
CITY COUNCIL MEETING AGENDA

Notice is hereby given that the Rockport City Council will hold a regular meeting on Tuesday, February 27, 2024, at 6:30 p.m. The meeting will be held in person at the Training Room of the Rockport Service Center, 2751 State Highway 35 Bypass, Rockport, Texas. **The live stream link to view the meeting is:** <https://www.youtube.com/@rockporttxgov>.

Public participation is valued and citizens wishing to express their views on any topic or agenda item can 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 to the right, or if attending the meeting in person register before the meeting begins. Using the same form, citizens can also provide written comments to the City Secretary by 4:00 p.m. on the day of the meeting. The comments will be read at the meeting.



The matters to be discussed and acted upon are as follows:

Opening Agenda

1. Call meeting to order.
2. Pledge of Allegiance.
3. Presentation of Aransas County Harm Reduction Program
4. 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 at 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.

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.

5. Deliberate and act on approval of City Council Regular Meeting Minutes of February 13, 2024.
6. Deliberate and action on a request by the Rockport Center for the Arts to reallocate funds from Sprint Art Fair to the Art Summit event.

Public Hearings

7. Conduct a Public Hearing to consider a request to rezone the property located at 202 East Cornwall; also known as East one-half of Lot 8, all of Lot 9, Block 13, Hunter Subdivision, to B-1 (General Business District), currently zoned R2 (2nd Single Family Dwelling District).

Regular Agenda

8. Deliberate and act on first reading of an Ordinance amending the Official Zoning Map as stipulated under Article 4.1 of the City of Rockport Zoning Ordinance Number 1027 by changing the zoning of land from R2 (2nd Single Family Dwelling District) for property located at 202 East Cornwall; also known as East one-half of Lot 8, all of Lot 9, Block 13, Hunter Subdivision; to B-1 (General Business District); repealing all ordinances in conflict therewith; providing for severability; and providing an effective date.
9. Deliberate and act on second and final reading of an Ordinance authorizing the closing, vacating and abandonment of 0.18 acre of land being a 20-foot wide alleyway lying between Lots 1 through 8 and Lots 9 through 16, Block 134, Manning Addition, City of Rockport, Aransas County, Texas, according to the Plat recorded in Volume 1, Page 7, Plat Records of Aransas County, Texas; providing for the terms and conditions of such vacation and abandonment; authorizing the Mayor to execute a Quitclaim Deed for the 0.18 acre to be closed, vacated and abandoned; and providing for an effective date.
10. Deliberate and act on second and final reading of an Ordinance amending the City of Rockport Code of Ordinances Chapter 26 “Businesses” by adding Article III Short Term Rentals; repealing all ordinances to the extent they are in conflict; providing for severability; providing for penalties; and providing an effective date.
11. Deliberate and act on second and final reading of an Ordinance of the City of Rockport, Texas amending Ordinance No. 1911 which adopted the 2023-2024 budget beginning October 1, 2023, and ending September 30, 2024; repealing all prior ordinances in conflict herewith; providing for publication; and providing for an effective date.
12. Deliberate and act on a request by Council Member Ward 3 Brad Brundrett for FY 2023-2024 grant funds from the Hotel Occupancy Tax Fund Account for Oysterfest.
13. Deliberate and act to accept a Certification of Unopposed Candidates by the City Secretary for the May 4, 2024, General Election.

Deliberar y actuar para aceptar una Certificación de Candidatos Sin Oposición por parte del Secretario de la Ciudad para las Elecciones Generales del 4 de mayo de 2024.

14. Deliberate and act on approval of an Ordinance of the City of Rockport declaring unopposed candidates in the May 4, 2024, City General Election, elected to office; cancelling the Saturday, May 4, 2024 Mayor At-Large, Council Member Ward 2, and Council Member Ward 4 Elections; and finding and finding and declaring that the meeting at which this Ordinance is adopted was open to the public, that the public notice of time, place and the subject matter of the public business to be considered was posted as required by law, including this Ordinance.

Deliberar y actuar sobre la aprobación de una Ordenanza de la Ciudad de Rockport que declare elegidos para el cargo a los candidatos sin oposición en las Elecciones Generales de la Ciudad del 4 de mayo de 2024; cancelar las elecciones del sábado 4 de mayo de 2024 para alcalde general, miembro del consejo del distrito 2 y miembro del consejo del distrito 4; y encontrar, encontrar y declarar que la reunión en la que se adopta esta Ordenanza estaba abierta al público,

que el aviso público de la hora, el lugar y el tema del asunto público a considerar se publicó según lo exige la ley, incluida esta Ordenanza

15. City Manager Report:

- A. Update on 2022 Audit
- B. Update on Gas Study
- C. Updates on Utility Rate Study
- D. Upcoming Training for Boards/Commissions/Council

16. 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; 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.

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:

- 17. 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) City Hall; 2) Concho Street & General Land Office (GLO) drainage projects; and 3) Data Pros Settlement.
- 18. Section 551.074 Personnel Matters - deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee: City Secretary.

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.

19. Adjournment.

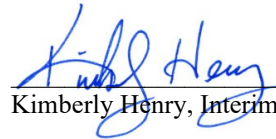
Special Accommodations

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodation or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's office at (361) 729-2213, ext. 225 or FAX (361) 790-5966 or email khenry@cityofrockport.com for further information. Braille is not available. The City of Rockport reserves the right to convene into executive session under Government Code §§ 551.071-551.074 and 551.086.

In accordance with the requirements of Texas Government Code Section 551.127, a member of the governing body may participate in this meeting from a remote location. A quorum of the governing body as well as the presiding officer shall be physically present at the above posted location, which shall be open to the public. Those participating remotely shall be visible and audible to the public for all open portions of the meeting. A member of a governmental body who participates in a meeting remotely as provided by law, shall be counted as present at the meeting for all purposes.

Certification

I certify that the above notice of meeting was posted on the bulletin board at the Rockport Service Center, 2751 State Highway 35 Bypass, Rockport, Texas on Friday, February 23, 2024, by 5:00 p.m. and on the City's website at www.cityofrockport.com. I further certify that the following News Media were properly notified of this meeting as stated above: *The Rockport Pilot*.



Kimberly Henry, Interim City Secretary

CITY COUNCIL AGENDA
Regular Meeting: Tuesday, February 27, 2024

AGENDA ITEM: 3

Presentation of Aransas County Harm Reduction Program.

SUBMITTED BY: City Manager Vanessa Shrauner

APPROVED FOR AGENDA: KH

BACKGROUND:

This presentation was made at Aransas County Commissioner's Court recently to educate the public about the educational programs being offered at the Aransas County Detention Center. It was felt that this information would be appreciated at the City Council Meeting as well.

FISCAL ANALYSIS: There is no financial investment at the City level.

RECOMMENDATION: Presentation only. No action required.

REVERSING OPIOID OVERDOSES WITH LIFESAVING NALOXONE

6

WHAT IS NALOXONE?

Naloxone is a life-saving medication that can reverse an overdose from opioids, including heroin, fentanyl, and prescription opioid medications.¹ Often given as a nasal spray, naloxone is safe and easy to use.

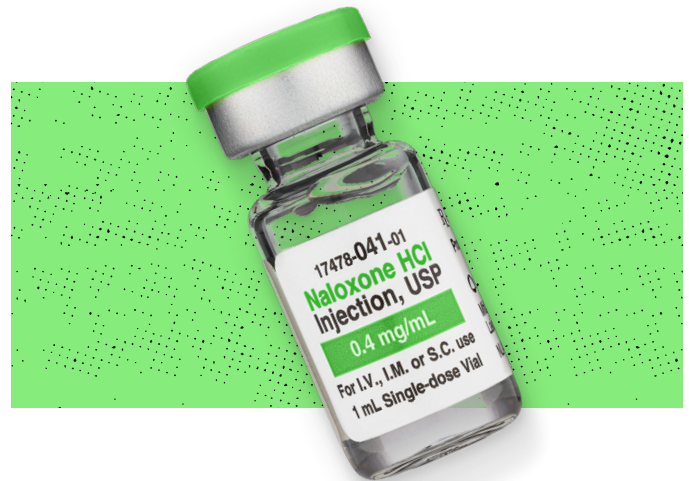
HOW DOES NALOXONE WORK AND HOW DO YOU USE IT?

Naloxone quickly reverses an overdose by blocking the effects of opioids. It can restore normal breathing within 2 to 3 minutes² in a person whose breath has slowed, or even stopped, as a result of opioid overdose. More than one dose of naloxone may be required when stronger opioids like fentanyl are involved.³

Naloxone is easy to use and light to carry. There are two forms of naloxone that anyone can use without medical training or authorization:



Nasal spray - Prefilled devices that spray medication into the nose.



Injectable - Medication (solution) given by injection into a muscle or under the skin.

If you give someone naloxone, stay with them until emergency help arrives or for at least four hours to make sure their breathing returns to normal.³ Good Samaritan laws are in place in most states to protect those who are overdosing and anyone assisting them in an emergency from arrest, charges, or a combination of these. **Learn about the laws in your state.**

WHY CARRY NALOXONE

Naloxone saves lives.

50,000

Nearly 50,000 people died from an opioid-involved overdose in 2019.⁴ One study found that bystanders were present in more than one in three overdoses involving opioids.⁴

With the right tools, bystanders can act to prevent overdose deaths. Anyone can carry naloxone, give it to someone experiencing an overdose, and potentially save a life. Naloxone won't harm someone³ if they're overdosing on drugs other than opioids, so it's always best to use it if you think someone is overdosing.

WHO SHOULD CARRY NALOXONE?

If you or someone you know is at increased risk for opioid overdose, especially those struggling with opioid use disorder (OUD), you should carry naloxone and keep it at home. People who are taking high-dose opioid medications (greater or equal to 50 morphine milligram equivalents per day) prescribed by a doctor, people who use opioids and benzodiazepines together, and people who use illicit opioids like heroin should all carry naloxone. Because you can't use naloxone on yourself, let others know you have it in case you experience an opioid overdose.

Carrying naloxone is no different than carrying an epinephrine auto-injector (commonly known by the brand name EpiPen) for someone with allergies. It simply provides an extra layer of protection for those at a higher risk for overdose.



80% of overdose deaths occurred inside a home.*



In nearly 40% of overdose deaths, someone else was present.⁵

Having naloxone available allows those bystanders to help a fatal overdose and save lives.

NALOXONE IS AVAILABLE IN YOUR STATE

Naloxone is available in all 50 states. If you have been prescribed high-dose opioids, talk to your doctor about co-prescribing naloxone. However, in most states, you can get naloxone at your local pharmacy without a prescription.¹ You can also get naloxone from community-based naloxone programs and most syringe services programs.

People who have overdosed before are more likely to overdose again.

SIGNS OF OPIOID OVERDOSE

Recognizing the signs of opioid overdose can save a life. Here are some things to look for:

- Small, constricted “pinpoint pupils”
- Falling asleep or losing consciousness
- Slow, weak, or no breathing
- Choking or gurgling sounds
- Limp body
- Cold and/or clammy skin
- Discolored skin (especially in lips and nails)

WHAT TO DO IF YOU THINK SOMEONE IS OVERDOSING

It may be hard to tell whether a person is high or experiencing an overdose. If you aren't sure, it's best to treat the situation like an overdose—you could save a life.

1

Call 911 immediately.**

2

Administer naloxone, if available.

3

Try to keep the person awake and breathing.

4

Lay the person on their side to prevent choking.

5

Stay with them until emergency workers arrive.

1. Life-Saving Naloxone from Pharmacies. (2019). Centers for Disease Control and Prevention. <https://www.cdc.gov/vitalsigns/naloxone/index.html>

2. Harm Reduction TO – Naloxone: Overdose Reversal <https://harmreductionto.ca/naloxone>

3. Opioid Overdose Prevention Toolkit. (2018). Substance Abuse and Mental Health Services. <https://store.samhsa.gov/sites/default/files/d7/priv/sma18-4742.pdf>

4. National Institutes on Health: National Institute on Drug Abuse: Overdose Death Rates <https://www.drugabuse.gov/drug-topics/trends-statistics/overdose-death-rates>

5. O'Donnell J, Gladden RM, Mattson CL, Hunter CT, Davis NL. Vital Signs: Characteristics of Drug Overdose Deaths Involving Opioids and Stimulants – 24 States and the District of Columbia, January–June 2019. *MMWR Morb Mortal Wkly Rep* 2020;69:1189–1197. DOI: <http://dx.doi.org/10.15585/mmwr.mm6935a1>

*Based on CDC Vital Signs report.

**Most states have laws that protect a person who is overdosing or the person who called for help from legal trouble.



CITY COUNCIL AGENDA
Regular Meeting: Tuesday, February 27, 2024

AGENDA ITEM: 5

Deliberate and act on approval of City Council Regular Meeting Minutes of February 13, 2024.

SUBMITTED BY: Interim City Secretary Kimberly Henry

APPROVED FOR AGENDA: KH

BACKGROUND: Please see the accompanying City Council meeting minutes of February 13, 2024.

FISCAL ANALYSIS: N/A

RECOMMENDATION: Staff recommend the Council approve the Minutes, as presented.

CITY OF ROCKPORT

MINUTES

CITY COUNCIL REGULAR MEETING

6:30 p.m., Tuesday, February 13, 2024

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](https://rockport.seamlessdocs.com/f/CouncilCitizenParticipation) 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 13th day of February 2024, 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 Stephanie Rangel, Ward 1
Council Member Danielle Hale, Ward 2
Council Member Brad Brundrett, Ward 3

CITY COUNCIL MEMBER(S) ABSENT

STAFF MEMBERS PRESENT **PRESENT**

City Manager Vanessa Shrauner
City Attorney Art Rodriguez, Jr.
Interim City Secretary/Assistant to the City Manager Kimberly Henry
Director of Public Works and Building & Development Services Mike Donoho
Director of Information Technology Bob Argetsinger
Communications Center Director Lee Brown
Director of Finance Robbie Sorrell
Interim Police Chief Rusty Pancoast

ELECTED OFFICIALS

The matters to be discussed and acted upon are as follows:

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, February 13, 2024, in the Training Room of the Rockport Service Center, 2751 State Highway 35 Bypass, Rockport, Texas.

2. Pledge of Allegiance.

Council Member Rangel 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 Agenda item or any subject matter, will be read at 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 Members read aloud comments from Lynn Powers of 660 Blue Heron Dr. and Patrick Kane of 1123 E. Cedar Street. Mrs. Powers comments were in favor of the Short-Term Rental Policy to be discussed under agenda item #15. Mr. Kane's comments were to ask the Council to pull agenda item #7 from the consent agenda regarding Operation Lone Star Grant for the purchase of license plate readers.

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 City Council Regular Meeting Minutes of January 23, 2024.**
- 5. Deliberate and act on 1st quarter report from the Rockport Cultural Arts District for Fiscal Year 2023-2024 marketing expenditures.**
- 6. Deliberate and act on a Resolution of the City of Rockport, Texas, authorizing the Rockport Police Department to apply for and operate a Criminal Justice Department DJ-Edward Byrne Memorial Justice Assistance Grant (JAG), administered by the Office of the Governor, Public Safety Office for Fiscal Year 2024; and authorizing the Mayor to act as the Executive Officer and authorized representative in all matters pertaining to the participation in this grant program.**
- 7. Deliberate and act on a Resolution of the City of Rockport, Texas, authorizing the Rockport Police Department to apply for and operate an Operation Lone Star Grant Program (OLS) Fiscal Year 2025, administered by the Office of the Governor, Homeland Security grants division Fiscal Year 2025; and authorizing the Mayor to act as the Executive Officer and authorized representative in all matters pertaining to the participation in this grant program.**
- 8. Deliberate and act on request from the Fulton Oysterfest for temporary closure of sections of Traylor Boulevard and South Fulton Beach Road for the Oysterfest parade on March 9, 2024, and authorization to display banners across the 2400 block of Highway 35 Business and across the 1200 block of FM 3036 for the Oysterfest event.**

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

Council Member Brundrett requested item #7 be pulled from the Consent Agenda for separate discussion.

MOTION: Council Member Brundrett moved to approve the Consent Agenda with the exclusion of item #7. Council Member Hattman seconded the motion. Motion carried unanimously.

Consent Agenda Item 7.

Police Captain Nathan Anderson explained this grant is to purchase two vehicle-mounted and one static licensed plate readers. The vehicle mounted licensed plate readers are to be placed on the two existing Stone Garden Vehicles. All three of these items are to be used on the main throughfares that are frequented by both drug and human traffickers. The software monitors for the vehicles suspected of these activities and notifies not only the local authorities, but also the law enforcement agency(s) that entered the data into the system through the warrant process. If staff were to ever use the system to track someone not already warranted into the system, the city would lose access to the High Intensity Drug Trafficking Areas (HIDTA) program. Information is only available for 30 days on the HIDTA system. The upkeep after the first year is \$500/piece of equipment.

