

# CITY OF ROCKPORT

## MINUTES

### CHARTER REVIEW COMMISSION 5:30 p.m., Wednesday, November 30, 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 30<sup>th</sup> day of November 2022, the Charter Review Commission of the City of Rockport, Aransas County, Texas, convened in a Meeting at 5:30 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.

#### CHARTER REVIEW COMMISSION MEMBERS PRESENT

George “Doug” Webb  
Diedra Amaya  
Thomas “Tom” J. Blazek

#### CHARTER REVIEW COMMISSION MEMBERS ABSENT

J. Mark Wagnon  
Donna Townsend

#### CITY COUNCIL MEMBERS PRESENT

Mayor Tim Jayroe  
Council Member Katy Jackson  
Council Member Brad Brundrett

#### CITY STAFF MEMBERS PRESENT

Teresa Valdez, City Secretary  
Vanessa Shrauner, City Manager  
Kimberly Henry, Assistant to City Manager  
Legal Counsel Art Rodriguez, Jr., Messer Fort & McDonald, PLLC  
Tommy Saucedo, Desktop Support Technician/Acting Network Administrator  
Dennis Paine, Jr., Police Lieutenant-Administration

#### Opening Agenda

##### 1. Call meeting to order.

Chair Blazek called the meeting to order at 5:30 p.m.

## **2. Roll Call.**

Chair Blazek conducted roll call.

## **3. Citizens to be heard.**

At this time, oral comments limited to three (3) minutes per agenda item, with a maximum of nine (9) minutes per meeting per person, 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, on any Agenda item or subject matter, and will be summarized in the minutes of the meeting. Written comments received by Noon on the day of the meeting, on any Agenda item or any subject matter, will be distributed to the Commission before the meeting and will be attached to the minutes of the meeting. Persons wishing to address the Commission and who have registered using the Citizen Participation Form will have up to three minutes to speak per agenda item with a maximum of nine (9) minutes per meeting per person. The total time allotted for all citizens to be heard during the meeting shall be limited to thirty (30) minutes. In accordance with the Open Meetings Act, the Commission 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.

Kristie Rutledge, 1411 Dana Drive, addressed the Commission and stated she hoped they had a happy Thanksgiving.

## **4. Discussion and possible action on the City Council and Charter Review Commission Joint Meeting Minutes of November 8, 2022, and Charter Review Commission Meeting Minutes of November 16, 2022.**

**MOTION:** Commission Member Amaya moved to approve the City Council and Charter Review Commission Joint Meeting Minutes of November 8, 2022, and Charter Review Commission Meeting Minutes of November 16, 2022. Commission Member Webb seconded the motion. Motion carried unanimously.

## **5. Discussion and possible action on previous items voted for recommended changes in Articles I, II, III, V and IX of the City of Rockport Charter.**

Kristie Rutledge addressed the Commission and stated she would like the Chair to recognize her as the Commission discusses each item.

Art Rodriguez, Jr., Messer Fort & McDonald, PLLC, addressed the Commission and called their attention to previous items voted for recommended changes in Articles I, II, III, V and IX of the City of Rockport Charter. Mr. Rodriguez said with some of the items previously voted upon a purpose had not been stated. Mr. Rodriguez stated it would be beneficial to provide the City Council a purpose for the Commission's decision to recommend a change.

Mr. Rodriguez and Commission Members reviewed and discussed the following items previously voted for recommended changes and previous items for reconsideration:

### **Article I**

**Section 1.03 – Consensus of Commission for no additional recommended changes.**

Section 1.04 – **MOTION:** Commission Member Webb moved to postpone discussion of this item until Commission Member Wagnon is present since he had requested clarification on what happens with a petition for annexation. Commission Member Amaya seconded the motion. Motion carried: 2:1

FOR MOTION: Commission Member Webb and Commission Member Amaya.  
AGAINST MOTION: Chair Blazek.

Kristie Rutledge addressed the Commission during discussion and commented Mr. Wagnon wanted additional language as to what happens when a petition is received. Ms. Rutledge recommended the Commission push this item until Mr. Wagnon is present.

### Article III

Section 3.01 – **MOTION:** Commission Member Webb moved to state the purpose of the recommended change was “voter choice and wider selection of candidates.” Commission Member Amaya seconded the motion. Motion carried unanimously.

Section 3.08 – Consensus of Commission for no additional recommended changes.

Section 3.09 – Consensus of Commission for no additional recommended changes.

Section 3.10 – **MOTION:** Commission Member Amaya moved to include the word “before” in the recommended change to read as follows: “The City Council shall determine.....during citizens to be heard and **before** deliberation on agenda items.....” and to state the purpose of the recommended change was “increase citizen input prior to deliberation.” Commission Member Webb seconded the motion. Motion carried unanimously.

