

CITY OF ROCKPORT

MINUTES

CHARTER REVIEW COMMISSION 5:30 p.m., Wednesday, December 7, 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 7th day of December 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
J. Mark Wagnon
Donna Townsend
Thomas “Tom” J. Blazek

CHARTER REVIEW COMMISSION MEMBERS ABSENT

CITY COUNCIL MEMBERS PRESENT

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
Katie Griffin, Director of Finance

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 the Commission was doing a real good job but they were being rushed through this. Ms. Rutledge said the Charter is a giant contract with the citizens and the Commission should not be afraid to take as much time as needed.

Jeff Hutt, 2202 Prairie Road, addressed the Council and stated he did not like having these meetings on Wednesday nights because Wednesdays are church nights. Mr. Hutt asked the Commission to make the following changes: 1) Section 8.01 Power to Tax – add “Only if approved by a majority of the voters at a general election” to Subsection (2); 2) Section 6.02 Petitioners Committee – remove entire section because it exceeds the requirements of the state statutes; and 3) Section 6.01 General Authority – add “ordinances and resolutions” in Subsection (2) first sentence, and in Subsection (3) remove the words “for cause” because that is too broad.

4. Discussion and possible action on approval of Charter Review Commission Meeting Minutes of November 30, 2022.

Kristie Rutledge addressed the Commission and asked the Commission to consider the Minutes very carefully because they become the official record. Ms. Rutledge said in the Minutes under Section 3.10 the motion was to add the words “before each deliberation”.

Mr. Rodriguez and City Manager Shrauner stated the Minutes reflect what was said in the motion.

MOTION: Commission Member Wagnon moved to approve the Charter Review Commission Meeting Minutes of November 30, 2022. Commission Member Amaya seconded the motion. Motion carried unanimously.

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

Kristie Rutledge addressed the Commission and distributed a copy of her comments to the Charter Commission Members. Ms. Rutledge read her comments relating to Section 1.03, Section 1.04,

Section 3.08, Section 3.10, Section 3.11, Section 3.13, Section 6.14, Section 6.15, Article 12.01, Section 8.01, Article VII and Article X.

Jeff Hutt addressed the Commission and stated the reason for the verbiage in Section 6.15 be removed was because we have a change of County Judge. Mr. Hutt asked the Commission to not remove this safeguard for the citizens.

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, IV, V, VI, VII, IX, and XII of the City of Rockport Charter.

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

Article 1.

Section 1.04 – After discussion, Mr. Rodriguez stated the type of provision that the Commission is requesting will need to get approval by the City’s Bond Counsel because it will affect the City’s bond rating and will violate bond covenants that the City already have.

It was the consensus of the Commission that this be postponed until the next meeting to allow staff to discuss it with Bond Counsel and see if legal counsel can prepare language without it violating bond covenants.

Section 1.03 – Consensus of Commission to leave recommended changes as they had previously voted upon, since State law regulates.

MOTION: Commission Member Wagnon moved that the Commission does not review tonight the previous items voted upon by the Commission, and they review the Charter Articles they have not yet discussed. Motion was Seconded by Commission Member Townsend. Motion carried 3-2.

FOR MOTION: Commission Member Wagnon, Commission Member Townsend and Chair Blazek.

AGAINST MOTION: Commission Member Webb and Commission Member Amaya.

Commission Member Webb asked that the motion be reconsidered because he wants to revisit some of the items previously discussed and voted upon.

MOTION: Chairman Blazek moved for reconsideration of the motion. Motion was seconded by Commission Member Webb. Motion carried 3-2.

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

AGAINST MOTION: Commission Member Townsend and Commission Member Wagnon.

Article III.

Section 3.08 – After discussion it was the consensus of Commission to make no corrections, additions, or deletions to the recommended changes as they had previously voted upon.

Section 3.10 – **MOTION:** Commission Member Webb moved that the word “each” be inserted as follows: “The City Councilduring citizens to be heard and before **each** deliberation on agenda items....” Commission Member Amaya seconded the motion. Motion carried 4-1.

FOR MOTION: Commission Member Webb, Commission Member Amaya,
Commission Member Townsend, and Chair Blazek.

AGAINST MOTION: Commission Member Wagnon.

Article IV.

