

CITY OF ROCKPORT

MINUTES

CITY COUNCIL REGULAR MEETING

6:30 p.m., Tuesday, January 23, 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 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 23rd day of January 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 Pro-Tem Andrea Hattman, Ward 4
Council Member Stephanie Rangel, Ward 1
Council Member Brad Brundrett, Ward 3

CITY COUNCIL MEMBER(S) ABSENT

Mayor Tim Jayroe
Council Member Danielle Hale, Ward 2

STAFF MEMBERS PRESENT

City Manager Vanessa Shrauner
City Attorney Art Rodriguez, Jr.
Assistant to the City Manager Kimberly Henry
City Secretary Teresa Valdez
Director of Public Works and Building & Development Services Mike Donoho
Parks & Leisure Services Director Gene Camargo
Director of Information Technology Bob Argetsinger
Communications Center Director Lee Brown
Director of Finance Robbie Sorrell
Police Patrol Captain Nathan Anderson

ELECTED OFFICIALS PRESENT

Opening Agenda

1. Call meeting to order.

With a quorum of the Council Members present, the Regular Meeting of the Rockport City Council was called to order by Mayor Pro-Tem Hattman at 6:30 p.m. on Tuesday, January 23, 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 and summarized in the minutes of the meeting. Persons wishing to address the Council and who have registered using the Citizen Participation Form will have up to three minutes to speak. In accordance with the Open Meetings Act, Council may not discuss or take action on any item that has not been posted on the agenda. While civil public criticism is not prohibited, disorderly conduct or disturbance of the peace as prohibited by law shall be cause for the chair to terminate the offender's time to speak.

There were no citizens comments.

Consent Agenda

All consent agenda items listed are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member so requests, in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

4. Deliberate and act on approval of City Council Regular Meeting Minutes of January 9, 2024.

5. Deliberate and act on a Resolution of the City Council of the City of Rockport ordering a General Election and establishing procedures for said Election to be held on Saturday, May 4, 2024; the General Election shall be for the purpose of electing a Mayor at-large, a Council Member to represent Ward #2 and a Council Member to represent Ward #4; providing other matters relating to the General Election; and finding and determining that the meeting at which this Resolution is passed is open to the public as required by law.

Deliberar y tomar medidas sobre la Resolución del Ayuntamiento de la Ciudad de Rockport en la que se ordena la realización de unas Elecciones Generales y se establecen procedimientos para dichas Elecciones, que se llevarán a cabo el sábado 4 de mayo de 2024; las Elecciones Generales se realizarán con el propósito de elegir un Alcalde, un Concejal que represente el Distrito #2; y un Concejal que represente el Distrito #4; se estipulan otros asuntos relacionados con las Elecciones Generales, y se decide y determina que la reunión en la cual se aprueba la Resolución estará abierta al público, como lo requiere la ley.

6. Deliberate and act on Contract for Election Services with the Elections Administrator of Aransas County for the May 4, 2024 General Election.

Deliberar y actuar sobre el contrato de servicios electorales con el administrador de elecciones del condado de Aransas para las elecciones del 4 de mayo de 2024.

7. Deliberate and act on May 4, 2024, Joint Election Contract for Election Services between the City of Rockport and Aransas County Independent School District in compliance with HB 1.

Deliberar y tomar medidas sobre el Contrato de Elecciones Conjuntas del 4 de mayo de 2024 para Servicios Electorales entre la Ciudad de Rockport y el Distrito Escolar Independiente del Condado de Aransas, en conformidad con HB 1.

8. Deliberate and act on request to close south side of Austin Street on March 9, 2024, from 7:00 a.m. to 10:00 a.m. for the 35th Annual Whooping Crane Strut.
9. Deliberate and act on an Asset Forfeiture expenditure to purchase a server for the previously budgetary approved project of a Records Management software upgrade.
10. Deliberate and act on 1st quarter Report from Rockport Center for the Arts for Fiscal Year 2023-2024 marketing expenditures.
11. Deliberate and act on 1st quarter report from the Friends of the Fulton Mansion State Historical Site for Fiscal Year 2023-2024 marketing expenditures.
12. Deliberate and act on 1st quarter report from the Rockport-Fulton Chamber of Commerce for Fiscal Year 2023-2043 marketing expenditures.
13. Deliberate and act on 1st quarter report from the Texas Maritime Museum for Fiscal Year 2023-2024 marketing expenditures.
14. Deliberate and act on approval of Change Order #8 related to the New City Hall project.
15. Deliberate and act on awarding a contract to Utility Service Company, Inc., doing business as USG Water Solutions Inc. to rehabilitate, refurbish, and refinish the elevated water storage tank located at the Rockport Service Center, 2751 State Highway 35 Bypass.