Kristie Rutledge addressed the Commission during discussion and commented the standard procedure for Council meetings was three (3) minutes for citizens to be heard and then three (3) minutes prior to each agenda item and recently that was cut out by Council and we don’t know why.

Section 3.11 – **MOTION:** Commission Member Webb moved to state the purpose of the recommended change was “provide additional time for citizen input. Commission Member Amaya seconded the motion. Motion carried unanimously.

Council Member Jackson addressed the Commission and said when the Commission discussed this at the last meeting the reason stated for the recommended change was to provide more time for people to provide input. Council Member Jackson said she had asked if it was necessary for two (2) readings on a zoning change because people could be busy working on their property and Council could say they don’t need a second reading if approved by a super majority.

Kristie Rutledge addressed the Commission and recommended the Commission not approve the new language.

**MOTION:** Commission Member Amaya moved to recommend the addition of the following language to Section 3.11(3): “For a zoning ordinance, the proposed zoning

ordinance shall be read at two (2) regular City Council meetings, unless the City Council dispenses with the need for a two (2) reading requirement and the ordinance is approved by at least four (4) members of the City Council.” Commission Member Webb seconded the motion. Motion carried unanimously.

**MOTION:** Commission Member Amaya moved to state the purpose of the recommended additional language was to give City Council an option to dispense with a two (2) reading requirement for customer service. Chair Blazek seconded the motion. Motion carried 2:1.

**FOR MOTION:** Commission Member Amaya and Chair Blazek.

**ABSTAIN:** Commission Member Webb.

#### Article V.

Section 5.01 – **MOTION:** Commission Member Amaya moved to state the purpose of the recommended change was “to provide City Council choice on uniform election dates.” Commission Member Webb seconded the motion. Motion carried unanimously.

- 6. Discussion and possible action on section by section review of City of Rockport Charter and consider possible changes thereto. While any Article of the City Charter may be considered for review, it is anticipated that the following Articles will be considered: Articles IV, VI, VIII, and XII.**

Mr. Rodriguez and Commission Members reviewed and discussed the following items:

#### Article IV.

Section 4.01 – **MOTION:** Chair Blazek moved to recommend deleting the second sentence in Section 4.01(2): “No employment agreement shall provide more than six months’ severance or termination compensation.” Commission Member Webb seconded the motion. Motion carried: 2:1.

**FOR MOTION:** Chair Blazek and Commission Member Webb.

**AGAINST MOTION:** Commission Member Amaya.

**MOTION:** Chair Blazek moved to state the purpose of the recommended charge was “to provide flexibility in negotiations with City Manager.” Commission Member Webb seconded the motion. Motion carried: 2:1.

**FOR MOTION:** Chair Blazek and Commission Member Webb.

**AGAINST MOTION:** Commission Member Amaya.

Kristie Rutledge addressed the Commission during discussion and stated the last City Manager discharged cost the City a lot of money and maybe the language regarding severance or termination compensation in subsection (2) be deleted or reduced to 30 days.

Council Member Brundrett said if the language were removed it gives Council leeway with City Manager candidates but having it there binds the Council.

Council Member Jackson stated in her opinion the severance pay sentence should be removed. Council Member Jackson said if the Council is put in a box then they cannot

negotiate with City Manager candidates and her recommendation is to remove that sentence.

Kristie Rutledge recommended the sentence be left in subsection (2).

Section 4.02 – **MOTION:** Commission Member Amaya moved to delete subsection (2)(h) and the stated purpose is “it is no longer applicable.” Commission Member Webb seconded the motion. Motion carried unanimously.

Section 4.03 - Consensus of Commission for no recommended changes.

Section 4.04 – **MOTION:** Commission Member Webb moved to recommend the addition of: “ The term ‘City Attorney’ may refer to an individual or firm” and the stated purpose is “comments received from City Council.” Chair Blazek seconded the motion. Motion carried unanimously.

Section 4.05 – **MOTION:** Commission Member Webb moved to recommend deletion of Section 4.08 City Engineer and the stated purpose is “provides flexibility on project engineering. City Council still engages engineers based on qualifications with each project.” Commission Member Amaya seconded the motion. Motion carried unanimously.

Section 4.06 - Consensus of Commission for no recommended changes.

Section 4.07 - Consensus of Commission for no recommended changes.

#### Article VI.

Section 6.01 – **MOTION:** Commission Member Amaya moved to recommend the following change in subsection (4): “*Qualified Voter:* In the context of eligibility to sign a petition under this Article means a registered voter in the City of Rockport.” Commission Member Webb seconded the motion. Motion carried unanimously.

Section 6.02 - Consensus of Commission for no recommended changes.

