
CITY COUNCIL AGENDA

Notice is hereby given that the Rockport City Council will hold a regular meeting on Tuesday, January 11, 2022, 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 with social distancing guidelines and using the video conferencing application ZOOM. These actions are being taken to mitigate the spread of COVID-19 by avoiding meetings that bring people into a group setting. **Video conferencing capabilities will be utilized to allow individuals to address the City Council. Members of the public can participate in the meeting remotely via Zoom at <https://us02web.zoom.us/j/83658401466> or scan the QR code to the right.**



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 Mayor will read the comments and they will be summarized in the minutes of 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. 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 subject matter that is not on the agenda, will be read by the Mayor 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.

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 Regular Meeting Minutes of December 14, 2021, and Special Meeting of December 30, 2021.

Regular Agenda

5. Deliberate and act on second & final reading of an Ordinance approving and adopting the

new voting ward reapportionment map of the City and revising the Council Member ward boundaries in response to the 2020 Census; providing for the redistricting of the four City Council Wards within the City of Rockport, Texas; providing a savings clause, severability clause and an effective date.

6. Deliberate and act on second & final reading of an Ordinance amending Chapter 14, (amusements and entertainments) of the City of Rockport Code of Ordinances; creating Article III, coin-operated machines; establishing an occupation tax; providing for applicable rules and regulations; providing for repealer, cumulative and severability clauses; and establishing an effective date.
7. Deliberate and act on a Resolution approving a plan of finance to issue General Obligation Refunding Bonds to refund a portion of the City's outstanding indebtedness and the acquisition and construction of certain public improvements, and authorizing the City's staff and professional advisors to prepare and distribute all documents and take all actions deemed necessary in connection with preparing for the issuance of such obligations, including the selection of underwriters and the preparation and distribution of a preliminary official statement.
8. Deliberate and act on a Resolution expressing official intent to reimburse costs incurred for the acquisition and construction of various capital improvements in the City.
9. Deliberate and act on a Resolution authorizing publication and posting of Notice of Intention to Issue Certificates of Obligation to finance street and drainage improvements.

10. Reports from Council.

At this time, the City Council will report/update on 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.

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:

11. 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: Concho Street Drainage Project.
12. Section 551.074 Personnel Matters - deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee: City Secretary Evaluation.

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.

13. Adjournment.

Special Accommodations

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations 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 citysec@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, January 7, 2022, 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* and *Corpus Christi Caller Times*.



Teresa Valdez, City Secretary

CITY COUNCIL AGENDA
Regular Meeting: Tuesday, January 11, 2022

AGENDA ITEM: 4

Deliberate and act on approval of Regular Meeting Minutes of December 14, 2021, and Special Meeting Minutes of December 30, 2021.

SUBMITTED BY: City Secretary Teresa Valdez

APPROVED FOR AGENDA: PKC

BACKGROUND: Please see the accompanying minutes of the Regular Meeting of December 14, 2021, and Special Meeting of December 30, 2021.

FISCAL ANALYSIS: N/A

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

CITY OF ROCKPORT

MINUTES

CITY COUNCIL REGULAR MEETING

6:30 p.m., Tuesday, December 14, 2021

**Rockport Service Center, 2751 State Highway 35 Bypass
and
Via Video Conferencing Application ZOOM**

Social distancing guidelines and the video conferencing application ZOOM are actions were taken to mitigate the spread of COVID-19. Video conferencing capabilities were utilized to allow individuals to address the City Council. 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 provided on the Agenda, 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 Mayor will read the comments and they will be summarized in the minutes of the meeting.

On the 14th day of December 2021, 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 with social distancing guidelines and using the video conferencing application ZOOM, 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 Patrick R. Rios
Mayor Pro-Tem J.D. Villa, Ward 2
Council Member Katy Jackson, Ward 1
Council Member Brad Brundrett, Ward 3
Council Member Andrea Hattman, Ward 4

CITY COUNCIL MEMBER(S) ABSENT

STAFF MEMBERS PRESENT

City Manager Kevin Carruth
Interim City Manager Richard Morton
Assistant to City Manager Kimberly Henry
City Secretary Teresa Valdez
City Attorney Matt Longoria
Director of Finance Katie Griffin
Parks & Leisure Services Director Rick Martinez
Director of Public Works and Building & Development Services Mike Donoho
Community Planner/Assistant Director of Building & Development Carey Dietrich
Public Works Street Superintendent Ryan Picarazzi
Chief of Police Greg Stevens
Information Technology Director Bob Argetsinger

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 Rios at 6:30 p.m. on Tuesday, December 14, 2021, in the Training Room of the Rockport Service Center, 2751 State Highway 35 Bypass, Rockport, Texas, and via video conferencing application ZOOM.

