

# CITY OF ROCKPORT

## MINUTES

### CITY COUNCIL REGULAR MEETING 6:30 p.m., Tuesday, February 14, 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 14<sup>th</sup> day of February 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 Katy Jackson, Ward 1  
Council Member Danielle Hale, Ward 2 – *Via ZOOM*  
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 Secretary Teresa Valdez  
City Attorney Adolfo Ruiz – *Via ZOOM*  
Legal Counsel Art Rodriguez, Jr. – *Via ZOOM*  
Director of Public Works and Building & Development Services Mike Donoho  
Chief of Police Greg Stevens  
Information Technology Director Bob Argetsinger  
Communications Center Director Lee Brown

#### 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, February 14, 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. 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 voiced comments regarding the Council's procedure for citizens' comments on Agenda items or other subject matter.

Kristie Rutledge, 1411 Dana Drive, addressed the Council, distributed a handout to the Council, and voiced comments regarding the Council's procedure for citizens' comments on Agenda items or other subject matter.

## **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.

- 4. Deliberate and act on approval of City Council Meeting Minutes of January 24, 2023, and City Council Special Meeting Minutes of January 31, 2023.**
- 5. Deliberate and act 1<sup>st</sup> quarter report from the Texas Marine Science Institute/Mission Aransas National Estuarine Research Reserve for Fiscal Year 2022-2023 Bay Education marketing expenditures.**
- 6. Deliberate and act on request to close the south side of Austin Street on March 4, 2023, from 7:00 a.m. to 10:00 a.m. for the 34<sup>th</sup> Annual Whooping Crane Strut.**
- 7. Deliberate and act on second & final reading of an Ordinance amending Article 4 of the City of Rockport Zoning Ordinance Number 1027 by changing the zoning of land located at 407 West Market Street; also known as Doughty and Mathis, Block 200, Lots 1 through 3, the westerly portion & Lots 9 through 11, the easterly portion, Rockport, Aransas County, Texas, from R-1 (1<sup>st</sup> Single Family Dwelling District) to B1 (General Business District) to allow the use of a new shop; repealing all ordinances in conflict therewith; providing for severability; and providing an effective date.**
- 8. Deliberate and act on second & final reading of an Ordinance ordering a Special Election and establishing procedures for said election to be held on Saturday, May 6, 2023; the Special Election shall be for the purpose of submitting to the qualified voters of the City**

proposed Charter Amendments for their consideration; establishing early voting locations and polling places for the Special Election; providing other matters relating to the Special Election; providing for publication of the Notice of the Special election; 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.

*Deliberar y actuar sobre la segunda y última lectura de una Ordenanza que ordena una Elección Especial y estableciendo los procedimientos para que dicha elección se celebre el sábado 6 de mayo de 2023; la Elección Especial tendrá el propósito de presentar a los votantes calificados de la Ciudad las Enmiendas a la Carta Constitucional propuestas para su consideración; establecer lugares de votación anticipada y lugares de votación para la Elección Especial; proporcionar otros asuntos relacionados con la Elección Especial; proveer para la publicación del Aviso de la Elección Especial; prever la separabilidad; encontrar y determinar que la reunión en la que se aprueba esta Ordenanza está abierta al público según lo exige la ley; y establecer una fecha efectiva.*

9. **Deliberate and act on Contract for Election Services with the Elections Administrator of Aransas County for the May 6, 2023 General Election and Special Elections.**

*Deliberar y actuar sobre el contrato de servicios electorales con el administrador de elecciones del condado de Aransas para las elecciones Generales y Especiales del 6 de mayo de 2023.*

10. **Deliberate and act on May 6, 2023, Joint Election Contract for Election Services between the City of Rockport and Aransas County Independent School District in compliance with HB 1.**

*Deliberar y tomar medidas sobre el Contrato de Elecciones Conjuntas del 6 de mayo de 2023 para Servicio Electorales entre la Ciudad de Rockport y el Distrito Escolar Independiente del Condado de Aransas, en conformidad con HB 1.*

11. **Deliberate and act on Purchase of Ford F750 Elliptical Dump Truck.**
12. **Deliberate and act on a Resolution authorizing the award of a Professional Service Provider Contract to Grant Works for the 2023/2024 Community Development Block Grant program of the Texas Department of Agriculture.**
13. **Deliberate and act on a Resolution authorizing the award of a Professional Service Provider Contract to Urban Engineering, Corpus Christi, Texas, for the 2023/2024 Community Development Block Grant program of the Texas Department of Agriculture.**

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

Mayor Jayroe read the captions of the Ordinances on the Consent Agenda as Items 7 and 8.

