

CITY OF ROCKPORT

MINUTES

CITY COUNCIL REGULAR MEETING

6:30 p.m., Tuesday, October 25, 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 25th day of October 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 Raika Rowe – *Via ZOOM*
Director of Finance Katie Griffin
Parks & Leisure Services Maintenance Superintendent George Bennett
Aquatics Manager Joe Riekers
Director of Public Works and Building & Development Services Mike Donoho
Information Technology Director Bob Argetsinger
Police Chief Greg Stevens
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, October 25, 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. Proclamation: October – Domestic Violence Awareness and Prevention Month.

Mayor Jayroe read a Proclamation proclaiming October as Domestic Violence Awareness and Prevention Month in Rockport, Texas. Mayor Jayroe presented the Proclamation to a representative of The Purple Door.

The Purple Door representative thanked the City for participating stating it shows survivors that you really care.

4. Presentation: Lifeguard Saving Award- Quinton Marr, Caden Dasher, & Kyle Bradshaw.

Mayor Jayroe said there are three Lifeguards that are receiving the Lifeguard Saving Award and City Council Members will read the information about each lifesaving event.

Council Member Hale read the following:

Quinton Marr

On September 10, 2022, Lifeguard Quinton Marr was on duty guarding the Splash Pool. The pool at that time was occupied by three patrons. At 2:40 pm, a patron, nine years of age, in a wheelchair, was in the splash pool when for some unknown reason, the chair went forward, causing the patron to fall face down into the deep end of the splash pool. Unrecognized by the lifeguard, the patron was strapped into the chair and could not free himself. Upon noticing the child submerged headfirst in the water, Lifeguard Quinton Marr immediately sounded the alarm activating the Emergency Action Plan to notify other guards. He entered the water to conduct a rescue by up righting the patron. Lifeguard Marr performed primary health and welfare assessment of the patron to ensure the patron was stable and that he did not intake any water. Patrons' parents were in the pool at the time of the incident and responded after they became aware of the rescue by Lifeguard Marr. Once the patron was up righted, examined, and found stable, he was released to his parents. The parents were very thankful for the actions of Lifeguard Marr and his fellow guards. His alertness, quick thinking, and problem-solving resulted in a successful rescue that prevented a drowning incident.

Mayor Jayroe presented the Lifeguard Saving Award to Finn Klanica who accepted the award on behalf of Quinton Marr.

Council Member Jackson read the following:

Caden Dasher

On Saturday, September 17, 2022, at approximately 6:30 p.m., Lifeguard Dasher was manning the lifeguard stand overseeing the competition pool while a birthday party was being held as a private event. Lifeguard Dasher, scanning and being alert and watching approximately 35 swimmers in the pool, observed a young girl, coming off the diving board, struggling in the pool's deep end. Lifeguard Dasher quickly recognized that she was in danger and immediately activated the Lifeguard Emergency Action Plan notifying the other Guard that he was taking action. Lifeguard Dasher entered the pool, swam to the girl, and applied a front active rescue as he brought the girl to the poolside, where he and the other guard on duty began the care phase of emergency response after obtaining permission from the guardian. After being evaluated by the Lifeguards, the young girl was found to be unhurt and only scared. Guards advised her and her guardian to sit by the pool and relax until she felt comfortable to continue to engage with the other children at the party in the shallow end of the pool. Lifeguard Dasher's quick response, recognition of the severity of the situation, immediate actions, and effective lifesaving practices resulted in the potential saving of a life.

Mayor Jayroe presented the Lifeguard Saving Award to Caden Dasher.

