

CITY OF ROCKPORT

MINUTES

CITY COUNCIL SPECIAL MEETING 6:30 p.m., Tuesday, January 31, 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 31st day of January 2023, the City Council of the City of Rockport, Aransas County, Texas, convened in a Special 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
Legal Counsel Art Rodriguez, Jr., Messer Fort & McDonald, PLLC- *Via ZOOM*
Director of Finance Katie Griffin
Director of Public Works and Building & Development Services Mike Donoho
Information Technology Director Bob Argetsinger

ELECTED OFFICIALS PRESENT

Opening Agenda

1. Call meeting to order.

With a quorum of the Council Members present, the Special Meeting of the Rockport City Council was called to order by Mayor Jayroe at 6:33 p.m. on Tuesday, January 31, 2023, in the Training Room of the Rockport Service Center, 2751 State Highway 35 Bypass, Rockport, Texas.

2. Pledge of Allegiance.

Mayor Pro-Tem Hattman 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.

Andrew Kane, 2106 Lakeview Drive, addressed the Council and commented: We had a citizen's committee assembled to suggest changes to the City Charter. They recommended the addition of letting citizens speak before an agenda item and that was deleted by staff without a vote or action by the Council. This was done because while at Bastrop Mayor Jayroe stated that out-of-control citizens, namely Kristie Rutledge have abused and interfered with the Council's ability to conduct City business. Mayor Jayroe stated Kristie Rutledge had spoken at a City Council meeting on 19 agenda items and it took 57 minutes; the fact that never happened and that is a lie. She has never spoken on more than 3 to 5 agenda items. Jeff Hutt has spoken maybe 3 times over these same 9 months. Mayor Jayroe has exposed the City to a defamation of character law lawsuit to silence all citizens of Rockport. Mayor Jayroe, I challenge you to support your claim that Kristie Rutledge ever spoke for 57 minutes on 19 agenda items at a City Council Meeting; please provide a time when she did even half that or a third of what you claim to be true. You are lying to the citizens of Rockport and the Council to silence the citizens. Sir that makes you a dangerous tyrant in my opinion.

Patrick Kane, 1123 East Cedar Street, addressed the Council and commented: Why the rush? This Charter hasn't been updated in years, so why can't we take a few extra months and put in on for a vote later; that way you have time to explain to the citizens why the changes are needed. One of the Charter Review Commission Members spoke at the last Council meeting and stated he was concerned that the City staff has been given more authority than before and they are taking rights away from the City Council and the public, and his job was to protect the citizens and give them their rights and I don't think that I've done my job well. What is in the Agenda Packet tonight is not what was forwarded to you by the Commission. Who changed the recommendations and what were the reasons for the changes and why are the Council Members' positions on these changes been officially captured by a vote? I would like to know which Council Members are in favor of curtailing a citizens' right to speak during a meeting. The Commission Member stated that some of us think we have to run through this like it is a race and it is not a race, it is something we need to do right. Council it is your job to put on the brakes that the citizens' rights aren't being protected; we have time to do it right.

Bob Haynes, 60 Mockingbird Lane, addressed the Council and commented: I am here to speak on behalf of Coastal Bend Waste owner Clayton Reaser. It is my opinion that Aransas County and the City of Rockport and Fulton are fortunate to have such a disposal waste company. I have

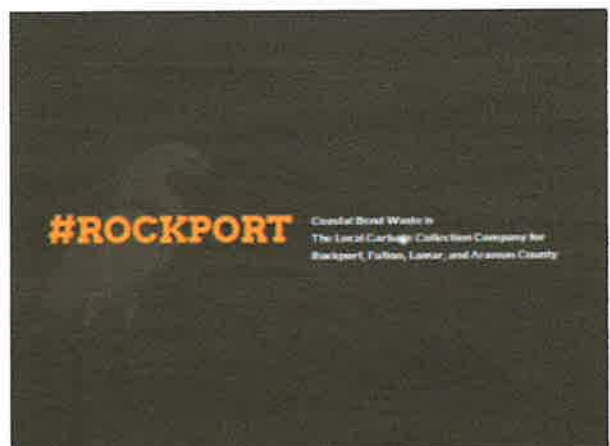
been a customer of this company for 8 months and find their service prompt and dependable. From its roll-out blue containers to the home office here in Rockport, which you will always have someone reply promptly, you can't ask for a better operation.