Mayor Pro-Tem Hattman called for requests to remove any item from the Consent Agenda for separate discussion.

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

Public Hearings

Mayor Pro-Tem Hattman opened the Public Hearings at 6:32 p.m.

16. Conduct a Public Hearing to consider a request to rezone the 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); currently zoned R-1 (1st Single Family Dwelling District).

Property owner Brittany Wright addressed the Council and said they want to bring the existing commercial business, Wright Custom Cabinets into compliance with current City Code and allow development of an additional building to expand the business.

There were no public comments.

17. Conduct a Public Hearing to consider a request to rezone 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, to B-1 (General Business District) currently zoned R-1 (1st Single Family Dwelling District).

Property owner Anna Robertson addressed the Council and said they purchased the property which used to be Estes RV Park; it was zoned Residential, and they want to rezone it back to General Business.

There were no public comments.

18. Conduct a Public Hearing to consider a request for a Conditional Use Permit for 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.

Property owner, Anna Robertson addressed the Council and said they want to utilize the concrete that is already on the property for a small manufacturing business which is building wood frame structures for re-sale.

There were no public comments.

Mayor Pro-Tem Hattman closed the Public Hearings at 6:36 p.m.

Regular Agenda

19. Hear and deliberate on presentation on Downtown Information Kiosk.

City Manager Shrauner said Council had asked her to look at sites for sale directly on Austin Street and Jennifer Day was recruited to help. Ms. Shrauner stated we have come up short of property on Austin Street and we still have the option of the City owned site, the old gas building.

Jennifer Day, 902 East Cornwall, Executive Director of Rockport Cultural Arts District, addressed the Council and gave a presentation on using the old gas building and the importance of getting a site selected for the Downtown Information Kiosk. Ms. Day explained she had submitted a grant last June and \$37,900 was awarded to the City and Rockport Cultural Arts District for a Main Street Park. Ms. Day said if we do not use the grant then we lose it.

Discussion was held among Council, Ms. Shrauner and Ms. Day.

It was the consensus of Council to support the development of a Downtown Information Kiosk at the old gas building site owned by the City.

20. 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 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.

Carey Dietrich, Community Planner and Assistant Director of Building and Development Services addressed the Council. Ms. Dietrich stated the Planning and Zoning Commission voted unanimously to approve the request for rezoning from R-1 (1st Single Family Dwelling District) to B-1 (General Business District). Ms. Dietrich added there were no objection letters received.

MOTION: Council Member Brundrett moved to approve the 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 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.

21. 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 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.

Carey Dietrich, Community Planner and Assistant Director of Building and Development Services addressed the Council. Ms. Dietrich stated the previous owners of the property were annexed into the City as residential and they did have a Conditional Use Permit for the RV park. Ms. Dietrich said the Planning and Zoning Commission unanimously voted to approve the rezone request. Ms. Dietrich added there were no objection letters received.

MOTION: Council Member Brundrett moved to approve the 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 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. Council Member Rangel seconded the motion. Motion carried unanimously.

22. Deliberate and act on first 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

Carey Dietrich, Community Planner and Assistant Director of Building and Development Services addressed the Council. Ms. Dietrich stated the property owners are requesting a Conditional Use Permit for a small manufacturing business which is building wood frame structures for re-sale. Ms. Dietrich said the Planning and Zoning Commission voted unanimously to approve the request for a Conditional Use Permit.

MOTION: Council Member Brundrett moved to approve the first 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. Council Member Rangel seconded the motion. Motion carried unanimously.

23. Deliberate and act on second and final reading of an Ordinance authorizing the closing, vacating, and abandonment of 0.069 acre of land being a 20-foot wide alleyway lying between Lots 4 through 6 and Lots 12 through 14, Block 108, 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 0.069 acre to be closed, vacated and abandoned; and providing for an effective date.

