

CITY OF ROCKPORT

MINUTES

CITY COUNCIL REGULAR MEETING

6:30 p.m., Tuesday, August 9, 2022

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 9th day of August 2022, 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 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
City Secretary Teresa Valdez
City Attorney Allison Bastian-Rodriguez -Via ZOOM
Director of Finance Katie Griffin
Parks & Leisure Services Director Rick Martinez
Director of Public Works and Building & Development Services Mike Donoho
Community Planner and Assistant Director of Building & Development Services Carey Dietrich
Information Technology Director Bob Argetsinger
Chief of Police Greg Stevens

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, August 9, 2022, in the Training Room of the Rockport Service Center, 2751 State Highway 35 Bypass, Rockport, Texas.

2. Pledge of Allegiance.

Council Member Brundrett 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 subject matter that is not on the agenda, 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 citizen 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.

- 4. Deliberate and act on approval of Regular Meeting Minutes of July 26, 2022, Budget Workshop Minutes of August 2, 2022.**
- 5. Deliberate and act on adoption of a Resolution authorizing publication of delinquent taxpayers' names.**
- 6. Deliberate and act on 3rd quarter report from the Texas Marine Science Institute/Mission Aransas National Estuarine Research Reserve for Fiscal Year 2021-2022 Bay Education marketing expenditures.**
- 7. Deliberate and act on appointment of member to Building & Standards Commission and Zoning Board of Adjustment.**

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

Council Member Jackson requested Consent Agenda Item 7 be pulled for separate discussion.

MOTION: Council Member Brundrett moved to approve the Consent Agenda Items, minus Item 7, as presented. Council Member Hale seconded the motion. Motion carried unanimously.

Item 7

Council Member Jackson stated her issue with this appointment was that the Council is trying to level the load across the board so there are representatives from all Wards. Council Member Jackson said Patricia Bemrose is from Ward 1 and is qualified to serve on the Building & Standards Commission and Zoning Board of Adjustment.

MOTION: Council Member Jackson moved to postpone this item until the August 23, 2022, City Council Meeting. Mayor Pro-Tem Hattman seconded the motion. Motion carried unanimously.

Public Hearing

8. Conduct a Public Hearing on a proposal to increase solid waste, water, wastewater and natural gas rates for all customers.

Mayor Jayroe opened the Public Hearing at 6:35 p.m.

Katie Griffin, Director of Finance, addressed the Council. Ms. Griffin stated the proposed Fiscal Year 2022-2023 budget assumes rate increases in the water, wastewater, and natural gas utility systems as well as in solid waste. Ms. Griffin said the proposed water, wastewater and natural gas increases are part of the multi-year rate study program that was updated in July 2022 by NewGen Strategies & Solutions. Ms. Griffin stated the proposed budget includes the following rate increases: 3% - water; 3% wastewater; 12.5% natural gas; and 3.83% solid waste.

Matthew Garrett with New Gen Strategies & Solutions, gave a PowerPoint presentation, via *ZOOM*, on the utility rate study.

Discussion was held among Council, Ms. Griffin, and Public Works Director Mike Donoho regarding the many Capital Improvement projects that are partially funded with revenue from these funds.

Council Member Hale asked Mr. Donoho if he had looked at the 2012 budget and how the water restrictions at that time had affected the revenue.

Mr. Donoho answered he had not done that yet due to lack of time.

Mayor Jayroe closed the Public Hearing at 7:05 p.m.

Regular Agenda

9. Deliberate and act on first reading of an Ordinance granting a Conditional Use Permit to allow for a Quilt Shop, for property located at 2922 FM 1781; also known as Spanish Woods Estates #5, Lot 3b, being 1.148 acres, City of Rockport, Aransas County, Texas; subject to compliance with the conditions stated within this Ordinance, as well as those stipulated in the City of Rockport Code of Ordinances; repealing all ordinances in conflict therewith; providing for severability; and providing an effective date.

Bill Porter, 2942 FM 1781, addressed the Council. Mr. Porter stated he was concerned about the lights at the Quilt Shop; they shine at his house and they need to be aimed at the building. Mr. Porter said he would like that to be a condition of the approval of the Conditional Use Permit.

