

CITY OF ROCKPORT

MINUTES

CITY COUNCIL REGULAR MEETING

6:30 p.m., Tuesday, April 25, 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 25th day of April 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 Brad Brundrett, Ward 3 - *Via ZOOM*

CITY COUNCIL MEMBER(S) ABSENT

Council Member Danielle Hale, Ward 2

STAFF MEMBERS PRESENT

City Manager Vanessa Shrauner

Assistant to City Manager Kimberly Henry -*Via ZOOM*

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

Assistant Communications Center Director Hilary Verduzco

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, April 25, 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. Presentation: Promotion in Police Department – Officer Timothy Sawicki.

Chief Stevens stated Rockport Police Department Patrol Officer Timothy Sawicki is being promoted to Detective. Chief Stevens presented Detective Sawicki with new credentials.

Detective Sawicki's son pinned the new credentials on his father's uniform.

4. Proclamation: Municipal Clerks Week April 30 – May 6, 2023.

Mayor Jayroe proclaimed the week of April 30 – May 6, 2023 as Municipal Clerks Weeks 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.

Mayor Jayroe announced there are several citizens that wish to address three Agenda Items, so he will allow them to speak when the Agenda item is discussed.

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.

6. Deliberate and act on approval of City Council Meeting Minutes of April 11, 2023.

7. Deliberate and act on a Resolution of the City of Rockport, Texas, finding that AEP Texas Inc.'s application to amend its distribution cost recovery factors to increase distribution rates within the City should be denied, authorizing participation with the cities served by AEP Texas; authorizing hiring of legal counsel; finding that the City's reasonable rate case expenses shall be reimbursed by the company; finding that the meeting at which this Resolution is passed is open to the public as required by law; requiring notice of this Resolution to the company and legal counsel.

8. Deliberate and act on 2nd quarter report from the Rockport-Fulton Chamber of Commerce for Fiscal Year 2022-2023 marketing expenditures.

9. Deliberate and act on request from South Rockport Neighbors to close Concho Street in front of the Public Safety Center on May 15, 2023, from 10:30 a.m. until 12:30 p.m. for the annual Peace Officer's Memorial Day services.

10. Deliberate and act on the purchase of equipment to replace two existing circular grit collectors and two grit screw drive units at the Wastewater Treatment Plant. (WWTP).

11. **Deliberate and act to award a contract for a pressure test to be conducted on the segment of 2” gas supply line that runs between the City’s natural gas supplier and the City’s North Gate Regulator Station.**
12. **Deliberate and act on second and 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 102 Saint Francis Circle; also known as Lot 2, Block 1, Domasco Subdivision, 3.445 acres, City of Rockport, Aransas County, Texas, from R-1 (1st Single Family Dwelling District) to B-1 (General Business District) to allow the use of monitored outside parking; repealing all ordinances in conflict therewith; providing for severability; and providing an effective date.**
13. **Deliberate and act on second and 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 1806 Highway 35 North; also known as Villa Del Palmas, Units A, B, C and D, City of Rockport, Aransas County, Texas to R-6 (Hotel/Motel District) to allow the use of short-term rentals; currently zoned R-5 (2nd Multi- Family Dwelling District) repealing all ordinances in conflict therewith; providing for severability; and providing an effective date.**
14. **Deliberate and act on second and final reading of an Ordinance amending Ordinance No. 1894 by replacing and appointing a new alternate judge; 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 Jayroe removed Items 12 and 13 from the Consent Agenda for separate discussion.

MOTION: Council Member Jackson moved to approve the Consent Agenda Items, minus Items 12 and 13, as presented. Mayor Pro-Tem Hattman seconded the motion. Motion carried unanimously.

Mayor Jayroe moved to Agenda Item 21.

21. **Deliberate and act on appointing Messer, Fort & McDonald, PLLC to serve as legal counsel for the City of Rockport.**

City Manager Vanessa Shrauner stated the City recently went through the Request For Qualifications process for city attorney services. Ms. Shrauner said six (6) qualification packets were received and three (3) were interviewed at a Special City Council Meeting on April 21, 2023, and scored by the City Council. Ms. Shrauner stated Messer, Fort & McDonald, PLLC received the highest scores.