City Secretary Teresa Valdez said the City had received a Petition for the vacating of a 20-foot-wide alleyway lying between Lots 4 through 6 and Lots 12 through 14, Block 108, Manning Addition from Ocean Glory Homes. Ms. Valdez stated the required Public Hearing was conducted at the last Council meeting and this is the second and final reading of the Ordinance to vacate the 20-foot-wide alleyway. Ms. Valdez added the alleyway is appraised at \$0. Ms. Valdez added there has been no change in format or content to the Ordinance since Council approved the first reading on January 9, 2024.

MOTION: Council Member Brundrett moved to approve the second & final reading of an Ordinance authorizing the closing, vacating, and abandonment of 0.069 acre of land being a 20-foot wide alleyway lying between Lots 4 through 6 and Lots 12 through 14, Block 108, 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 0.069 acre

to be closed, vacated and abandoned; and providing for an effective date. Council Member Rangel seconded the motion. Motion carried unanimously.

24. 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 addressed the Council. Mr. Sorrell said this is the first budget amending for Fiscal Year 2023-2024 and staff will try to do budget amendments on a quarterly basis. Mr. Sorrell explained there are three funds affected: 1) The rollback utility rates for the outside City limits customers means with City will have to refund the difference collected since the start of the new fiscal year and amend the Utility Fund Budget for less anticipated annual revenue, the system estimates propose reducing budgeted Water revenues by \$428,335 and Wastewater revenues by \$91,956 and also adds \$5,000 for estimated legal and other fees associated with the Public Utility Commission petition; 2) The Aquatic Fund, for reduced intergovernmental participation revenues of \$5,834 from Town of Fulton; and 3) The General Fund to cover vehicle damage expenditures to the park fence in the amount of \$1,750. Ms. Sorrell stated the funds for the above estimated \$532,875 in budget amendments is to come from reserves.

MOTION: Council Member Brundrett moved to approve the 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. Council Member Rangel seconded the motion. Motion carried unanimously.

25. Deliberate and act to approve reallocation of unspent bond funds from previously recommended projects to other bond compliant projects.

City Manager Shrauner said she knew Council had allocated unspent bond funds before she came to Rockport and at the budget meetings for Fiscal Year 2023-2024 Council gave direction to staff to review and spend the unspent bonds funds from 2005, 2007, 2009, and 2014. Ms. Shrauner stated the reallocation being presented will get us close to even.

Public Works Director Mike Donoho and Parks and Leisure Services Director Gene Camargo addressed the Council and explained the proposed reallocation of unspent bonds funds.

Ms. Shrauner said the amounts remaining from unspent bond funds will be held for contingency until the proposed projects are completed.

Brief discussion was held between Council and Ms. Shrauner.

MOTION: Council Member Brundrett moved to approve the reallocation of unspent bond funds from previously recommended projects to other bond compliant projects. Council Member Rangel seconded the motion. Motion carried unanimously.

26. Deliberate and act on awarding a contract to R.P. Constructors, Inc. for improvements to the City of Rockport Wastewater Treatment Plant.

Public Works Director Mike Donoho stated bids were opened on November 15, 2023 and the lowest bidder was R.P. Constructors with a base bid of \$5,936.545. Mr. Donoho said after reviewing the bids and the amount of money allocated for the project the City asked Urban Engineering to contact the bidder to see if the scope of the project could be reduced to lower the cost. Mr. Donoho explained it was recommended to remove the construction of a third clarifier for a saving of \$1,000,000 and the removal of a new non-potable water system and associated piping and electrical for a savings of \$365,697. Mr. Donoho stated R.P. Constructors has agreed to remove the two items and lower the base bid to \$4,570,848. Mr. Donoho said the total costs for this project is \$4,998,048 and the project is funded by the American Rescue Plan Act (ARPA) in the amount of \$2,627,522.20 and the remaining balance of \$2,370,525.80 is being funded by unspent bond funds.

Brief discussion was held between Council, Ms. Shrauner, Mr. Donoho, and Mark Maroney, Engineer with Urban Engineering.

MOTION: Council Member Brundrett moved to award a contract to R.P. Constructors, Inc. for improvements to the City of Rockport Wastewater Treatment Plant. Council Member Rangel seconded the motion. Motion carried unanimously.

