

# CITY OF ROCKPORT

## MINUTES

### CITY COUNCIL WORKSHOP & REGULAR MEETING

6:00 p.m., Tuesday, October 24 , 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 24<sup>th</sup> day of October 2023, the City Council of the City of Rockport, Aransas County, Texas, convened in a Workshop and Regular Meeting at 6:00 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- *arrived at 6:20 p.m.*

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.

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

Information Technology Director Bob Argetsinger

Communications Center Director Lee Brown

Parks and Leisure Services Parks Technician 2 Mario Trevino

#### ELECTED OFFICIALS PRESENT

#### Opening Agenda

##### **1. Call meeting to order.**

With a quorum of the Council Members present, the Workshop & Regular Meeting of the Rockport City Council was called to order by Mayor Jayroe at 6:00 p.m. on Tuesday, October 24, 2023, in the Training Room of the Rockport Service Center, 2751 State Highway 35 Bypass, Rockport, Texas.

## **Workshop Agenda**

### **2. Deliberation and discussion regarding a draft Ordinance for Short Term Rentals and registration process.**

Mayor Jayroe opened the discussion by saying a Short-Term Rental Ordinance has been discussed by Council and citizens. Mayor Jayroe stated town hall meetings were held in each of the Wards to receive citizen input on a proposed Ordinance.

Patrick Kane, 1123 Cedar Street, addressed the Council and commented: The City has had short-term rentals for over 50 years without regulation; The proposed Ordinance reaches far beyond what is needed; is another City grab for money; and provided Council Member Ward 3 with 20 detailed comments.

Lynn Powers, 66 Blue Heron Drive – Council Member Brad Brundrett read comments submitted: Short-Term Rentals in her neighborhood have been a major problem; creates noise, parking, and trash pick-up problems; and urge the Council to approve this legislation.

City Manager Vanessa Shrauner stated one key element of the proposed Ordinance is registration and permitting on how many people are allowed. Ms. Shrauner said verification of zoning and layout of property will happen when registration is taking place. Ms. Shrauner added there are basic elements such as fire and carbon monoxide inspections, and operational requirements like local information posted so people know who to call. Ms. Shrauner said weddings and parties are restricted to B-1 Zoning areas and parking spaces is one of the biggest complaints. Ms. Shrauner proposed the registration fee discussion happen when Council discusses the software.

Council Member Brundrett said it seemed like some of the things in the proposed Ordinance are already in the City's Code of Ordinances and it may be a lack of enforcement issue.

Council Member Hale said the challenge Council has heard is: We have really good operators being responsible, but we have to deal with the ones that are not; HOT taxes do not go to enforcement; and it is a business, and the rules cannot be the same as a normal residence. Council Member Hale added there is an issue out there; and the City needs a special event ordinance for weddings and special events.

Mayor Pro-Tem Hattman stated she has one neighborhood in her Ward that has more problems than the other.

Mayor Jayroe said problems with trash, excessive parking and blocking driveways were items brought up during the town hall meetings. Mayor Jayroe stated it is the City's intent to try and find a way to get compliance.

City Manager Shrauner said there is nothing in the proposed Ordinance that is not regulated by existing ordinances, and we can reference everything back to the existing codes.

Ms. Shrauner stated staff would like to purchase the Rental Scape software and would like a higher registration fee because this is going to be a full-time job and it will need to be funded.

Council Member Hale expressed she thought the proposed Ordinance was on the right path, and this was not an action item tonight. Council Member Hale added she never got a feeling from anybody that this was a money grab. Council Member Hale expressed it is a health and safety issue and this is a way for the City to get a handle on short-term rentals; she does support the registration process.

### **3. Citizens Comments on proposed short-term rental Ordinance.**

The citizen comments were given before Council discussed the proposed Ordinance.

*The Workshop ended at 6:30 p.m.*

### **Regular Meeting Agenda**

Mayor Jayroe asked Reverend Scott Jones with First Baptist Church to give an Invocation.

Reverend Jones gave the Invocation.

### **4. Pledge of Allegiance.**

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

### **5. Proclamation: National 4-H Week.**

Mayor Jayroe proclaimed the week of October 1-7, 2023, as National 4-H Week in Rockport, Texas.

### **6. Proclamation: First Baptist Church Sesquicentennial Celebration.**

Mayor Jayroe read the Proclamation congratulating the First Baptist Church for its 150 years of service to the community.