MOTION: Council Member Jackson moved to appoint Messer, Fort & McDonald, PLLC to serve as legal counsel for the City of Rockport. Mayor Pro-Tem Hattman seconded the motion. Motion carried unanimously.

Consent Agenda Item 12.

Brian Phillips & Tami Domaso, 325 Griffith Drive, addressed the Council. They stated they were the owners of the property, and they want to do monitored parking and not take away from anyone's home values.

Chris Anderson, 202 St. Francis Circle, addressed the Council. Mr. Anderson stated he supported the rezoning request.

Mayor Jayroe read the Citizen Participation Forms from the following:

- 1) Jerry Lopez, 309 Saint Francis Circle – Opposed to rezoning request.
- 2) Andrew Kane, 2106 Lakeview Drive – Opposed to rezoning request.

Council Member Jackson read the Citizen Participation Form from the following:

- 1) Timothy Templin, 205 Saint Francis Circle – Opposed to rezoning request.

Mayor Pro-Tem Hattman read the Citizen Participation Form from the following:

- 1) James McMahan, 310 Saint Francis Circle – Opposed to rezoning request.
- 2) Suzanne Frels, 213 Saint Francis Circle – Opposed to rezoning request.
- 3) Donnie Frels, 213 Saint Francis Circle – Opposed to rezoning request.

Community Planner Carey Dietrich said there had been no changes to the Ordinance since Council approved the first reading on April 11, 2023.

Discussion was held among the Council, Ms. Dietrich, Planning & Zoning Commission Member Kim Hesley and City Manager Vanessa Shrauner.

MOTION: Mayor Pro-Tem Hattman moved to postpone until further information is received the second and 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 1806 Highway 35 North; also known as Villa Del Palmas, Units A, B, C and D, City of Rockport, Aransas County, Texas to R-6 (Hotel/Motel District) to allow the use of short-term rentals; currently zoned R-5 (2nd Multi-Family Dwelling District) repealing all ordinances in conflict therewith; providing for severability; and providing an effective date. Council Member Jackson seconded the motion. Motion carried 4:0.

Consent Agenda Item 13

Mayor Jayroe read the Citizen Participation Form from the following:

- 1) Terry Shannon, 1905 Cochran Lane – Opposed to rezoning request.
- 2) Mary Christine Ritter, 1901 Cochran Lane – Opposed to rezoning request.
- 3) Melissa Fox, 1910 Cochran Lane – Opposed to rezoning request.

Community Planner Carey Dietrich stated there had been no changes to the Ordinance since Council approved the first reading on April 11, 2023.

MOTION: Council Member Jackson moved to approve the second and 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 1806 Highway 35 North; also known as Villa Del Palmas,

Units A, B, C and D, City of Rockport, Aransas County, Texas to R-6 (Hotel/Motel District) to allow the use of short-term rentals; currently zoned R-5 (2nd Multi-Family Dwelling District) repealing all ordinances in conflict therewith; providing for severability; and providing an effective date. Mayor Jayroe seconded the motion. Motion failed due to tie vote: 2-2.

FOR MOTION: Council Member Jackson and Mayor Jayroe.

AGAINST MOTION: Council Member Brundrett and Mayor Pro-Tem Hattman.

Public Hearing

15. Conduct a Public Hearing to consider a request to revert back to original Planned Unit Development (PUD) as described in Ordinance No. 1385 for property located at 1724 FM 3036; also known as La Salle Estates P.U.D., City of Rockport, Aransas County, Texas, which is a Planned Unit Development (PUD) single use overlay district containing 80 attached single-family dwellings (townhouses) along with such features and amenities; currently zoned P.U.D. with R-5 use (Second Multi-Family Dwelling District).

Mayor Jayroe opened the Public Hearings at 7:07 p.m.

Joe Hancock, representing property owner, Key Allegro Development, LLC, addressed the Council and stated the property was rezoned after Hurricane Harvey to allow for multi-family housing but the property did not sell, so they are requesting it revert back to a Planned Unit Development (PUD).