Mayor Pro-Tem Hattman read the following

Kyle Bradshaw

On August 17, 2022, Lifeguard Kyle Bradshaw was on duty at the competition pool. Just one family of four was using the pool at the time. A peculiar chain of events happened. Lifeguard Bradshaw observed a 21-year-old male staying near the wall of the pool. An 11-year-old boy (they were later determined to be brothers) entered the pool from the diving board. The older brother attempted to reach the younger who began struggling to swim. Both boys began to go under water and resurface haphazardly. A young lady on the deck saw this and entered the water in an attempt to help the boys (later determined to be their sister). The young lady also began to struggle to remain at the surface. While all this unfolded in just seconds, Lifeguard Bradshaw set off the Emergency Action Plan and entered the water to conduct a rescue. He reached the young lady first and stabilized her, then gave her instructions and propelled her to the wall. Once she was near the wall, Lifeguard Bradshaw conducted an active victim rescue of the younger boy and immediately secured the older brother. Lifeguard Bradshaw was able to get both victims together using the rescue tube to guide them to safety. Once all three patrons were at the wall, Lifeguard Bradshaw and the responding Lifeguards helped them exit the pool. An assessment was conducted, and each person stated they were able to hold their breath and did not ingest any substantial amount of water. There were no other symptoms of illness or injury. Upon interview, the grandmother of this family stated that none of the three could swim very well, if at all. They were very thankful for the actions of Lifeguard

Bradshaw. His quick thinking and problem solving resulted in a successful triple rescue that prevented a drowning incident.

Mayor Jayroe presented the Lifeguard Saving Award to Kyle Bradshaw.

Aquatics Manager Joe Reikers thanked the Mayor, City Council, City Manager and City staff for everything they do to support the pool staff. Mr. Reikers stated pool staff trains hard and they work together as a team. Mr. Reikers said there had been a triple rescue at a private party at the pool and that has never happened before; that is not something we train for. Mr. Reikers added he appreciates all his staff and their hard work; they do an exceptional job.

The recipients received a standing ovation.

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.

Council Member Brundrett read comments received from Kristie Rutledge, 1411 Dana Drive: vote against Agenda Item #16 and start the application process over; the nominees selected by City Council stack the deck in favor of investors in the private Economic Development Corporation; all citizens should be invited to apply for the Charter Review Committee.

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 Regular Meeting Minutes of September 27, 2022.**
- 7. Deliberate and act on accepting a surplus network equipment rack from the Aransas County for use in the Public Safety Center to house the server equipment for the new Tyler Technologies Records Management Software and Computer Aided Dispatch software at the Police Department.**
- 8. Deliberate and act on 2nd, 3rd, and 4th quarter reports from the Texas Maritime Museum for Fiscal Year 2021-2022 marketing expenditures.**
- 9. Deliberate and act on 4th quarter report from Rockport Center for the Arts for Fiscal Year 2021-2022.**
- 10. Deliberate and act on 4th quarter report from the Rockport-Fulton Chamber of Commerce for Fiscal Year 2021-2022 marketing expenditures.**

- 11. Deliberate and act on cancellation of November 22, 2022, Council Regular Meeting, and the December 27, 2022, Council Regular Meeting.**
- 12. Deliberate and act on approval of City of Rockport holiday observance schedule for 2023.**

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

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

Regular Agenda

- 13. Hear, deliberate, and act to accept the Utility Bill Surcharge Fund Disbursement Report, Annual Reports from Fulton, Lamar, and Rockport Volunteer Fire Departments, and authorize disbursement of funds.**

Director of Finance Katie Griffin addressed the Council. Ms. Griffin said utility bill surcharge funds are collected from utility customers and distributed to the three Aransas County volunteer fire departments at the end of the fiscal year. Ms. Griffin stated the total amount collected this year was \$197,525.44. Ms. Griffin added the funds are required to be spend on capital purchases over \$100.00 with a lifespan of two years or greater.

Mayor Jayroe presented a \$4,524.60 check to Carl Stubbs, Fire Chief Lamar Volunteer Fire Department.

Lamar Fire Chief Carl Stubbs addressed the Council and thanked the City for the funds. Chief Stuff stated the funds will be put to good use.

Mayor Jayroe presented a \$42,118.67 check to Jackie Mundine, Assistant Fire Chief Fulton Volunteer Fire Department.

Assistant Fire Chief Jackie Mundine addressed the Council and stated the funds will be used to purchase air-pack bottles and bunker gear.

Mayor Jayroe presented a \$141,005.99 check to Aaron Guerrero, Fire Chief Rockport Volunteer Fire Department.