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

### **Regular Agenda**

- 14. Deliberate and act on first reading of a proposed Ordinance authorizing a pro-rata reimbursement to Eric & Janet Prim, Michael E. & Cynthia S. Glick, Gary & Lydia A. Newman, Ebbitt I. Thomas, and Scott Johnson for development of a sanitary sewer main utility line affecting the property and property owners along Ocean Drive, known as Aransas County Appraisal District Property ID numbers; 64666, 64667, and 65356, Rockport, Aransas County, Texas; providing for pro-rata payments from benefited property owners who request to connect to the sewer utilities during the reimbursement period; providing for developer to be reimbursed from pro-rata funds received and providing an effective date and a termination date.**

City Secretary Teresa Valdez stated the City's Code of Ordinances details the procedure for developers to seek reimbursement for extension of water and sewer mains. Ms. Valdez said Eric & Janet Prim, Michael E. & Cynthia S. Glick, Gary & Lydia A. Newman, Ebbitt Thomas, and Scott Johnson paid 100% of the cost to extend a sewer main to properties along Ocean Drive and they have requested a pro-rata agreement.

**MOTION:** Council Member Brundrett moved to approve the first reading of an Ordinance authorizing a pro-rata reimbursement to Eric & Janet Prim, Michael E. & Cynthia S. Glick, Gary & Lydia A. Newman, Ebbitt I. Thomas, and Scott Johnson for development of a sanitary sewer main utility line affecting the property and property owners along Ocean Drive, known as Aransas County Appraisal District Property ID numbers; 64666, 64667, and 65356, Rockport, Aransas County, Texas; providing for pro-rata payments from benefited property owners who request to connect to the sewer utilities during the reimbursement period; providing for developer to be reimbursed from pro-rata funds received and providing an effective date and a termination date. Council Member Jackson seconded the motion. Motion carried unanimously.

- 15. Deliberate and act to appoint members to the Parks & Leisure Services Advisory Board.**

City Secretary Teresa Valdez informed the Council there are currently three vacancies on the Parks & Leisure Services Advisory Board making it difficult to reach a quorum for meetings. Ms. Valdez said she had received four applications to serve on the Parks & Leisure Services Advisory Board, but one application was from a County resident and City Code states Board Members are to be City residents. Ms. Valdez added all three applicants are from Ward 2.

Mayor Pro-Tem Hattman said she did reach out to constituents in Ward 4 and she did not receive any interest.

Council Member Jackson said she also had reached out to Ward 1 residents and had not received any interest.

Council Member Brundrett thanked other Council Members for trying, and stated you cannot force representation.

**MOTION:** Mayor Pro-Tem Hattman moved to appoint Josh Dowling, Elsa Gonzalez, and Shelly Schubert-Steckler to the Parks & Leisure Services Advisory Board. Council Member Brundrett seconded the motion. Motion carried unanimously.

**16. Deliberate and act on possible approval of an amendment to the existing Republic Services contract, extending it for one year until July 31, 2024.**

City Manager Vanessa Shrauner stated the City is coming to the end of a 5-year contract with Republic Services for solid waste services. Ms. Shrauner said Council had expressed a wish to explore options for solid waste services and Republic Services has agreed to a 1-year extension without raising the Capital Price Index for the duration of the extension, in order for the City to make a thoughtful decision on solid waste services.

**MOTION:** Council Member Brundrett moved to postpone this Agenda item and give direction to the City Manager to negotiate with Republic Services for up to a five (5) year contract extension with a clause allowing for neighborhood opt-out services. Mayor Pro-Tem Hattman seconded the motion.

Council Member Jackson said she just wanted to make sure she understood what the motion meant. Council Member Jackson asked if she understood Council Member Brundrett's motion correctly it meant instead of doing a 1-year contract extension, which had been discussed by Council, doing a 5-year contract extension, which she does not like, with opt-in, opt out clauses.

Council Member Brundrett answered that was correct as opposed to doing a one (1) year extension and then coming back again in a few months to do a five (5) year extension/contract. Council Member Brundrett said his thought was to just let the City Manager negotiate it now and try to get the best deal.

**AMENDED MOTION:** Council Member Jackson moved to amend the motion to no more than four (4) years. Mayor Pro-Tem Hattman seconded the motion. Motion carried unanimously.