Community Planner Carey Dietrich addressed the Council and stated this was a request for a Conditional Use Permit and the property owner has operated the quilt shop for approximately two years and only recently was informed that a rezone would be required to continue operation. Ms. Dietrich said staff would discuss the lighting issue with the property owner. Ms. Dietrich stated the Planning & Zoning Commission recommend approval.

Darlana Lanier, property owner, addressed the Council and stated she has done no improvements or changing to the lighting since she bought the property. Ms. Lanier added she was approached about the lighting, she did adjust it.

MOTION: Council Member Hale moved to approve the first reading of an Ordinance granting a Conditional Use Permit to allow for a Quilt Shop, for property located at 2922 FM 1781; also known as Spanish Woods Estates #5, Lot 3b, being 1.148 acres, City of Rockport, Aransas County, Texas; subject to compliance with the conditions stated within this Ordinance, as well as those stipulated in the City of Rockport Code of Ordinances; repealing all ordinances in conflict therewith; providing for severability; and providing an effective date. Council Member Jackson seconded the motion. Motion carried unanimously.

- 10. Deliberate and act on first reading of an Ordinance granting a Conditional Use Permit to allow the use of a manufactured home on the property zoned R1 (1st Single Family Dwelling District), located at 826 Holly Road; also known as S3925 McCombs Subdivision, Lot 6, 2.00 acres, City of Rockport, Aransas County, Texas; subject to compliance with the conditions stated within this Ordinance, as well as those stipulated in the City of Rockport Code of Ordinances; repealing all ordinances in conflict therewith; providing for severability; and providing an effective date.**

Community Planner Carey Dietrich addressed the Council and said this is a request for a Conditional Use Permit because the property owner did not realize the property had been annexed into the City Limits. Ms. Dietrich stated currently there are several recreational vehicles (RVs) on the property and the Planning & Zoning Commission recommend approval of the request with the stipulation that any use of the RVs on the property cease and desist and all but one RV be removed from the property within 90 days from the date of approval of the second reading of the Ordinance.

Ernest McAlister, on behalf of his son Jamie McAlister, property owner, addressed the Council. Mr. McAlister stated they have agreed to the stipulation and the 90 days.

MOTION: Mayor Pro-Tem Hattman moved to approve the first reading of an Ordinance granting a Conditional Use Permit to allow the use of a manufactured home on the property zoned R1 (1st Single Family Dwelling District), located at 826 Holly Road; also known as S3925 McCombs Subdivision, Lot 6, 2.00 acres, City of Rockport, Aransas County, Texas; subject to compliance with the conditions stated within this Ordinance, as well as those stipulated in the City of Rockport Code of Ordinances; repealing all ordinances in conflict therewith; providing for severability; and providing an effective date. Council Member Jackson seconded the motion. Motion carried unanimously.

- 11. Deliberate and act on first reading of an Ordinance amending the City of Rockport Code of Ordinances Chapter 106 "Vegetation" Article I "General" and Article II**

“Tree Regulations”; repealing all ordinances to the extent they are in conflict; providing for severability; and providing an effective date.

Community Planner Carey Dietrich addressed the Council and stated this is the final draft of the Ordinance amending the Rockport Code of Ordinances Chapter 106. Ms. Dietrich said some changes had been made since the Council had discussed the proposed Ordinance: every tree removed is a separate penalty; added a \$50 per inch tree mitigation fee in lieu of replanting and those monies will go into a tree mitigation account.

Council Member Hale asked who recommended the \$50 per inch mitigation fee.

Public Works Director Mike Donoho answered the City used a consultant and then the proposed amendment was reviewed by the Tree Committee and they are in agreement.

MOTION: Mayor Pro-Tem Hattman moved to approve the first reading of an Ordinance amending the City of Rockport Code of Ordinances Chapter 106 “Vegetation” Article I “General” and Article II “Tree Regulations”; repealing all ordinances to the extent they are in conflict; providing for severability; and providing an effective date. Council Member Jackson, seconded the motion. Motion carried unanimously.