2. Pledge of Allegiance.

Council Member Hattman led the Pledge of Allegiance to the U.S. flag.

Mayor Rios wished everyone a great holiday season and Merry Christmas.

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 subject matter that is not on the agenda, will be read by the Mayor 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.

Sandy Jumper, 4166 FM 1781, addressed the Council and stated Rockport was voted #3 in the USA 10 Best Coastal Small Towns in the United States. Ms. Jumper said this was quite an honor and we have been in the top ten six times since 2015, the only time we were not in was 2017. Ms. Jumper stated a logo has been received and she presented it to the Mayor.

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 Regular Meeting Minutes of November 23, 2021, and Special Meeting Minutes of December 9, 2021.

5. Deliberate and act on approval of a license and services agreement with Tyler Technologies for their Incode Public Safety system and authorizing the City Manager to negotiate and execute all necessary documents.

6. Deliberate and act on report from Rockport-Fulton Chamber of Commerce for marketing expenditures made for 2021 Seafair.

7. Deliberate and act on a Memorandum of Understanding with Aransas County Independent School District for law enforcement mutual assistance.

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

MOTION: Mayor Pro-Tem Villa moved to approve the Consent Agenda Items, as presented. Council Member Jackson seconded the motion. Motion carried unanimously.

Public Hearing

8. Conduct a Public Hearing on an Ordinance adopting a new voting ward map thereby revising City Council Member boundaries and reapportioning population in response to the 2020 Census.

Mayor Rios opened the Public Hearing at 6:37 p.m.

Mayor Rios said maps of the proposed new voting ward map had been placed on the walls for everyone to see.

There were no public comments.

Council Member Brundrett asked if we knew what Aransas County was going to have to do since we have a population of over 10,000.

Mayor Rios answered we did not know.

Mayor Rios closed the Public Hearing at 6:38 p.m.

Point of Privilege – Mayor Rios introduced Richard Morton who will serve as the Interim City Manager beginning January 10, 2022. Mayor Rios said Mr. Morton will be here the next couple of days and he looked forward to working with Mr. Morton.

Regular Agenda

9. Deliberate and act on first reading of an Ordinance approving and adopting the new voting ward reapportionment map of the City and revising the Council Member ward boundaries in response to the 2020 Census; providing for the redistricting of the four City Council Wards within the City of Rockport, Texas; providing a savings clause, severability clause and an effective date.

Mayor Rios said the Council has received the final map with the changes discussed at prior meetings.

City Attorney Matt Longoria said the map reflects the discussion by Council and City Attorney Dan Santee at the Workshop on November 10, 2021.

Council Member Brundrett asked the amount of deviation.

City Manager Kevin Carruth answered the deviation is 8.01%.

MOTION: Mayor Pro-Tem Villa moved to approve the first reading of an Ordinance approving and adopting the new voting ward reapportionment map of the City and revising the Council Member ward boundaries in response to the 2020 Census; providing for the redistricting of the four City Council Wards within the City of Rockport, Texas; providing a savings clause, severability clause and an effective date. Council Member Brundrett seconded the motion. Motion carried unanimously.

10. Deliberate and act to accept the Utility Bill Surcharge Fund Disbursement Report, Annual Reports from Fulton, Lamar, and Rockport Volunteer Fire Departments, and authorize disbursement of funds.

Finance Director Katie Griffin addressed the Council. Ms. Griffin said utility bill surcharge funds are collected from utility customers and distributed to the three Aransas County volunteer fire departments at the end of the fiscal year. Ms. Griffin stated the total amount collected this year was just shy of \$190,000. Utility Bill Surcharge Fund Disbursement Report, and the Annual Reports from the Rockport and Lamar Volunteer Fire Departments are included in the Agenda Packet and the Fulton Volunteer Fire Department's report was received today and copies made for Council.

MOTION: Mayor Pro-Tem Villa moved to accept the Utility Bill Surcharge Fund Disbursement Report, as presented and approve disbursement of funds to the Rockport, Fulton and Lamar Volunteer Fire Departments. Council Member Jackson seconded the motion. Motion carried unanimously.

Mayor Rios presented a \$135,473.08 check to Chief Matthew Grimes, Rockport Volunteer Fire Department.