Mayor Jayroe noted that the previous two license plate readers were purchased with a TxDOT grant approved by a vote of the City Council.

MOTION: Council Member Hale moved to approve the Resolution of the City of Rockport, Texas, authorizing the Rockport Police Department to apply for and operate an Operation Lone Star Grant Program (OLS) Fiscal Year 2025, administered by the Office of the Governor, Homeland Security grants division Fiscal Year 2025; and authorizing the Mayor to act as the Executive Officer and authorized representative in all matters pertaining to the participation in this grant program. Council Member Hattman seconded the motion. Motion carried unanimously.

Public Hearings

- 9. Conduct a Public Hearing to consider a request from Christopher J. Crowley and Karra A. Crowley for permanent closure/abandonment/vacation of a 20' wide alleyway lying between Lots 1 through 8 and Lots 9 through 16, Block No. 134, Manning Addition, City of Rockport, Aransas County, Texas; being 0.18 acre.**

Mayor Jayroe opened the Public Hearing at 6:45 p.m.

Interim City Secretary Kimberly Henry explained the City received a Petition from Mr. Crowley for the permanent abandonment of a 20' wide alleyway. An appraisal was ordered in accordance with City Code of Ordinances and it is valued at \$0.00.

Mayor Jayroe closed the Public Hearings at 6:46 p.m.

Regular Agenda

- 10. Deliberate and act on first reading of an Ordinance authorizing the closing, vacating and abandonment of 0.18 acre of land being a 20-foot wide alleyway lying between Lots 1 through 8 and Lots 9 through 16, Block 134, Manning Addition, City of Rockport, Aransas County, Texas, according to the Plat recorded in Volume 1, Page 7, Plat Records of Aransas County, Texas; providing for the terms and conditions of such vacation and abandonment; authorizing the Mayor to execute a Quitclaim Deed for the 0.18 acre to be closed, vacated and abandoned; and providing for an effective date.**

MOTION: Council Member Brundrett moved to pass to a second reading the Ordinance authorizing the closing, vacating and abandonment of 0.18 acre of land being a 20-foot wide alleyway lying between Lots 1 through 8 and Lots 9 through 16, Block 134, Manning Addition, City of Rockport, Aransas County, Texas, according to the Plat recorded in Volume 1, Page 7, Plat Records of Aransas County, Texas; providing for the terms and conditions of such vacation and abandonment; authorizing the Mayor to execute a Quitclaim Deed for the 0.18 acre to be closed, vacated and abandoned; and providing for an effective date. Council Member Rangel seconded the motion. Motion carried unanimously.

- 11. Deliberate and act on second and final reading of an Ordinance amending the official zoning map as stipulated under Article 4.1 of the City of Rockport Zoning Ordinance Number 1027 by changing the zoning of land from R-1 (1st Single Family Dwelling District) for property located at 914 Holly Road and 1521 State Highway 35 Bypass; also known as McCombs, part of Lots 14 and 15, 1.730 acres, City of Rockport, Aransas County, Texas, to B-1 (General Business District); repealing all ordinances in conflict therewith; providing for severability; and providing an effective date.**

Assistant Director of Building and Development Services and Community Planner Carey Dietrich noted there were no changes since the first reading.

MOTION: Mayor Pro-Tem Hattman moved to approve the Ordinance amending the official zoning map as stipulated under Article 4.1 of the City of Rockport Zoning Ordinance Number 1027 by changing the zoning of land from R-1 (1st Single Family Dwelling District) for property located at 914 Holly Road and 1521 State Highway 35 Bypass; also known as McCombs, part of Lots 14 and 15, 1.730 acres, City of Rockport, Aransas County, Texas, to B-1 (General Business District); repealing all ordinances in conflict therewith; providing for severability; and providing an effective date. Council Member Rangel seconded the motion. Motion carried unanimously.

- 12. Deliberate and act on second and final reading of an Ordinance amending the official zoning map as stipulated under Article 4.1 of the City of Rockport Zoning Ordinance Number 1027 by changing the zoning of land from R-1 (1st Single Family Dwelling District) for property located at 3629 Highway 35 South; also known as A160 James McKay Survey, being 8.00 acres, City of Rockport, Aransas County, Texas, to B-1**

(General Business District); repealing all ordinances in conflict therewith; providing for severability; and providing an effective date.

Assistant Director of Building and Development Services and Community Planner Carey Dietrich noted there were no changes since the first reading.

MOTION: Council Member Brundrett moved to approve the Ordinance amending the official zoning map as stipulated under Article 4.1 of the City of Rockport Zoning Ordinance Number 1027 by changing the zoning of land from R-1 (1st Single Family Dwelling District) for property located at 3629 Highway 35 South; also known as A160 James McKay Survey, being 8.00 acres, City of Rockport, Aransas County, Texas, to B-1 (General Business District); repealing all ordinances in conflict therewith; providing for severability; and providing an effective date. Mayor Pro-Tem Hattman seconded the motion. Motion carried unanimously.

13. Deliberate and act on second and final reading of an Ordinance granting a Conditional Use Permit for the purpose of a small manufacturing business which is building wood frame structures for re-sale on the property located at 3629 Highway 35 South; also known as A160 James McKay Survey, being 8.00 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.

Assistant Director of Building and Development Services and Community Planner Carey Dietrich noted there were no changes since the first reading.

MOTION: Council Member Brundrett moved to pass to approve the Ordinance granting a Conditional Use Permit for the purpose of a small manufacturing business which is building wood frame structures for re-sale on the property located at 3629 Highway 35 South; also known as A160 James McKay Survey, being 8.00 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 Rangel seconded the motion. Motion carried unanimously.

14. Deliberate and act on second and final reading of an Ordinance of the City of Rockport, Texas amending Ordinance No. 1911 which adopted the 2023-2024 budget beginning October 1, 2023, and ending September 30, 2024; repealing all prior ordinances in conflict herewith; providing for publication; and providing for an effective date.

Director of Finance Robbie Sorrell noted there were no changes since the first reading.

MOTION: Council Member Brundrett moved to approve the Ordinance of the City of Rockport, Texas amending Ordinance No. 1911 which adopted the 2023-2024 budget beginning October 1, 2023, and ending September 30, 2024; repealing all prior ordinances in conflict herewith; providing for publication; and providing for an effective date. Mayor Pro-Tem Hattman seconded the motion.

Motion carried unanimously.

15. Deliberate and act on a first reading of an Ordinance amending the City of Rockport Code of Ordinances Chapter 26 “Businesses” by adding Article III Short Term Rentals; repealing all ordinances to the extent they are in conflict; providing for severability; providing for penalties; and providing an effective date.

A statement was read for Patrick Kane of 1123 E. Cedar St. and comments were made by Debbie Kahanek of 29 Lauderdale, and Jim Rester spoke regarding the Short-Term Rental Ordinance. It was requested that the daytime visitors be removed from the occupant definition and City Manager Vanessa Shrauner agreed it was intended for removal but was overlooked. It will be removed for the second reading. Other comments included that it be more restrictive; however, this is a good starting point, and to consider tabling this topic until after the next legislative session.

City Manager Shrauner explained that due to the number of changes since the first reading, it was determined that we would begin again with the first reading of this Ordinance.

Assistant Director of Building and Development Services and Community Planner Carey Dietrich provided an overview of the various community meetings, questionnaires, findings, and changes made throughout this process. Besides the regular rules covered within the City Ordinances, there is also the need for reviewing the various rental platforms for properties being rented in our community. The Rental Scape program will compare our registration list and receipts of Hotel Funds against the listings on the numerous web platforms. Currently Rental Scape shows there are over 750 addresses being advertised on these different platforms; however, we are only collecting from about 175 addresses. One of the items added during the process has been to allow for a grandfather clause of those already complying and paying the appropriate Hotel Fund taxes for the last twelve months. Short-term rental is defined as renting less than 30-days and RV spots are not considered short-term rentals, but the renting of an RV itself is considered a short-term rental. At this time, the only HOA that does not allow short-term rentals is Harbor Oaks. Part of the application and approval process will include review of zoning, HOA regulations, any parking concerns. The fee’s in the existing Ordinance is \$150.00 for the first year and \$100.00 for each year thereafter.

MOTION: Mayor Pro-Tem Hattman moved to pass to a second reading the Ordinance amending the City of Rockport Code of Ordinances Chapter 26 “Businesses” by adding Article III Short Term Rentals; repealing all ordinances to the extent they are in conflict; providing for severability; providing for penalties; and providing an effective date. Council Member Brundrett seconded the motion. Motion carried unanimously.

16. Deliberate and act on the Heritage District Certificate of Appropriateness Application submitted for 406 S. Austin Street to extend the wood fence enclosure —The Coastal Mercantile.

Assistant Director of Building and Development Services and Community Planner Carey Dietrich explained this is similar to the fence created by Rock Bottom with a mural.

Bonnie Carlisle, owner of The Coastal Mercantile explained that they have replated two lots in order to extend their fence line and make a play area for the children. The outside of the fence would be similar to Rock Bottom's fence with a colorful design supported by the Rockport Center for the Art. On the inside of the fence, they are planning a chalk wall for the youth to draw their own designs and play area.

MOTION: Council Member Brundrett moved to approve the Heritage District Certificate of Appropriateness Application submitted by The Coastal Mercantile for 406 S. Austin Street to extend the wood fence enclosure. Mayor Pro-Tem Hattman seconded the motion. Motion carried unanimously.

17. Deliberate and act on the submission of an application by the City of Rockport, Texas for a U.S. Army Corps of Engineers (USACE) permit for a possible future project that will include upgrades and improvements to Tule Creek.

Ken Baron of 402 Cascades Dr. spoke in favor of this application and provide a handout to be provided to the Council for their mailboxes about other drainage projects needed in the Rockport Country Club.

Dan Opdyke from Anchor QEA, LLC provided an overview of the area and explained the different distinctions of areas for current and future retainage ponds. This grant from the General Land Office is only for the engineering and USACE permit. The permit includes both the low areas with Willow Trees and the higher areas with Live Oak Trees but will include prioritization of the lower areas first. It is easier to include both areas and approve at the same time; instead of only the lower areas and then try to go back and expand the USACE permit. This will help prepare the City for future grants by having a shovel-ready project. Another thing that is helpful is that this project checks two categories for future grants: (1) assistance with a drainage concern, and (2) water quality for Little Bay.

MOTION: Mayor Pro-Tem Hattman moved to approve the submission of an application by the City of Rockport, Texas for a U.S. Army Corps of Engineers (USACE) permit for a possible future project that will include upgrades and improvements to Tule Creek. Council Member Rangel seconded the motion. Motion carried unanimously.

18. Deliberate and possible approval of an Engagement Agreement from Willdan to provide a 2024 water and wastewater rate study.

City Manager Shrauner explained this is a result of the repealing of the water and wastewater rates to outside of city limits customers. The previous rate studies were done by NewGen and therefore the staff are using a totally different provider for this rate study. Once the staff provides the list of necessary documents, Willdan will be able to provide a very preliminary schedule of rates in about 90 days: in time for the budget process. There is a budget adjustment item for this project as the next agenda item.

MOTION: Council Member Brundrett moved to approve the Engagement Agreement with Willdan to provide a 2024 water and wastewater rate study. Mayor Pro-Tem Hattman seconded

the motion. Motion carried unanimously.

19. Deliberate and act on first reading of an Ordinance of the City of Rockport, Texas amending Ordinance No. 1911 which adopted the 2023-2024 budget beginning October 1, 2023, and ending September 30, 2024; repealing all prior ordinances in conflict herewith; providing for publication; and providing for an effective date.

Director of Finance Robbie Sorrell explained that the budget amendment is inclusive of \$50,000 from Utility Reserve Funds for the rate study and \$500,000 from HOT Reserves for the Information Center and Downtown Restrooms.

MOTION: Council Member Brundrett moved to pass to a second reading an Ordinance of the City of Rockport, Texas amending Ordinance No. 1911 which adopted the 2023-2024 budget beginning October 1, 2023, and ending September 30, 2024; repealing all prior ordinances in conflict herewith; providing for publication; and providing for an effective date. Mayor Pro-Tem Hattman seconded the motion. Motion carried unanimously.

20. 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; 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 Hale reported that she attended the Planning and Zoning meeting last week and it was great to see a meeting with the full board in attendance. She also congratulated the local Rockport/Fulton ISD 4-H students and their performance at the local Livestock show recently.

Council Member Brundrett and Mayor Jayroe reported that they attended the Lamardi Gras parade and enjoyed the festivities. It was a great event for Lamar.

Mayor Pro-Tem Hattman reported she attended the Tourism Development meeting, and they are working to get Rockport selected as a Music Designation City.

Executive Session

City Manager Shrauner noted there were no updates for these agenda items and therefore no need for 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:

21. 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) City Hall; and 2) Concho Street & General Land Office (GLO) drainage projects.

22. Section 551.074 Personnel Matters - deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee: City Secretary.

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.

23. Adjournment.

At 7:48 p.m., Mayor Pro-Tem Hattman moved to adjourn the meeting. The motion was seconded by Council Member Hale. Motion carried unanimously.

APPROVED:

Tim Jayroe, Mayor

ATTEST:

Kimberly Henry, Interim City Secretary

CITY COUNCIL AGENDA

Regular Meeting: Tuesday, February 27, 2024

AGENDA ITEM: 6

Deliberate and action on a request by the Rockport Center for the Arts to reallocate funds from Sprint Art Fair to the Art Summit event.

SUBMITTED BY: City Manager Vanessa Shrauner

APPROVED FOR AGENDA: KH

BACKGROUND:

The Rockport Center for Arts has requested to move the \$10,000 originally allocated for the Spring Art Fair to an allocation for the Arts Summit.

Original Budget requested and approved for FY 23/24:

i. RCA Marketing Budget

Category 4 - Promotions of the Arts that Directly Promote Tourism and the Hotel and Convention Industry

Budget Class	Activity: Category 4 - Promotions of the Arts that Directly Promote Tourism and the Hotel and Convention Industry	Promotion of the Arts
1	Advertising	85,000
2	Exhibitions	70,000
3	Rockport Art Festival	45,000
4	Rockport Film Festival	5,000
5	Sculpture Garden	15,000
6	Spring Art Fair	10,000
7	Workshops and Classes	20,000
	Total Request	250,000

Attached is a copy of the proposed revised budget and the draft agenda for the Arts Summit.

FISCAL ANALYSIS: This would be a reallocation of funds to the same entity, so there is no additional cost for Hotel Occupancy Tax Funds.

RECOMMENDATION: Staff recommends approval of the request by the Rockport Center for the Arts to reallocate funds from Sprint Art Fair to the Art Summit event.

Description of Expense	Approved Budget	1 st Quarter Oct-Dec 2023	2 nd Quarter Jan-Mar 2024	3 rd Quarter Apr-Jun 2024	4 th Quarter Jul-Sep 2024	Total Expenditures by Line Item
<i>A. Promotion of the Arts:</i>						
Advertising and Public Relations	\$ 85,000.00	\$ 1,865.00				\$ 1,865.00
Exhibitions	\$ 70,000.00	\$ 22,666.63				\$ 22,666.63
Rockport Art Festival	\$ 45,000.00	\$ -				\$ -
Rockport Film Festival	\$ 5,000.00	\$ 7,123.25				\$ 7,123.25
Sculpture Garden	\$ 15,000.00	\$ 3,360.00				\$ 3,360.00
Press Junket - Arts Summit	\$ 10,000.00	\$ -				\$ -
Workshops and Classes	\$ 20,000.00	\$ 4,875.00				\$ 4,875.00
<i>A. Promotion of the Arts Sub Total</i>	\$ 250,000.00	\$ 39,889.88	\$ -	\$ -	\$ -	\$ 39,889.88
	60%					
<i>B. Promotion of Convention Tourism:</i>	\$ 170,000.00	\$ 29,604.15	\$ 12,896.95			\$ 42,501.10
	40%					
A. + B. Total Funds Used		\$ 69,494.03				\$ -
Total Requested / Approved	\$ 420,000.00	\$ 105,000.00				
Quarterly Variance		\$ 35,505.97	\$ -	\$ -	\$ -	



Arts Summit Foreword

The 21st century has been a time of rapid advancement in communication, science, and technology across many disciplines. Art is no exception.

This Spring, the Arts Summit will bring together leaders for a day of conversation, engaging experts from numerous fields - the arts, asset management, government, media, policy, and artificial intelligence technology - aiming to challenge old ideas, spark new ones, and catalyze potent connections across various disciplines.