Section 4.01 - After discussion it was the consensus of Commission to make no corrections, additions, or deletions to the recommended changes as they had previously voted upon.

Jeff Hutt addressed the Commission during discussion and said the six (6) months’ severance or termination compensation had been removed from this section, so Council could give one (1) year or ten (10) months’ severance. Mr. Hutt stated by giving the Council the ability to give greater severance you are hindering citizens.

Kristie Rutledge addressed the Commission and said Council Member Katie Jackson recommended this change and her notes said thirty (30) days and that was not presented to you last week. Ms. Rutledge stated the City had to raise taxes because it cost so much to get rid of the past City Manager and the City couldn’t figure out how to pay for it. Ms. Rutledge requested the six (6) months be changed to thirty (30) days.

City Manager Shrauner corrected Ms. Rutledge’s comments and stated that Council Member Jackson’s comments were that no City Manager should be paid nor more than thirty (30) days of sick or private time off and it nothing to do with severance.

Mr. Rodriguez stated Ms. Jackson’s comments had nothing to do with severance.

Article VI.

Section 6.15 - After discussion it was the consensus of Commission to make no corrections, additions, or deletions to the recommended changes as they had previously voted upon.

Mr. Rodriguez stated during the discussion that as he explained at the last meeting, the County Judge has no jurisdiction and County powers are granted by the State.

Kristie Rutledge addressed the Council and said the issue is that there is a section in the City Charter that allows for the City Council to ignore and not call an election. Ms. Rutledge requested an extra item be added in Section 6.14, a subsection (4) stating: “upon receipt and validation of petition City Council must call an election.” Ms. Rutledge said that would give citizens the protection they need while taking out the line about the County Judge.

The Commission took a brief recess from 6:39 p.m. until 6:47 p.m.

- 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 VII, X, and XI.**

Jeff Hutt addressed the Commission and asked that the Commission do not do anything that loosens financial transparency and if the Commission does anything they should make it more strenuous and rigorous and not less.

Kristie Rutledge addressed the Commission and echoed what Mr. Hutt said and stated she was shocked to see what was in the Agenda packet on recommendations to Article VII and Article X because they are completely gutting the protections on those. Ms. Rutledge said Council Member Jackson had made the recommendation to delete Article X. Ms. Rutledge stated: "Please do not delete our zoning and the comprehensive plan and the legal effect of the comprehensive plan." Ms. Rutledge said she was very concerned about the financial transparency issues here and she requested the Commission not accept any recommended changes to Article VII or Article X, because the Commission does not understand what they are, and the Commission has no idea since they haven't attended meetings. Ms. Rutledge added all financial documents should be online and in agenda packets.

Mr. Rodriguez, Director of Finance Katie Griffin, and Commission Members reviewed and discussed the following items:

Article VII.

Section 7.01 – **MOTION:** Commission Member Amaya moved to recommend the addition of the verbiage "and accounting" in the second sentence, and the deletion of the last sentence, and the stated purpose is "recommendation of Director of Finance because it removes redundancy." Commission Member Webb seconded the motion. Motion carried unanimously.

Section 7.02 – Consensus of Commission for no recommended changes.

Section 7.03 – **MOTION:** Commission Member Amaya moved to the add "posted on the City's website" in Subsection (1) and Subsection (2), the addition of "proposed budget" in Subsection (2), the addition of "and posted on the City website" in Subsection (3) (d), and the stated purpose is recommendation by Director of Finance to remove dated terminology and align with best practices in coordination with Government Finance Officers Association, as well as Governmental Accounting Standards Board (GASB) and Generally Accepted Accounting Principles (GAAP). Commission Member Webb seconded the motion. Motion carried unanimously.

Mr. Rodriguez stated he will bring to the next Commission meeting for approval, the additions proposed by Commission Member Amaya.

Section 7.04 – **MOTION:** Commission Member Amaya moved to approve the recommended changes, and the stated purpose is "recommendation from the Director of Finance because some of the language in the Charter is not related to the financial processes of the City, some of it is done by ordinance and generally not written out in a charter and limits the City's ability to make changes throughout the budget process". Commission Member Townsend seconded the motion. Motion carried unanimously.