27. Deliberate and act on ratification of contract with Tyler for \$78,000.

City Manager Shrauner stated unknown to her until a week ago, a former staff member entered into an unauthorized and unfunded agreement with Tyler Technologies, amounting to \$78,336. Ms. Shrauner explained the contract was for extra seats on our services and including some data migration and the majority of the services have been delivered or are currently underway.

Discussion was held between Council, Ms. Shrauner and Director of Communications Lee Brown.

MOTION: Council Member Brundrett moved to ratify the contract with Tyler for \$78,000. Council Member Rangel seconded the motion. Motion carried unanimously.

28. Deliberate and act to grant Parks Staff authorization to submit a response to Aransas County's Request for Proposals (RFP # 2023-1105) for the Tiger Field Athletic Complex Lease.

Gene Camargo, Director of Parks and Leisure Services addressed the Council. Mr. Camargo stated Aransas County put out a Request for Proposals (RFP) for the lease and utilization of Tiger Field Athletic Complex. Mr. Camargo stated the competition for open space at Memorial Park as steadily increased. Mr. Camargo said staff is seeking to express the City's interesting and incorporating the Tiger Field Athletic Complex into its programming and coordination of the various sporting activities and while staff feels the RFP may not be the preferred vehicle to coordinate with the County, staff would like to express the City's interest in the Tiger Field Athletic Complex. Mr. Camargo requested Council allow City Staff to respond to the RFP.

MOTION: Council Member Brundrett moved to grant Parks Staff authorization to submit a response to Aransas County's Request for Proposals (RFP #2023-1105) for the Tiger Field Athletic Complex Lease. Council Member Rangel seconded the motion. Motion carried unanimously.

29. Reports from Council.

At this time, the City Council will report/update on activities in respective Wards, and all committee assignments, which may include the following: Aransas County Alliance Local Government Corporation; Aransas Pathways Steering Committee; Building and Standards Commission; Coastal Bend Bays and Estuaries Program; Coastal Bend Council of Government; Coastal Bend Mayors Group; Park & Leisure Services Advisory Board; Planning & Zoning Commission; Rockport-Fulton Chamber of Commerce; Aransas County Storm Water Management Advisory Committee; Swimming Pool Operations Advisory Committee; Tourism Development Council; Tree & Landscape Committee; YMCA Development Committee; Texas Maritime Museum, Fulton Mansion, Rockport Center for the Arts, Aransas County, Aransas County Independent School District, Aransas County Navigation District, Town of Fulton, and Texas Municipal League. No formal action can be taken on these items at this time.

Council Member Rangel reported she attended the Economic Development Summit, and she served on the panel regarding health care. Ms. Rangel said there is not much going on in Ward 1 at this time.

Council Member Brundrett reported he also attended the Economic Development Summit and Council Member Rangel did an outstanding job representing the entity she works for, and City Manager Shrauner did a great job representing the City and getting our needs out there.

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:

- 30. 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.
- 31. Section 551.074 Personnel Matters - deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee: City Secretary.**

At 7:36 p.m., Mayor Pro-Tem Hattman convened the City Council into executive session pursuant to the provisions of Chapter 551 of the Texas Government Code, in accordance with the authority contained in: 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; and 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.

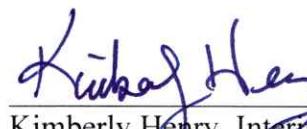
At 8:06 p.m., Mayor Pro-Tem Hattman reconvened the Rockport City Council into open session pursuant to the provisions of Chapter 551 of the Texas Government Code.

MOTION: Council Member Brundrett moved to appoint Kimberly Henry as Interim City Secretary effective February 1, 2024. Council Member Rangel seconded the motion. Motion carried unanimously.

32. Adjournment.

At 8:06 p.m., Council Member Brundrett moved to adjourn the meeting. Motion was seconded by Council Member Rangel. Motion carried unanimously.

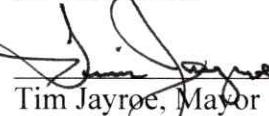
ATTEST:



Kimberly Henry, Interim City Secretary



APPROVED:



Tim Jayroe, Mayor