certificate of Election to Brad Brundrett the re-elected Council Member for Ward 3.

**6. Administration of Oath of Office to re-elected official for Ward 3.**  
*(Administración del Juramento del Cargo al funcionario reelegido para el Distrito 4.)*

Mayor Jayroe administered the Oath of Office to Brad Brundrett the re-elected Council Member for Ward 3.

**7. Deliberate and act on election by Council of Mayor Pro-Tem.**

Council Member Brundrett moved to elect Council Member Hattman to serve as Mayor Pro-Tem for a term of May 2023 to May 2024 pursuant to the City of Rockport Home Rule Charter. Council Member Hale seconded the motion. Motion carried unanimously.

**8. 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.

Adelaide Marlatt, 456 Augusta, addressed the Council and provided names for people who can clean or dig out the ponds in the Rockport Country Club and requested another meeting to move forward with additional work in the Rockport Country Club.

Ken Baron, 402 Cascades, addressed the Council and voiced concerns about additional drainage issues in the Rockport Country Club since the drainage project has been completed.

## **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.

- 9. Deliberate and act on approval of City Council Regular Meeting Minutes of May 9, 2023, and Special Meeting Minutes of May 17, 2023.**
- 10. Deliberate and act on 2<sup>nd</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 2<sup>nd</sup> quarter report from the Texas Maritime Museum for Fiscal Year 2022-2023 marketing expenditures.**
- 12. Deliberate and act on 2<sup>nd</sup> quarter report from Rockport Cultural Arts District for Fiscal Year 2022-2023 marketing expenditures.**
- 13. Deliberate and act on 1<sup>st</sup> and 2<sup>nd</sup> quarter report from Friends of the Fulton Mansion State Historic Site for Fiscal Year 2022-2023 marketing expenditures.**
- 14. Deliberate and act to appoint member to the Zoning Board of Adjustment & Building Standards Commission.**
- 15. Deliberate and act on second & final reading of an Ordinance of the City Council of the City of Rockport, Texas authorizing the acceptance of credit cards for payment of fees, fines, court costs and other charges; providing for a processing fee for payment of fees, fines, court costs and other charges by credit card; providing for a service charge if a payment is not honored; providing for severability; providing a repealer clause; finding and determining that the meeting at which this Ordinance is passed is open to the public as required by law; and establishing an effective date.**

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

Council Member Hale requested Consent Agenda Item 9 be pulled for separate discussion.

**MOTION:** Council Member Hale moved to approve the Consent Agenda Items, minus Item 9, as presented. Mayor Pro-Tem Hattman seconded the motion. Motion carried unanimously.

Mayor Jayroe read the caption of the Ordinance listed as Consent Agenda Item No. 15:

### **Consent Agenda Item 9.**

Council Member Hale stated there was a correction to the Minutes of the May 17, 2023 Special Meeting and City Secretary Teresa Valdez has made the correction (Brad Brundrett and Stephanie Rangel were noted as present at the meeting and they were not in attendance). Council Member Hale said she just wanted to make sure that was noted since the incorrect Minutes were in the packet.

**MOTION:** Council Member Hale moved to approve Consent Agenda Item 9. Council Member Brundrett seconded the motion. Motion carried unanimously.

### Regular Agenda

**16. Postponed – May 9, 2023: Deliberate and act on first reading of an Ordinance authorizing the closing, vacating and abandonment of a portion of Sweet Bay Avenue, lying between Lot No. 32, Block No. 4, Denver Heights Subdivision, and Lot No. 17, Block No. 7, Denver Heights Subdivision, City of Rockport, Aransas County, Texas, according to the plat recorded in Volume 1, Page 9, Real Public Records of Aransas County, Texas; providing for the terms and conditions of such vacation and abandonment; authorizing the Mayor to execute a quitclaim deeds for the 0.193 acre or 8419 square feet to be closed, vacated and abandoned; and providing for an effective date.**

City Manager Vanessa Shrauner stated the City has received an appraisal of the property, \$25,000, and if Mr. Pham and Mr. Elkins are agreeable to that cost, staff is requesting authorization to sell the property.

James M. Elkins addressed the Council and stated he and Mr. Pham have discussed the cost and have agreed to split the cost and purchase the property from the City.