Arts Summit sessions will explore the role of cultural leadership in advancing the aspirations of artists, art educators, creatives, and art businesses - including non-profits - and the thriving ecosystems that grow around them in communities that embrace the arts for a better-quality of life.

21st Century Challenges in the Arts Summit ***Presented by Salemi's Ace Hardware***

Hospitality Sponsor, The Barrow Foundation

Venue Sponsor, The Rockport Conference Center

Marriott Fairfield Inn is the Official Hotel of the Arts Summit

Arts Summit Topics: Funding for the Arts | Financial Planning | Artificial Intelligence and Cultural Policy

Thursday, March 14, 2024

The Rockport Conference Center
106 S Austin St
Rockport, Texas 78382

Cost: Free

9 AM

Registration

9:45 - 10 AM

Welcome Remarks

Tim Jayroe, Mayor - City of Rockport

10 - 10:45 AM

Keynote Address - Building Grass Roots Support for the Arts

Chris Kiley, Executive Director, Texans for the Arts

11 - 11:45 AM

Panel Discussion: The Importance of Public and Private Funding Play for the Arts

Moderated by Luis Purón, Executive Director - Rockport Center for the Arts

Ray Garza, Judge - Aransas County

Dr. Gary Gibbs, Executive Director - Texas Commission on the Arts

Sara Morgan, Director - Art Museum of South Texas

Jesús Hinojosa, Financial Advisor - PNC Capital Markets LLC

Karen Selim, President and CEO - Coastal Bend Community Foundation

11:45 AM - 1 PM

Lunch

Catered by *Bien Mérité* Bakery and Restaurant, Chef Marjorie Pettigrove

1 - 1:45 PM

Presentation: A Financial Toolkit for Non-Profits

Mary Hime, Principal Financial Advisor - CAPTRUST, Board Member - CAPTRUST Community Foundation

2 - 2:45 PM

Artificial Intelligence and the Cultural Sector: What Does the Future Look Like?

Tyree Robinson, Head of Business Development, North America - Oraichain

3 - 3:45 PM

Live Recording of *Creative Crossroads*, a Podcast Collaboration Between Texans for the Arts and Oraichain.

Podcast Topic: What questions must the creative sector ask and answer around artificial intelligence as we engage in advocacy and the development of policy that supports the creative sector moving forward.

Chris Kiley, Executive Director - Texans for the Arts

Tyree Robinson, Head of Business Development, North America - Oraichain

4 PM

Adjournment

4:30 -5 PM

Curator Led Tour of the Exhibits at Rockport Center for the Arts

Catey Arnold, The Brown Foundation Curator of Exhibitions - Rockport Center for the Arts

5 – 6:30 PM

Cocktail Reception | Networking

Hosted by Luis Purón, Executive Director - Rockport Center for the Arts

McKelvey Charitable Fund Gallery

PRESS JUNKET PITCHES
TARGET: ART AND MEETING PLANNERS

21ST CENTURY CHALLENGES IN THE ARTS SUMMIT,
PRESENTED BY SALEMI'S ACE HARDWARE
Rockport Center for the Arts / The Rockport Conference Center (The ROCC)
March 14, 2024

The 21st century has been a time of rapid advancement in communication, science, and technology across many disciplines. Art is no exception.

To explore these timely issues, [Rockport Center for the Arts](#) in conjunction with [Texans for the Arts](#) is hosting 21st Century Challenges in the Arts Summit, presented by Salemi's Ace Hardware, Thursday, March 14, at The Rockport Conference Center (The ROCC). The first of its kind in the Coastal Bend, Arts Summit will explore the role of cultural leadership in advancing the aspirations of artists, art educators, and art businesses, including non-profits, and the thriving ecosystems that grow around them.

The day-long event will include presentations and panel discussions with experts and thought leaders from numerous fields — the arts, asset management, community development, government, media, policy, and artificial intelligence technology — to challenge old ideas while sparking new ones and catalyze potent connections across various disciplines.

Accommodations for media covering the event will be provided and are available Wednesday, March 13, and Thursday, March 14, with a media dinner Wednesday evening hosted by RCA Executive Director Luis Purón and Texans for the Arts Executive Director Chris Kiley.

HOW TO ROCC YOUR NEXT EVENT

The Rockport Conference Center (The ROCC) / Rockport Center for the Arts

March 14, 2024

The vision behind a modern new conference and event center in Rockport was to create a facility that would take art programs to new levels while expanding offerings to include the culinary and performing arts, meetings, conferences, and special events. [The Rockport Conference Center](#) (The ROCC) has accomplished that and more in just over a year, hosting dozens of public and private events and providing a boost to the local economy.

Located on the 1.2-acre campus of Rockport Center for the Arts in the heart of downtown Rockport, The ROCC is a partnership between [Rockport Center for the Arts](#) (RCA) and The City of Rockport and has successfully created a new segment of tourism, generating more than 1,000 new visitors to the area every quarter since hosting its first event, The Rockport Film Festival, in November of 2022.

On Thursday, March 14, Darryl Meadows, venue manager of The ROCC, will provide an opportunity for meeting planners and media to explore what makes Rockport and The ROCC the popular choice for those hoping to turn an event into a memorable experience. Attendees will see The ROCC in action as it hosts 21st Century Challenges in the Arts Summit, presented by Salemi's Ace Hardware, and meet with representatives of local attractions, lodging and other businesses to hear — and see first-hand — what makes this charming seaside community such a popular event destination.

Accommodation for attending planners and media will be provided and are available Wednesday, March 13, and Thursday, March 14, with a welcome dinner Wednesday evening hosted by Meadows and RCA Executive Director Luis Purón.

CITY COUNCIL AGENDA
Regular Meeting: Tuesday, February 27, 2024

AGENDA ITEM: 7

Conduct a Public Hearing to consider a request to rezone property located at 202 East Cornwall; also known as East one-half of Lot 8, all of Lot 9, Block 13, Hunter Subdivision, to B-1 (General Business District), currently zoned R2 (2nd Single Family Dwelling District).

SUBMITTED BY: Carey Dietrich- Asst. Director Building & Development/ Community Planner

APPROVED FOR AGENDA: KH

BACKGROUND: Property owners, Christopher & Kara Crowley, wish to provide additional parking to occupants and customers of the warehouse on the adjoining property owned by Mr. & Mrs. Crowley.

A public notice regarding this item was published in The Rockport Pilot in the Saturday, December 16, 2023 edition and mailed out to twenty two (22) property owners within a 200-foot radius of the property. No letters For or Against the request have been received at this time.

Please see the accompanying zoning change request application and Section 118-15 of the Code of Ordinances for detail information.

FISCAL ANALYSIS: N/A

RECOMMENDATION: No action required. Public Hearing only.



PUBLIC HEARING
Planning & Zoning Commission
and City Council

NOTICE is hereby given that the Planning & Zoning Commission will hold a Public Hearing on Monday, February 19, 2024, at 5:30 p.m. and the Rockport City Council will hold a Public Hearing on Tuesday, February 27, 2024, at 6:30 p.m., at the Rockport Service Center, 2751 State Highway 35 Bypass, Rockport, Texas, to consider a request to rezone the property located at 202 East Cornwall; also known as East one-half of Lot 8, all of Lot 9, Block 13, Hunter Subdivision, to B-1 (General Business District), currently zoned R2 (2nd Single Family Dwelling District)

Members of the public can view the meeting remotely via live stream at the address that will be provided on the Planning & Zoning Commission Agenda of February 19, 2024, and the City Council Agenda of February 27, 2024, and posted on the City's website www.cityofrockport.com.

Public participation is valued and citizens wishing to express their views during the Public Hearing can electronically submit a Citizen Participation Form in order to register to speak by going to <https://rockport.seamlessdocs.com/f/CouncilCitizenParticipation>, or if attending the meeting in person register at the meeting before the meeting begins. Using the same form, citizens can also provide written comments to the City Planner by 3:00 p.m. on the day of the Planning & Zoning Commission meeting or to the City Secretary by 4:00 p.m. on the day of the City Council meeting. The comments will be read and summarized in the minutes of the meeting.

The City encourages citizens to participate and make their views known at the Public Hearings. For further information on this request, please contact the Building Department at (361) 790-1125.

POSTED the 30th day of January 2024 on the bulletin board at the Rockport Service Center, 2751 State Highway 35 Bypass, Rockport, Texas, and on the website www.cityofrockport.com.

PUBLISHED in *The Rockport Pilot* in the Saturday, February 3, 2024, Edition, in accordance with the City of Rockport Code of Ordinances.

CITY OF ROCKPORT, TEXAS


 Teresa Valdez, City Secretary

CITY COUNCIL AGENDA
Regular Meeting: Tuesday, February 27, 2024

AGENDA ITEM: 8

Deliberate and act on first reading of an Ordinance amending the Official Zoning Map as stipulated under Article 4.1 of the City of Rockport Zoning Ordinance Number 1027 by changing the zoning of land from R2 (2nd Single Family Dwelling District) for property located at 202 East Cornwall; also known as East one-half of Lot 8, all of Lot 9, Block 13, Hunter Subdivision; to B-1 (General Business District); repealing all ordinances in conflict therewith; providing for severability; and providing an effective date..

SUBMITTED BY: Asst. Director Building & Development /Community Planner – Carey Dietrich

APPROVED FOR AGENDA: KH

BACKGROUND: Property owners, Christopher & Kara Crowley, wish to provide additional parking to occupants and customers of the warehouse on the adjoining property owned by Mr. & Mrs. Crowley.

FISCAL ANALYSIS: N/A

RECOMMENDATION: Planning & Zoning Commission, by a unanimous vote, recommends approval of the request and approval of the first reading of an Ordinance granting a request to rezone property to B-1 (General Business District) located at 202 E Cornwall; also known as East one-half of Lot 8, all of Lot 9, Block 13, Hunter Subdivision, currently zoned R2 (2nd Single Family Dwelling District); 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.

ORDINANCE NO. ____

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP AS STIPULATED UNDER ARTICLE 4.1 OF THE CITY OF ROCKPORT ZONING ORDINANCE NUMBER 1027 BY CHANGING THE ZONING OF LAND FROM R2 (2ND SINGLE FAMILY DWELLING DISTRICT) FOR PROPERTY LOCATED AT 202 EAST CORNWALL; ALSO KNOWN AS EAST ONE-HALF OF LOT 8, ALL OF LOT 9, BLOCK 13, HUNTER SUBDIVISION; TO B-1 (GENERAL BUSINESS DISTRICT); REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS a request to re-zone property was received in the office of the Building Department, Rockport, Texas; and

WHEREAS, On January 30, 2024, notice was posted on the bulletin boards at the City of Rockport Service Center, 2751 State Highway 35 Bypass, and on the City's webpage www.cityofrockport.com; and

WHEREAS, on February 3, 2024, the City caused to be published "Notice of Public Hearing" in the official newspaper of the City notifying area residents and the public in general to participate and make their views known regarding this request; and

WHEREAS, on February 8, 2024, notice was mailed to affected property owners within 200' of subject property; and

WHEREAS, on February 19, 2024, at 5:30 p.m., the Planning & Zoning Commission did hold a Public Hearing; and

WHEREAS, on February 19, 2024, the Planning & Zoning Commission did meet and said Commission voted to recommend to the City Council to Approve this request to re-zone property, located at 202 East Cornwall, from R2 (2nd Single Family Dwelling District) to allow commercial use of the property; and

WHEREAS, on February 27, 2024, at 6:30 p.m., the Rockport City Council did hold a Public Hearing; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCKPORT TEXAS:

SECTION 1 – AMENDMENT

That, pursuant to Article 4 of the City of Rockport Zoning Ordinance Number 1027, the current zoning of land located at 202 East Cornwall, City of Rockport, Aransas County, Texas; be changed from R2 (2nd Single Family Dwelling District) to B-1 (General Business District).

SECTION 2 - REPEALER

Any previously adopted ordinances, and any subsequent amendments to them, which are in conflict with this ordinance, are hereby repealed.

SECTION 3 - SEVERABILITY

It is the intention of the City Council of the City of Rockport that if any phrase, sentence, section, or paragraph of this ordinance shall be declared unconstitutional or otherwise invalid by final judgment of a court of competent jurisdiction such unconstitutionality or invalidity shall not affect any of the remainder of this ordinance since the same would have been enacted by the City Council without the incorporation of the unconstitutional or invalid phrase, sentence, section or paragraph.

SECTION 4 - EFFECTIVE DATE

This ordinance shall become effective immediately upon adoption by second and final reading.

APPROVED on first reading this the 27th day of February, 2024.

CITY OF ROCKPORT, TEXAS

Tim Jayroe, Mayor

ATTEST:

Kimberly Henry, Interim City Secretary

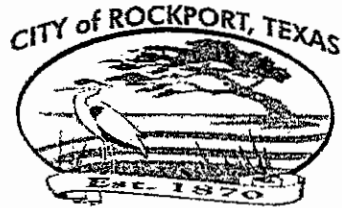
APPROVED, PASSED and ADOPTED on second and final reading, this _____ day of _____ 2024.

CITY OF ROCKPORT, TEXAS

Tim Jayroe, Mayor

ATTEST:

Kimberly Henry, Interim City Secretary



CITY OF ROCKPORT
ZONING AND LAND DEVELOPMENT APPLICATION

INSTRUCTION: Please fill out completely. If more space is needed, attach additional pages. Please print or use typewriter.

- A. REQUESTING: Rezoning [x] Conditional Permit []
 Planned Unit Development (P.U.D.) by Conditional Permit []
- B. ADDRESS AND LOCATION OF PROPERTY _____
 202 E Cornwall St. Rockport TX 78382
- C. CURRENT ZONING OF PROPERTY: R-2
- D. PRESENT USE OF PROPERTY: Vacant Land
- E. ZONING DISTRICT REQUESTED: B-1
- F. CONDITIONAL USE REQUESTED: _____
- G. LEGAL DESCRIPTION: (Fill in the one that applies)
- Lot or Tract East 1/2 of Lot 8 & all of Lot 9 Block 13
 - Tract Hunter of the _____
 Survey as per metes and bounds (field notes attached)
 - If other, attach copy of survey or legal description from the Records of Aransas County or Appraisal District.
- H. NAME OF PROPOSED DEVELOPMENT (if applicable) _____
- I. TOTAL ACREAGE OR SQ. FT. OF SITE(S): 26,250 SF
- J. REASON FOR REQUEST AND DESCRIPTION OF DEVELOPMENT:
 (Please be specific)

We own the adjoining warehouse at 210 E Cornwall which has very limited parking. We originally purchased 202 E Cornwall to provide additional parking for the warehouse. The warehouse is zoned B-1 and the property across the street is zoned B-1. The rezone of the vacant lot would allow us to provide additional parking to occupants and customers of the warehouse and would reduce the need for them to back out onto Cornwall or onto the Jack's Market parking lot when exiting the property.

Note: There was a house at 202 E Cornwall that was in very poor condition. We had it removed a few weeks ago.

K. OWNER'S NAME: (Please print) Christopher J. Crowley & Karra A. Crowley
 ADDRESS: PO Box 296
 CITY, STATE, ZIP CODE: Rockport, TX 78381
 PHONE NO (361) 730-3810 or (916) 215-5688

L. REPRESENTATIVE: (If Other Than Owner) N/A
 ADDRESS: _____
 CITY, STATE, ZIP CODE: _____
 PHONE NO _____

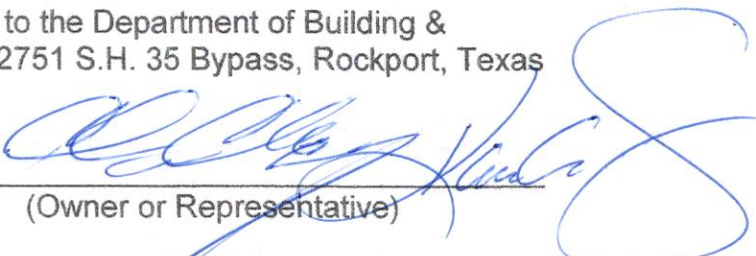
NOTE: Do you have property owner's permission for this request? N/A
 YES _____ NO _____

M. FILING FEE:

REZONING	\$150.00 + \$10.00 PER ACRE
PLANNED UNIT DEVELOPMENT	\$200.00 + \$10.00 PER ACRE
P.U.D. REVISION	\$200.00 + \$10.00 PER ACRE
CONDITIONAL PERMIT	\$150.00 + \$10.00 PER ACRE

(Make check payable to the City of Rockport)

- Submit application and filing fee to the Department of Building & Development, City of Rockport; 2751 S.H. 35 Bypass, Rockport, Texas 78382.