Mayor Jayroe closed the Public Hearings at 7:08 p.m.

Regular Agenda

16. Hear a presentation regarding the Motor Vehicle Crime Prevention Authority Grant (MAG) being used to fund a program with Flock Safety, Inc. for six (6) fixed pole-mounted automatic license plate cameras in and around the City.

Council Member Jackson read the Citizen Participation Forms from the following:

- 1) Patrick Kane, 1123 East Cedar Street – opposed to automatic license plate cameras.
- 2) Kristie Rutledge, 1411 Dana Drive – opposed to automatic license plate cameras.

Jacob Morgan, 1919 Highway35 North, addressed the Council. Mr. Morgan voiced opposition to automatic license plate cameras.

Jim Mixon, 209 Olympic Dr., addressed the Council. Mr. Mixon stated he was the person who circulated the support petition included in the Agenda Packet and he voiced support for the automatic license plate cameras.

Chief of Police Greg Stevens addressed the Council and stated he wanted to clear up misinformation in regard to the grant application submitted to fund a program with Flock Safety, Inc. Chief Stevens stated the information is being provided to the City Secretary to distribute to Council and the public, if requested.

Hector Soliman-Valdez, Community Affairs Manager with Flock Safety, gave a PowerPoint presentation on Flock Safety.

Discussion was held among the Council, Chief Stevens and Mr. Soliman-Valdez.

The Council recessed from 7:52 p.m. until 8:05 p.m.

- 17. Deliberate and act on first reading of an Ordinance amending the official zoning map as stipulated under Article 4.1 of the City of Rockport Zoning Ordinance Number 1027 by changing the zoning of land from Planned Unit Development (P.U.D) with R-5 (2nd Multi-Family Dwelling District) use for property located at 1724 FM 3036; also known as La Salle Estates P.U.D., City of Rockport, Aransas County, Texas, to Planned Unit Development (P.U.D.) Single Use Overlay District containing 80 attached single-family dwellings (townhouses) along with such features and amenities; repealing all ordinances in conflict therewith; providing for severability; and providing an effective date.**

Community Planner Carey Dietrich stated that as explained in the Public Hearing the request is to revert back to Planned Unit Development.

MOTION: Council Member Brundrett moved to approve the first reading of an Ordinance amending the official zoning map as stipulated under Article 4.1 of the City of Rockport Zoning Ordinance Number 1027 by changing the zoning of land from Planned Unit Development (P.U.D) with R-5 (2nd Multi-Family Dwelling District) use for property located at 1724 FM 3036; also known as La Salle Estates P.U.D., City of Rockport, Aransas County, Texas, to Planned Unit Development (P.U.D.) Single Use Overlay District containing 80 attached single-family dwellings (townhouses) along with such features and amenities; repealing all ordinances in conflict therewith; providing for severability; and providing an effective date. Council Member Jackson seconded the motion. Motion carried 3-0.

FOR MOTION: Council Member Brundrett, Council Member Jackson and Mayor Jayroe.

ABSTAIN: Mayor Pro-Tem Hattman (Filed a Conflict of Interest Affidavit with the City Secretary)

- 18. Deliberate and act on a request for a Utility Services Agreement by and between City of Rockport, Texas, a home-rule municipality (the “City”), and Rockport Landing GP, LLC, a Texas Domestic Limited Liability Company (“Developer”), regarding the City’s provision of water, wastewater and natural gas service and any associated facilities for the provision of said utilities, on the land owned by the Developer.**

Community Planner Carey Dietrich explained property owner, Rockport Landing, GP is requesting a Utility Services Agreement to reserve capacity in the South Side Wastewater System Improvements project and agrees to pay \$500 per Living Unit Equivalent (LUE). Ms. Dietrich stated the Agreement has a 5-year term. Ms. Dietrich added the Developer has agreed to submit to voluntary annexation.

MOTION: Council Member Jackson moved to approve a Utility Services Agreement by and between City of Rockport, Texas, a home-rule municipality (the “City”), and Rockport Landing GP, LLC, a Texas Domestic Limited Liability Company (“Developer”), regarding the City’s provision of water, wastewater and natural gas service and any associated facilities for the provision of said utilities, on the land owned by the Developer. Mayor Pro-Tem Hattman seconded the motion. Motion carried 3-0.