Mayor Rios presented a \$40,465.99 check to David Mays with the Fulton Volunteer Fire Department.

Mayor Rios presented a \$4,422.69 check to Chief Carl Stubbs, Lamar Volunteer Fire Department.

11. Deliberate and act on the Certificate of Appropriateness Application submitted by Tasha Martin on behalf of Derek Hurst to add a covered outdoor seating area and fencing on the southside of the property at 507 S. Austin Street, also known as Rock Bottom Park and Pub.

Tasha Martin and Bea Hulett addressed the Council. Ms. Martin said they have purchased the building and are asking for variances on the columns, fencing and roof. Ms. Martin stated they have met with Keep Aransas County Beautiful, and they are going to donate the shrubbery and the Cultural Art District is going to use the area as a geopath, and the Cultural Art District is going to apply for a grant to do a Mural on the building. Ms. Martin declared that everything they are requesting has already been done in the Downtown District.

Council Member Brundrett asked Ms. Martin if the things being asked for by staff, following the Historic District Overlay Code, are reasonable. Mr. Brundrett commented he did not want to put any more burdens on small businesses.

Ms. Martin stated that was part of the problem, those things created a 25% increase in cost overall. Ms. Martin said they did go to non-smoking after COVID and that pushed people outside and it has been quite a struggle to get where they are today.

Council Member Jackson said she has not received any pushback from anyone in Ward 1 regarding the variance requests. Council Member Jackson stated she thought it was a great idea.

Discussion was held among Council, Ms. Martin and Ms. Hulett regarding the proposed changes.

MOTION: Mayor Pro-Tem Villa moved to approve the variance for the wood fence, waiving requirements of Chapter 118-266, Section 6.1 #7 and Chapter 118-267, Section 7.3.4 ii; to the Certificate of Appropriateness Application submitted by Tasha Martin on behalf of Derek Hurst to add a covered outdoor seating area and fencing on the southside of the property at 507 S. Austin Street, also known as Rock Bottom Park and Pub; they are still required to do the wrapping of the metal posts and exhibit the Tri-partite architecture as required. Council Member Hattman seconded the motion.

AMENDED MOTION: Mayor Pro-Tem moved to amend his motion to include approval of the variance to allow the regular metal roof rather than a standing seam metal roof, waiving the requirement of Chapter 118-267, Section 7.3.1. Council Member Hattman seconded the motion. Motion carried unanimously.

12. Deliberate and act on first reading of an ordinance amending Chapter 14, (amusements and entertainments) of the City of Rockport Code of Ordinances; creating Article III, coin-operated machines; establishing an occupation tax; providing for applicable rules and regulations; providing for repealer, cumulative and severability clauses; and establishing an effective date.

City Manager Kevin Carruth stated about one and one-half years ago the City received a couple of requests to set up game rooms inside the City limits. The Council adopted a six-month moratorium while staff researched and developed a recommendation for Council. Mr. Carruth called the Council's attention to the proposed Ordinance and stated there were two revisions to the Ordinance enclosed in the Agenda Packet: in the *Coin-operated machine* definition it should say "Every machine or device..... or are transferred to the machine by **any other** means ~~of an electronic or electronmagnetic card~~."; and "When a machine or device..... Or are transferred to the machine by **any other** means ~~of an electronic or electronmagnetic card~~, each station....."

Brief discussion was held among Council and Mr. Carruth.

MOTION: Council Member Brundrett moved to approve the first reading of an ordinance with the revisions noted by Mr. Carruth, amending Chapter 14, (amusements and entertainments) of the

City of Rockport Code of Ordinances; creating Article III, coin-operated machines; establishing an occupation tax; providing for applicable rules and regulations; providing for repealer, cumulative and severability clauses; and establishing an effective date. Council Member Jackson seconded the motion. Motion carried unanimously.

13. Hear and deliberate on presentation of status of drainage maintenance and repair projects.

Ken Barron, 402 Cascades, addressed the Council and commented he hoped this discussion was about repairs to the storm sewer in the Rockport Country Club. Mr. Barron requested the City to prepare a plan of activities and schedule for repairs to the storm sewer in the Country Club. Mr. Barron commented a lot of people have vested interest in this and they need to know.

Adelaide Marlatt, 456 Augusta, addressed the Council and said she had an accounting question: Why are the liquidated damages of \$5,000 a day being charged to the Drainage Maintenance account and not to the Concho Street project. Ms. Marlatt stated she did not understand it being charged to the maintenance and it seemed you could find the money somewhere.

