

CITY OF ROCKPORT

MINUTES

CITY COUNCIL SPECIAL MEETING/RETREAT

9:00 a.m., Thursday, January 12, 2023

Bastrop Convention Center – Meeting Room 4

1408 Chestnut Street, Bastrop, Texas

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 Assistant to the City Manager by Noon on the day before the meeting. The comments were read and summarized in the minutes of the meeting.

On the 12th day of January 2023, the City Council of the City of Rockport, Aransas County, Texas, convened in a Special Meeting/Retreat at 9:00 a.m., at the Bastrop Convention Center, Meeting Room 4, 1408 Chestnut Street, Bastrop, Texas, 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 Katy Jackson, Ward 1
Council Member Brad Brundrett, Ward 3

CITY COUNCIL MEMBER(S) ABSENT

STAFF MEMBERS PRESENT

City Manager Vanessa Shrauner
Assistant to City Manager Kimberly Henry
Legal Counsel Art Rodriguez, Jr., Messer Fort & McDonald, PLLC
Director of Finance Katie Griffin

ELECTED OFFICIALS PRESENT

Opening Agenda

1. Call meeting to order.

With a quorum of the Council Members present, the Special Meeting/Retreat of the Rockport City Council was called to order by Mayor Jayroe at 9:04 a.m. on Thursday, January 12, 2023, in Meeting Room 4 of the Bastrop Convention Center, 1408 Chestnut Street, Bastrop, Texas.

2. 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.

Council Member Brundrett read the Citizens Participation Form from Patrick Kane expressing his displeasure for the Special Meeting/Retreat being held outside of the City of Rockport.

3. Discussion regarding solid waste services and franchise matters.

City Manager Shrauner noted that the current contract for solid waste services is up for renewal on July 31, 2023, and requires a 120-day notice of intent to let the contract expire. The current contractor has offered a one-year extension if necessary. A local company is interested in working with the city as well, and both service providers have requested an opportunity to present information to the City Council. There were suggestions for renewal, opening it up for the public to pick their own contractor directly or with billing through the City, or to get new bids and have separate contractors for residential versus commercial versus industrial.

Concerns regarding each resident contracting with their own preferred provider were: the wear and tear of the streets with multiple trucks traveling over our streets; different colored cans and different schedules for trash pickup and therefore cans being left out multiple days; some households not contracting and thereby trash building up; which companies do/don't provide recycling options; and with multiple companies involved, which company dropped the trash and left it in the street for the city staff to cleanup. There were suggestions of Homeowners Owner Associations (HOA) taking on the mandates within their boundaries; however, there are areas within the community without HOA's. And with multiple companies, if the billing were not with each individual resident but through the City, we would most likely need additional staff to maintain multiple contracts and customer concerns as they occur. It was noted that the City needs to have some type of control over the service in order to be an advocate for the public.

The local solid waste provider that is interested in providing services within the City limits can provide job opportunities for our residents versus the current service provider employing staff outside our area. However, there were questions of whether the local company could provide sufficient services and have spare vehicles in case a truck breaks down.

Ms. Shrauner stated she will request that the current solid waste company submit a one-year extension for Council consideration and allow any solid waste providers an opportunity to present their plan and/or materials to Council at a future date. She will also work with Legal Counsel Rodriguez to prepare a request for proposal (RFP) that includes (1) residential rates, (2) commercial rates, (3) industrial rates, and (4) all options. The RFP will include a draft contract in order for the bidding provider to determine whether they can meet all of the needs the City is requesting.

Mayor Jayroe moved agenda item #5 forward.

5. Discussion regarding public utilities, including water and wastewater.

Staff and Legal Counsel explained that the City is legally compliant with the annexation process and amenities provided. The concern is that some of the public in those areas are not pleased. The Council needs to consider a plan and provide a philosophy of how to move forward.

Concerns were that South of Corpus Christi Street there are no public buildings, parks, and very few services provided. The main question is who/how to pay for adding these additional services, and if any of it is passed onto the property owner, that it be allowed to be paid over five years. With the extensive cost of laying water and wastewater, it was questioned if it feasible for the City or the citizens to see a return in investment when there are so few structures in that area. It was also noted that the ad valorem taxes pay for streets, drainage, police, code enforcement, building codes, parks, facility maintenance, and other general public items. Prior to annexation, there were no building codes for structures in those areas and those structures were damaged more heavily than others that were built after annexation who were required to build under specific building codes. Another previous tragedy was that septic systems previously consisted of 50-gallon drums and now are required to conform to specific building codes. The water and wastewater utility services are paid through the enterprise funds, not ad valorem taxes. If bonds are purchased, they should be done through the respective fund providing the service, not the ad valorem taxes.

Mayor Jayroe recessed agenda item # 5 and the Special Meeting/Retreat at 10:20 a.m. for a short recess and reconvened the meeting at 10:31 a.m.

4. Texas Municipal League Legislative Webinar – What’s Ahead for Texas Cities.

Everyone in attendance watched the Texas Municipal League (TML) Legislative Update Webinar scheduled from 10:30 a.m. to 11:30 a.m.