Signed: 
 (Owner or Representative)

(FOR CITY USE)

Received by: _____ Date: _____ Fees Paid: \$ _____

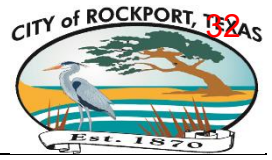
Submitted Information (____ accepted) (____ rejected) by: _____

If rejected, reasons why: _____

Receipt No. _____

STAFF REPORT

Building & Development Services | Carey Dietrich, Community Planner
 2751 SH 35 Bypass, Rockport, TX 78362
 Phone: (361) 790-1125, x. 226 | Email: communityplanner@cityofrockport.com

**PROPERTY ADDRESS/LOCATION**

202 E Cornwall

APPLICANT/PROPERTY OWNER

Christopher & Kara Crowley, Owner

PUBLIC HEARING DATE

P&Z – Monday, February 19, 2024
 CC – Tuesday, February 27, 2024

P&Z DATE

P&Z – Monday, February 19, 2024

CITY COUNCIL DATE(S)

1st Reading - Tuesday, February 27, 2024
 2nd Reading – Tuesday, March 12, 2024,

BRIEF SUMMARY OF REQUEST

Property owners, Christopher & Kara Crowley, wish to provide additional parking to occupants and customers of the warehouse on the adjoining property owned by Mr. & Mrs. Crowley.

A public notice regarding this item was published in The Rockport Pilot in the Saturday, February 3, 2024 edition and mailed out to twenty two (22) property owners within a 200-foot radius of the property. No letters For or Against the request have been received at this time.



MAP SOURCE: Pictometry

EXISTING ZONING	EXISTING LAND USE	SURROUNDING ZONING & LAND USE	SITE IMPROVEMENTS	SIZE OF PROPERTY
R-2 – 2 nd Single Family Dwelling District	Vacant property	N – R2 (2 nd Single Family Dwelling District) S – B-1 (General Business District) E – B-1 (General Business District) W – R2 (2 nd Single Family Dwelling District)	No improvements	.5165 acres Lot Size: 75 X 300

STAFF RECOMMENDATION

APPROVE

APPROVE WITH CONDITIONS

DENY

COMPATIBILITY with the ZONING ORDINANCE

The Current Future Land Use Map suggests Commercial Use

PROPERTY HISTORY

There was a residential dwelling on the property that was severely damaged by Harvey that Mr. & Mrs. Crowley had removed,

ATTACHMENTS
(CIRCLE)

SUBMITTED PLANS

**PUBLIC HEARING PETITION/
APPLICATION FORM**

LEGAL NOTICE

LEGAL DESCRIPTION

PUBLIC COMMENTS

AGENCY COMMENTS

RESPONSE TO STANDARDS

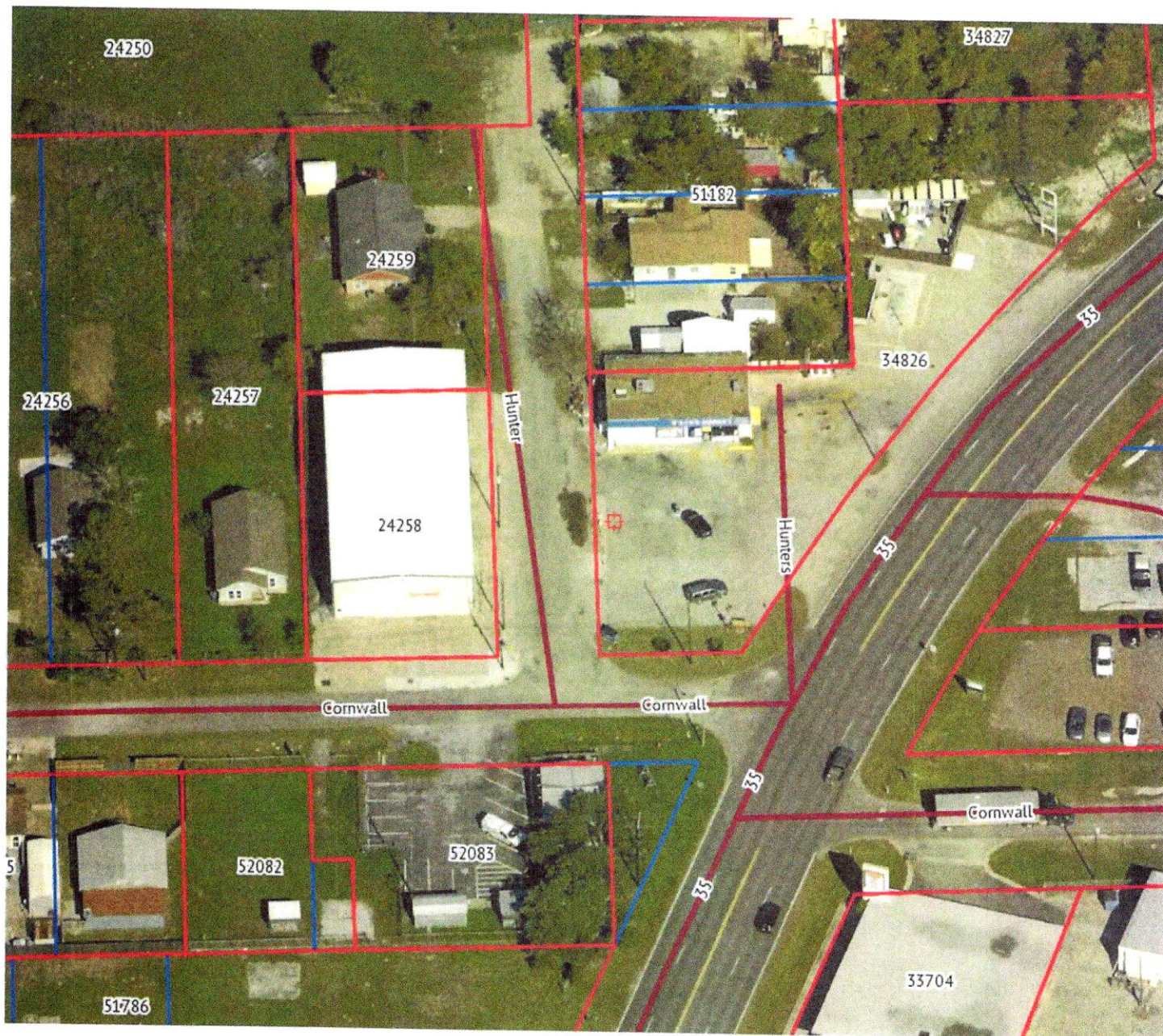
OTHER (DESCRIBE)

REQUEST FOR REZONE TO COMMERCIAL

PROPERTY ADDRESS: 202 E. Cornwall
Rockport, TX 78382

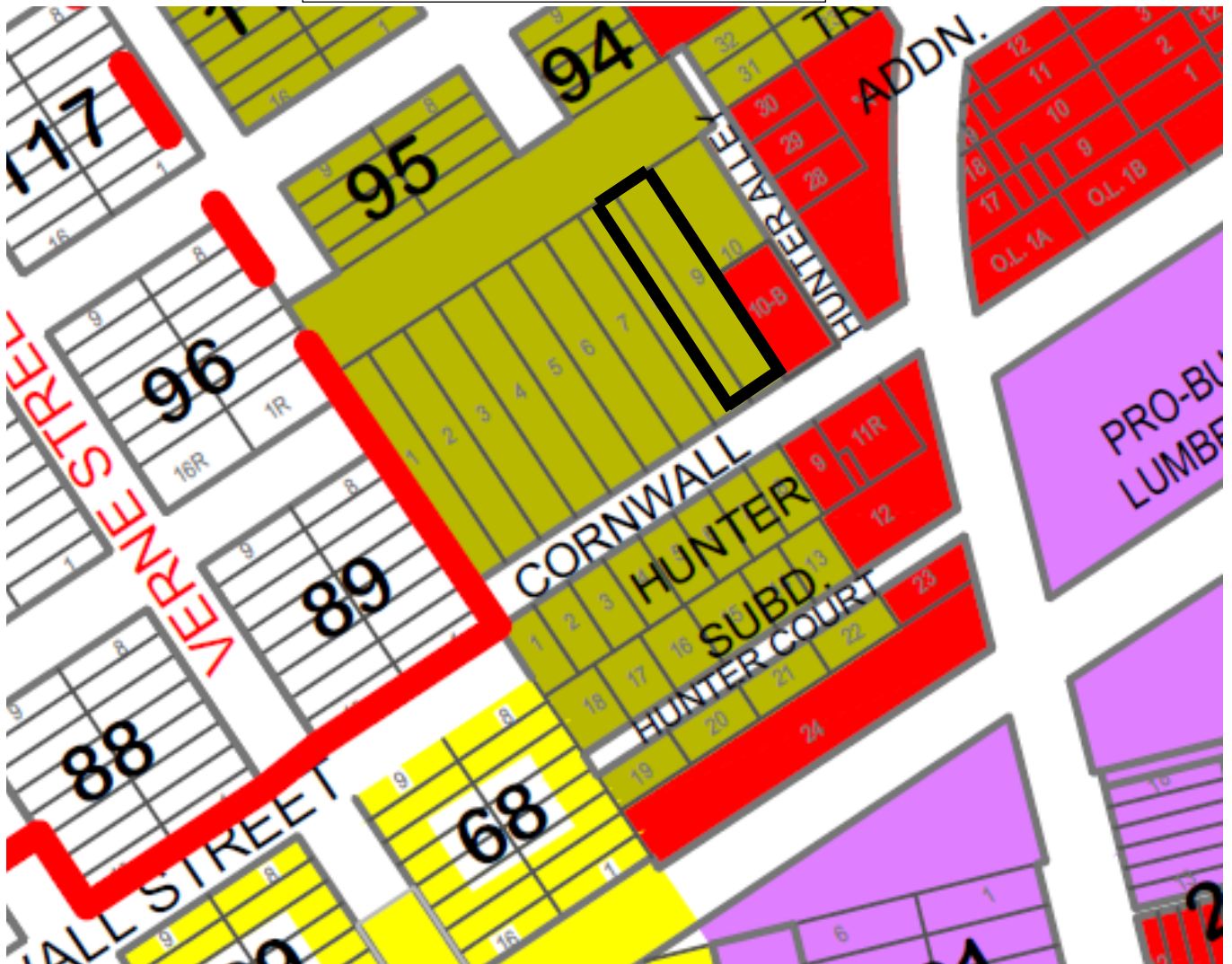
PROPERTY ID: 24257

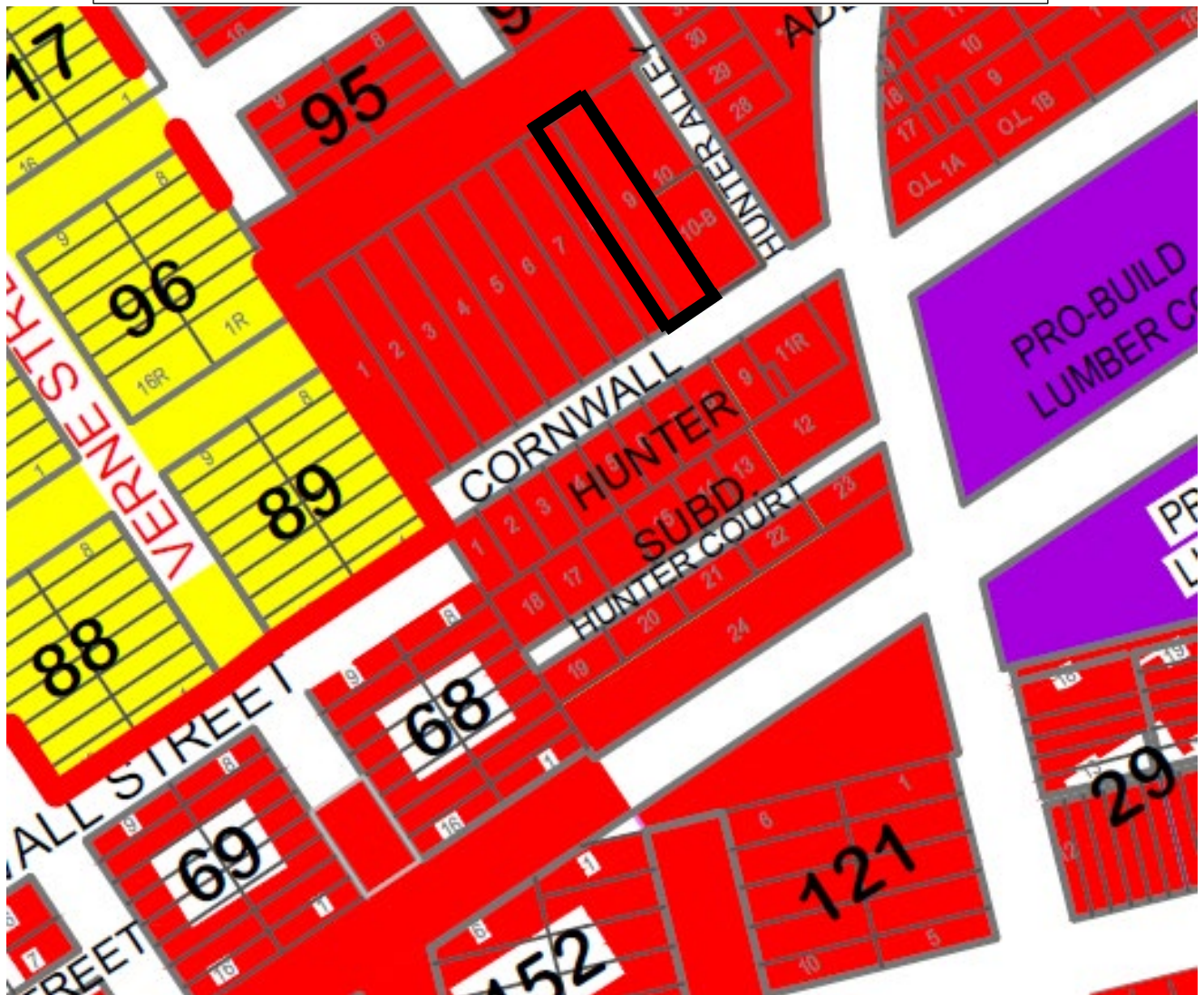
PROPERTY OWNER: Christopher J. Crowley & Karra A. Crowley



<u>Property ID</u>	<u>Property Owner</u>	<u>Situs Address</u>	<u>Mailing Address</u>	<u>City</u>	<u>State</u>	<u>ZIP</u>
24257	Christopher & Karra Crowley	202 E Cornwall	PO Box 296	Rockport	TX	78381
24258	Christopher & Karra Crowley	210 E Cornwall	PO Box 296	Rockport	TX	78381
24259	Cecilia & Timoteo Benavidez	215 Hunters Aly	118 Champions	Rockport	TX	78382
24256	David Vasques	124 E Cornwall	7160 Hickory St	Frisco	TX	75034
24255	Ruben & Karina Aguilar	120 E Cornwall	120 E Cornwall	Rockport	TX	78382
24254	Gerardo & Holly Gomez	114 E Cornwall	15408 Rhodius Ln	Selma	TX	78154
52082	Gabriel Hausauer	205 E Cornwall	102 W Palfrey	San Antonio	TX	78223
52083	Villa Ville Kula LLC	209 E Cornwall	514 E Amber	San Antonio	TX	78221
24265	Dunyavi & Kanaiyalal Joshi	115 E Cornwall	309 Hwy 35 S	Rockport	TX	78382
24262	Gerardo & Holly Gomez	111 E Cornwall	15408 Rhodius Ln	Selma	TX	78154
51182	Beatrice Rinche	214 Hunters Aly	PO Box 539	Rockport	TX	78381
34826	DB21 LLC	309 Hwy 35 S	309 Hwy 35 S	Rockport	TX	78382
24250	Fred Shield & Co.	217 Hunters Aly	PO Box 90627	San Antonio	TX	78209
32847	Fred Shield & Co.	323 Racine St	PO Box 90627	San Antonio	TX	78209
34831	Frank Trapasso Jr.	218 Hunters Aly	3165 Carriage Cir	Naples	FL	34105
24249	Kimberly White	304 N Fuqua	304 N Fuqua	Rockport	TX	78382
59342	Naomi Vasquez	308-R N Fuqua	1011 N Terry St	Rockport	TX	78382-5519
32849	Naomi Rodriguez	306 N Fuqua	308 N Fuqua	Rockport	Tx	78382-5024
33710	Herman N Hartsfield, Jr.	205 Hwy 35 S	P. O Box 4987	Victoria	TX	77903-4987
32846	Unknown	312 Racine		Rockport	TX	78382
32845	Mary Cecile York	324 Racine	3422 Salsbury Dr	Dallas	Tx	75229-5924
51786	Albert & Veronica Saenz	423 Hwy 35 S	11642 Elm Ridge Rd	San Antonio	Tx	78230-2628
	Ruth Davis	Planning and Zoning Commi	Po Box 706	Fulton	TX	78358
	Ric Young	Planning and Zoning Commi	123 Royal Oaks Dr	Rockport	Tx	78382
	Kim Hesley	Planning and Zoning Commi	2003 Tule Park Drive	Rockport	TX	78382
	Warren Hassinger	Planning and Zoning Commi	2517 Turkey Neck Circle	Rockport	TX	78382
	Thomas Blazek	Planning and Zoning Commi	102 St Andrews St	Rockport	Tx	78382

ZONING MAP





CITY COUNCIL AGENDA

Regular Meeting: Tuesday, February 27, 2024

AGENDA ITEM: 9

Deliberate and act on second and reading of an Ordinance authorizing the closing, vacating and abandonment of 0.18 acre of land being a 20-foot wide alleyway lying between Lots 1 through 8 and Lots 9 through 16, Block 134, Manning Addition, City of Rockport, Aransas County, Texas, according to the Plat recorded in Volume 1, Page 7, Plat Records of Aransas County, Texas; providing for the terms and conditions of such vacation and abandonment; authorizing the Mayor to execute a Quitclaim Deed for the 0.18 acre to be closed, vacated and abandoned; and providing for an effective date.