Mayor Rios answered the liquidated damages are being charged because the Aransas County Navigation District has placed a cease and desist on the project and all projects are possibly in jeopardy. Mayor Rios said there is no money anywhere else to pay for this.

Director of Public Works and Building & Development Services Mike Donoho said the City talked to the contractor and they have found an alternative location to work on so at the present we are not incurring liquidated damages charges.

Mayor Pro-Tem Villa told Ms. Marlatt to call the Navigation District.

Mayor Rios explained this is taxpayer money and other projects are grant money and if the Federal or State governments get wind of this, there is a potential to lose this money; he has attempted to talk to them.

Ms. Marlatt said if the City could find a place to put those costs otherwise it is going to eat all that money up.

Mayor Rios responded: "Help us and call the Aransas County Navigation District Commissioners."

Ms. Marlatt commented: "Good luck and thank you for making us aware."

Mr. Donoho stated a list of projects completed and a map of the areas where work is going to be conducted was included in the Agenda Packet. Mr. Donoho said in reference to Mr. Barron's request, the City has two contractors working all over town; a camera to run in the drainage pipe along the golf course will be used to locate areas of damage/concern and then we will come up with a scope of work. Mr. Donoho expressed he hoped everyone understands that if we complete these projects, water will flow down more rapidly during a normal rain event. Mr. Donoho added

then we will have to have a maintenance program to continue it; we are diligently working everyday – contractors working, and we are doing the best we can to spend the money wisely.

Public Works Street Superintendent Ryan Picarazzi addressed the Council. Mr. Picarazzi stated the engineer on the project is looking for options; mowing is being done around the T-box at the Rockport Country Club golf course and it is important for them (Country Club maintenance) to do their work. Mr. Picarazzi said this is not on a backburner and the City is not turning a blind eye; it's just one of the moving parts right now.

Council Member Jackson asked about Balderree Lane, Shell Ridge, Lamar Drive, Spring Lane and Portia.

Mr. Picarazzi said the best maintenance we can do at Balderree Lane is ditch cleaning on both sides to allow water to go to the ditch along Highway 35. Mr. Picarazzi stated Shell Ridge is a County project. Mr. Picarazzi explained in the last 5-10 years Lamar Drive, Spring Lane and Portia have had noted problems; narrow roads. Mr. Picarazzi said \$165,000 rollover to dig out ditches has been identified by Finance; Coastal Wildwood is looking with their engineers to try and convey water from there to the City right-of-way on Lamar Drive – plans in place, just need to connect the issue.

Mayor Pro-Tem Villa stated the ditch at Fuqua and Hackberry floods constantly and the State just dug it out; there is a house directly across that floods out.

Mr. Picarazzi explained how far the water has to flow and there is a problem at Loop 70; this needs to drain into Salt Flats but property would have to be purchased to convey the water where it needs to go. Mr. Picarazzi stated this has not been brought to upper management, but it is on the Master Drainage Plan.

Discussion was held among Council and Mr. Picarazzi regarding other areas of concern.

Ms. Marlatt said she receives calls from the ladies in the Rockport Country Club whose homes were flooded and what is she supposed to tell these ladies.

Mr. Barron asked when the camera work would begin.

Mr. Picarazzi said we do not currently have a plan of action but are working with the engineer. Mr. Picarazzi expressed when he has a date for work to be done in the Country Club, he will let Mr. Barron know.

Mayor Rios declared these questions cannot be answered at this time and inquiries will not work.

Mayor Rios thanked Mr. Picarazzi for the information he provided.

14. Hear and deliberate on proposed revision to city council meeting agenda process.

City Manager Kevin Carruth informed the Council the City Attorney has requested he review the Agenda packet prior to it being finalized and posted; if changes are to be made, staff needs time to do this. Mr. Carruth said the City Attorney wants everything by Noon on the Thursday before the following Tuesday Council meeting; as a result, the deadline for getting requests for being placed on an agenda will be 14 days prior to the meeting date, effective December 15, 2021. Mr. Carruth added staff will continue to have a seven day deadline.

Mayor Rios stated it is still anticipated that the Agenda and Agenda Packet will be posted on Friday afternoons.

Council Member Brundrett stated this did not seem to unreasonable but was it a burden on staff or the citizenry.

Mayor Rios answered “no”.

15. Reports from Council.

At this time, the City Council will report/update on 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 Jackson thanked the Parks Department for a fabulous job on Tropical Christmas; a good time was had by all. Council Member Jackson stated Christmas in the District was successful and the merchants appreciate everyone who came and supported them. Council Member Jackson wished everyone a Merry Christmas.