Council Member Hale asked for clarification regarding neighborhood opt-out clauses. Council Member Hale stated that seems to be a pretty broad or vague statement; what does that mean?

Council Member Brundrett stated in his thoughts that would be the opportunity for some neighborhoods to get other services such as more than once a week services, valet services or whatever they need; especially in Ward 3 where it is busier in the summer and once a week trash service may not be the best for them. Council Member Brundrett said what he is envisioning is that maybe a Homeowners Association contracting with another vendor or something like that.

City Manager Shrauner said the neighborhood opt-out clause would have to be defined somewhere along the process. Ms. Shrauner stated when she brings this back to Council it will have defined parameters for a neighborhood opt-out.

Council Member Hale stated she was a little taken back by the change in direction and she was hopeful to spend some time to better understand the needs of the constituents with regards to recycling and other things. Council Member Hale said she thought the Council had discussed a reasonable pass-forward to solicit the input.

Mayor Jayroe called the vote for the **MAIN MOTION**: Motion carried 4-1.

**FOR MOTION**: Council Member Jackson, Council Member Brundrett, Mayor Pro-Tem Hale, and Mayor Jayroe.

**AGAINST MOTION**: Council Member Hale.

## **17. City Manager Report:**

### **A. Information for the public – Proposed Charter Amendments.**

City Manager Shrauner called the Council's attention to the 2023 Charter Amendment Election Information included in the Agenda Packet. Ms. Shrauner explained information provided to the public has to be factual and not positional. Ms. Shrauner added she has requested the newspaper publish this information, it will be on the City's website, and a video is going to be made.

Council Member Brundrett stated this is the information that Council Members could share with constituents because it is factual.

### **B. Budget.**

City Manager Shrauner said she did not have any budget information to report to Council at this time.

## **18. 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 Hale expressed apologies for her absence tonight because she had prearranged travel for a work-related conference and thanked Council for the opportunity to attend the Council meeting via ZOOM. Council Member Hale said on January 23, 2023, a Parks & Leisure Services Advisory Board Meeting was scheduled and cancelled due to lack of quorum, and thanked the Council for getting that Board filled back up. Council Member Hale stated on February 6, 2023, she called in and attended the Stormwater and Floodplain Advisory Committee meeting and she thought the presentation regarding the blue corridor concept was insightful and she looks forward to hearing more about that.

Council Member Brundrett said starting this week big things will be going on at Memorial Park; Little League Soccer starting and Little League Baseball tryouts. Council Member Brundrett thanked the Parks Department for getting the fields and everything ready in Memorial Park. Council Member Brundrett announced on Saturday at Noon at the Park, the USA versus Canada baseball/softball game will be held that supports Rockport-Fulton Little League. Council Member Brundrett stated the Concho Street Drainage Project is back up and running. Council Member Brundrett said he attended the Aransas County State of the County luncheon today.

Mayor Pro-Tem Hattman said she also attended the Aransas County State of the County luncheon today. Mayor Pro-Tem Hattman stated she and the Mayor will be attending the Texas Clean Coast event next week where they will talk to them about Tule Creek and get information on how we can help. Mayor Pro-Tem Hattman said the drainage project in the Rockport Country Club is at 70% completion and hopefully in the next couple of months it will be complete.

Mayor Jayroe said the Stormwater Drainage Committee, which meets monthly, met last week and there is progress going on between the County, City, Navigation District, and Fulton and working toward finding answers toward the drainage problems as a community; a lot of mutual cooperation going on.

### **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:

- 19. 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) Burnside Services, Inc., 2) Concho Street Drainage Project, and 3) Bhartkumar Patel and Kokilakumari Patel vs. City of Rockport.**
- 20. Section 551.074 Personnel Matters - deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee: Parks & Leisure Services Director.**

At 7:00 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) Burnside Services, Inc., 2) Concho Street Drainage Project, and 3) Bhartkumar Patel and Kokilakumari Patel vs. City of Rockport; and Section 551.074 Personnel Matters - deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee: Parks & Leisure Services Director.

**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 7:47 p.m., Mayor Jayroe reconvened the Rockport City Council into open session pursuant to the provisions of Chapter 551 of the Texas Government Code.

No action was taken.

**21. Adjournment.**

At 7:47 p.m., Council Member Brundrett moved to adjourn. Motion was seconded by Mayor Pro-Tem Hattman. Motion carried unanimously.



**APPROVED:**

  
\_\_\_\_\_  
Tim Jayroe, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Teresa Valdez, City Secretary