### **7. Proclamation: Arbor Week.**

Mayor Jayroe proclaimed the week of November 3-11, 2023, as Arbor Week in Rockport, Texas.

### **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.

There were no citizens' comments.

## **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 September 26, 2023.**
- 10. Deliberate and act on 4<sup>th</sup> quarter report from the Rockport-Fulton Chamber of Commerce for Fiscal Year 2022-2023 marketing expenditures.**
- 11. Deliberate and act on 4<sup>th</sup> quarter Report from Rockport Center for the Arts for Fiscal Year 2022-2023 marketing expenditures.**
- 12. Deliberate and act on request from City of Rockport Tree & Landscape Committee for closing of the 1100 Block of East Main Street between South Austin Street and South Water Street on November 11, 2023, from 10:00 a.m. until 6:00 p.m. for the 1<sup>st</sup> Annual Rockport Arbor Day in the District.**
- 13. Deliberate and act on request from Piecemakers by the Bay Quilt Guild for approval of hanging street banner on Business Highway 35 in front of Walmart from December 26, 2023 to January 27, 2024 to advertise the Cruising the Coast Biennial Quilt Show.**
- 14. Deliberate and act on request from Coastal Bend Fly-In for approval of hanging street banners on Business Highway 35 in front of Walmart and FM 3036 at Palmetto Street from November 1, 2023 to December 12, 2023 to announce the 2023 Fly-In and Exposition.**
- 15. Deliberate and act on approval of City of Rockport holiday observance schedule for 2024.**
- 16. Deliberate and act on a Resolution amending authorized representatives to Texas Local Government Investment Pool (TexPool).**
- 17. Deliberate and act on a Resolution amending authorized representation to the Texas Range Investment Pool.**
- 18. Consideration and possible approval of acceptance of the 2023 FedEx Tree Planting Award from the Arbor Day Foundation.**

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

Mayor Pro-Tem Hattman stated she had filed a Conflict of Interest Affidavit with the City Secretary for Consent Agenda Item 18, so she would abstain from voting on that item.

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

## **Public Hearings**

Mayor Jayroe opened the Public Hearings at 6:47 p.m.

**19. Conduct a Public Hearing to consider a request from Brodie Miller for permanent closure/abandonment/vacation of a 16' wide alleyway out of Block No. 13, Bellevue Subdivision, City of Rockport, Aransas County, Texas.**

City Secretary Teresa Valdez stated Brodie Miller is requesting the permanent closure, abandonment, and vacating of a 16' wide alleyway. Ms. Valdez said Mr. Miller has provided the survey and an appraisal was ordered. Ms. Valdez informed the Council the alleyway was appraised at \$5,000. Ms. Valdez explained this is a Public Hearing and not an action item.

There were no public comments.

**20. Conduct a Public Hearing to consider a request to rezone property located at 1875 State Highway 35 Bypass; also known as S1558 Domasco Subdivision, Block 1, Lot 1 and part of Lot 2, being 1.4965 acres, City of Rockport, Aransas County, Texas, to B-1 (General Business District to comply with current use of property; currently zoned R-1 (1<sup>st</sup> Single Family Dwelling District))**

Property Owner James Cruse addressed the Council. Mr. Cruse stated he is trying to bring his business Certified Auto Repair back to what it needs to be; right now it is legal non-conforming use.

Patrick Kane, 1123 East Cedar Street, commented he is a customer of Mr. Cruse and Mr. Cruse provides excellent service and he supports Mr. Cruse's request to rezone. Mr. Kane stated his concern was that the City annexed Mr. Cruse's property as R-1 and now the City is charging Mr. Cruse to rezone; the City should be looking at waiving fees for properties annexed which have to be brought into conforming use.

Council Member Brundrett stated that was something the City should look at.

Mayor Jayroe closed the Public Hearings at 6:52 p.m.

## **Regular Agenda**

**21. Hear, deliberate, and act to accept the Utility Bill Surcharge Fund Disbursement Report, Annual Reports from Fulton, Lamar, and Rockport Volunteer Fire Departments, and authorize disbursement of funds.**

Aaron Guerrero, Rockport Volunteer Fire Department, addressed the Council. Mr. Guerrero presented the Rockport Volunteer Fire Department Annual Report.

Mayor Jayroe presented the Rockport Volunteer Fire Department a check in the amount of \$132,327.58.

Carl Stubbs, Lamar Volunteer Fire Department, addressed the Council. Mr. Stubbs presented the Lamar Volunteer Fire Department Annual Report.