Mayor Pro-Tem Villa said it is coming into the holidays and everyone will be going and enjoying families; want everyone to come back safely.

Council Member Brundrett said Tropical Christmas was well attended and he heard fantastic things about it, especially the fireworks. Council Member Brundrett stated Christmas in the District was well attended. Council Member Brundrett wished everyone a Merry Christmas, Happy New Year; be safe and see you in 2022.

Council Member Hattman said the Tropical Christmas and Christmas in the District were great event. Council Member Hattman asked everyone to be careful because there have been some thefts in the Rockport Country Club. Council Member Hattman reminded everyone of Christmas on the Beach and encouraged everyone to visit it and support the non-profits. Council Member Hattman wished everyone a Merry Christmas and to stay safe; she appreciates everyone.

Mayor Rios stated the Wreaths Across America ceremony is Saturday at 11:00 a.m. at Veterans Park and he encouraged everyone to attend. Mayor Rios said this is City Manager Kevin Carruth’s last meeting and it has been a privilege to work with him and he wishes him well in future

endeavors; Mr. Carruth always worked with the best intentions for the City and citizens.

Council Member Brundrett and Hattman thanked Kevin.

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:

- 16. 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 government body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the chapter: (a) Concho Street Drainage Project.; (b) ACISD CNG Facility Agreement.**
- 17. Section 551.074 Personnel Matters – deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer of employee: City Secretary evaluation.**

At 7:54 p.m., Mayor Rios convened the Rockport City Council into an executive session pursuant to Government Code Sections 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 government body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the chapter: (a) Concho Street Drainage Project; (b) ACISD CNG Facility Agreement; and Section 551.074 (Personnel Matters) deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer of employee: City Secretary evaluation.

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 9:07 p.m., Mayor Rios reconvened the Rockport City Council into open session pursuant to the provisions of Chapter 551 of the Texas Government Code.

MOTION: Council Member Jackson moved to form a Litigation Committee consisting of Mayor, Mayor Pro-Tem and City Manager in regard to possible litigation with regards to Concho Street Drainage Project. Council Member Hattman seconded the motion. Motion carried unanimously.

18. Adjournment.

At 9:08 p.m., Mayor Pro-Tem Villa moved to adjourn. Motion was seconded by Council Member Jackson. Motion carried unanimously.

APPROVED:

Patrick R. Rios, Mayor

ATTEST:

Teresa Valdez, City Secretary

CITY OF ROCKPORT

MINUTES

CITY COUNCIL SPECIAL MEETING 3:30 p.m., Thursday, December 30, 2021 Rockport Service Center, 3751 State Highway 35 Bypass and Via Video Conferencing Application ZOOM

A temporary suspension of the Open Meetings Act to allow telephone or video conference public meetings was granted by Governor Greg Abbott. These actions were being taken to mitigate the spread of COVID-19 by avoiding meetings that bring people into a group setting and in accordance with Section 418.016 of the Texas Government Code.

Due to the COVID-19 pandemic, the attorney general has said: “statutes that may be interpreted to require face-to-face interaction between members of the public and public officials are suspended; provided, however, that the governmental bodies must offer alternative methods of communicating with their public officials.” 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 provided on the Agenda, or if attending the meeting in person register at the meeting. Using the same form, citizens can also provide written comments to the City Secretary by 1:00 p.m. on the day of the meeting. The Mayor will read the comments and they will be summarized in the minutes of the meeting.

On the 30th day of December 2021, the City Council of the City of Rockport, Aransas County, Texas, convened in Regular Session at 3:46 p.m., at the Training Room of the Rockport Service Center and via video conferencing application ZOOM, 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 Patrick R. Rios
Mayor Pro-Tem J.D. Villa, Ward 2
Council Member Katy Jackson, Ward 1
Council Member Brad Brundrett, Ward 3 – *Via ZOOM*
Council Member Andrea Hattman, Ward 4

CITY COUNCIL MEMBER(S) ABSENT

STAFF MEMBERS PRESENT

City Manager Kevin Carruth
Assistant to City Manager Kimberly Henry
Director of Public Works & Building Services Mike Donoho – *Via ZOOM*
Director of Finance Katie Griffin – *Via ZOOM*

ELECTED OFFICIALS PRESENT

Opening Agenda

1. Call to Order.

With a quorum of the Council Members present, the Special Meeting of the Rockport City Council was called to order by Mayor Rios 3:46 p.m. on Thursday, December 30, 2021, in the Training Room of the Rockport Service Center, 2751 State Highway 35 Bypass, Rockport, Texas, and via video conferencing application ZOOM.