SUBMITTED BY: Interim City Secretary Kimberly Henry

APPROVED FOR AGENDA: KH

BACKGROUND: Christopher and Karra Crowley are requesting the permanent closure, abandonment, and vacating of a 20-foot-wide alleyway out of Block No. 134, Manning Addition, City of Rockport, Aransas County, Texas. The Public Works and Building and Development Departments have evaluated the request and state that granting the petition will have no negative impact on current or expected future utilities, transportation needs, or development.

Per City Ordinance No. 1092 “Public Way Closure Policy” an appraisal is required Staff has published notification and scheduled the Public Hearing to move the process along as quickly as possible. According to the Ordinance: “Upon close of the public hearing, Council shall either grant or deny the request by petitioner. Such petition, if not acted upon at the meeting at which it appears on the agenda for public hearing, may at such time be passed, tabled, or continued on the agenda to any subsequent City Council meeting.”

The required Public Hearing was conducted at tonight’s City Council meeting.

For additional information see attached Ordinance No. 1092 and the Petition from Christopher and Karra Crowley.

There have been no changes since the last reading.

FISCAL ANALYSIS: The City has received the appraisal of \$0.00 for the 0.18 acre of land, being a 20-foot wide alley way out of Block No. 134, Manning Addition.

RECOMMENDATION: Staff recommends Council approve the second and final reading of the Ordinance authorizing the closing, vacating and abandonment of 0.18 acre of land being a 20-foot wide alleyway lying between Lots 1 through 8 and Lots 9 through 16, Block 134, Manning Addition, City of Rockport, Aransas County, Texas, according to the Plat recorded in Volume 1, Page 7, Plat Records of Aransas County, Texas; providing for the terms and conditions of such vacation and abandonment; authorizing the Mayor to execute a Quitclaim Deed for the 0.18 acre to be closed, vacated and abandoned; and providing for an effective date.

ORDINANCE NO. ____

AN ORDINANCE AUTHORIZING THE CLOSING, VACATING AND ABANDONMENT OF 0.18 ACRE OF LAND BEING A 20-FOOT WIDE ALLEYWAY LYING BETWEEN LOTS 1 THROUGH 8 AND LOTS 9 THROUGH 16, BLOCK 134, MANNING ADDITION, CITY OF ROCKPORT, ARANSAS COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN VOLUME 1, PAGE 7, PLAT RECORDS OF ARANSAS COUNTY, TEXAS; PROVIDING FOR THE TERMS AND CONDITIONS OF SUCH VACATION AND ABANDONMENT; AUTHORIZING THE MAYOR TO EXECUTE A QUITCLAIM DEED FOR THE 0.18 ACRE TO BE CLOSED, VACATED AND ABANDONED; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Rockport, Texas is a Home-Rule City incorporated and operating under the laws of the State of Texas, which has the authority under its Charter and Chapter 282 and 253 of the Local Government Code, as amended, to close, vacate and abandon municipal rights-of-way, streets or alleys, by ordinance, when such action is in the best interest of and serves the public purpose; and

WHEREAS, the City of Rockport has received a request from the abutting property owners Christopher J. Crowley and Karra A. Crowley for the City to close, vacate and abandon the 0.18 acre of land being a 20-foot wide alleyway lying between Lots 1 through 8 and Lots 9 through 16, in Block 134, Manning Addition, Rockport, Aransas County, Texas; and

WHEREAS, the property owners are the sole property owners abutting the 0.18 acre, such that there are no other abutting property owners to be notified of the vacation and abandonment; and

WHEREAS, the City Manager and Public Works Department have reviewed the requested vacation and abandonment of 0.18 acre of land being a 20-foot wide alleyway lying between Lots 1 through 8 and Lots 9 through 16, in Block 134, Manning Addition, Rockport, Aransas County, Texas, and the sale of the 0.18 acre of land to Christopher J. Crowley and Karra A. Crowley; and the City Council now finds that the utilities currently existing, or that will exist in the future, if any, in the area of the unopened street and/or public right-of-way will be sufficiently protected by being either relocated or placed into easements, and that the utility companies serving the area including and surrounding the right-of-way have determined that their utilities, if existing, will also be sufficiently protected by the same means; and

WHEREAS, the City of Rockport did cause to be published a Notice in the official newspaper of the City on Saturday, January 27, 2024, advising of a Public Hearing to be held on Tuesday, February 13, 2024, at 6:30 p.m. at the Rockport Service Center; and

WHEREAS, the City Council of the City of Rockport, Texas, finds and declares that it is in the best interest of all citizens of the City of Rockport, Texas that the 0.18 acre of land being a 20-foot wide alleyway lying between Lots 1 through 8 and Lots 19 through 16, in Block 134, Manning Addition, Rockport, Aransas County, Texas, be vacated and abandoned and sold to Christopher J. Crowley and Karra A. Crowley for fair market value and deposited in the street maintenance fund, as required by state law.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCKPORT, TEXAS:

Section 1: That the identified 0.18 acre of land being a 20-foot wide alleyway lying between Lots 1 through 8 and Lots 9 through 16, in Block 134, Manning Addition Rockport, Aransas County, Texas, on Exhibit “A,” attached hereto and made a part of this Ordinance for all purposes, be, and the same is hereby closed, abandoned and vacated insofar as the right, title or interest of the public is concerned.

Section 2: That said 0.18 acre of land being a 20-foot wide alleyway lying between Lots 1 through 8 and Lots 9 through 16, in Block 134, Manning Addition, Rockport, Aransas County, Texas is not needed for public roadway purposes and it is in the public interest of the City of Rockport to close, abandon and vacate said described portion of the street and/or public right-of-way for use as roads and roadways.

Section 3: That the 20-foot wide alleyway lying between Lots 1 through 8 and Lots 9 through 16, in Block 134, Manning Addition, be closed, abandoned and vacated, as shown by the survey and metes and bounds attached hereto as Exhibit “A” and made a part hereof for all purposes, be deeded by quitclaim deed to Christopher J. Crowley and Karra A. Crowley.

Section 4: That the Mayor is hereby authorized and directed to convey and transfer by quitclaim deed the 20-foot wide alleyway lying between Lots 1 through 8 and Lots 9 through 16, in Block 134, Manning Addition, City of Rockport, Aransas County, Texas, that is to be closed, abandoned and vacated for the fair market value of the street, which is the interest of the City of Rockport, Texas, in and to the said streets and/or public rights-of-ways, except for any past, present, or future utility easement belonging to the City.

Section 5: That the closing, vacation, abandonment, and transfer provided for herein shall extend only to the public right and title in and to the tract of land described in this Ordinance and shall be construed only to that interest the governing body of the City of Rockport may legally and lawfully close, abandon, vacate and convey.

Section 6: That the consideration for said transfer to Christopher J. Crowley and Karra A. Crowley shall be deposited in the street maintenance fund of the City of Rockport as is required by provisions of the state law as set forth in the Local Government Code, Section 253.001, as amended.

Section 7: Any previously adopted ordinances, and any subsequent amendments to them, that conflict with this Ordinance are all hereby repealed.

Section 8: If any provision, section, sentence, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void, or invalid, the validity of the remaining portions of this Ordinance shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof, or provisions or regulations contained herein, shall become inoperative or fail by reason of any unconstitutionality of any other portion hereof, and all provisions of this Ordinance are declared severable for that purpose.

Section 9: This ordinance shall become effective upon adoption on second reading by the Rockport City Council.

APPROVED on first reading on the 13th day of February 2024.

APPROVED, PASSED and **ADOPTED** on second and final reading on the _____ day of February 2024.

CITY OF ROCKPORT, TEXAS

Tim Jayroe, Mayor

ATTEST:

Kimberly Henry, Interim City Secretary

ORDINANCE NO. 1092

AN ORDINANCE ESTABLISHING A POLICY AND PROCEDURE FOR CITIZENS TO REQUEST THE ABANDONING, ALTERING, CLOSING OR VACATING OF STREETS, ALLEYS AND OTHER PUBLIC WAYS OR PORTIONS THEREOF; ESTABLISHING ADMINISTRATIVE FEES TO BE PAID BY PETITIONERS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

- WHEREAS,** the City Council of the City of Rockport, Texas, has the power to establish, construct, alter, close, vacate and abandon public streets, alleys and other public ways to the City; and
- WHEREAS,** the City Council of the City of Rockport, Texas, deems it reasonable and proper to establish a policy and a procedure whereby persons may initiate, by petition, a request for the City to proceed in the exercise of said powers by the City where such is not deemed necessary for future use; and
- WHEREAS,** the City Council of the City of Rockport, Texas, deems it reasonable and proper that any person or persons requesting by petition that the City consider and exercise said powers regarding street, alleys and other public ways, should give notice of such request, provide certain other documents, and pay the expenses associated with the request:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCKPORT, TEXAS:

Section 1. AMENDMENT AND ADDITION OF POLICY TO CHAPTER 86

Article IV of Chapter 86, "Streets, Sidewalks and Other Public Places," is amended by creating "Division 1. - Generally" from existing Sections 86-76 through 86-80; and by adding "Division 2. - Public Ways Closure Policy," Sections 86-85 through 86-95, as follows:

ARTICLE IV. STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

DIVISION 1. GENERALLY

(No change to §§ 86.76 through 86-80)

DIVISION 2. PUBLIC WAY CLOSURE POLICY

Sec. 86-85. Policy. No street, alley or other public way, or portion thereof, shall ever be closed, narrowed or vacated if doing so would result in a violation of or be in conflict with the City of Rockport's land development codes, or otherwise be contrary to the best interest of the public, considering all reasonable future use of such street, alley or other public way. Any petitioner requesting a street, alley or other public way, or portion thereof, be closed, narrowed or vacated must comply with all the following sections of this policy, but such shall constitute only a request and not be permitted except pursuant to the provisions hereof.

Sec. 86-86. Petition Required. Any person or persons (herein "petitioner") desiring to have the City Council exercise its powers regarding the closing, narrowing or vacating of streets, alleys or other public ways, or portions thereof, must file with the City Secretary a petition, on a form acceptable by the City, directed to the City Council requesting that such action be taken. The petition must be signed and acknowledged by all current owners of property abutting the street, alley or public way or portion thereof sought to be closed. The petitioner may not rely solely on the most recent county certified tax rolls to determine the current names

and addresses of all abutting property owners. A list of the owners' names and addresses of all property abutting the street, alley, public way or portion thereof that is the subject of the petition must be attached to the petition. The City may require the petitioner to provide copies of documents filed in the Aransas County Deed Records to evidence the current abutting owners. The petition shall not be accepted unless and until all requirements of this policy have been met and the City is satisfied that all current abutting property owners have signed the petition. Upon acceptance, the City Secretary shall provide copies of the petition to the City Manager and all other City staff or officials whom the City Manager directs.

Sec. 86-87. Fee. Upon the filing of a petition with the City Secretary, an administration fee shall be paid to the City in an amount equal to Fifty and No/100 Dollars (\$50.00) for the first one hundred feet (100') linear length of affected property and Ten and No/100 Dollars (\$10.00) for each thirty-five feet (35') of affected length, or portion, thereafter.

Sec. 86-88. Survey Required. For a petition to be accepted, petitioner must provide a survey or plat, together with a typed legal description, of the street, alley or other public way, or portion thereof, sought to be abandoned, altered, closed or vacated and the property abutting thereon, prepared by a licensed land surveyor. The costs of the survey or plat shall be paid by the petitioner.

Sec. 86-89. Review by City Staff. The City staff shall review the request as to the impact on utilities, drainage and/or the future traffic needs and circulation, and shall issue a report to the City Secretary and City Manager, outlining the staff's findings and its recommendation for consideration by the City Council. A staff report finding no objection to the request shall not bind the City Council to grant the petition, and is as such only advisory upon the Council.

Sec. 86-90. Notice of Public Hearing on the Petition. After receipt of the staff report, the City Secretary shall cause a public hearing to be set on this petitioner's request. Notice of such public hearing on the petition must be given by publication in the official newspaper of the City no more than thirty (30) days nor fewer than fifteen (15) days proceeding the date of that set for public hearing on the proposed request. Such notice shall fairly state the action requested giving a description of the property or street affected.

Sec. 86-91. Appraisal. The City Manager or the City Council may, at any time, request and obtain an independent appraisal of the value of the property sought by petitioner to be closed, narrowed or abandoned. Such appraisal may be used to determine what consideration, if any, may be required to be paid by petitioner or anyone else to be benefited by the petitioner's request, should final action be taken by the City Council pursuant to this policy.

Sec. 86-92. Public Hearing. The City Council shall hear evidence as to the reasons why such street, alley, public way or portion thereof should or should not be abandoned, altered, vacated or closed. The City Council may adjourn or continue the public hearing as it alone deems necessary and in the best interest of the public. Upon close of the public hearing, the Council shall either grant or deny the request by petitioner. Such petition, if not acted upon at the meeting at which it appears on the agenda for public hearing, may at such time be passed, tabled or continued on the agenda to any subsequent City Council meeting.

Sec. 86-93. Passage of Ordinance. The Council may grant the petition only by adoption of an ordinance, pursuant to its Charter. However, a three-fourths (3/4) majority of votes of the City Council shall be necessary to adopt an ordinance to abandon, alter, vacate or close the street, alley, public way or portion thereof.

Sec. 86-94. Conditions Precedent to Granting of Petition.

- a) The Council shall determine what consideration, if any, shall be paid by the abutting property owners, pursuant to Chapter 272 of the Local Government Code, which may be equal to or less than the fair market value as determined by recent City appraisal obtained pursuant to this policy.
- b) The Council may retain utility and/or drainage easements across those portions of the street, alley or other public way, or portion thereof, if it deems such reservation necessary.
- c) The Council may require written verification from any or all franchised utilities, including but not limited to electric, gas, telephone or cable, evidencing such utilities' current or

anticipated future use of the street, alley or other public way sought to be closed, narrowed or vacated.

- d) Prior to granting the petition, the Council may require all the abutting property owners to execute with the City a written agreement accepting any and all Council-imposed conditions required pursuant to this section.
- e) Prior to granting the petition, the Council may require all abutting property owners to execute with the City a written agreement between themselves, stating what interest each claims or will claim, if any, in the underlying fee simple, should the petition be later granted.

Sec. 86-95. City May Act Without Petition. Nothing herein shall be construed so as to limit the City of Rockport's right to close, narrow or abandon any dedicated street, alley, public way or portion thereof in the valid exercise of its police power.

Section 2. REPEALER

Any previously adopted ordinances, and any subsequent amendments to them, that are in conflict with this ordinance are all hereby repealed.

Section 3. NO RETROACTIVE EFFECT

The adoption of this policy shall not alter or affect any previous acts or actions that may have been taken by the City Council of the City of Rockport regarding prior street or alleyway closures, it being intended that such policy be prospective and operate only as to future requests made to the City of Rockport to close narrow or abandon any street, alley or other public way.

Section 4. SEVERABILITY

If any provision, section, sentence, clause or phrase of this ordinance, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this ordinance shall not be affected thereby, it being the intent of the City Council in adopting this ordinance that no portion hereof, or provisions or regulations contained herein, shall become inoperative or fail by reason of any unconstitutionality of any other portion hereof, and all provisions of this ordinance are declared severable for that purpose.

Section 5. EFFECTIVE DATE

This ordinance shall be in full force and effect as soon as all necessary publication requirements have been met.