Steven Cantu, 419 South Fuqua Street, addressed the Council and commented: I am Rockport Fulton Little League President and have been associated with Little League for 16 years. I have been fortunate to work hand and hand with the City of Rockport's Parks Department pertaining to the City's agreement with the League. Like most partnerships there always has to be some give and take, and I feel that at the end of the day former Park's Manager Rick Martinez and the League have always found a way to make things work for both parties. Maintaining and also operating a City parks field is no easy feat. Introducing the love of this great game Baseball/Softball to the youth of Rockport/Fulton is the first step in early development. This is the first thing we preach to our volunteer coaches. Above wins and losses. It's about imbedding a love of the game. Above all once you teach a kid to love the game and to play it the way it's meant to be played, it exposes so many valuable life lessons. The only tools needed to perform this is someone willing to teach and a student willing to learn. Yes, all you need is a patch of grass to do this, but we've been blessed to have a state of the art facility. My appeal to this Council is that you allow Rockport Fulton Little League to add to our facilities yet another tool. Allowing us to build and maintain 6 batting cages two for each of the three main fields. We have done our homework and have two different bids to help us with the decision and layouts of our proposed project.

Regular Agenda

4. Hear presentation from Coastal Bend Waste.

Clayton Reaser and Matt White gave a PowerPoint presentation (below) on Coastal Bend Waste company.





**DIVERSE
COMMUNITY-
DIVERSE
TRASH NEEDS**

- Full Time Residents
- Vacation Homes
- Short Term Rentals
- Retirees

Why do we have a "one-size fits all" service?

COASTAL BEND WASTE CORE VALUES

- COMMUNITY FOCUS
- SUPERIOR SERVICE
- PEOPLE FIRST

COASTAL BEND WASTE DIFFERENCES

WHY WE'RE DIFFERENT

- We hire local and support the local community.
- We provide superior service in an industry where mediocre service is the norm.
- We are one of the only local options in a consolidating market.
- We provide flexible solutions for our customers.

COASTAL BEND WASTE WHY

- \$1MM** EQUIPMENT AND INFRASTRUCTURE
- \$850K** LOCAL SALARIES
- \$400K** LOCAL VENDORS
- \$50K** LOCAL ORGANIZATIONS

CAPABILITIES

SERVICE AREA

- Our current service area is nearly 30 times the size of the city.

CUSTOMER SERVICE

- We have personnel and technology dedicated to customer service and reliability.

OPTIONALITY

- We offer customized service offerings to each of our customers.



COASTAL BEND WASTE

OUR ASK

- Allow citizens to choose service and individual HDAs to opt out of city-mandated service.
- Create a competitive environment of accountability.
- Allow a local vendor to compete.



Mr. Reaser and Mr. White stated they would love to serve the entire City of Rockport, or a shot at any capacity. They requested when the City begins to seek requests for services to please include Coastal Bend Waste. Mr. Reaser said they can provide needed services that the City’s current provider is unwilling or unable to provide.

5. Deliberate and act on an updated Agreement for Little League use of ball fields and placement of batting cages at Memorial Park.

City Manager Vanessa Shrauner addressed the Council. Ms. Shrauner stated the Little League has asked to add batting cages to Memorial Park. Ms. Shrauner explained this was a good opportunity to update the agreement and since there were several changes, she wanted Council to approve the Agreement. Ms. Shrauner said future agreements with only date changes will be signed by the City Manager unless there are substantial changes.

Mayor Jayroe asked Little League President Steven Cantu if the Little League was happy with the Agreement.

Steven Cantu answered “yes”.

Council Member Jackson asked if the City’s legal counsel had reviewed the Agreement.

City Manager Shrauner stated it had been reviewed by legal counsel.

Council Member Brundrett asked Mr. Cantu if the Agreement needed to be approved by the Little League Board.

Mr. Cantu answered if the Agreement is approved tonight by the Council, then the Little League Board has a decision to make regarding the two bids received. Mr. Cantu stated the timeline will be determined by the Board.

MOTION: Council Member Brundrett moved to approve an updated Agreement for Little League use of ball fields and placement of batting cages at Memorial Park. Council Member Jackson seconded the motion. Motion carried unanimously.

6. **Deliberate and act on a Resolution 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 one proposition to approve or reject giving authorization to the City Council of the City of Rockport, Texas to sell the natural gas utility distribution system owned by the City of Rockport, Texas; providing other matters relating to the Special Election; and finding and determining that the meeting at which this Resolution is passed is open to the public as required by law.**

Deliberar y actuar sobre una Resolución que ordene una Elección Especial y establezca los procedimientos para que dicha elección se celebre el sábado 6 de mayo de 2023; la Elección Especial será con el fin de presentar a los votantes calificados de la ciudad una propuesta para aprobar o rechazar otorgar autorización al concejo municipal de la ciudad de Rockport, Texas para vender el Sistema de distribución de servicios públicos de gas natural propiedad de la ciudad de Rockport, Texas; suministro de otros asuntos relacionados con la elección especial; y encontrar y determinar que la reunión en la que se aprueba esta Resolución está abierta al público como lo requiere la ley.