**MOTION:** Council Member Brundrett moved to approve the first reading of an Ordinance authorizing the closing, vacating and abandonment of a portion of Sweet Bay Avenue, lying between Lot No. 32, Block No. 4, Denver Heights Subdivision, and Lot No. 17, Block No. 7, Denver Heights Subdivision, City of Rockport, Aransas County, Texas, according to the plat recorded in Volume 1, Page 9, Real Public Records of Aransas County, Texas; providing for the terms and conditions of such vacation and abandonment; authorizing the Mayor to execute a quitclaim deeds for the 0.193 acre or 8419 square feet to be closed, vacated and abandoned; and providing for an effective date; until the appraisal is received. Mayor Pro-Tem Hattman seconded the motion. Motion carried unanimously.

**17. Deliberate and act on first reading of an Ordinance amending Chapter 22 “Buildings and Building Regulations” Article IX “Permit and License Fees” of the Code of Ordinances, City of Rockport, Texas; repealing all ordinances to the extent they are in conflict; providing for severability; and providing an effective date.**

Community Planner Carey Dietrich addressed the Council and stated staff has realized the City was doing engineer reviews for plats, and plans and not being reimbursed for that by the developers. Ms. Dietrich stated there were also things in this Chapter that are no longer applicable, such as licensing for electricians, so that was removed. Ms. Dietrich explained there were no changes made to any of the fees, but it was rewritten to be compliant with what is being done currently. Ms. Dietrich added there was a question as to whether we should define “homesteaded” and that is completely up to the Council.

Council Member Hale said there are different ways people define homesteaded and this may be a way to include clearer language such as “a homestead exemption.”

Ms. Dietrich stated items were taken out stemming from Hurricane Harvey because they are no longer relevant: registration fees and waiving registration fees during emergencies.

Discussion was held among Council Member Hale, Ms. Dietrich and Public Works Director Mike Donoho.

**MOTION:** Council Member Hale moved to approve the first reading of an Ordinance amending Chapter 22 “Buildings and Building Regulations” Article IX “Permit and License Fees” of the Code of Ordinances, City of Rockport, Texas, with two amendments: in Section 22.311 (a) – instead of the word “homesteaded” add language that explains a homestead exemption as defined by Aransas County Appraisal District, and remove No. (2) “There shall be no fee assessed to registrations made during disaster declaration(s)”; repealing all ordinances to the extent they are in conflict; providing for severability; and providing an effective date. Mayor Pro-Tem Hattman seconded the motion. Motion carried unanimously.

**18. Deliberate and act on first reading of an Ordinance of the City Council of the City of Rockport, Texas adopting an Order declaring certain Charter Amendments adopted pursuant to a Special Election held on Saturday, May 6, 2023; adopting an authenticated copy of the Home Rule Charter for certification by the Mayor; ordering the mailing of such authenticated copy of the Amended City of Rockport Home Rule Charter showing the approval by the voters to the Secretary of State for file and recording said certification; providing for severability; finding and determining that the meeting at which this Ordinance is passed is open to the public as required by law; and establishing an effective date.**

**MOTION:** Mayor Pro-Tem Hattman moved to approve the first reading of an Ordinance of the City Council of the City of Rockport, Texas adopting an Order declaring certain Charter Amendments adopted pursuant to a Special Election held on Saturday, May 6, 2023; adopting an authenticated copy of the Home Rule Charter for certification by the Mayor; ordering the mailing of such authenticated copy of the Amended City of Rockport Home Rule Charter showing the approval by the voters to the Secretary of State for file and recording said certification; providing for severability; finding and determining that the meeting at which this Ordinance is passed is open to the public as required by law; and establishing an effective date. Council Member Brundrett seconded the motion. Motion carried unanimously.

**19. Deliberate and act on acceptance of Rockport Harvey Housing, LLC (Pearl Point) annual report and approval of rebate for property taxes paid in 2022 per 2018 Chapter 380 Economic Development Agreement with Rockport Harvey Housing, LLC.**

City Manager Shrauner explained this is a 380 Agreement approved by Council in 2018. Ms. Shrauner said Pearl Point is being built in two phases and they have met the conditions of the 380 Agreement. Ms. Shrauner stated this results in a payment of \$33,926 due to the developer.