Section 6.03 – **MOTION:** Commission Member Webb moved to recommend the following change in subsection (1): “All petition blanks used for circulation by the member of the Petitioner’s Committee, or their designees shall be obtained from the City Secretary and be numbered, dated and bear the signature of the City Secretary” and the stated purpose is “provides clarity.” Chair Blazek seconded the motion. Motion carried unanimously.

Kristie Rutledge addressed the Commission during discussion and said there have been several petitions and she did not see any issue with the form, and she does not see a reason for the change.

Section 6.04 - Consensus of Commission for no recommended changes.

Section 6.05 - Consensus of Commission for no recommended changes.

Section 6.06 - Consensus of Commission for no recommended changes.

Section 6.07 - Consensus of Commission for no recommended changes.

Section 6.08 - Consensus of Commission for no recommended changes.

Section 6.09 - Consensus of Commission for no recommended changes.

Section 6.10 – **MOTION:** Commission Member Webb moved to recommend the following change in subsection (1): “If the officer whose removal is sought does not resign, then the City Council shall order an election and set the date for holding such recall election. The date selected for the recall election shall be in accordance with the Texas Election Code. Any election order so issued shall comply fully with the Texas Election Code. If after the recall election date is established, the officer vacates his or her position, the election shall be cancelled. Further, if the date for the recall election extends beyond the officer’s term or the limits provided in Section 3.01(1)(d), the election shall be cancelled”, and the stated purpose is “provide compliance with the Texas Election Code and allow for cancellation of an unnecessary election.” Commission Member Amaya seconded the motion. Motion carried unanimously.

Kristie Rutledge addressed the Commission during discussion and asked the Commission to keep in mind that the Election Code can change, and she recommended no changes be made.

Section 6.11 - Consensus of Commission for no recommended changes.

Section 6.12 – **MOTION:** Commission Member Amaya moved to recommend the following change to subsection (1):

Ordinances shall be submitted by ballot title, which shall be prepared in all cases by the City Attorney. The ballot title may be different from the legal title of any such initiated or referred ordinance and it shall be a clear, concise statement, without argument or prejudice, descriptive of the substance of such ordinance. Unless otherwise required by law, immediately below the ballot title shall be printed the following two statements, one above the other, in the order indicated:

“For adoption of the ordinance”

and

“Against adoption of the ordinance”;

and deletion of “Immediately below or to the left of such statements shall appear a square in which the voter may cast his vote by making a mark”, and the following change to subsection (2): deletion of “Immediately below or to the left of such statements shall appear a square in which the voter may cast his vote by making a mark”, and the stated purpose is “Allows flexibility in programming of electronic machines.” Commission Member Webb seconded the motion. Motion carried unanimously.

Section 6.13 - Consensus of Commission for no recommended changes.

Section 6.14 – **MOTION:** Commission Member Amaya moved to recommend the following change to subsection (1):

No recall petition shall be filed against any officer of the City within:

- (a) Six (6) months after his election or appointment; or
- (b) Within six (6) months of such a petition and filed and found insufficient; or
- (c) Within one (1) year after an election for such officer’s recall.

and the stated purpose is “Reduce potential confusion.” Commission Member Webb seconded the motion. Motion carried unanimously.

Section 6.15 – **MOTION:** Commission Member Amaya moved to recommend the removal of the following verbiage subsection (1): “the County Judge of Aransas County, Texas may discharge any such duties herein provided to be discharged by the City Secretary or by the City Council. In addition”, and the stated purpose is “Allow proper administration of claims.” Commission Member Webb seconded the motion. Motion carried unanimously.

Kristie Rutledge addressed the Commission during discussion and stated there’s a reason this language is in there and she did not recommend acceptance of the proposed changes. Ms. Rutledge said people need all the protections they can get. Ms. Rutledge added she was really surprised by the proposed change specifically since we have a new County Judge coming in and why this was brought up at this time. Ms. Rutledge expressed that the Charter gives the County Judge that authority.

Mr. Rodriguez declared Ms. Rutledge was wrong; the County Judge has no authority, and the County gets its authority from the State.

*The Commission took a brief recess from 6:57 p.m. until 7:05 p.m.*

Mr. Rodriguez and Commission Members reviewed and discussed the following items:

Article VIII.

Section 8.01 - Consensus of Commission for no recommended changes.

Section 8.02 - Consensus of Commission for no recommended changes.

Section 8.03 - Consensus of Commission for no recommended changes.

Section 8.04 - Consensus of Commission for no recommended changes.

Section 8.05 - Consensus of Commission for no recommended changes.

Section 8.06 - Consensus of Commission for no recommended changes.

Article XII.