12. Deliberate and act on first reading of an Ordinance amending the City of Rockport Code of Ordinances Chapter 98 “Traffic and Vehicles,” Article VI “Golf Carts and Neighborhood Electric Vehicles”; repealing all ordinances to the extent they are in conflict; providing for severability; and providing an effective date.

Jim Smith, 370 Johnson Drive, addressed the Council and said his concern is safety; golf carts are fun and good for the City but they come with responsibilities. Mr. Smith stated he sees a lot of issues with golf carts such as children driving, no turn signals, and no seat belts and we need to do something, whether it be publication, education or enforcement.

Chief of Police Greg Stevens addressed the Council and reviewed the proposed amendments to the Ordinance. Chief Stevens said the biggest revision is the outsourcing of inspections.

Brief discussion was held among Council and Chief Stevens.

Council Member Hale asked how the revenue from the permits will be utilized; can it be marked for education. Council Member Hale challenged City Manager Shrauner to get creative with this.

MOTION: Council Member Brundrett moved to approve the first reading of an Ordinance amending the City of Rockport Code of Ordinances Chapter 98 “Traffic and Vehicles,” Article VI “Golf Carts and Neighborhood Electric Vehicles”; repealing all ordinances to the extent they are in conflict; providing for severability; and providing an effective date. Council Member Hale seconded the motion. Motion carried unanimously.

13. Deliberate and act on first reading of an Ordinance amending the City of Rockport Code of Ordinances Chapter 102 “Utilities”, Article II. “Water Service”, Division 3. “Service Charges” by amending water rates for all customers; providing for the

validity of said Ordinance; repealing all prior ordinances in conflict herewith; and providing for an effective date.

Director of Finance Katie Griffin said the required Public Hearing was conducted tonight and this is the first reading of a proposed Ordinance increasing water rates by 3%. Ms. Griffin stated the rates will become effective on September 15, 2022, and reflected on the November 1, 2022, billing.

MOTION: Council Member Jackson moved to approve the first reading of an Ordinance amending the City of Rockport Code of Ordinances Chapter 102 "Utilities", Article II. "Water Service", Division 3. "Service Charges" by amending water rates for all customers; providing for the validity of said Ordinance; repealing all prior ordinances in conflict herewith; and providing for an effective date. Council Member Brundrett seconded the motion. Motion carried unanimously.

14. Deliberate and act on first reading of an Ordinance amending the City of Rockport Code of Ordinances Chapter 102 "Utilities", Article III. "Wastewater Service", Division 4. "Service Charges" by amending wastewater rates for all customers; providing for the validity of said Ordinance; repealing all prior ordinances in conflict herewith; and providing for an effective date.

Director of Finance Katie Griffin said the required Public Hearing was conducted tonight and this is the first reading of a proposed Ordinance increasing wastewater rates by 3.25%. Ms. Griffin stated the rates will become effective on September 15, 2022, and reflected on the November 1, 2022, billing.

MOTION: Council Member Brundrett moved to approve the first reading of an Ordinance amending the City of Rockport Code of Ordinances Chapter 102 "Utilities", Article III. "Wastewater Service", Division 4. "Service Charges" by amending wastewater rates for all customers; providing for the validity of said Ordinance; repealing all prior ordinances in conflict herewith; and providing for an effective date. Mayor Pro-Tem Hattman seconded the motion. Motion carried unanimously.

15. Deliberate and act on first reading of an Ordinance amending the City of Rockport Code of Ordinances Chapter 102 "Utilities", Article V. "Natural Gas Service", Division 3. "Service Charges" by amending natural gas rates for all customers; providing for the validity of said Ordinance; repealing all prior ordinances in conflict herewith; and providing for an effective date.

Director of Finance Katie Griffin said the required Public Hearing was conducted tonight and this is the first reading of a proposed Ordinance increasing natural gas rates by 12.5%. Ms. Griffin stated the rates will become effective on September 15, 2022, and reflected on the November 1, 2022, billing.

Council Member Brundrett asked how many gas taps are in the City.

Ms. Griffin answered there are approximately 400 in Lamar and 2700 in the City.

