

CITY OF ROCKPORT

MINUTES

CITY COUNCIL REGULAR MEETING 6:30 p.m., Tuesday, September 26, 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 26th day of September 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 Danielle Hale, Ward 2
Council Member Brad Brundrett, Ward 3

CITY COUNCIL MEMBER(S) ABSENT

Council Member Stephanie Rangel, Ward 1

STAFF MEMBERS PRESENT

City Manager Vanessa Shrauner
Assistant to City Manager Kimberly Henry
City Secretary Teresa Valdez
City Attorney Brad Bullock
Information Technology Acting Network Administrator Tommy Saucedo
Community Planner Carey Dietrich
Director of Finance Robbie Sorrell
Communications Center Director Lee Brown
Chief of Police Greg Stevens
Police Lieutenant Stefanie Garcia
Receptionist Angie Flores-Sauceda

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, September 26, 2023, 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.

3. Proclamation: World Teachers' Day – October 5, 2023.

Mayor Jayroe proclaimed October 5, 2023, as World Teachers' Day in Rockport, Texas.

4. Citizens to be heard.

At this time, comments limited to three (3) minutes will be taken from the audience from persons who have signed the speaker's card located on the table in the back of the Training Room of the Service Center and delivered to the City Secretary before the meeting begins, or written comments received by 4:00 p.m. on the day of the meeting, on any 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.

Ken Barron, 402 Cascades Drive, addressed the Council and commented: Requesting the Rockport Country Club receive their share of the budgeted \$200,000 for maintenance of the drainage system in the Country Club; and requesting you complete the job you started.

John McDavid, 1006 East Orleans, addressed the Council and commented: Residents on Orleans Street all the way to Magnolia Street are concerned about the dust – can you provide a temporary fix; and concerned about drainage if we have a major flood – is there anyway the drainage system can be connected to drain in the Ski Basin or can a hole be put in the box.

Consent Agenda

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

5. Deliberate and act on approval of City Council Regular Meeting Minutes of September 12, 2023.

6. Deliberate and act on a Utility Services Agreement by and between the City of Rockport and Metropol LLC regarding property located at 2582-R FM 1069; also known as, Lucas Ranch, Block 2, Lots 1 & 2 & North one-half of Lots 16 & 17, Part of Lot 18, being 88.01 acres, City of Rockport, Aransas County, Texas, to include pro-rata fees per living unit equivalent (LUE) for water and wastewater services.

7. Deliberate and act on Fiscal Year 2023-2024 Hotel Occupancy Tax Agreement with the Aransas County Council on Aging for the 2024 Bountiful Bowl Pottery Fair.

8. Deliberate and act on Fiscal Year 2023-2024 Hotel Occupancy Tax Agreement with the Rockport Center for the Arts for advertising and tourism promotion.

9. **Deliberate and act on Fiscal Year 2023-2024 Hotel Occupancy Tax Agreement with The Rockport Conference Center for advertising and tourism promotion.**
10. **Deliberate and act on Fiscal Year 2023-2024 Hotel Occupancy Tax Agreement with the Rockport Cultural Arts District for advertising and tourism promotion.**
11. **Deliberate and act on Fiscal Year 2023-2024 Hotel Occupancy Tax Agreement with the Friends of the Fulton Mansion State Historical Site for advertising and tourism promotion.**
12. **Deliberate and act on Fiscal Year 2023-2024 Hotel Occupancy Tax Agreement with the Rockport-Fulton Chamber of Commerce for advertising and tourism promotion.**
13. **Deliberate and act on Fiscal Year 2023-2024 Hotel Occupancy Tax Agreement with the Rockport-Fulton Chamber of Commerce for the 2024 HummerBird Celebration.**
14. **Deliberate and act on Fiscal Year 2023-2024 Hotel Occupancy Tax Agreement with the Rockport-Fulton Chamber of Commerce for the 2023 SeaFair Celebration.**
15. **Deliberate and act on Fiscal Year 2023-2024 Hotel Occupancy Tax Agreement with the Rockport Yacht Club for the 2024 Nautical Flea Market.**
16. **Deliberate and act on Fiscal Year 2023-2024 Hotel Occupancy Tax Agreement with the Texas Maritime Museum for advertising and tourism promotion.**
17. **Deliberate and act on Fiscal Year 2023-2024 Hotel Occupancy Tax Agreement with the University of Texas Marine Science Institute/Mission Aransas National Estuarine Research Reserve for advertising and tourism promotion of Bay Education Center.**
18. **Deliberate and act on Fiscal Year 2023-2024 Hotel Occupancy Tax Agreement with Christmas On The Beach for advertising and tourism promotion.**
19. **Deliberate and act on Fiscal Year 2023-2024 Hotel Occupancy Tax Agreement with Rockport Little Theatre for advertising and tourism promotion.**
20. **Deliberate and act on Fiscal Year 2023-2024 Hotel Occupancy Tax Agreement with Wendell Family Fund for advertising and tourism promotion for July 4, 2024, Fireworks Show.**
21. **Deliberate and act on Fiscal Year 2023-2024 Hotel Occupancy Tax Agreement with Airplanes & Coffee for Warbirds Over South Texas Airshow.**
22. **Deliberate and act on request from First Assembly of God Church for closing of East Laurel Street from North Live Oak Street to North Church Street on October 31, 2023, from 5:00 p.m. until 8:00 p.m. for First Assembly of God Fall Festival.**
23. **Deliberate and act on cancellation of October 10, 2023, November 28, 2023, and the December 26, 2023, Council Regular Meetings.**