2. 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 1:00 p.m. on the day of the meeting, on any subject matter that is not on the agenda, will be read by the Mayor 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 to be heard.

Regular Agenda

3. Hear and deliberate on presentation concerning city hall construction bids and funding.

Mayor Rios explained that requests for proposals were sought under the usual FEMA approved standards and the deadline was extended to December 9, 2021. Of the sixty general and subcontractors that downloaded the plans, and the large number of attendees at the pre-bid conference, there were still only two bids received. The base bids for City Hall only were Fulton Construction at \$19,162,000 and Teal Construction at \$16,380,000. Staff have been working with the low bidder of Teal Construction to see where cuts can be made to get closer to the construction cost estimate of \$12,195,238. Due to the current pandemic related financial issues and supply shortages, this is a difficult time to get bids for projects.

Paul Bonnette of PGAL (the City's architect/engineer firm) stated that throughout the process, the staff and engineers worked together to use smart materials and find cost saving solutions. There were at least five different estimates performed to make sure we were on target and within budget. Unfortunately, the market is currently higher than engineers estimates all over the place, not just Rockport.

Mark Williams of Broaddus Companies (the City's project management firm) noted that staff and contractors alike have been value engineering where possible throughout the process. The last estimate for construction only of the city hall site only was estimated to be about \$45/square foot higher than the county courthouse because of the difference in size. Since that time, material costs have increased. We have been working with the low bidder to consider items such as reducing the mill work, using a different generator, the city purchasing the generator directly, and several other items the low bidder can explain in more detail. We have all seen price increases during the current COVID pandemic, but new construction has been severely affected. Any action needs to be taken sooner rather than later before prices go any higher.

Michael Miller and John Murry of Teal Construction were both present to answer any questions. Mr. Miller thanked the Council for holding a special meeting in the middle of the holidays. He explained that the during the bid process, Teal Construction made sure the subcontractors knew

they could bid on the two buildings separately and both together in order to provide options for the City and County. Contractors like Teal are experiencing that their subcontractors, as they realize their staffing levels are limited due to the pandemic, and the joint mission is a large project. Prior to the pandemic this would have been a simple joint venture, but with current shortages of skilled labor and products, subcontractors are limiting the size of their bids to their current labor force. At the pre-bid conference there were a lot of out-of-town contractors; however, they are experiencing similar issues with their subcontractors and therefore restricting their responses to their own areas of Texas instead of trying to relocate their crews to out of town areas.

Mr. Miller provided a proprietary handout to the Council offering suggestions for some potential economy of scale decreases which included: type and location of generator, reduction of mill work, use paint instead of paneling, laminate instead of wood, roofing materials, instahot water heaters throughout instead of a central water heater, aluminum in lieu of copper feeders, different light fixtures and cable drops, and various other items that could be approximately a million dollars in savings. These were just a few of the bigger ticket items they were able to talk with their subcontractors with during the holidays. If Teal Construction is awarded the contract, Mr. Miller stated he can get more into the details to find more savings. Even if these suggestions appear good on paper, they still have to be vetted with the engineer to make sure they are sound choices for the project.

Mayor Pro-Tem Villa questioned if all products are USA made products.

Mr. Bonnette stated that was not a requirement of the Request For Proposals (RFP) process.

There was general discussion that no decision could be made today due to Federal Emergency Management Agency (FEMA) not providing the City with approval to move forward since we only received two bids. The Texas Division of Emergency Management (TDEM) has agreed that all that could be done to secure a minimum of three bids was done; however, FEMA has not responded.

Mayor Rios noted that when the City funded the 2020 Tax Notes, it was prior to the extended staffing and product shortages. Even with the on-going value engineering, we will still have a short fall for this project and the longer we have to wait to approve the project, the more the costs can go up.

The City's Financial Advisor, Bob Henderson of RBC Capital Markets, explained the history of the 2020 request starting at approximately \$20 million and then decreased to approximately \$14 million, and how as a Tax Note it was limited to 7 years; however, we advised that at a later date the City could refinance for a longer term to spread the cost out over 15 years, which is 20% of the 75 year expectation for the life of City Hall. If we do the refinance now, the City will have another \$11.6 million of available debt to keep the city at the same Interest and Sinking (I&S) Fund Rate. This still give the City ample debt capacity in another 4-5 years.