MOTION: Council Member Brundrett moved to approve the first reading of an Ordinance amending the City of Rockport Code of Ordinances Chapter 102 “Utilities”, Article V. “Natural Gas Service”, Division 3. “Service Charges” by amending natural gas rates for all customers; providing for the validity of said Ordinance; repealing all prior ordinances in conflict herewith; and providing for an effective date. Council Member Jackson seconded the motion. Motion carried unanimously.

16. Deliberate and act on first reading of an Ordinance amending the City of Rockport Code of Ordinances, Chapter 82 “Solid Waste” Article II. “Refuse Collection”, Section 82.39 “Fee Schedule” setting new fees for service; repealing all prior ordinances in conflict herewith; and providing for publication and an effective date.

Director of Finance Katie Griffin said the required Public Hearing was conducted tonight and this is the first reading of a proposed Ordinance increasing solid waste rates by 3.83% which is a pass-through increase from Republic Services. Ms. Griffin stated the rates will become effective on September 15, 2022, and reflected on the November 1, 2022, billing.

Council Member Hale asked when the City renegotiates the Solid Waste contract.

Ms. Griffin answered the City is entering the fifth year of the current contract and staff will probably be bringing this to Council after the first of the year.

MOTION: Mayor Jayroe moved to approve the first reading of an Ordinance amending the City of Rockport Code of Ordinances, Chapter 82 “Solid Waste” Article II. “Refuse Collection”, Section 82.39 “Fee Schedule” setting new fees for service; repealing all prior ordinances in conflict herewith; and providing for publication and an effective date. Council Member Hale seconded the motion. Motion carried unanimously.

17. Deliberate and act on presentation of proposed Fiscal Year 2022-2023 budget.

City Manager Vanessa Shrauner addressed the Council and expressed she was honored to be present tonight to present to the Council a balanced budget. Ms. Shrauner stated she could not take any credit for any of the work, but it was clear that Interim City Manager Richard Morton and staff put a tremendous amount of time into this document. Ms. Shrauner presented her budget letter (below).

[Continued next page]



August 9, 2022

Mayor and Council,

I am proud to be here tonight to present you this balanced budget. I won't pretend that it is any of my work, but it is abundantly clear that staff and council have put a tremendous amount of time into this document. It is something to be very proud of.

This year's budget required hard decisions due to rising costs and reduced expenses. However, we have made a commitment to ensure that city services continue in the manner which our citizens are accustomed to. This budget is balanced, addresses council and community priorities, focuses on essential city services and is consistent with council approved financial policies as well as meeting the requirements placed on each fund's reserve.

I come to you with a \$64,724,088 balanced budget. This budget includes a tax rate of \$.378149 which is below the voter approved rate and last year's rate of \$.392720. The rate is arrived at by applying the Unused Increment Tax Rate.

Of the 64-million-dollar budget, the general fund accounts for \$12,618,118 or 19.482%. To achieve a balance in this fund, three previously funded positions were cut, and the duties were absorbed by current staff. \$100,000 was cut from the City Managers Office and an additional \$110,000 was cut from various line items. We had to take in to account an 8% inflation rate as well as rising insurance costs. We have proposed a 5% cola for staff in order to keep up with the changing environment we are in and retain the talent we have.

The Water/ Wastewater fund accounts for 19.528% of the budget at \$12,645,249 which is .2% growth in expenses. We have been notified that there will be at least a 10% increase in the cost of water, but we are only increasing our cost to the customer by 3%.

4.847% of the Budget funds the Natural gas system. This is an amount of \$3,139,041 which is a 15% increase from last year. Additionally, there will be a required rate increase of 12.5%. A rate study is included in your draft budget that explains the necessary increases.

The Community Aquatic Center has a proposed budget of \$443,979 or .6856%. The costs at this facility have continued to rise, and the participation of our partners has not. This year we will open discussions of other jurisdictions contributing an equitable amount or disbanding the multijurisdictional board and having it function all under the city. Expect to see changes in this account next year.

Fleet maintenance and communications funds do not see many changes but have come in at \$1,051,606 or 1.624% and \$1,059,550 or 1.636% respectively.

The Sanitation Fund, Court Security and Technology Fund and the Utility Surcharge Fund all have no people and are either purely pass-through accounts or state mandated. They total \$2,908,399 and are 4.49% of the overall budget. The Sanitation Fund passes through the costs for the solid waste provider contract and collects the offsetting revenues.