**MOTION:** Council Member Brundrett moved to accept the Rockport Harvey Housing, LLC (Pearl Point) annual report and approval of rebate for property taxes paid in 2022 per 2018 Chapter 380 Economic Development Agreement with Rockport Harvey Housing, LLC. Council Member Hale seconded the motion. Motion carried unanimously.

**20. Deliberate and act on acceptance of Gulf Coast Hardware, LLC (Ace Hardware) annual**

**report and approval of payment for increase in sales and use tax paid in 2022 per 2016 Chapter 380 Economic Development Agreement with Gulf Coast Hardware, LLC.**

City Manager Shrauner stated this is a 380 Agreement approved by Council in 2016. Ms. Shrauner said they have met the conditions of the Agreement and they are due 40% of the increase in sales tax from 2015.

**MOTION:** Council Member Brundrett moved to accept the Gulf Coast Hardware, LLC (Ace Hardware) annual report and approval of payment for increase in sales and use tax paid in 2022 per 2016 Chapter 380 Economic Development Agreement with Gulf Coast Hardware, LLC. Mayor Pro-Tem Hattman seconded the motion. Motion carried unanimously.

**21. Deliberate and act on approval of emergency purchase order for equipment to replace a failed rake system in the “Clarifier” at the Wastewater Treatment Plant (WWTP).**

Public Works Director Mike Donoho explained this equipment will replace an existing rake system that had a catastrophic failure at the Wastewater Treatment Plant. Mr. Donoho said that a few weeks ago staff came to you to replace the grit screw and it has a 6-9 month delivery date. Mr. Donoho stated there has been another failure, the rake system, and he explained the importance of the replacement. Mr. Donoho said the equipment was ordered on May 16, 2023, and it has about a 6-9 week delivery time, the City has a contractor in place to install when the equipment is received. Mr. Donoho added this could affect the City’s TCEQ permit levels.

Discussion was held between the Council and Mr. Donoho.

**MOTION:** Council Member Hale moved approval of an emergency purchase order for equipment to replace a failed rake system in the “Clarifier” at the Wastewater Treatment Plant. Council Member Brundrett seconded the motion. Motion carried unanimously.

**22. City Manager Report:  
A. Projects.**

City Manager Shrauner said she had nothing to report tonight.

**23. 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 thanked everyone for the welcome and support. Council Member Rangel stated she was looking forward to serving as Council Member for Ward 1.

Council Member Hale reported she has had a couple of constituents reach out to her about water

behavior in their community as construction has commenced. Council Member Hale said she has also had some calls regarding code enforcement concerns.

Council Member Brundrett reported he attended the Texas Municipal League Leadership Academy this past week and it was a worthwhile academy to attend. Council Member Brundrett stated the City had received some good news on the GLO project.

Mayor Pro-Tem Hattman thanked Ms. Marlatt and Mr. Baron for their comments tonight. Mayor Pro-Tem Hattman said she attended the Texas Municipal League Small City Conference. Mayor Pro-Tem Hattman added the children are out of school this week and let's all give the graduating seniors "kudos".

Mayor Jayroe reported the June 13, 2023, City Council Meeting has been rescheduled for Wednesday, June 14, 2023.

### 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:

- 24. 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: Concho Street & General Land Office (GLO) drainage projects.**
- 25. Section 551.072 Deliberations about Real Property to deliberate the purchase, exchange, lease, or value of real property: Portion of Sweet Bay Avenue, lying between Lot No. 32, Block No. 4, Denver Heights Subdivision, and Lot No. 17, Block No. 7, Denver Heights Subdivision, City of Rockport, Aransas County, Texas, according to the plat recorded in Volume 1, Page 9, Real Public Records of Aransas County, Texas; and other.**

### 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.

An Executive Session was not held.

### **26. Adjournment.**

At 7:14 p.m., Mayor Pro-Tem Hattman moved to adjourn. Motion was seconded by Council Member Brundrett. Motion carried unanimously.



**APPROVED:**

  
Tim Jayroe, Mayor

**ATTEST:**

  
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Teresa Valdez, City Secretary