Section 7.05 – **MOTION:** Commission Member Amaya moved approve the recommended changes, and the stated purpose is "as recommended by Director of

Finance to allow the City better planning and transparency to citizens”. Commission Member Townsend seconded the motion. Motion carried unanimously.

Section 7.06 - Consensus of Commission for no recommended changes.

Section 7.07 – Consensus of Commission for no recommended changes.

Section 7.08 – **MOTION:** Commission Member Townsend moved to approve the recommended changes, and the stated purpose is “as recommended by Director of Finance because that is not how tax notes are issued currently”. Commission Member Wagnon seconded the motion. Motion carried 4-0.

FOR MOTION: Commission Member Townsend, Commission Member Wagnon, Commission Member Webb and Chair Blazek.

ABSTAIN: Commission Member Amaya.

Jeff Hutt addressed the Commission and commented that tax notes are only one form of debt structure. Mr. Hutt expressed taxation without representation is tyranny. Mr. Hutt asked the Commission to be very careful with this language.

Section 7.09 – **MOTION:** Commission Member Wagnon moved to approve the recommended changes. Commission Member Townsend seconded the motion. Motion carried 4-0.

FOR MOTION: Commission Member Wagnon, Commission Member Townsend, Commission Member Webb, and Chair Blazek.

ABSTAIN: Commission Member Amaya.

Section 7.10 - Consensus of Commission for no recommended changes.

Section 7.11 – **MOTION:** Commission Member Wagnon moved to approve the recommended changes. Commission Member Townsend seconded the motion. Motion carried unanimously.

Section 7.12 – **MOTION:** Commission Member Wagnon moved to approve the recommended changes. Commission Member Webb seconded the motion. Motion carried unanimously.

Section 7.13 – **MOTION:** Commission Member Amaya moved to approve the recommended changes. Commission Member Townsend seconded the motion. Motion carried unanimously.

Mr. Rodriguez called the Commission Members’ attention to Article X – Planning and Zoning Commission and said Council Member Jackson had recommended deletion of the entire Article and have an Ordinance drafted to replace it.

Mr. Rodriguez and Commission Members discussed Article X.

Article X. – **MOTION:** Commission Member Wagnon moved to recommend deletion of Article X at such time when the City Council adopts an Ordinance to replace it. Commission Member Amaya seconded the motion. Motion carried 4-1.

FOR MOTION: Commission Member Wagnon, Commission Member Amaya,
Commission Member Townsend and Chair Blazek.

AGAINST MOTION: Commission Member Webb.

Article XI.

Section 11.01 - Consensus of Commission for no recommended changes.

Section 11.02 – **MOTION:** Commission Member Townsend moved to recommend Subsection (3) be deleted, and the stated purpose is to allow City Council flexibility in exclusivity of franchises. Chair Blazek seconded the motion. Motion carried unanimously.

Section 11.03 – Consensus of Commission for no recommended changes.

Section 11.04 – Consensus of Commission for no recommended changes.

Section 11.05 – Consensus of Commission for no recommended changes.

Section 11.06 – Consensus of Commission for no recommended changes.

Section 11.07 – **MOTION:** Commission Member Amaya moved to add the word “or” as recommended, and the stated purpose is for clarity. Commission Member Townsend seconded the motion. Motion carried unanimously.

7. Discussion and recommendations for future Agenda items.

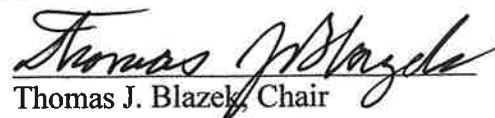
Mr. Rodriguez stated he will bring to the Commission, on December 14th, the items they had requested additional changes too. Mr. Rodriguez said he hopes to begin the initial draft of the Final Report, but it is a lot to compile. Mr. Rodriguez reminded the Commission the Public Hearing will be had on December 21, 2022, and the Commission will take a final vote on their recommendation to City Council.

Commission Member Amaya said she will be unable to attend the December 21, 2022, meeting.

8. Adjournment.

At 7:42 p.m., Commission Member Webb moved to adjourn the meeting. Commission Member Townsend seconded the motion. Motion carried unanimously.

APPROVED:


Thomas J. Blazek, Chair

ATTEST:


Teresa Valdez, City Secretary