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

Council Member Hale requested Consent Agenda Item 6 be removed for separate discussion.

MOTION: Council Member Brundrett moved to approve the Consent Agenda Items, minus Item 6, as presented. Mayor Pro-Tem Hattman seconded the motion. Motion carried unanimously.

Consent Agenda Item 6.

City Manager Vanessa Shrauner stated this may be the first development agreement the Council has seen. Ms. Shrauner explained if there is a new development within the City limits, the City is requiring the developer to have a utility services agreement which will reserve living unit equivalents (LUE) for a period of 7-10 years.

Council Member Hale stated she just wanted to make sure everyone understood this development was outside the City limits and that the agreement was in alignment with the discussions that Council has had regarding new development.

Discussion was held between Council, Ms. Shrauner and Community Planner Carey Dietrich.

MOTION: Council Member Hale moved to approve Consent Agenda Item 6, as presented. Mayor Pro-Tem Hattman seconded the motion. Motion carried unanimously.

Regular Agenda

- 24. Deliberate and act on second and final reading of an Ordinance granting a Conditional Use Permit for the purpose of bringing the existing RV Park into compliance with current City Codes and to remodel existing features in the RV Park on property located at 1331 State Highway 188; also known as Lot 1R and 2, Coastal Paradise Subdivision, 17.989 acres, City of Rockport, Aransas County, Texas; subject to compliance with the conditions stipulated within this Ordinance, as well as those stipulated in the City of Rockport Code of Ordinances; repealing all ordinances in conflict therewith; providing for severability; and providing an effective date.**

Community Planner Carey Dietrich said there had been no changes in format or content since Council approved the first reading of the Ordinance on September 9, 2023.

MOTION: Council Member Brundrett moved to approve the first reading of an Ordinance granting a Conditional Use Permit for the purpose of bringing the existing RV Park into compliance with current City Codes and to remodel existing features in the RV Park on property located at 1331 State Highway 188; also known as Lot 1R and 2, Coastal Paradise Subdivision, 17.989 acres, City of Rockport, Aransas County, Texas; subject to compliance with the conditions stipulated within this Ordinance, as well as those stipulated in the City of Rockport Code of Ordinances; repealing all ordinances in conflict therewith; providing for severability; and providing an effective date. Mayor Jayroe seconded the motion. Motion carried unanimously.

25. Deliberate on amending City of Rockport Code of Ordinances Chapter 102, Article 102-401 Surcharge, to increase the \$1.35 surcharge.

Director of Finance Robbie Sorrell addressed the Council and stated this is not an Ordinance but a discussion regarding the utility bill surcharge collected from utility customers and distributed to the three Aransas County volunteer fire departments at the end of each fiscal year. Mr. Sorrell said the current surcharge is \$1.35 according to Rockport Code of Ordinances Section 102-401 and currently there are about 10,050 customers who voluntarily participate. Mr. Sorrell called the Council's attention to the fiscal analysis of a 1%, 5%, or 10% increase shown on the Agenda item cover sheet.

Discussion was held among Council.

It was the consensus of Council for staff to prepare an Ordinance changing the surcharge amount from \$1.35 to \$2.00.