Section 12.01 – **MOTION:** Commission Member Amaya moved to recommend the deletion of “at a nominal charge” and the addition of “in accordance with state law”, and the stated purpose is “To reduce confusion and provide consistency.” Chair Blazek seconded the motion. Motion carried 2:1.

FOR MOTION: Commission Member Amaya and Chair Blazek.  
AGAINST MOTION: Commission Member Webb.

Kristie Rutledge addressed the Commission and said she has submitted numerous public information requests to various entities, and she is never charged for copies except by the City and she believes the City is overcharging. Ms. Rutledge stated fees are not necessary and it's used to discourage the public from seeking information. Ms. Rutledge commented if you add to the Charter then the City Secretary is required to charge.

City Secretary Teresa Valdez informed the Commission that the Attorney General provides criteria for municipalities as it relates to public information requests.

Mr. Rodriguez stated Ms. Rutledge was wrong.

Section 12.02 – **MOTION:** Commission Member Amaya moved to recommend the change from “biannually” to “annually” for a one (1) year period, and the stated purpose is “To include in the annual budget”. Commission Member Webb seconded the motion.

Council Member Jackson stated the requirement to put anything in a newspaper has been coming before State legislators and maybe this should be removed because it is not sure how the legislature will approach this in the future.

Kristie Rutledge addressed the Commission during discussion and stated a lot of people don't use the newspaper; they use social media.

**AMENDED MOTION:** Commission Member Amaya moved to amend her Motion to include the language “in accordance with State law”. Commission Member Webb seconded the motion. Motion carried unanimously.

Chair Blazek then called for the vote on the Main Motion.

The Main Motion carried unanimously.

Section 12.03 - Consensus of Commission for no recommended changes.

Section 12.04 - Consensus of Commission for no recommended changes.

Section 12.05 – **MOTION:** Commission Member Webb moved to recommend the removal of the word “physical” in subsection (1), and the stated purpose is to include disabilities other than physical disabilities. Commission Member Amaya seconded the motion. Motion carried unanimously.

Council Member Jackson addressed the Commission during discussion and stated this is not a lawsuit waiting to happen.

City Manager Shrauner explained the only thing the proposed change does is it recognizes all disabilities.



Section 12.06 - Consensus of Commission for no recommended changes.

Section 12.07 - Consensus of Commission for no recommended changes.

Section 12.08 - Consensus of Commission for no recommended changes.

Section 12.09 – **MOTION:** Commission Member Amaya moved to recommend the following change in verbiage: “All legal processes against the City shall be served upon the Mayor or City Secretary”, and the stated purpose is “Consistency with Section 17.024 of Texas Civil Practice and Remedies Code.” Commission Member Webb seconded the motion. Motion carried unanimously.

Section 12.10 - Consensus of Commission for no recommended changes.

Section 12.11 - Consensus of Commission for no recommended changes.

Kristie Rutledge addressed the Council during discussion and said she would like to see a limitation of seven (7) days before it comes to Council.

Council Member Jackson stated according to Statute the City has one (1) hour in emergency situations.

Section 12.12 - Consensus of Commission for no recommended changes.

Section 12.13 - Consensus of Commission for no recommended changes.

Section 12.14 - Consensus of Commission for no recommended changes.

Kristie Rutledge during discussion and said she had talked to the City Secretary from Portland and each Charter amendment should be put on the ballot separately, and she thinks that would be good.

Mr. Rodriguez stated Chapter 9 of the Local Government Code provides for one subject basis, so that is already provided for and subsection (1) already captures that requirement.

Section 12.15 - Consensus of Commission for no recommended changes.

Section 12.16 - Consensus of Commission for no recommended changes.

Mr. Rodriguez stated that concluded all the posted Articles to be discussed tonight. Mr. Rodriguez said the Commission has completed 75% of the Charter review and there are three (3) Articles left to review: VII, X, and XI.

## **7. Discussion and recommendations for future Agenda items.**

Mr. Rodriguez said the next Articles for review will be Articles VII, X, and XI. Mr. Rodriguez stated a public hearing is required and there are three scheduled meetings dates left and he asked when the Commission would like to schedule the public hearing.

City Manager Shrauner said the final report will be posted on the website for public comment.

It was the consensus of the Commission that at the meeting on December 14, 2022, the Commission will review all recommended changes, the Public Hearing will be held on December 21, 2022, and the Commission will vote on the final report that will be given to Council. Mr. Rodriguez added once the Council receives the final report it is up to the Council to decide.

**8. Adjournment.**

At 7:54 p.m., Commission Member Amaya moved to adjourn the meeting. Commission Member Webb seconded the motion. Motion carried unanimously.



**APPROVED:**

  
Tom Blazek, Chair

**ATTEST:**

  
Teresa Valdez, City Secretary