The City's Bond Counsel Advisor, Tom Spurgeon with McCall, Parkhurst and Horton, LLP, explained that HB 1869 placed a lot of new restrictions for debt without an election. He provided a few of the parameters and stated he feels the City can move forward without having to wait for an election.

Mayor Rios stated that we cannot move forward with any contractor until FEMA approves of the fact that we only received two bids. In the meantime, we need to move forward with securing funding, because it is too late to turn back at this point. He further suggested that the budget to-date be reviewed either in January or February 2022 to make sure we are on track with everything else.

Council Member Brundrett questioned what projects besides City Hall the staff are considering for the approximately \$11.6 million.

City Manager Kevin Carruth stated the \$11.6M is the maximum; however, the City can always do less. Projects to be considered are:

Emergency Communications Center	\$ 834,508
Vehicles/Equipment	\$1,900,000
Drainage/Streets	\$3,500,000
City Hall	\$5,385,492

These projects can be further flushed out during this process. There are other options such as upgrades to the wastewater plant and more.

4. Deliberate and act on contingent authorization of contract negotiations with Teal Construction for City Hall project.

Council Member Brundrett questioned if we can continue to negotiate with Teal Construction to further reduce the prices.

Mr. Miller stated they can continue to look into possible savings; however, the cost of materials continues to go up.

MOTION: Mayor Pro-Tem Villa moved to authorize the Mayor to continue negotiations with Teal Construction for the City Hall project. Motion was seconded by Council Member Hattman. The motion carried unanimously.

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:

5. 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: Concho Street Drainage Project.

At 5:08 p.m. Mayor Rios convened the Rockport City Council into an Executive Session pursuant to Government Code 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: Concho Street Drainage Project.

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 execution session noted herein, and or related items.

At 5:45 p.m. Mayor Rios reconvened the Rockport City Council into open session pursuant to the provisions of Chapter 551 of the Texas Government Code to take any actions necessary related to the executive session noted herein, and or related items.

MOTION: Council Member Jackson moved for the Mayor to negotiate with Jerry Brundrett to provide consultant services to the City with respect to the Concho Street Drainage Project. Council Member Hattman seconded the motion. Motion carried unanimously.

6. Adjournment.

At 5:46 p.m. Mayor Pro-Tem Villa moved to adjourn. Motion was seconded by Council Member Hattman. Motion carried unanimously.

APPROVED:

Patrick R. Rios, Mayor

ATTEST:

Teresa Valdez, City Secretary

CITY COUNCIL AGENDA

Regular Meeting: Tuesday, January 11, 2022

AGENDA ITEM: 5

Deliberate and act on second & final reading of an Ordinance approving and adopting the new voting ward reapportionment map of the City and revising the Council Member ward boundaries in response to the 2020 Census; providing for the redistricting of the four City Council Wards within the City of Rockport, Texas; providing a savings clause, severability clause and an effective date.

SUBMITTED BY: City Attorney Dan Santee

APPROVED FOR AGENDA: PKC

BACKGROUND: The City of Rockport retained Denton, Navarro, Rocha, Bernal & Zech and Denton Navarro's GIS Consultants Doucet & Associates to review the 2020 Census Data upon its release and to advise the City on any necessary re-apportionment and re-districting. The existing maps were overlaid with new population and demographic information to make an initial determination as to whether or not additional mapping work would be required.

The maximum deviation allowed between district populations is 10%, absent a compelling and legal reason. The initial review indicates a deviation of 32%, thus requiring re-apportionment before new maps may be adopted. To undertake re-apportionment, census tract level data will be examined to assure compliance with federal law as the lines of district are re-drawn.

A change in a boundary of a territorial unit of a political subdivision other than a county from which an office of the political subdivision is elected is not effective for an election unless the date of the order or other action adopting the boundary change is more than three months before election day (Tex. Elec. Code, § 276.006). Thus, due to the extended delay in the release of data by the U.S. Census Bureau, we have a condensed window within which to complete and adopt our maps. The condensed timeline created by the delayed census data, the large population deviation in some of the wards, and the upcoming Thanksgiving and Christmas holidays preclude a longer process involving a committee.