PASSED AND APPROVED on first reading this 13th day of JULY 1999.

CITY OF ROCKPORT, TEXAS


Glenda Burdick, Mayor

ATTEST:

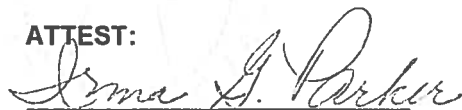

Irma G. Parker, City Secretary

PASSED, APPROVED AND ADOPTED on second and final reading this 27th day of JULY 1999.

CITY OF ROCKPORT, TEXAS


Glenda Burdick, Mayor

ATTEST:


Irma G. Parker, City Secretary

NOTE: Per Rockport Code of Ordinances Section 86-88 - T

1-22-24

(Date)



The Honorable Mayor and City Council
c/o City Secretary Teresa Valdez
City of Rockport
2751 SH 35 Bypass
Rockport, TX 78382

RE: Petition for closure, abandonment and vacating of Alley between W 4th St
& W 5th St / 1800 block of TX 35 BR
& S. Fugua St.

Dear Mayor and Council Members:

We, the undersigned petitioners, respectfully request that the undeveloped

20' x 400' Alley way
(description of property to be vacated, closed, abandoned)

be closed, abandoned, and vacated. The requested section to be closed is more particularly described in the attached survey and metes and bounds description. The petitioners are the only property owners abutting the requested closure.

If approved, this request will allow us to improve the property since we
(describe reason/intent for request and how it will benefit petitioners)

The closure will/will not affect any existing utilities.
(select one)

already own the lots
adjoining it.

Petitioner No. 1

Christopher J. Crowley

(Printed Name of Owner)

[Signature]
(Signature of Owner)

1-22-24

(Date Signed)

(361) 730-3810

(Telephone Number)

ccrowley01@aol.com

(Email Address)

Physical Address of Property:

1803-1823 Hwy 35 S.

Rockport, TX 78382

Mailing Address of Owner:

PO Box 296 Rockport
TX 78381

Petitioner No. 2

Karracrowley

(Printed Name of Owner)

[Signature]
(Signature of Owner)

1-22-24

(Date Signed)

(916) 215-5688

(Telephone Number)

karracrowley@gmail.com

(Email Address)

Physical Address of Property:

1803-1823 Hwy 35 S.

Rockport, TX 78382

Mailing Address of Owner:

PO Box 296
Rockport TX 78381

FIELD NOTES
JANUARY 24, 2024

0.18 ACRE PROPOSED ALLEY CLOSING

BEING THE DESCRIPTION OF A 20.0 FOOT WIDE ALLEY LYING BETWEEN LOT NOS. 1 THROUGH 8 AND 9 THROUGH 16, BLOCK NO. 134, MANNING ADDITION, CITY OF ROCKPORT, ARANSAS COUNTY, TEXAS, ACCORDING TO THE MAP RECORDED IN VOLUME 1, PAGE 7, PLAT RECORDS OF ARANSAS COUNTY, TEXAS, WITH SAID 20.0 FOOT WIDE ALLEY BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGIN at a 5/8" steel rebar set in the North R.O.W. line of Fifth Street, for the Southeast corner of Lot No. 16, Block No. 134 and being the **SOUTHWEST** corner and **PLACE OF BEGINNING** of this description;

THENCE, North 18°30'51" East along and with the East boundary line of Lot Nos. 16 through 9, Block No. 134, a distance of 398.96 feet to a 5/8" steel rebar set in the South R.O.W. line of Fourth Street and the Northeast corner of Lot No. 9 and being the **NORTHWEST** corner of this description;

THENCE, South 71°29'09" East along and with the South R.O.W. line of Fourth Street a distance of 20.0 feet to a 5/8" steel rebar set in the Northwest corner of Lot No. 1, Block No. 134, and being the **NORTHEAST** corner of this description;

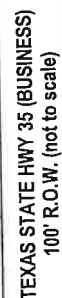
THENCE, South 18°30'51" West along and with the West boundary line of Lot Nos. 1 through 8, Block No. 134, a distance of 398.96 feet to a 5/8" steel rebar set in the North R.O.W. line of Fifth Street and the Southwest corner of Lot No. 8 and being the **SOUTHEAST** corner of this description;

THENCE, North 71°29'09" West along and with the North R.O.W. line of Fifth Street a distance of 20.0 feet to the **PLACE OF BEGINNING** and containing 0.18 acre or 7979 square feet of land more or less.

240124d1fn

SEE ACCOMPANYING FIELD NOTE EXHIBIT "A" DATED JANUARY 24, 2024
240124d1

SET 5/8" STEEL REBAR S71°29'09"E 20.0' SET 5/8" STEEL REBAR



FIFTH STREET
100' R.O.W. (not to scale)

Filename: 240124d1



411 S. Pearl St., P.O. Box 2322
Rockport, Texas 78381

☎: 361-729-6479
☎: 361-729-7933
✉: jerryb@gbsurveyor.com
🌐: www.gbsurveyor.com

FIELD NOTE EXHIBIT "A"

PROPOSED CLOSING OF A 20.0 FOOT WIDE ALLEY OUT OF BLOCK NO. 134
MANNING ADDITION, CITY OF ROCKPORT
VOLUME 1, PAGE 7, PLAT RECORDS ARANSAS COUNTY, TEXAS.

SCALE 1" = 40'

JANUARY 24, 2024

Prepared For: Chris Crowley

CITY COUNCIL AGENDA

Regular Meeting: Tuesday, February 27, 2024

AGENDA ITEM: 10

Deliberate and act on second and final reading of an Ordinance amending the City of Rockport Code of Ordinances Chapter 26 “Businesses” by adding Article III Short Term Rentals; repealing all ordinances to the extent they are in conflict; providing for severability; providing for penalties; and providing an effective date.

SUBMITTED BY: Carey Dietrich - Asst Dir of Building & Development / Community Planner

APPROVED FOR AGENDA: KH

BACKGROUND: The discussion regarding the registration of short-term rentals has been ongoing for many months. The Building and Development Department conducted workshops with each Ward to discuss the amendment and receive recommendations from the public.

After several discussions and revisions, the final draft is presented here tonight for the Council’s review.

The fee for initial registration is recommended to be \$150.00 which is adequate to cover the cost of the RentalScape Short Term Rental ID & Monitoring Program, which is essential to the success of our STR Program, and staff’s time to do site inspections at initial registration with an annual registration renewal fee of \$100.00.

Please see the accompanying “Exhibit A” proposed ordinance for more information.

The only change made since the first reading was to remove the verbiage “the daytime visitors of” from the *Occupants* description as requested by Council.

FISCAL ANALYSIS: N/A

RECOMMENDATION: Staff recommends approval of the second and final reading of an Ordinance amending the City of Rockport Code of Ordinances Chapter 26 “Businesses” by adding Article III Short Term Rentals; repealing all ordinances to the extent they are in conflict; providing for severability; providing for penalties; and providing an effective date.

ORDINANCE NO. _____

**AN ORDINANCE AMENDING THE CITY OF ROCKPORT
CODE OF ORDINANCES CHAPTER 26 “BUSINESSES” BY
ADDING ARTICLE III SHORT TERM RENTALS; REPEALING
ALL ORDINANCES TO THE EXTENT THEY ARE IN
CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING
FOR PENALTIES; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the Building & Development Department conducted a workshop for citizens of each Ward to review and make recommendations regarding the amendment to Chapter 26;

WHEREAS, on Tuesday, October 24, 2023, at a regular City Council meeting, the City Council conducted a Public workshop to allow citizens to review and make recommendations regarding the amendment to Chapter 26;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCKPORT, TEXAS:

Section 1. Chapter 26 of the Code of Ordinances of the City of Rockport, Texas is hereby amended as set forth in attached Exhibit A, incorporated herein.

Section 2. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

Section 3. All ordinances and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

Section 4. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Ordinance would have been enacted without such invalid provision.

Section 5. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

Section 6. Failure to comply with any provision of this Ordinance constitutes a class C misdemeanor punishable as provided by the general penalty provisions of section 1-7 of the Rockport Code of Ordinances. Removal of undocumented trees constitutes a class C misdemeanor punishable as provided by the general penalty provisions of section 1-7 of the Rockport Code of Ordinances. Each individual tree on each day the violation of this chapter exists shall constitute separate violations.

Section 7. This Ordinance shall be effective upon the date of final adoption hereof, and publication of the caption and penalties as required by law.

Section 8. This Ordinance shall become effective upon adoption by second and final reading.

APPROVED and PASSED on first reading the 13th day of February 2024.

CITY OF ROCKPORT:

Tim Jayroe, Mayor

ATTEST:

Kimberly Henry, Interim City Secretary

APPROVED, PASSED and ADOPTED on second reading the ____ day of _____ 2024.

CITY OF ROCKPORT:

Tim Jayroe, Mayor

ATTEST:

Kimberly Henry, Interim City Secretary

“EXHIBIT A”

CHAPTER 26 BUSINESSES

ARTICLE III - SHORT TERM RENTALS

Sec. 26-32 Purpose

The purpose of this Article is to establish regulations for the registration and use of privately owned dwellings as Short Term Rentals, to minimize negative ancillary impact on surrounding properties, to ensure the timely collection and payment of Hotel Occupancy Tax, and to provide for the general welfare of residents and visitors.

Sec. 26-33 Definitions.

The following words, terms and phrases when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

City. The City of Rockport, Texas.

Local Contact Person. The Owner, Operator, or person designated by the Owner or the Operator, who shall be available for the purpose of responding to concerns or requests for assistance related to the Owner's Short Term Rental.

Occupant(s) shall mean the person or persons who have rented the short term rental for a specified period and the overnight occupants.

Operator. The Owner or the Owner's authorized representative who is responsible for compliance with this Article while advertising and/or operating a Short Term Rental.

Owner. The person or entity that holds legal or equitable title to the Short Term Rental property.

Short Term Rental (STR). A privately owned dwelling, including but not limited to, a single family dwelling, condominium, duplex, townhouse, mobile home, recreational vehicle (RV) or any portion of such dwellings, rented by the public for consideration, and used for dwelling, lodging or sleeping purposes for any period less than 30 consecutive days. The term applies regardless of whether the dwelling was originally constructed or zoned as a residential dwelling. The term short term rental does not include:

- (1) Multi-family dwelling(s), apartment complex, hotel, motel, dormitory, public or private club, recreational vehicle park, hospital and medical clinic, nursing home or convalescent home, foster home, transitional housing facility, any housing operated or used exclusively for religious, charitable or educational purposes, and any housing owned by a governmental agency and used to house its employees or for governmental purposes.
- (2) Rental of a property pending closing of a real estate purchase contract.

Short Term Rental Permit. A permit issued by the City authorizing the use of a privately owned dwelling as a Short Term Rental.

Short Term Rental Unit. One or more habitable rooms forming a single habitable division within a Short Term Rental, or an entire undivided Short Term Rental, which is advertised to be occupied, is occupied, or is intended to be occupied by a single party of Guests under a single reservation and/or single rental payment.

Sec. 26-34 Applicability

- (a) The property owner shall designate themselves or an agent to comply with the requirements of this Article on behalf of the owner. The owner or designated agent is sometimes referred to as "operator" herein.
- (b) The owner shall not be relieved from any personal responsibility or personal liability for noncompliance with any applicable law, rule or regulation pertaining to the use and occupancy of the residential dwelling unit as a short term rental unit, regardless of whether such noncompliance was committed by the owner, operator, authorized agent or representative or the occupants or guests of the occupants.
- (c) This article is not intended to provide any owner/operator of residential property with the right or privilege to violate any city zoning (Chapter 118; City of Rockport Code), private conditions, covenants or restrictions applicable to the owner's property that may prohibit the use of such owner's residential property for short term rental purposes as defined in this section or to repeal, arrogate, or impair any existing easements, covenants, or deed restrictions.
 - a. Exception: Existing short term rentals that have been in operation for at least one year at the time of adoption of this ordinance and are currently in violation of Sec 118-22.1.1 but have had no complaints filed against the property in relation to the short term rental and have filed / paid their HOT tax in a timely manner and can show proof of such will be considered legal non-conforming and is subject to the regulations set forth in this chapter. Change in ownership will negate the legal non-conforming status.
- (d) Abrogation and greater restrictions. Where this article and another ordinance conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- (e) An advertisement promoting the availability of short-term rental property in violation of any provision of this ordinance is prima facie evidence of a violation.
- (f) The provisions of this article pertaining to short term rentals shall be reviewed by the city council within one year of the adoption of Ordinance No. . Those provisions are subject to amendment or repeal upon such review or at any other time. The adoption of the short term rental provisions of this article shall not be construed to create any enforceable right to the continuation of short term rentals or any right to compensation for loss, damages, costs, or expenses alleged to have been incurred in reliance upon its adoption or suffered as a result of its repeal.

Sec. 26-35 Registration and Permit

a) Registration Required: Prior to using a dwelling unit as a short term rental or advertising in any manner the availability of the dwelling unit for short term rental use, the operator must submit

the following information on a form and in the manner prescribed by the City Manager or his/her designee:

(1) The name, address, email and telephone number of the Owner and Operator of the subject short term rental unit;

(2) The name, address, email and telephone number of a designated Local Contact Person;

(3) The Local Contact Person is the Operator or person designated by the Operator who shall be available for the purpose of:

i. Responding to complaints presented by the Rockport Police Department regarding the condition, operation, or conduct of occupants of the short term rental unit; and

ii. Responding in person or by phone within twenty four (24) hours to all other complaints; and

iii. Taking remedial action to resolve any such complaints;

(4) The name, mailing and physical address of the proposed short term rental unit;

(5) The number of sleeping rooms and applicable occupancy limit of the proposed short term rental unit. For purposes of this section a sleeping room is any enclosed habitable space within a dwelling unit which complies with the minimum room dimension and egress requirements of the adopted 2018 International Fire Code, Chapter 10, Means of Egress, Table 1004.5. This shall not be interpreted to include living rooms, family rooms and other similar rooms in which furniture such as fold-down beds or convertible couches are provided on a permanent basis for regular accommodation of residents, temporary or otherwise;

i. Maximum occupancy is 3 times the number of sleeping rooms per dwelling unit as per Texas State Property Code, Title 8, Sec 92.010. Children shall not be counted in the occupancy calculation. For purposes of this section an adult is an individual eighteen (18) years of age or older at the time of rental.

ii. The maximum occupancy of a short term rental shall be determined at the time a short term rental permit is issued or renewed. That capacity shall not be increased by subsequent construction of any addition to the structure covered by the permit or by construction of any other structure located on the property without an inspection and approval by the Building Official and submission of an amended registration form;

(6) If the applicant does not own the property where the rental unit is located, the applicant must provide written documentation, signed by the property owner before a notary public, authorizing the registrant to operate a short term rental on the premises;

- (7) The zoning district classification of the property, to be verified by the Building and Development Services Department;
 - (8) A diagram showing the proposed layout of the property use and any on-site parking available for the Short Term Rental;
 - (9) Payment of all fees, established by this article or the City Council and, for registration renewals, proof of collection and payment of Hotel Occupancy Tax due during the preceding registration periods; and
 - (10) Incomplete applications will not be processed and, as a result, any premises associated with an incomplete application will not be registered in compliance with or as required by this division; and
 - (11) Any additional information the City Manager or his/her designee determines necessary for the administration of this section.
- (b) Prior to issuance of a Short Term Rental Permit, the Operator shall allow an on-site inspection of the Short Term Rental Unit by the Building Official or his/her designee to ensure compliance with the following:
- (1) The requirements set forth in Section 26-36(a)(1) through (9) of this Article; and
 - (2) The requirements set forth in Sections 26-36(b)(1) through (9) of this Article.
 - (3) A live inspection must occur every 2 years.
- (c) Any existing short term rental shall have ninety (90) days from adoption of the ordinance from which this article derives to complete the required registration and obtain their short term rental permit.
- (d) Transferability. A short term rental permit is not transferable to a new property owner. a new owner must apply for a short term rental permit within sixty (60) days from the closing date of the purchase or any other conveyance of ownership. Failure of a new property owner to apply for permit within sixty (60) days from the closing date may result in the revocation or non-renewal of an existing short term rental permit or the denial of a new short term rental registration.
- (e) Any property owner delinquent and/or owing city fees to include but not limited to property taxes, sanitation or utility service fees, and property maintenance fees will be prohibited from registering a short term rental until such time as payment or acceptable resolution is approved by the City Manager or his/her designee.
- (f) Registration fee; renewal fee.
- (1)The short term rental registration form shall be accompanied by an initial non-refundable per unit registration fee of \$150.00.