Hotel Occupancy Tax Funds were allocated in your July 26th meeting. Council approved a total expenditure of \$1,608,393 which amounts to 2.485% of the overall budget. Projects were funded from a variety of sectors among the community including the Texas Maritime Museum, various representatives of the Arts sector and a variety of festivals throughout the year. This is approximately a \$10,000 increase over last year.

Municipal court has asked for funding for an additional Juvenile Case Manager at a cost of \$15,000 or .023%. Council has agreed to fund this position. Our Debt Service Fund will pay our \$3,568,838 (5.650%) while our Utility Fund will pay an additional \$2,158,000 or 3.334% on revenue supported debt. The vehicle replacement fund totals \$917,000 (1.416%) which is a reduction from last year.

Finally, Capital Improvement Projects. The proposed capital improvement budget is \$16,968,845 or 26.205% of the total budget for projects associated with the General Fund and \$5,622,000 or 8.686% for Utility Funded projects. These funds have been allocated for infrastructure throughout the city. These include completion of current street and drainage projects, park improvements, and city facilities.

This budget is very thoughtfully crafted and has successfully mitigated the setbacks the city has endured over the past. This is a very conservative and has laid a framework that will be successful for many years.

Best,



Vanessa R. Shrauner
City Manager
City of Rockport

MOTION: Council Member Brundrett moved to accept the presentation of the proposed Fiscal Year 2022-2023 budget. Mayor Pro-Tem Hattman seconded the motion. Motion carried unanimously.

18. Deliberate and act to take record vote to schedule date for required public hearing on proposed 2022 ad valorem property tax rate for Fiscal Year 2022-2023 budget.

Director of Finance Katie Griffin addressed the Council and stated statute requires the Council take a record vote to schedule the required public hearing on the proposed 2022 ad valorem property tax rate for Fiscal Year 2022-2023, which is proposed at \$.378149.

MOTION: Council Member Brundrett moved to set the Public Hearing for September 6, 2022, at 6:30 p.m. for the proposed tax rate of \$.378149. Mayor Pro-Tem Hattman seconded the motion. Mayor Jayroe took the statute required roll call vote as follows:

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

AGAINST MOTION: None

Motion carried unanimously.

19. 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 announced September 14, 2022, is the sidewalk sale in Downtown and this weekend is the Second Saturday sale. Council Member Jackson added the merchants are looking forward to Halloween. Council Member Jackson stated on a personal note that the paperwork for the new VFW will be signed this week.

Council Member Hale said she attended the Aransas County Floodplain meeting yesterday and discussion was held on Tule watershed management and a possible grant opportunity to fund that. Council Member Hale stated the children go back to school tomorrow, so she asked everyone to be safe.

Council Member Brundrett echoed Council Member Hale's comments about the children going back to school tomorrow and asked everyone to watch out for school zones.

Mayor Pro-Tem Hattman thanked Chief Stevens, Mayor Jayroe, Mike Donoho, and City Manager Shrauner for attending the Rockport Country Club Homeowners Association meeting. Mayor Pro-Tem Hattman asked everyone to be careful and watch out for the children going back to school.

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:

- 20. 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., and 2) Concho Street Drainage Project.**

At 7:55 p.m., Mayor Jayroe convened the Rockport City Council into an executive session pursuant to Government Code 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., and 2) Concho Street Drainage Project.

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 8:15 p.m., Mayor Jayroe reconvened the Rockport City Council into open session pursuant to the provisions of Chapter 551 of the Texas Government Code.

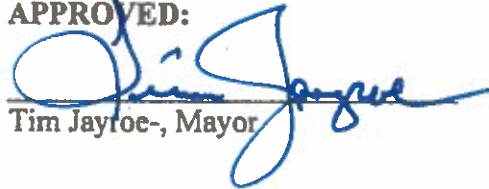
No action was taken.

21. Adjournment.

At 8:15 p.m., Council Member Jackson moved to adjourn. Motion was seconded by Council Member Hale. Motion carried unanimously.



APPROVED:


Tim Jayroe-, Mayor

ATTEST:


Teresa Valdez, City Secretary