Mayor Jayroe presented the Lamar Volunteer Fire Department a check in the amount of \$7,033.23.

Cody Morales, Fulton Volunteer Fire Department, addressed the Council. Mr. Morales presented the Fulton Volunteer Fire Department Annual Report.

Mayor Jayroe presented the Fulton Volunteer Fire Department a check in the amount of \$39,526.42.

Council Member Hale stated she appreciated the work of the Volunteer Fire Departments and the City receives a tremendous value for what they do. Council Member Hale thanked the Departments.

**MOTION:** Council Member Brundrett moved to accept the Utility Bill Surcharge Fund Disbursement Report, annual reports from Fulton, Lamar, and Rockport Volunteer Fire Departments and authorize disbursement of funds. Mayor Pro-Tem Hattman 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', 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 addressed the Council and stated staff followed Council's instruction to change the existing "surcharge" from \$1.35 to \$2.00 per voluntary connection. Mr. Sorrell said this should result in about \$86,000.

Council Member Brundrett questioned the 5% administrative fee, and stated he would like the City to not take that 5% if it doesn't hurt us.

City Manager Vanessa Shrauner said it could be cut to 2% and then see how that works.

Discussion was held between Council, Mr. Sorrell and Ms. Shrauner regarding the administrative fee.

**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', by amending Section 102-401 "Surcharge", to increase surcharge fee repealing all ordinances in conflict therewith; providing for severability; and providing an effective date and changing the Administrative Fee from 5% to 2%. Mayor Pro-Tem Hattman seconded the motion. Motion carried unanimously.

**23. Deliberate and act on first reading of an Ordinance amending Rockport Code of Ordinances Chapter 106 entitled "Tree and Landscape Regulations," Article I entitled "In General," Section 106-7, entitled "Tree Preservation and Mitigation Account" and Article II, entitled "Tree Regulations," Section 106-15, entitled "Tree Preservation and Mitigation"; repealing all ordinances to the extent they are in conflict; providing for severability; providing for penalties provided in Section 1-7 of the City's Code of**

**Ordinances; finding and determining that the meeting at which this Ordinance is passed is open to the public as required by law; and providing an effective date.**

Community Planner Carey Dietrich addressed the Council and stated when the Council first approved the Tree & Landscape Ordinance, the “obstruction-pruning of trees” was inadvertently removed, and the Tree and Landscape Committee has requested that the mitigation funds include “advertising and educational purposes related to tree preservation and mitigation. Mr. Dietrich said there was one other amendment inadvertently left out of the proposed amendment and that is the addition of a minimum height of 14’ above public right-of-way (streets and sidewalks).

Discussion was held between Council and Ms. Dietrich.

**MOTION:** Council Member Hale moved to approve the first reading of an Ordinance amending Rockport Code of Ordinances Chapter 106 entitled “Tree and Landscape Regulations,” Article I entitled “In General,” Section 106-7, entitled “Tree Preservation and Mitigation Account” and Article II, entitled “Tree Regulations,” Section 106-15, entitled “Tree Preservation and Mitigation”; repealing all ordinances to the extent they are in conflict; providing for severability; providing for penalties provided in Section 1-7 of the City’s Code of Ordinances; finding and determining that the meeting at which this Ordinance is passed is open to the public as required by law; and providing an effective date, and with the additional amendment of the minimum height of 14’ above public right-of-way. Mayor Pro-Tem Hattman seconded the motion. Motion carried unanimously.

**24. Deliberate and act on approval of Change Order #7 related to the New City Hall Project.**

Assistant to the City Manager Kimberly Henry addressed the Council. Ms. Henry stated Change Order #7 totals \$787.73. Ms. Henry said there are some additional delays for the elevator itself along with specific breakers for the HVAC Air Handlers and they are expected to take us into April 2024; this is in addition to the existing delays for the generator and elevator control panel. Ms. Henry added discussions are still being held and options considered. Ms. Henry informed the Council of a recent issue with condensation, and she will be keeping the Council informed.

**MOTION:** Council Member Brundrett moved to approve Change Order #7 related to the New City Hall Project. Mayor Pro-Tem Hattman seconded the motion. Motion carried unanimously.