(2) The initial registration of the short term rental is valid for twelve (12) months from the date the completed registration is filed with the city and payment of the registration fee has been made unless ownership of the short term rental changes at which time a new registration will be required and new permit issued. Subsequent renewal of a short term rental accompanied by an initial non-refundable per unit registration renewal fee of \$100.00 will be on an annual calendar year basis beginning January 1st of each year.

(g) Each short term rental, once properly registered, shall be issued a permit with a unique registration number. The registration number must be included in any and all advertisement for the short term rental including internet booking sites.

Sec. 26-36. Short Term Rental operational requirements.

(a) The Operator shall post the following information in a prominent location within the Short Term Rental Unit, using a form promulgated by the City:

- (1) The unique Short Term Rental Permit number assigned to the Short Term Rental Unit;
- (2) Operator name and number;
- (3) Local Contact Person name and number;
- (4) The location of any on-site and off-site parking spaces available for Guests;
- (5) The occupancy limit;
- (6) Instructions to Guests concerning disposal of garbage and handling of garbage containers;
- (7) Depiction of floor plan identifying evacuation routes, including the dwelling's exits, primary evacuation routes and secondary evacuation routes near the front door of the dwelling if applicable;
- (8) Information to assist guests in the case of emergencies posing threats to personal safety or damage to property, including emergency and non-emergency telephone numbers for police, fire and emergency medical services providers and instructions for obtaining severe weather, natural or manmade disaster alerts and updates;
- (9) Notification that the Guests are responsible for compliance with all applicable laws, rules and regulations pertaining to the use and occupancy of the Short Term Rental, and that Guests may be fined by the City for violations of this Article; and

(b) The Operator shall operate a Short Term Rental in compliance with the following:

- (1) Zoning regulations prescribed for the zoning district in which such Short Term Rental is located, set forth in Chapter 118 of the Code of Ordinances.

- (2) City of Rockport Sign Ordinance, as applicable, set forth in Chapter 6 Article II of the Code of Ordinances.
- (3) Maximum occupancy limits prescribed by the Building Official, pursuant to the International Fire Code as adopted in Chapter 46 Article III of the Code of Ordinances being 2018 IFC, Chap 10, Means of Egress, Texas State Property Code, Title 8, Sec 92.010.
- (4) Parking shall comply with Chapter 118, Article I, Section 118-21.1.1 Parking Requirements By Use of the City's Code of Ordinances.
- (5) Each Short-Term Rental owner shall provide in the Short-Term Rental working smoke/carbon monoxide detectors in accordance with adopted codes, and at least one working type A fire extinguisher. The premises shall otherwise comply with the applicable Code of Ordinance requirements, including but not limited to all building and fire codes.
- (6) City of Rockport Hotel Occupancy Tax Ordinance, set forth in Chapter 94 Article IV of the Code of Ordinances.
- (7) City of Rockport Noise and Sound Level Regulation Ordinance, set forth in Chapter 42 Article III of the Code of Ordinances.
- (8) City of Rockport Garbage Collection Ordinance, set forth in Chapter 82 Article II of the Code of Ordinances. Accumulation of trash per Chapter 42 Article II division 2.
- (9) During any period when a Short Term Rental is occupied or intended to be occupied by Guests, the Local Contact Person shall be available for the purpose of responding to concerns or requests for assistance related to the condition, operation, or conduct of Guests of the Short Term Rental.

Sec. 26-37. Notification of complaints.

Complaints related to the operation of a Short Term Rental, including but not limited to complaints concerning noise, garbage, parking, and disorderly conduct by Guests, shall be reported to the City Code Enforcement office during daytime hours and The Rockport Police Department after hours.

Sec. 26-38. Compliance with other laws.

The Owner, Operator, Local Contact Person, and Guests shall comply with all applicable laws, rules and regulations pertaining to the operation, use, and occupancy of a Short Term Rental. The Owner shall not be relieved from any civil or criminal liability for a violation of this Article, regardless of whether such violation is committed by the Owner, Operator, Local Contact Person, or Guest of the Owner's Short Term Rental.

Nothing in this Article shall be construed to relieve any person or Owner of any other applicable requirements of federal, state, or local law, rules, or regulations. Nothing in this Article shall be construed to provide any property owner with the right or privilege to violate any private conditions, covenants, and restrictions applicable to the Owner's property that may prohibit the use of such Owner's property as a Short Term Rental as defined in this Article.

Sec. 26-39. Compliance and Penalty provision.

(a) It shall be unlawful for any person or entity to violate any provision of this Article. Proof that a violation of this Article occurred at a Short Term Rental shall create a rebuttable presumption that the Owner of said Short Term Rental committed the violation.

(b) Any violation of this Article is a Class C misdemeanor offense, and upon conviction, shall be punished by a fine as set forth in Section 1-7 of the Code of Ordinances.

(c) Prosecution under this Article shall not require the pleading or proving of any culpable mental state.

(d) Penalties provided for in this Article are in addition to any other criminal or civil remedies that the City may pursue under federal, state, or local law.

Sec. 26-40. Permit suspension or revocation; appeal.

Upon conviction of a violation of this Article, the City Manager may suspend or revoke any Short Term Rental Permit issued for the same Short Term Rental where the violation occurred. The City Manager shall notify an Owner of a suspension or revocation under this Section in writing, delivered by Certified Mail, Return Receipt Requested, and mailed to the address of the Owner as set forth on the most recent Short Term Rental Permit application submitted to the City.

An Owner may appeal a notice of suspension or revocation under this Section by filing a written appeal with the City Manager within thirty (30) days following the date said notice was deposited in the U.S. Mail. Following a timely filing of an appeal hereunder, the Owner may present evidence to the City Manager related to the suspension or revocation under this Section. Following the City Manager's final decision on appeal, the Owner may appeal an adverse decision of the City Manager by filing a written appeal with the City Council within thirty (30) days following the date of the City Manager's final decision.

CITY COUNCIL AGENDA
Regular Meeting: Tuesday, February 27, 2024

AGENDA ITEM: 11

Deliberate and act on second and final reading of an Ordinance of the City of Rockport, Texas amending Ordinance No. 1911 which adopted the 2023-2024 budget beginning October 1, 2023, and ending September 30, 2024; repealing all prior ordinances in conflict herewith; providing for publication; and providing for an effective date.

SUBMITTED BY: Robbie Sorrell, Director of Finance

APPROVED FOR AGENDA: KH

BACKGROUND:

1. The “Downtown Information – Center” a/k/a Visitor Center had \$500,000 of Hotel Occupancy Tax funds budgeted in 2022-2023. During the 2023-2024 budget process, it was projected that the funds would be spent before year end, so they were not budgeted again in the 2023-2024 budget - as highlighted in yellow on the attached excerpt. The projected expenditures were not realized before year end, becoming part of reserves so staff is asking for a \$500,000 budget amendment in 2023-2024 to help fund the project.
2. When the outside city limits rates were contested and rolled back on December 13, 2023, Council asked staff to pursue an external, full rate study prior to setting any new rates. The City is engaging in a professional services contract through Dan Jackson with Willdan Financial Services (Willdan). Willdan is one of the largest public sector financial consultants in the United States and has worked with more than 800 cities, counties, government and private agencies and special districts to address a wide range of financial challenges.

There have been no changes since the first reading.

FISCAL ANALYSIS:

Funding would come from fund reserves.

RECOMMENDED ACTION:

Staff recommends approval of this ordinance as the second and final reading.

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF ROCKPORT, TEXAS AMENDING ORDINANCE NO. 1911 WHICH ADOPTED THE 2023-2024 BUDGET BEGINNING OCTOBER 1, 2023 AND ENDING SEPTEMBER 30, 2024; REPEALING ALL PRIOR ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR PUBLICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on September 12, 2023, Council approved Ordinance No. 1911 establishing the original budget for 2023-2024, and

WHEREAS, the original budget did not include Hotel Occupancy Tax funding for the Information Center – Downtown a/k/a Visitor Center; and

WHEREAS, the City expects to incur \$500,000 in expenditures for the Visitor Center out of Hotel Occupancy Tax funds during 2023-2024; and

WHEREAS, following Council approval on December 13, 2023 to rollback Outside City Limit rates, Council asked staff to have an external, full rate study performed prior setting any new rates; and

WHEREAS, the City expects the external, full rate study to cost approximately \$50,000 in professional and associated expenses;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE
CITY OF ROCKPORT, TEXAS:**

SECTION 1.

For municipal purposes, to amend the Hotel Occupancy Tax Fund budget for an anticipated \$500,000 in expenditures for the Visitor Center, the following budget amendment is proposed to be funded with reserves.

Fund: 27 - Hotel Occupancy Tax Fund**Budget Summary****Resources vs Expenditures Summary**

		FY 21-22	FY 22-23	FY 22-23	FY 23-24
		<u>Actual</u>	<u>Budget</u>	<u>Projected</u>	<u>Proposed</u>
<u>Revenues</u>					
	Hotel Occupancy Tax Revenues	\$1,552,155	\$1,355,000	\$ 1,275,000	\$ 1,159,262
	Use HOT Reserves	-	253,393	360,367	289,314
	Use HOT Reserves	-	-	-	500,000
Total Fund Revenues		\$ 1,552,155	\$ 1,608,393	\$ 1,635,367	\$ 1,948,576
<u>Expenses</u>					
	Tax Administration	\$ 805,501	\$1,608,393	\$ 1,614,135	\$ 1,448,576
	Information Center - Downtown	-	-	-	500,000
	Non-Departmental	-	-	21,232	-
Total Fund Expenses		\$ 805,501	\$ 1,608,393	\$ 1,635,367	\$ 1,948,576
Revenues Over(Under) Expenses		\$ 746,654	\$ (0)	\$ -	\$ (0)

And

For municipal purposes, to amend the Water/Wastewater Fund for an anticipated \$50,000 in professional and associated expenses for an external, full rate study. This study would be funded with reserves.

Fund: 02 - Water/Wastewater Fund
Consolidated Resources vs Expenditure Summary

	<u>FY 21-22</u> <u>Actual</u>	<u>FY 22-23</u> <u>Budget</u>	<u>FY 22-23</u> <u>Projected</u>	<u>FY 23-24</u> <u>Approved</u>
Water/Wastewater Fund Resources				
Interest Revenues	\$ 14,458	\$ 3,000	\$ 222,054	\$ 200,000
Charges for Services	13,065,555	12,457,249	13,160,525	14,629,014
Lost Annual Water Revenues - Amend #1				(428,335)
Lost Wastewater Revenues - Amend #1				(91,956)
Use of Reserves to Cover Lost Revenues - Amend #1				520,291
Use of Reserves to Cover Legal Costs - Amend #1				5,000
Use of Reserves to Cover Full Rate Study				50,000
Operating Transfers	90,000	90,000	90,000	90,000
Other Revenues	110,808	95,000	206,744	90,000
Total Resources	\$13,280,821	\$12,645,249	\$13,679,323	\$ 15,064,014

Water/Wastewater Fund Expenditures

Personnel	\$ 2,021,801	\$ 2,287,649	\$ 2,369,038	\$ 2,450,529
Contracts & Services	1,052,906	836,000	1,593,278	1,785,314
Legal/Contract fees -Water - Amend #1				4,100
Legal/Contract fees - Wastewater - Amend #1				900
Full Rate Study Contract				50,000
Supplies	4,102,261	4,598,335	4,667,312	5,052,660
Travel & Training	26,332	43,600	44,139	40,600
Intergovernmental Transfer	228,551	272,698	272,698	-
Maintenance	944,926	1,018,249	1,126,679	1,939,786
Capital Outlay/Project	59,553	41,350	53,476	31,350
Operating Transfers	3,701,465	3,547,368	3,552,704	3,708,775
Total Expenditures	\$12,137,795	\$12,645,249	\$13,679,323	\$ 15,064,014

Resources Over(Under) Expenditure	\$ 1,143,026	\$ 0	\$ (0)	\$ 0
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SECTION 2.

All ordinances and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein. If any provision, section, sentence, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances is, for any reason held to be unconstitutional, void, or invalid, the validity of the remaining portions of this Ordinance shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof, or provisions or regulations contained herein, shall become inoperative or fail by reason of any unconstitutionality of any other

portion hereof, and all provisions of this Ordinance are declared severable for that purpose.

SECTION 3.

If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Ordinance would have been enacted without such invalid provision.

SECTION 4.

It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code

SECTION 2.

This Ordinance shall become effective upon adoption by the second reading by the Rockport City Council.

APPROVED on first reading the 13th day of February 2024.

CITY OF ROCKPORT, TEXAS

Tim Jayroe,
Mayor

ATTEST:

Kimberly Henry, Interim City Secretary

APPROVED on second reading the 27th day of February 2024.

CITY OF ROCKPORT, TEXAS

Tim Jayroe,
Mayor

ATTEST:

Kimberly Henry, Interim City Secretary

CITY COUNCIL AGENDA
Regular Meeting: Tuesday, February 27, 2024

AGENDA ITEM: 12

Deliberate and act on a request by Council Member Ward 3 Brad Brundrett for FY 2023-2024 grant funds from the Hotel Occupancy Tax Fund Account for Oysterfest for an amount not to exceed \$20,000.00.

SUBMITTED BY: Interim City Secretary Kimberly Henry

APPROVED FOR AGENDA: KH

BACKGROUND: Council Member ~~Ward 4~~ Ward 3 Brad Brundrett has requested an agenda item to discuss the use of Hotel Occupancy Tax Funds for the Oysterfest event scheduled for March 7-10, 2024 for an amount not to exceed \$20,000.00.

An application has been provided and will be required to be submitted prior to the Council Meeting of February 27, 2024.

FISCAL ANALYSIS: Any funds would come from the Reserve Hotel Occupancy Tax Funds and a Budget Amendment would be required in a future agenda.

RECOMMENDATION: Staff are requesting the City Council to provide direction for the allocation of Reserve Hotel Occupancy Tax funds.

FUNDING APPLICATION FORM

HOTEL OCCUPANCY TAX USE GUIDELINES UNDER TEXAS STATE LAW



Texas Tax Code Chapter 351 allows the City of Rockport to collect Hotel Occupancy Tax (HOT) from hotels, motels, bed & breakfasts, and other lodging facilities. Under state law, the revenue from the HOT may be used only to directly promote tourism and the hotel and convention industry and may be used for the following:

1. **Convention Centers and Visitor Information Centers:** the acquisition of sites for and the construction, improvement, enlarging, equipping, repairing, operation, and maintenance of convention center facilities or visitor information centers, or both;
2. **Registration of Convention Delegates:** the furnishing of facilities, personnel, and materials for the registration of convention delegates or registrants;
3. **Advertising, Solicitations and Promotions that Directly Promote Tourism and the Hotel and Convention Industry:** advertising and conducting solicitations and promotional programs to attract tourists and convention delegates or registrants to the municipality or its vicinity;

NOTE: *City of Rockport Resolution No. 09-15 – the City expends funds collected for the purpose of advertising with any media outlet that is outside 75 miles of the City of Rockport.*

4. **Promotions of the Arts that Directly Promote Tourism and the Hotel and Convention Industry:** the encouragement, promotion, improvement, and application of the arts, including instrumental and vocal music, dance, drama, folk art, creative writing, architecture, design and allied fields, painting, sculpture, photography, graphic and craft arts, motion picture, radio, television, tape and sound recording, and other arts related to the presentation, performance, execution, and exhibition of these major art forms.
5. **Historical Restoration and Preservation Activities that Directly Promote Tourism and the Hotel and Convention Industry:** historical restoration and preservation projects or activities or advertising and conducting solicitations and promotional programs to encourage tourists and convention delegates to visit preserved historic sites or museums:
 - a. at or in the immediate vicinity of convention center facilities or visitor information centers; or
 - b. located elsewhere in the municipality or its vicinity that would be frequented by tourists and convention delegates;
6. **Sporting Event Expenses that Substantially Increase Economic Activity at Hotels:** Expenses including promotional expenses, directly related to a sporting event in which the majority of participants are tourists. Who substantially increase economic activity at hotels and motels within the municipality or its vicinity.

7. Funding transportation systems for transporting tourists from hotels to and near the city to any of the following destinations:

- a. the commercial center of the city;
- b. a convention center in the city;
- c. other hotels in or near the city; or
- d. tourist attractions in or near the city.

The law specifically prohibits the use of the local hotel tax to cover the costs for general city transit costs to transport the general public.

8. Signage directing tourists to sights and attractions that are visited frequently by hotel guests in the municipality.

City Policy: The City of Rockport accepts applications from groups and businesses whose program fits into one or more of the above categories. All requests for funds should be submitted by the official application to the City Secretary. The application will be reviewed by the Rockport City Council. The applicant **may be asked** to be present at a meeting to answer any questions regarding the application. Applicants will be notified of the time and date of the meeting. Based on the application, staff will make recommendation to the City Council. The City Council will make the final decision on requests.