Rockport Fire Chief Aaron Guerrero, Secretary Emily Guerrero, and Assistant Chief Roy Laird, addressed the Council and gave a PowerPoint presentation on numbers of services provided, budget and capital purchases.

Council Member Brundrett said it had been briefly discussed at the Budget Workshop the possibility of raising the amount of the surcharge collected. Council Member Brundrett

expressed fuel costs and everything else have increased.

City Manager Shrauner said this will be brought back to Council on a future agenda for discussion.

- 14. Deliberate and act on a first reading of an Ordinance granting a Conditional Use Permit (CUP) to allow the use of a manufactured home on the property zoned R1 (1st Single Family Dwelling District), located at 157 Kluge Trail; also known as McCombs Subdivision, part of Lots 55 & 56, being 3.494 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.**

Public Works & Building and Development Director Mike Donoho addressed the Council. Mr. Donoho stated the Planning & Zoning Commission held a public hearing and recommend approval of the request for a Conditional Use Permit. Mr. Donoho said the property owner is present tonight and will address the Council.

Richard Kretschmann, property owner, addressed the Council. Mr. Kretschmann explained on February 4, 2022, a fire destroyed his home, and they moved a manufactured home onto the property; there are other manufactured homes in the surrounding area. Mr. Kretschmann said there was a problem getting electricity to the manufactured home and that is when they found out it was necessary to have Conditional Use Permit for a manufactured home. Mr. Kretschmann stated he is requesting a Conditional Use Permit so he can get the manufactured home repaired and start rebuilding.

Mr. Donoho said the Planning & Zoning Commission recommend approval of the request with the stipulation that a review of the Conditional Use Permit be conducted at the end of one year to determine if progress made warrants an extension of the Conditional Use Permit – the length of an extension to be determined at time of review.

Mayor Pro-Tem Hattman stated there were no citizens opposed to the request.

MOTION: Mayor Pro-Tem Hattman moved to approve the first reading of an Ordinance granting a Conditional Use Permit (CUP) to allow the use of a manufactured home on the property zoned R1 (1st Single Family Dwelling District), located at 157 Kluge Trail; also known as McCombs Subdivision, part of Lots 55 & 56, being 3.494 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.

- 15. Hear, deliberate, and act on the process for conducting public hearings as per Section 118-26 of the Rockport Code of Ordinances.**

Community Planner Carey Dietrich addressed the Council. Ms. Dietrich stated that as the Council is aware, there has been a bit of a problem having joint public hearings with the Planning & Zoning Commission. Ms. Dietrich explained Section 118-26 of the City Code of Ordinances states the Planning & Zoning Commission and City Council shall hold a public hearing, either jointly or separately, so given that a Joint Public Hearing is not required the Planning & Zoning Commission is recommending the joint public hearings be discontinued and allow both the City Council and the Planning & Zoning Commission to hold separate public hearings. Ms. Dietrich added that although there will no longer be need for the Planning & Zoning Commission members to attend the joint public hearings, there will be at least one (1) member available for comments at each City Council Meeting. Ms. Dietrich added if there is a big ordinance change proposed, a workshop could be held.

Mayor Pro-Tem Hattman stated there had been an issue with lack of quorum of the Planning & Zoning Commission and she asked what will make that easier for them. Mayor Pro-Tem Hattman said she had a concern with the number of members not having a quorum.

Ms. Dietrich responded she was not certain but having a joint public hearing with the City Council meant numerous meetings for the Planning & Zoning Commission each month. Ms. Dietrich added this will shorten the process for customers by two meetings.

Council Member Brundrett said he thought this was good for the public because it shortens the process. Council Member Brundrett added if there is a big ordinance change then a workshop could be held; he doesn't want the Council to miss something.

Council Member Jackson asked if each public hearing requires notification in the newspaper.

Ms. Dietrich answered there will be one newspaper notification that will contain both dates of the public hearings, one for the Planning & Zoning Commission and one for the City Council.

MOTION: Council Member Brundrett moved to discontinue the joint public hearings with the Planning & Zoning Commission and the City Council, and the Planning & Zoning Commission hold separate public hearings for review of rezone requests and other items requiring a public hearing and recommendation from the Planning & Zoning Commission. Council Member Jackson seconded the motion. Motion carried unanimously.