FOR MOTION: Council Member Jackson, Mayor Pro-Tem Hattman and Mayor Jayroe.

ABSTAIN: Council Member Brundrett (Filed a Conflict of Interest Affidavit with the City

Secretary)

19. Deliberate and act on a request for a Utility Services Agreement by and between City of Rockport, Texas, a home-rule municipality (the “City”), and Milo Holdings, LLC, a Texas Domestic Limited-Liability Company (“Developer”) regarding the City’s provision of water, wastewater and natural gas service and any associated facilities for the provision of said utilities, on the land owned by the Developer.

Community Planner Carey Dietrich explained property owner, Milo Holdings, LLC for La Buena Vida development, is requesting a Utility Services Agreement to reserve capacity in the South Side Wastewater System Improvements project and agrees to pay \$500 per Living Unit Equivalent (LUE). Ms. Dietrich stated the Agreement has a 5-year term. Ms. Dietrich added the Developer has agreed to submit to voluntary annexation.

MOTION: Mayor Pro-Tem Hattman moved to approve a Utility Services Agreement by and between City of Rockport, Texas, a home-rule municipality (the “City”), and Milo Holdings, LLC, a Texas Domestic Limited-Liability Company (“Developer”) regarding the City’s provision of water, wastewater and natural gas service and any associated facilities for the provision of said utilities, on the land owned by the Developer. Council Member Jackson seconded the motion. Motion carried 3-0.

FOR MOTION: Council Member Jackson, Mayor Pro-Tem Hattman and Mayor Jayroe.

ABSTAIN: Council Member Brundrett (Filed a Conflict of Interest Affidavit with the City Secretary)

20. Deliberate and act on supplemental request for Hotel Occupancy Tax Funds from Airplanes & Coffee for Warbirds Over South Texas, to be held at the Aransas County Airport on May 27 and 28, 2023.

City Manager Vanessa Shrauner stated Mr. Cody Stewart has submitted a Hotel Occupancy Tax (HOT) Funding Application requesting \$10,000 for the Warbirds Over South Texas event to be held at the Aransas County Airport on May 27 and 28, 2023. Ms. Shrauner said her recommendation to Council is disapproval because HOT funds are budgeted and allocated through the budget process and additionally this event is new with no statistics to verify qualification. Ms. Shrauner added while there are always exceptions, setting the precedent of awarding funds throughout the year will not allow for appropriate budgeting.

Code Stewart with Airplanes & Coffee gave a PowerPoint presentation on the HOT funding request.

Discussion was held among the City Council, Ms. Shrauner, and Mr. Stewart.

MOTION: Council Member Jackson moved to deny the request for Hotel Occupancy Tax Funds from Airplanes & Coffee for Warbirds Over South Texas, to be held at the Aransas County Airport on May 27 and 28, 2023, and the City to become a Platinum Sponsor in the amount of \$5,000 for the event this year. Mayor Pro-Tem Hattman seconded the motion. Motion carried unanimously.

22. City Manager Report:

A. Projects.

City Manager Shrauner said she did not have a report for the City Council.

23. 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 Jackson reported on Ward 1 activities: Second Saturday event; two businesses doing the best sales ever over the easter weekend; May 13, 2023 World Collage Day, Election Day May 6, 2023 – Charter Amendments & Sale of Natural Gas System – really need everyone to vote.

Mayor Jayroe reported he had attended the Children’s Coalition of Aransas County fundraiser.

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:

- 24. 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: Concho Street & General Land Office (GLO) drainage projects.**
- 25. 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: consider the possible purchase of real property.**

At 8:30 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: Concho Street & General Land Office (GLO) drainage projects; and 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: consider the possible purchase of real property.

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 8:39 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.

26. Adjournment.

At 8:39 p.m., Council Member Jackson moved to adjourn. Motion was seconded by Mayor Pro-Tem Hattman. Motion carried unanimously.



APPROVED:

Tim Jayroe, Mayor

ATTEST:


Teresa Valdez, City Secretary