Eligibility and Priority for Hotel Tax Funds: Priority will be given to those events and entities based on their ability to generate overnight visitors to the City of Rockport. The amount requested should not exceed more than 15% of the gross amount of hotel night revenue predicted to be created or sustained by the event. Events can prove this potential to generate overnight visitors by:

1. **Historic information on the number of room nights used during previous years of the same events;**
2. **Current information on the size of a room block that has been reserved at area hotels to accommodate anticipated overnight guests attending the funded event;**
3. **Historical information on the number of guests at hotels or other lodging facilities that attended the funded event (through surveys, guest directories, or other sources; and/or**
4. **Examples of the planned marketing of the programs and activities that will generate or encourage overnight visitors to local lodging properties from the event.**

Use of Revenues from Event: A portion of the revenues from any event and/or project receiving any type of funding assistance from the HOT funds should be channeled back into the future costs of operating that same event or the continued operation of the project. No other outside event, project, charity, etc. sponsored by the host organization may profit from the City of Rockport's funding of a particular event.

Supplemental Information Required With Application: Along with the application, please submit the following:

1. Comprehensive detailed budget of proposed event/project.
2. Proposed Marketing Plan for Funded event/project.
3. Schedule of Activities or Events Relating to the Funded event/project

Hotel Occupancy Tax Funding Application 2023-2024
--

Date: _____

Organization Information

Name of Organization: _____

Address: _____

City, State, Zip: _____

Contact Name: _____ Contact Phone Number: _____

HOT Contract Email: _____

Web Site Address for Event or Sponsoring Organization: _____

Type of Organization: ☐ Governmental ☐ Non-Profit ☐ Private/ For-Profit

Tax ID #: _____ Organization's Creation Date: _____

Purpose of Organization: _____

Event Information

Name of Event or Project: _____

Date of Event or Project: _____

Primary Location of Event or Project: _____

Amount Requested: \$ _____

How will the funds be used: _____

Primary Purpose of Funded Activity/Facility:

Percentage of Hotel Tax Support of Related Costs

_____ Percentage of Total **Event Costs** Covered by Hotel Occupancy Tax

_____ Percentage of Total **Facility Costs** Covered by Hotel Occupancy Tax for the Funded Event

_____ Percentage of **Staff Costs** Covered by Hotel Occupancy Tax for the Funded Event

If staff costs are covered, estimate percentage of time staff spends annually on the funded event(s) compared to other activities _____%

Which Category or Categories Apply to Funding Request, and Amount Requested Under Each Category:

- ☐ **1) Convention Center or Visitor Information Center:** the acquisition of sites for and the construction, improvement, enlarging, equipping, repairing, operation, and maintenance of convention center facilities or visitor information centers, or both. Amount requested under this category: \$ _____
- ☐ **2) Registration of Convention Delegates:** the furnishing of facilities, personnel, and materials for the registration of convention delegates or registrants. Amount requested under this category: \$ _____
- ☐ **3) Advertising, Solicitations and Promotions that directly promote tourism and the Hotel & Convention Industry:** to attract tourists and convention delegates or registrants to the municipality or its vicinity. Amount requested under this category: \$ _____
- ☐ **4) Promotion of the Arts that Directly Enhance Tourism and the Hotel & Convention Industry:** the encouragement, promotion, improvement, and application of the arts including instrumental and vocal music, dance, drama, folk art, creative writing, architecture, design and allied fields, painting, sculpture photography, graphic and craft arts, motion picture, radio, television, tape and sound recording, and other arts related to the presentation, performance, execution, and exhibition of these major art forms: Amount requested under this category: \$ _____

- ☐ **5) Historical Restoration and Preservation Activities that Directly Promote Tourism and the Hotel and Convention Industry:** historical restoration and preservation projects or activities or advertising and conducting solicitation and promotional programs to encourage tourists and convention delegates to visit preserved historic sites or museums. Amount requested under this category: \$ _____

- ☐ **6) Sporting Event Expenses that Substantially Increase Economic Activity at Hotels:** Expenses including promotional expenses, directly related to a sporting event in which the majority of participants are tourists. The event must substantially increase economic activity at hotels within the municipality or its vicinity. Amount requested under this category: \$ _____

How many individuals are expected to participate in the sporting related event? _____

How many of the participants at the sporting related event are expected to be from another city or county? _____

Quantify how the sporting related event will substantially increase economic activity at hotels within the city or its vicinity?

- ☐ **7) Funding transportation systems for transporting tourists from hotels to and near the city to any of the following destinations:** a) the commercial center of the city; b) a convention center in the city; c) other hotels in or near the city; and d) tourist attractions in or near the city. Amount requested under this category: \$ _____

What sites or attractions will tourists be taken to by this transportation? _____

Will members of the general public (non-tourists) be riding on this transportation? _____

What percentage of the ridership will be local citizens? _____

- ☐ **8) Signage directing tourists to sights and attractions that are visited frequently by hotel guests in the municipality. Amount requested under this category: \$ _____**

What tourist attractions will be the subject of the signs?

Questions for All Funding Request Categories:

1. How many years have you held this Event or Project: _____
2. Expected Attendance: _____ Prior year's attendance: _____
3. How many people attending the Event or Project will use City of Rockport hotels? _____

Number of nights will they stay: _____

Do you reserve a room block for this event at an area hotel and if so, for how many rooms and at which hotels:

4. List other years (over the last three years) that you have hosted your Event or Project with amount of assistance given from and the number of hotel rooms used:

Event Date	Assistance Amount		Number of Hotel Rooms Used
	City HOT Funds	Others	
_____	\$ _____	\$ _____	_____
_____	\$ _____	\$ _____	_____
_____	\$ _____	\$ _____	_____

5. How will you measure the impact of your event on area hotel activity (e.g.: room block usage information, survey of hoteliers, etc.)?

6. Please list other organization, government entities, and grants that have offered financial support to your project:

7. Will the event charge admission? Do you anticipate a net profit from the event? If there is a net profit, what is the anticipated amount and how will it be used?

8. Please list all promotion efforts your organization is coordinating, and the amount financially committed to each media outlet:

Newspaper: \$ _____
 Radio: \$ _____
 TV: \$ _____
 Other Paid Advertising: \$ _____

Number of Press Releases to Media _____
 Number Direct Mailings to out-of-town recipients _____

Other Promotions _____

9. Will you include a link to local hotels on your website for booking during this event?

10. Will you negotiate a special rate or hotel/event package to attract overnight stays?

11. What new marketing initiatives will you utilize to promote hotel and convention activity for this event?

12. What geographic areas does your advertising and promotion reach?

13. How many individuals will your proposed marketing reach who are located in another city or county? _____

14. If the funding requested is related to a permanent facility (e.g., museum, visitor center):

Expected Attendance Monthly/Annually: _____

Percentage of those in attendance that are staying at area hotels/lodging facilities: _____%

Please Submit before May 31, 2023 to:

City of Rockport

City Secretary

tvaldez@cityofrockport.com

CITY COUNCIL AGENDA

Regular Meeting: Tuesday, February 27, 2024

AGENDA ITEM: 13

Deliberate and act to accept a Certification of Unopposed Candidates by the City Secretary for the May 4, 2024, General Election.

SUBMITTED BY: Interim City Secretary Kimberly Henry

APPROVED FOR AGENDA: KH

BACKGROUND: According to Texas Election Code § 2.052 & § 2.053, as soon as possible after the filing deadlines for placement on the ballot and if no candidate in the election is opposed on the ballot, the City Secretary must deliver to the City Council a certification that each candidate for office is unopposed. Upon receiving the certification, the City Council may declare the unopposed candidates elected to office, in which case the election is cancelled. Although the statute requires the City Secretary make the certification to City Council, the Council is given discretion in declaring unopposed candidates elected. City Council may hold the election regardless of the unopposed status of the candidates.

If City Council determines not to hold the election, the order declaring the unopposed candidates elected must be posted on election day at each polling place that would have been used in the election [EC §2.053(b)].

The statute provides that a certificate of election is issued to each candidate who is declared elected, “in the same manner and at the same time as provided for candidate elected at the election” [EC §2.053(c)]. Candidates elected through cancellation must also qualify for office and take the oaths of office the same as candidates elected at an election.

§ 2.052 CERTIFICATION OF UNOPPOSED STATUS.

(a) The authority responsible for having the official ballot prepared shall certify in writing that a candidate is unopposed for election to an office if, were the election held, only the votes cast for that candidate in the election for that office may be counted.

(b) The certification shall be delivered to the governing body of the political subdivision as soon as possible after the filing deadlines for placement on the ballot and list of write-in candidates.

§ 2.053 ACTION ON CERTIFICATION.

(a) On receipt of the certification, the governing body of the political subdivision by order or ordinance may declare each unopposed candidate elected to the office. If no election is to be held on election day by the political subdivision, a copy of the order or ordinance shall be posted on election day at each polling place used or that would have been used in the election.

(b) If a declaration is made under Subsection (a), the election is not held.

(c) The ballots used at a separate election held at the same time as an election that would have been held if the candidates were not declared elected under this section shall include the offices and names of the candidates declared elected under this section listed separately after the measures or contested races in the separate election under the heading “Unopposed Candidates Declared Elected.” The candidates shall be grouped in the same relative order prescribed for the ballot generally. No votes are cast in connection with the candidates.

(d) The secretary of state by rule may prescribe any additional procedures necessary to accommodate a particular voting system or ballot style and to facilitate the efficient and cost-effective implementation of this section.

(e) A certificate of election shall be issued to each candidate in the same manner and at the same time as provided for a candidate elected at the election. The candidate must qualify for the office in the same manner as provided for a candidate elected at the election.

FISCAL ANALYSIS: N/A

RECOMMENDATION: Staff recommends Council accept the Certification of Unopposed Candidates for the positions of Mayor At-Large, Council Member Ward 2 and Council Member Ward 4 for the May 4, 2024 General Election, as presented.

CERTIFICATION OF UNOPPOSED CANDIDATES
CERTIFICACIÓN DE CANDIDATOS ÚNICOS

To: Presiding Officer of Governing Body
Al: *Presidente de la entidad gobernante*

As the authority responsible for having the official ballot prepared, I hereby certify that the following candidates are unopposed for election to office for the election scheduled to be held on May 4, 2024. I further certify that no proposition is to appear on the ballot at the election, and no person has made a declaration of write-in candidacy.

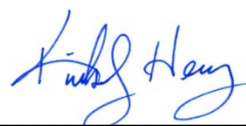
Como autoridad a cargo de la preparación de la boleta de votación oficial, por la presente certifico que los siguientes candidatos son candidatos únicos para elección para un cargo en la elección que se llevará a cabo el 4 de mayo de 2024. Además, certifico que ninguna proposición aparecerá en la boleta electoral en la elección, y ninguna persona ha hecho una declaración de candidatura por escrito.

Tim Jayroe - Mayor
Alcalde

Matt Anderson - Council Member Ward 2
Miembro del Concejo Distrito 2

Andrea Hattman - Council Member Ward 4
Miembro del Concejo Distrito 4

Dated this 22nd day of February 2024.
Con fecha de este día 22 de febrero de 2024.



Kimberly Henry, City Secretary
Secretaria provisional de la ciudad
City of Rockport
Ciudad de Rockport

CITY COUNCIL AGENDA

Regular Meeting: Tuesday, February 27, 2024

AGENDA ITEM: 14

Deliberate and act on an Ordinance of the City of Rockport declaring unopposed candidates in the May 4, 2024, City General Election, elected to office; cancelling the Saturday, May 4, 2024 Mayor At-Large, Council Member Ward 2, and Council Member Ward 4 Elections; and finding and finding and declaring that the meeting at which this Ordinance is adopted was open to the public, that the public notice of time, place and the subject matter of the public business to be considered was posted as required by law, including this Ordinance.

SUBMITTED BY: Interim City Secretary Kimberly Henry

APPROVED FOR AGENDA: KH

BACKGROUND: In a city in which any of the members of the city council are elected from single member district, a general or special election may be cancelled in a single member district if:

1. Each candidate (including an at-large candidate) for an office that is to appear on the ballot in that district is unopposed; and
2. No proposition is to appear on the ballot [EC §20.051(b)].

The City Secretary has delivered to the City Council a Certification that the candidates for Mayor At-Large, City Council Ward 2, and City Council Ward 4 are unopposed. Upon receiving the certification, the City Council may declare the unopposed candidates elected to office, in which case the election for those positions are cancelled. Although the statute requires the City Secretary make the certification to City Council, the Council is given discretion in declaring unopposed candidates elected. City Council may hold the election regardless of the unopposed status of the candidates.

Sec. 2.051. APPLICABILITY OF SUBCHAPTER.

(b) In the case of an election in which any members of the political subdivision's governing body are elected from territorial units such as single-member districts, this subchapter applies to the election in a particular territorial unit if each candidate for an office that is to appear on the ballot in that territorial unit is unopposed and no at-large proposition or opposed at-large race is to appear on the ballot. This subchapter applies to an unopposed at-large race in such an election regardless of whether an opposed race is to appear on the ballot in a particular territorial unit.

§ 2.053 ACTION ON CERTIFICATION.

(a) On receipt of the certification, the governing body of the political subdivision by order or ordinance may declare each unopposed candidate elected to the office. If no election is to be

held on election day by the political subdivision, a copy of the order or ordinance shall be posted on election day at each polling place used or that would have been used in the election.

(b) If a declaration is made under Subsection (a), the election is not held.

FISCAL ANALYSIS: There may be a cancellation fee of up to \$75.00 to the County; however, the remaining budget for the election will be a savings.

RECOMMENDATION: Staff recommends Council pass to a second reading the Ordinance of the City of Rockport declaring unopposed candidates in the May 4, 2024, City General Election, elected to office; cancelling the Saturday, May 4, 2024 Mayor At-Large, Council Member Ward 2, and Council Member Ward 4 Elections; and finding and finding and declaring that the meeting at which this Ordinance is adopted was open to the public, that the public notice of time, place and the subject matter of the public business to be considered was posted as required by law, including this Ordinance.

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF ROCKPORT DECLARING UNOPPOSED CANDIDATES IN THE MAY 4, 2024, GENERAL CITY ELECTION, ELECTED TO OFFICE; CANCELLING THE SATURDAY, MAY 4, 2024, MAYOR AT-LARGE, COUNCIL MEMBER WARD 2, AND COUNCIL MEMBER WARD 4 ELECTIONS; AND FINDING AND DECLARING THAT THE MEETING AT WHICH THIS ORDINANCE IS ADOPTED WAS OPEN TO THE PUBLIC, THAT THE PUBLIC NOTICE OF TIME, PLACE, AND THE SUBJECT MATTER OF THE PUBLIC BUSINESS TO BE CONSIDERED WAS POSTED AS REQUIRED BY LAW, INCLUDING THIS ORDINANCE.

WHEREAS, the General City Election was called for Saturday, May 4, 2024 for the purpose of electing members to the City Council; and

WHEREAS, the City Secretary has certified in writing that there is no proposition on the ballot, that no person has made a declaration of write-in candidacy, and that the Mayor At-Large, Council Member Ward 2, and Council Member Ward 4 candidates on the ballot are unopposed for election to office; and

WHEREAS, under these circumstances, Subchapter C, Chapter 2, Election Code, authorizes the City Council to declare the candidates elected to office and cancel the election for Mayor At-Large, Council Member Ward 2, and Council Member Ward 4.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCKPORT, ARANSAS COUNTY, TEXAS:

Section 1: The following candidates, who are unopposed in the Saturday, May 4, 2024, General City Election, are declared elected to office, and shall be issued certificates of election following the time the election would have been canvassed:

**Tim Jayroe – Mayor At-Large
Matt Anderson - Council Member Ward 2
Andrea Marie Hattman – Council Member Ward 4**

Section 2: That Saturday, May 4, 2024, Mayor At-Large, Council Member Ward 2, and Council Member Ward 4 General City Election is canceled, and the City Secretary is directed to cause a copy of this Ordinance to be posted on Election Day at each polling place that would have been used in the election.

Section 3. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

Section 4. All ordinances and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

Section 5. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Ordinance would have been enacted without such invalid provision.

Section 6. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

Section 7. This Ordinance shall become effective upon adoption by second and final reading.

APPROVED and **PASSED** on first reading the 27th day of February 2024.

CITY OF ROCKPORT:

Tim Jayroe, Mayor

ATTEST:

Kimberly Henry, Interim City Secretary

APPROVED, PASSED and ADOPTED on second reading the _____ day of _____ 2024.

CITY OF ROCKPORT, TEXAS

Tim Jayroe, Mayor

ATTEST:

Kimberly Henry, Interim City Secretary