26. Discussion of roads affected by the General Land Office (GLO) drainage project.

Council Member Brad Brundrett stated he continues to receive concerns about the roads (Sabinal, Orleans, Magnolia, James and Hackberry) affected by the General Land Office (GLO) drainage project. Council Member Brundrett said watering the dirt roads only lasts for a day or two and he would like to try and do something to address this. Council Member Brundrett stated his thought would be to do a one-layer chip seal.

City Manager Vanessa Shrauner said staff discussed chip sealing, and these roads are not prepped and it would cost approximately \$40,000 and then another \$40,000 to rip it up. Ms. Shrauner added the County has finished the chip seal program for this year and can get to the City next Spring. Ms. Shrauner stated if the City does something, are we going to interfere with the project and lost our tender agreement. Ms. Shrauner added the City has very little control on this project and Merchants has proven they will wait; however, work is continuing and there are now two crews on the project. Ms. Shrauner expressed that having our citizens in such a mess is probably the worse feeling we can have and we are doing everything we can; we can ask if they will run the water truck more.

Discussion was held among Council and Ms. Shrauner and Ms. Shrauner said she will start sending out the updates on the project again.

John McDavid, 1006 East Orleans, addressed the Council and said the updates were great. Mr. McDavid stated the project was going good and then it looked like it stopped; flooding is a major concern.

27. City Manager Report:

A. Projects

City Manager Shrauner reported:

1) The short-term rental ordinance is done and was sent to the Council for feedback, and also sent to the short-term rental council. Received some feedback from Council and the short-term rental council and we are close to incorporating those comments and any other comments we think are doable or relevant. Ms. Shrauner asked if the Council wanted to do a 30-minute workshop on the proposed short-term rental ordinance before the next regular council meeting. Ms. Shrauner said citizen comments will be taken during the workshop on the proposed ordinance and then staff will then make any revisions if per Council direction and the first reading of the ordinance will be on November 14, 2023

2) Stormwater group – a joint meeting had been set for October 21, 2023, and that has been moved off for a variety of reasons. The group meet on the 10th, and David Ried and herself will have our proposed ordinances and we will rectify the two and then have the joint meeting towards the end of October. All entities will have a copy, and everyone will have their say at the joint meeting. The biggest change for the City will be the addition of a water quality element.

3) Texas Municipal League (TML) Annual Conference next week. I will be at Texas City Managers Association Conference (TCMA) and then the TML Conference so I will be out of the office all week.

Council Member Hale thanked Ms. Shrauner for the August Financial Reports that had been provided to the Council.

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.

Mayor Pro-Tem Hattman reported she had attended the Chamber meeting last week. Mayor Pro-Tem Hattman said she is having a meeting this week regarding a new subdivision coming into her Ward so citizens can discuss any concerns they may have. Mayor Pro-Tem Hattman said the City is working with the developer so she is asking everyone to just hold tight.

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:

29. 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: *Phong*

Nguyen et.al. v. City of Rockport Building Standards Commission, Docket No. 23-0151, in the 156th Judicial District Court of Aransas County.

At 7:20 p.m., Mayor Jayroe convened the Rockport 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: *Phong Nguyen et.al. v. City of Rockport Building Standards Commission, Docket No. 23-0151, in the 156th Judicial District Court of Aransas County.*

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 7:53 p.m., Mayor Jayroe reconvened the Rockport City Council into open session pursuant to the provisions of Chapter 551 of the Texas Government Code.

MOTION: Council Member Hale moved to authorize the filing of legal action for unsafe conditions at West Terrace Unit 1, Block 3, Lots 6-25, also known as 1201 West Market Street. Mayor Pro-Tem Hattman seconded the motion. Motion carried unanimously.

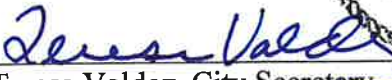
30. Deliberate and act on a Resolution directing the City Manager and City Attorney to seek relief pursuant to Texas Local Government Code Chapter 54 for unsafe conditions and health and safety concerns for the property described as West Terrace Unit 1, Block 3, Lots 6 through 25 and commonly referred to as 1201 West Market Street, Rockport, Aransas County, Texas and owned by Phong Nguyen and Bich Nga Thi Nguyen.

Council passed on this item.

17. Adjournment.

At 7:53 p.m., Council Member Brundrett moved to adjourn. Motion was seconded by Council Member Hale. Motion carried unanimously.

ATTEST:


Teresa Valdez, City Secretary



APPROVED:


Tim Jayroe, Mayor