**25. Hear a presentation on the status of the updated and revised “golf cart” ordinance adopted by Rockport City Council just over 12 months ago and amended again in December 2022, which updated several related ordinances and outsourced golf cart and off-highway vehicle permitting from the police department to private vendors.**

Chief of Police Greg Stevens addressed the Council and stated Council had amended the “golf cart” ordinance in 2022 to include “off-highway vehicles,” and the outsourcing of inspections and permitting of golf carts. Chief Stevens stated Rockport began issuing golf cart permits in November 2014 and has issued an average of 262 permits each fiscal year since then until Fiscal Year 2023, when the Ordinance was updated and permitting was outsourced. Chief Stevens informed the Council that a total of 642 permits were issued in Fiscal Year 2023, which was a 145% increase over the average number issued from Fiscal Year 2015 through Fiscal Year 2022. Chief Stevens stated the outsourcing of inspections and permitting is working great and he is not having to call in officers off the street to do inspections. Chief Stevens said the permit fee was

increased from \$10 to \$40 in 2022 and the City splits that fee 50/50 with the outside vendors. Chief Stevens stated the average annual revenue per fiscal year from Fiscal Year 2015 through Fiscal Year 2022 was \$2,623 and after the fee increase the revenue from the permits for Fiscal Year 2023 was \$12,840, which was a 390% increase over the previous 8-year average.

Discussion was held among Council and City Manager Vanessa Shrauner.

Ms. Shrauner stated staff will bring an Ordinance to Council in January 2024 to isolate the revenue fees collected.

## **26. City Manager Report:**

### **A. Projects.**

City Manager Shrauner reported:

- 1) The Wastewater Treatment Plant Improvements is out to bid; keep in mind this will be a two-year process.
- 2) Pearl Street is currently closed at Enterprise for an Aransas County project and the City will be closing it also for the GLO project but appropriate notification will be done.

Mayor Pro-Tem Hattman asked Public Works Director Mike Donoho about the Cedar Ridge Pond.

Mr. Donoho stated it is close to being finished this week; the County had time to do the needed cleaning.

## **27. 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 last two weeks have been really busy in Downtown; the Model T Parade was one of the events.

Council Member Hale reported she filled in for Mayor Pro-Tem Hattman and attended the Rockport-Fulton Chamber of Commerce Governmental Affairs Committee meeting. Council Member Hale stated the main deal was to get a head start on the next legislative session for the County entities agendas.

Council Member Brundrett reported it has been a busy couple of weeks including Seafair. Council Member Brundrett thanked the Public Works Department for getting the Council's golf cart prepared for the Seafair Parade; that worked well.

Mayor Pro-Tem Hattman reported the Tree and Landscape Committee is focused on the Arbor Day event.



Mayor Jayroe reported there were 74 Model-Ts in town and this parade was really enjoyable and the people that came to town thought we have a great town. Mayor Jayroe reminded everyone to watch out for the children on Halloween.

### **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

- 28. 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-foot alleyway out of Block No. 13, Bellevue Subdivision, City of Rockport, Aransas County, Texas.**
- 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: 1) *Phong Nguyen et.al. v. City of Rockport Building Standards Commission, Docket No. 23-0151, in the 156<sup>th</sup> Judicial District Court of Aransas County*; and 2) Concho Street & General Land Office (GLO) drainage projects.**
- 30. Section 551.074 Personnel Matters to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee: A) City Secretary Evaluation; and B) City Manager Evaluation.**

At 7:35 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 551.072 Deliberation about Real Property to deliberate the purchase, exchange, lease, or value of real property: 16-foot alleyway out of Block No. 13, Bellevue Subdivision, City of Rockport, Aransas County, Texas; 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) *Phong Nguyen et.al. v. City of Rockport Building Standards Commission, Docket No. 23-0151, in the 156<sup>th</sup> Judicial District Court of Aransas County*; and 2) Concho Street & General Land Office (GLO) drainage projects; 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 Evaluation; B) 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 9:24 p.m., Mayor Jayroe reconvened the Rockport City Council into open session pursuant to the provisions of Chapter 551 of the Texas Government Code.

- 31. Deliberate and act on first 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, City of Rockport, 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.**

**MOTION:** Council Member Brundrett moved to approve the first 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, City of Rockport, 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; with the amount not to exceed \$5,000. Mayor Pro-Tem Hattman seconded the motion. Motion carried unanimously.

**32. Adjournment.**

At 9:24 p.m., Council Member Brundrett moved to adjourn. Motion was seconded by Mayor Pro-Tem Hattman and carried unanimously.

**APPROVED:**

  
Tim Jayroe, Mayor



**ATTEST:**

  
Teresa Valdez, City Secretary