Mayor Jayroe pulled agenda item #5 back for final discussion following the TML Webinar.

Continued 5. Discussion regarding public utilities, including water and wastewater.

Additional items noted were that we need to consider the bond rating and how the existing debt and future debt will be impacted. It was noted that the current legislature session could affect all options being researched for consideration.

Ms. Shrauner stated staff would work to provide cost estimates for de-annexation and how that would impact the rest of the taxpayers for existing bonds and general fund budgeting; costs estimates to provide services to those annexed within the last ten (10) years; opportunities for other possible options such as a micro treatment facility and discharge permit; and what type of commitment levels the City and the citizens could consider.

Mayor Jayroe recessed the Special Meeting/Retreat at 11:37 a.m. for a short recess and reconvened the meeting at 11:46 a.m.

6. Discussion regarding final report of the Charter Review Commission and possible discussion on changes to the City Charter for which a special election may be called.

Legal Counsel Rodriguez noted that the current City Charter is in good shape overall and is a solid document as it stands. He then provided an overview of the Charter Review Committee's process and how the Council can proceed forward. Different options for how to present the amendments were discussed, such as an all or nothing, piece by piece, or a mixture thereof. There will be a single action item to make the whole document gender neutral. Of course, all final documents presented to Council for approval must be in both English and Spanish.

Section 1.03 – The Charter Committee suggested to bring in-line with 2019 Legislative changes.

Section 1.04 – The Charter Committee suggested clarifying the petition process is the same as all other petitions. Mr. Rodriguez confirmed with Bond Counsel that they would not have any difficulty with this change if approved by the voters. There was discussion to add verbiage about requiring a super-majority.

Section 3.01(1)(d) - The Charter Committee suggested removing term limits for all Council Members and thereby allowing the voters to decide at each election. There was discussion of career politicians, finding individuals to run for office, three versus four-year terms, election costs. Mr. Rodriguez stated the lack of a term limit is a separate discussion than how long the terms are. He will bring back something for the Council to consider.

Mayor Jayroe recessed the Special Meeting/Retreat at 12:45 p.m. for a short recess and reconvened the meeting at 12:58 p.m.

Section 3.08 – The Charter Committee suggested updating to be consistent with Open Meetings Act.

Section 3.09 – The Charter Committee suggested updating in case of a major emergency.

Section 3.10 – The Charter Committee suggested wording for citizens to be allowed to speak before deliberation on each agenda item. There was discussion to follow Robert's Rules of Order, that the public can speak with their Council representatives prior to the meeting in more detail, that the meetings are for the Council, and that Council can still ask subject matter experts to speak during the agenda items.

1:12 p.m. Ward 1 Council Member Katy Jackson stepped out of the meeting.

Section 3.11(3) – The Charter Committee suggested that (1) requires that a zoning ordinance requiring two readings must be read to regular meetings two weeks apart and (2) that "if" a motion is made for only single reading of a zoning ordinance, it can be approved by a super majority vote only. There was discussion that this could be problematic during November and December when there is only one meeting per month and could get the City into trouble with a "shot-clock" with regards to approving plats. Additional discussion was held with approving the second request but rethinking the requirement for regular meetings two weeks apart.

Section 1.13 – The Charter Committee suggested this be updated to be more in line with the current legislature and way of doing business.

Section 4.01(2) – The Charter Committee suggested removal of the last sentence in order to not restrict elected officials.

Section 4.02(h) – The Charter Committee suggested removing item (h) from the City Secretary’s job duties because this is a part of the finance department’s duties.

Section 4.04 – The Charter Committee suggested adding item # (7) to specify that the term “City Attorney” may refer to an individual or firm.

Section 4.05 – The Charter Committee suggested removing this section regarding “City Engineer” altogether. Mr. Rodriguez assured the Council that legislature still dictates when and how an engineer is acquired.

Section 5.01(2) & (4) – The Charter Committee suggested updating this to be in line with the most current legislature.

Section 5.02(g) & (h) – The Charter Committee suggested updating this to be in line with the most current legislature.

1:37 p.m. Ward 1 Council Member Katy Jackson re-joined the meeting.

Section 5.02(i) – The Charter Committee suggested adding verbiage that no candidate or Council Member can be in arrears of taxes or other liabilities due to the City.

Section 5.04 – The Charter Committee suggested updating to be in line with the most current legislature.

Section 6.01 – Is a clerical update from Chapter to Article.

Section 6.03 – The Charter Committee suggested the clarification of where to get the petition.

Section 6.10 – The Charter Committee suggested the option to cancel a recall election should an elected official resign and additional verbiage to be in line with current legislature.

Section 6.12 – The Charter Committee suggested updating to be in line with the most current legislature.

Section 6.15 – The Charter Committee suggested removing the verbiage regarding a county judge calling for a City election. Mr. Rodriguez explained legislature does not allow a county judge to perform this duty.