City Secretary Teresa Valdez addressed the Council. Ms. Valdez stated the Resolution was prepared by City legal counsel, so it meets all statutes. Ms. Valdez said Council has had several discussions regarding the sale of the natural gas system and this Resolution orders a Special Election to sell the City's natural gas system.

City Manager Vanessa Shrauner stated this is calling the election to put the proposition on the ballot.

MOTION: Council Member Jackson moved to approve the Resolution 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 one proposition to approve or reject giving authorization to the City Council of the City of Rockport, Texas to sell the natural gas utility distribution system owned by the City of Rockport, Texas; providing other matters relating to the Special Election; and finding and determining that the meeting at which this Resolution is passed is open to the public as required by law. Mayor Pro-Tem Hattman seconded the motion. Motion carried unanimously.

7. **Deliberate and act on first 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 en primera lectura de una Ordenanza ordenando 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.

Art Rodriguez, Legal Counsel, addressed the Council. Mr. Rodriguez stated this is the Ordinance prepared from the Charter Review Commission's Final Report and comments from the City Council, and he believes this Ordinance is what City Council would like to consider. Mr. Rodriguez said that a Public Hearing was conducted at the last regular City Council Meeting to receive public input on the proposed Charter Amendments. Mr. Rodriguez explained there are 23 propositions for consideration and this was a long process for possible changes to the City's Charter.

Council Member Brundrett said he had a few questions:

1. With this many propositions, moving forward to a ballot, do you see any issues?

Mr. Rodriguez: Not particularly. The Local Government Code requires when you are going through a Charter revision one issue per proposition. It is difficult to lump some of these together. I have seen up to 70 propositions on a ballot, so 23 is not out of line with similar types of elections in other communities.

2. I have received some feedback from constituents on some of the proposed changes, but before I address that, we are in compliance now with a Charter review and we are good if we do not call an election?

City Manager Shrauner responded: Absolutely, we have met, and we are in compliance with the Charter, as of today.

Feedback received on Section 3.10 citizens to be heard. I do feel if we have a contentious item, I may not remember what everyone one said during citizens to be heard. I don't know if that is the best way to do that so we don't have an hour on one agenda item, we could limit that someway.

Mayor Pro-Tem Hattman said she is not 100% against having people speak on each agenda item, but it has to be productive. With Roberts Rules of Order, it is up to the Chair.

City Manager Shrauner stated the current way it is written in the Charter is that it is up to the Chair, so the next Chair can do it how he wants, and 10 years from now that Chair can do it how they wants. You have the opportunity as Council Member to speak to your Chair about what you would like to see.

Mr. Rodriguez said the City also has a Code of Conduct in Chapter 2 of the Code of

Ordinances and the Council still has the ability to adopt their own rules on how to conduct City business.

Council Member Jackson stated she agreed that this can be addressed in Chapter 2 of the Code of Ordinances.

Mayor Jayroe stated there have been situations in the past where Council Meetings have gotten out of control where people were verbally attacked and he made the decision that if he was elected Mayor, we would have courteous and respectful Council meetings. People have a right to give their opinion, but not at just any time during a meeting, out of order, when they just want to stand up and talk and this is what was going on. What I decided that would require is that people talk at a particular time at the meeting and not throughout all the meeting. By ordinance and Roberts Rules of Order I have a right to make that decision.

Feedback received on the super majority on annexation. We don't have super majority for passing bonds or debt.

Mayor Pro-Tem Hattman stated she would like to see what those utilities cost. She would rather have those people come to the Council rather than have them do a petition. It makes it easier to disannex.

City Manager Shrauner said the point of this proposition was to make it easier for citizens to request disannexation without having to do a petition.

Feedback received on term limits and length of terms. Would like to know if there are any thoughts from Council on this. The length of the term was not in the Charter Review Commission's report; where did that come from?

City Manager Shrauner responded that was Council's direction to staff. The thought process was that with a 2-year term, you are just hitting your stride, and someone is always running for re-election. Those items were separated specifically, and one is not contingent upon the other.

Mayor Pro-Tem Hattman stated she supported 4-year terms because four years give you time to see projects through and she feels like it should be put out there for citizens to decide.