16. Deliberate and act on a Resolution creating and appointing members to the Charter Review Commission; providing a charge to the Commission; establishing a term for the Commission; engaging professionals for assistance; adopting repealer and severability clauses; and establishing an effective date.

City Secretary Teresa Valdez addressed the Council and said the City's Home Rule Charter states the City Council shall appoint a Charter Review Commission of five (5) citizens. Ms. Valdez said each Council Member has submitted a nomination for appointment to the Charter Review Commission and it was brought to her attention that the nominee for Ward 1 is not currently a registered voter within the City of Rockport, so Council Member Jackson has submitted a new nominee, George "Doug" Webb and his application had been emailed to Council. Ms. Valdez stated the last Charter Review Commission was organized in November

2008 and the review did not result in a Charter Amendment Election; and the last Charter Amendment Election was May 2004. Ms. Valdez emphasized that the Charter Review Commission makes recommendations for amendments to the City Council and then the City Council will vote whether to have a Charter Amendment Election; it is up to the voters to approve or disapprove the proposed amendments if an election is held. Ms. Valdez stated the Resolution also provides for the City to engage the law firm of Messer Fort and McDonald, PLLC to assist the Charter Review Commission in its efforts and as needed in the future.

Mayor Jayroe announced the nominees submitted for the Charter Review Commission are: Ward 1 – George “Doug” Webb; Ward 2 – Diedra Amaya; Ward 3 – T. Mark Wagnon; Ward 4 – Donna Townsend; and At-Large – Thomas J. Blazek.

MOTION: Mayor Pro-Tem Hattman moved to adopt the Resolution creating and appointing George “Doug” Webb, Diedra Amaya, T. Mark Wagnon, Donna Townsend and Thomas J. Blazek to the Charter Review Commission; providing a charge to the Commission; establishing a term for the Commission; engaging professionals for assistance; adopting repealer and severability clauses; and establishing an effective date. Council Member Hale seconded the motion. Motion carried unanimously.

17. 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 said the area on Water Street has been cleaned up. Council Member Jackson stated it will be in the paper today and there will be flyers on Facebook that there is a new Vet Center at 916 S. Bronte that will work with the Veterans Administration.

Council Member Hale said she attended the annual Texas Municipal League annual conference for the first time, and she was please with the caliber of presentations. Council Member Hale stated she had attended the Stormwater Advisory Committee meeting and the County will be submitting a grant to clean-up Tule Creek. Council Member Hale said she attended the Parks Board meeting yesterday and they are requesting the shade structure for the basketball court be revisited.

Council Member Brundrett said he also attended the Texas Municipal League annual conference, and it was a great opportunity to make contact with other cities and different vendors. Council Member Brundrett stated he met with Parks staff at the Bent Oaks Rookery Park for the new fences and 25 trees planted. Council Member Brundrett added the tree giveaway was last Friday.

Mayor Pro-Tem Hattman said she too had attended the Texas Municipal League annual conference and it was very informational. Mayor Pro-Tem Hattman stated the Chamber has

hired a new Chief Executive Officer Shelly Stewart. Mayor Pro-Tem Hattman said the Fall Festival was held last Saturday and it was a huge success. Mayor Pro-Tem Hattman announced that the Education Foundation "Paint The Town" event is November 5, 2022.

Mayor Jayroe said he attended events at the Mission Aransas National Estuarine Research Reserve and the Wildlife Refuge, and these are great new facilities in our area, and he encouraged everyone to visit them.

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:

- 18. 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.

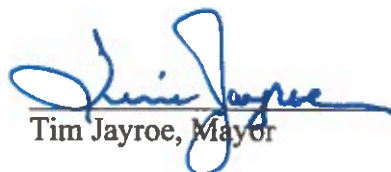
No Executive Session was held.

19. Adjournment.

At 7:31 p.m., Council Member Jackson moved to adjourn. Motion was seconded by Council Member Brundrett. Motion carried unanimously.



APPROVED:


Tim Jayroe, Mayor

ATTEST:


Teresa Valdez, City Secretary