Mayor Jayroe recessed the Special Meeting/Retreat at 1:45 p.m. for a short recess and reconvened the meeting at 1:51 p.m. City Manager Shrauner left the meeting to travel to another city meeting.

Legal Counsel skipped to Article X for the moment.

Article X, all Sections – The Charter Committee suggested removing the Planning and Zoning Commission from the charter in its entirety and thereby regulating within the Code of Ordinances. Mr. Rodriguez explained across the state of Texas, about half of the cities have in the charter and the other half don't. Legislature requires every city to have a Planning and Zoning Commission; however, Legislature does not dictate whether it is within charter or code of ordinances.

There was discussion that other commissions and boards are not in the charter but are within the Code of Ordinances. An option is to prepare and approve an ordinance in advance of the election that only becomes effective if the ballot item is approved. It was also recommended that the City prepare a list of frequently asked questions about each ballot item.

2:14 p.m. Ward 3 Council Member Brad Brundrett left the meeting to travel to another city meeting.

The Council returned to Article VII.

Section 7.01 – The Charter Committee suggested cleaning up the language to not be duplicative.

Section 7.03 – The Charter Committee suggested improvements to make more common sense, separate the budget portion from the tax rate portion and place items more in-line with regular practice and legislature.

After some discussion there was a note of clerical error within 7.03(2) and a suggestion to insert the work proposed in front of the word budget.

Section 7.04 – The Charter Committee suggested removing some of the limitations because during emergency situations or declared disasters the City cannot adhere to these limits.

There were discussions that a 5% cap for emergency purchase is not reasonable. If something major happens to the wastewater plant, a large accident that shuts down a pump or lift station, or another declared disaster, the 5% cap is not reasonable. Emergency disaster declarations by the Mayor are only good for seven (7) days and then the Council must vote to continue or remove the declaration. There are legislative limits already in place. It was noted that 7.04(3) is already part of the City Manager (or designee) job duties and therefore not necessary. Some felt that 7.04(4) was still valid but needed to be reworded.

Section 7.05 – The Charter Committee suggested the removal of the mention of the Planning and Zoning Commission here because the commission does not deal with daily capital projects, they

wanted to increase the capital improvement projects from two years to five years, and then remove some of the extra wording that was not necessary.

Mayor Jayroe recessed the Special Meeting/Retreat at 3:05 p.m. for a short recess and reconvened the meeting at 3:13 p.m.

The discussion regarding 7.05 continued with questions about why the Planning and Zoning Commission should be removed from this process. It was explained that the Planning and Zoning Commission is for land use recommendations, not capital improvements. The various boards and commissions can still make recommendations regarding their respective topics; for example, the parks board can make recommendations for parks capital projects, but not other capital items outside park needs.

Section 7.08 – The Charter Committee suggested a severe removal and reduction of wording because it was contradictory against legislature. Bond Counsel assisted with the proposed wording.

Section 7.09 – The Charter Committee suggested a cleanup of the verbiage to be in line with legislature and to remove redundant wording.

Section 7.11 – The Charter Committee suggested updates to current policies and referenced state law.

Section 7.12 – The Charter Committee suggested the change of date in order to better prepare information and added GASB and GAAP standards.

Section 7.13 – The Charter Committee suggested working to just remove redundancy.

There was some discussion that all of Article VII might be able to be grouped together as one vote. Mr. Rodriguez stated he would look into that option.

It was noted that there were no changes to Articles VIII or IX.

Section 11.02(3) – The Charter Committee suggested removal of this item and therefore allows for a better negotiating tool for Council and Staff.

Section 11.07 – The Charter Committee suggestion was a simple clerical item.

Section 12.01 – The Charter Committee suggested changes to be more in line with state law.

Section 12.02 – The Charter Committee suggested this change from biannually to annual in order to promote competition and also added wording to be in accordance with state law in case legislature changes to on-line options in the future.

There was some discussion that this is already difficult for small communities to find a local newspaper.

Section 12.05 – The Charter Committee suggested this to be more in line with federal legislative language.

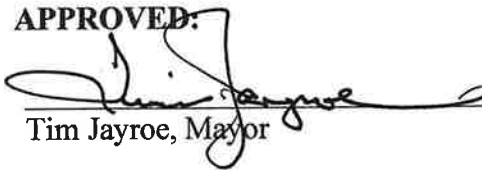
Section 12.09 – The Charter Committee suggested the change from City Manager to City Secretary because this is again in line with state law.

Mr. Rodriguez stated he would forward the final Charter Review Committee’s Report to the Council for a public hearing. And then prepare an Ordinance with suggested changes in both English and Spanish as is required for ballot approval. The Council can still make changes at the single reading of the Ordinance calling for the Special Election

7. Adjournment.

At 4:48 p.m., Council Member Jackson moved to adjourn. Motion was seconded by Council Member Hattman. Motion carried unanimously.



APPROVED:

Tim Jayroe, Mayor

ATTEST:


Teresa Valdez, City Secretary