Council Member Jackson stated these ballot propositions are simply our ideas and people vote on them. This is an official accountable way to get people's opinions. Voter's preference. We're giving you options and trying to make better place for everyone.

Mayor Pro-Tem Hattman said she has not received any comments from her Ward.

Mayor Pro-Tem Hattman asked how the proposed Charter Amendments are going to be gotten out to the citizens so they can learn what is on the ballot and how they can get information.

City Manager Shrauner said she is working on a 6-page document with the proposed changes and why it is on the ballot. She stated she has asked for a page in the newspaper and it will be on the website and be a handout that Council can distribute. Ms. Shrauner said she will go anywhere to talk about this with citizens. Ms. Shrauner expressed the City's position is neutral and everything we put out is neutral.

Mayor Pro-Tem Hattman expressed if anyone has questions, the entire Council is available to answer them; email us, call us, please don't be afraid to do that.

Council Member Hale said the comments made by the other Council Members are exceptionally valid. Council Member Hale stated the super majority recommendation for disannexation is valid and it should be noted on record that the intent is to allow for disannexation and the intent of the proposed amendment is to clarify the process to allow for that and to ensure that the rights and privileges of citizens in an area and those in the remaining parts of the City are able to weight in on that, allowing a quicker path to disannexation. Council Member Hale said she supports the proposed super majority. Council Member Hale said that in regard to term limits and lengths of terms, she does not believe there is a strong consensus one way or another and this is an opportunity for voters to make a decision. Council Member Hale commented on why we're pushing forward is that it is her understanding that if we don't piggyback on the May General Election, and we chose to have a Special Election at another time the City will have to pay for that. Council Member Hale asked Mr. Rodriguez to remind them of why we are pushing forward with this current schedule.

Mr. Rodriguez stated February 17, 2023, is the last day that the City can make a decision on what is going on the May election. Mr. Rodriguez explained in order to make the two (2) readings of ordinances Charter requirement, we needed to have a meeting today because the Charter requires a seven (7) day wait period between readings. Mr. Rodriguez said we have the regular Council meeting on February 14th to consider the second reading of the Ordinance. Mr. Rodriguez added that Statute does require this election to be ordered by Ordinance rather than Resolution.

City Manager Shrauner said if the City waits until November for the election, it would be at a substantially higher cost, or otherwise wait another full year.

Council Member Hale stated she did not think the extra expense make sense to the City. Council Member Hale said when in doubt place it in the hands of the voters.

Council Member Brundrett asked for a recess.

Council took a recess from 7:30 p.m. until 7:40 p.m.

Council Member Brundrett stated he would like to discuss some more the citizens speaking on agenda items that the Charter Review Commission recommended. Council Member Brundrett said his concern is that if that is put in the Charter it hinders future Councils.

Discussion was held among Council and City Manager Shrauner regarding the recommendation from the Charter Review Commission.

Council Member Jackson stated it says that the City Council shall determine its own rules of order for business and the citizens shall have a reasonable opportunity to be heard at any meeting with regard to any item under consideration. Council Member Jackson said that is straight out of the Open Meetings Act and in line with Attorney General Opinion KP-300.

Council Member Brundrett asked if Legal Counsel could tell Council what Chapter 2 of the City Code of Ordinance states as it relates to citizen comments.

Mr. Rodriguez read the part of Chapter 2 relating to citizen comments and stated that the way Mayor Jayroe is handling citizen comments is in compliance with Chapter 2.

Council Member Jackson suggested the Council have a workshop on Code of Ordinances Chapter 2.

Council Member Brundrett asked Mr. Rodriguez asked if there is a conflict between the current Charter and the City Code Section 2-31.

Mr. Rodriguez answered there was not a conflict.

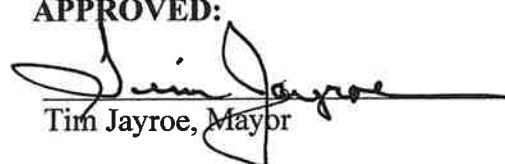
Council Member Jackson stated if the Council adopts this Ordinance on the second reading, the Council can only provide factual information and cannot campaign for or against anything on the ballot.

MOTION: Council Member Jackson moved to approve the first 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. Mayor Pro-Tem Hattman seconded the motion. Motion carried unanimously.

8. Adjournment.

At 7:54 p.m., Mayor Pro-Tem Hattman moved to adjourn. Motion was seconded by Council Member Brundrett. Motion carried unanimously.



APPROVED:

Tim Jayroe, Mayor

ATTEST:


Teresa Valdez, City Secretary