

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](#) 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.

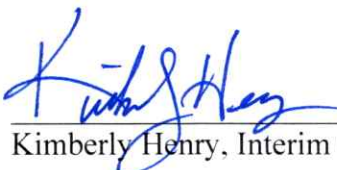
At 7:48 p.m., Mayor Pro-Tem Hattman moved to adjourn the meeting. The motion was seconded by Council Member Hale. Motion carried unanimously.

APPROVED:




Tim Jayroe, Mayor

ATTEST:


Kimberly Henry, Interim City Secretary