The City Council held a workshop on November 10, 2021, to review map options prepared by the GIS Consultants and City Attorney. Discussion was held and it was the consensus of Council that additional map options be prepared based upon the workshop discussion and information that would be received from Council Members, particularly relating to not breaking up neighborhoods between Wards. At the November 23, 2021, City Council Meeting, the accompanying map labeled Option 6 incorporated the input from staff and Council and was presented to Council. Discussion was held and it was the consensus of Council that an additional map option be prepared based upon the discussion: 1) move area North of Palmetto Avenue from Ward 4 to Ward 3, 2) move the area between Sugar Creek Drive and Business Highway 35 back into Ward 4 because it is part of the Rockport County Club, and 3) move the unpopulated area along the bay back from Ward 3 into Ward 1, where it has been for some time. Please see the accompanying map and presentation for more information.

There have been no changes in format or content since Council approved the first reading of the Ordinance on December 14, 2021.

FISCAL ANALYSIS: N/A

RECOMMENDATION: Staff recommends Council approve the second & final reading of an Ordinance adopting the new voting ward reapportionment map of the City and revising the Council Member ward boundaries in response to the 2020 Census; providing for the redistricting of the four City Council Wards within the City of Rockport, Texas; providing a savings clause, severability clause and an effective date, as presented.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKPORT, TEXAS APPROVING AND ADOPTING THE NEW VOTING WARD REAPPORTIONMENT MAP OF THE CITY AND REVISING THE COUNCIL MEMBER WARD BOUNDARIES IN RESPONSE TO THE 2020 CENSUS; PROVIDING FOR THE REDISTRICTING OF THE FOUR (4) CITY COUNCIL WARDS WITHIN THE CITY OF ROCKPORT, TEXAS; PROVIDING A SAVINGS AND REPEALING CLAUSE, SEVERABILITY CLAUSE AND AN EFFECTIVE DATE

WHEREAS, based upon a review of the results of the 2020 U.S. Census Bureau decennial census, the City Council of the City of Rockport determined that the redistricting of its single member council wards, Ward 1, Ward 2, Ward 3, and Ward 4 was necessary and followed criteria to guide the development of a reapportionment plan and the drawing of new voting ward boundaries; and

WHEREAS, the City Council of the City of Rockport has undertaken to redraw the four council member wards for the convenience of the people and to equalize population and assure compliance with the applicable requirements of state and federal law; and

WHEREAS, the population of the City of Rockport, Texas (the “City”) is 10,038; and

WHEREAS, the existing City Council wards do not reflect equitable distribution of the population, while also accounting for predictable future growth; and

WHEREAS, the City Council shall adjust the boundaries of the wards by ordinance at least once every ten (10) years, according to the latest available Census figures, to keep each of the four (4) wards in approximately the same qualified voter strength; and

WHEREAS, the City has been working with its legal counsel and GIS Specialists from Doucet & Associates (“Doucet”) to address the boundaries of the current City Council wards; and

WHEREAS, having reviewed six mapping options provided by its consultants, the Council has selected the option they deemed best to harmonize the requirements of equality of population while accounting for predictable future growth; and

WHEREAS, the proposed redistricting map shows the revised wards encompassing the voting precinct boundaries; and

WHEREAS, following a public hearing, the City Council hereby finds that is in the best interest of the City to adopt the proposed redistricting map to better serve its citizens and in compliance with State and Federal laws.

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

Section 1. That all of the above premises are hereby found to be true and correct legislative and factual findings of the City of Rockport City Council and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

Section 2. That the voting ward map, attached hereto as Exhibit A, is hereby approved and adopted as the official voting ward map based on the 2020 Census for the four (4) electoral City Council wards.

Section 3. That the City Manager or his/her designee is hereby instructed to send a copy of this ordinance and the amended city council member ward maps to the proper officials of Aransas County so the County can make the necessary changes in the County's election precincts, as required by the Texas Election Code, and effective for the May 2022 City Council Election.

Section 4. This new voting ward map is effective immediately and shall be in full force and effect for the May 2022 municipal election and candidates shall file and voters shall vote in accordance with this map.

Section 5. The recitals contained in the preamble are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as part of the judgment and finding of the City Council.

Section 6. All Ordinances or parts of Ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 7. 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 8. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 9. It is officially found, determined, and declared 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, as required by Chapter 551, Texas Government Code, as amended.

Section 10. This Ordinance shall be in force and effect from and after its final passage, and it is so ordained.

PRESENTED AND APPROVED on first reading on the ____ day of December 2021, at a meeting of the City Council of the City of Rockport, Texas; and given second reading.

CITY OF ROCKPORT:

Patrick R. Rios, Mayor

ATTEST:

Teresa Valdez, City Secretary

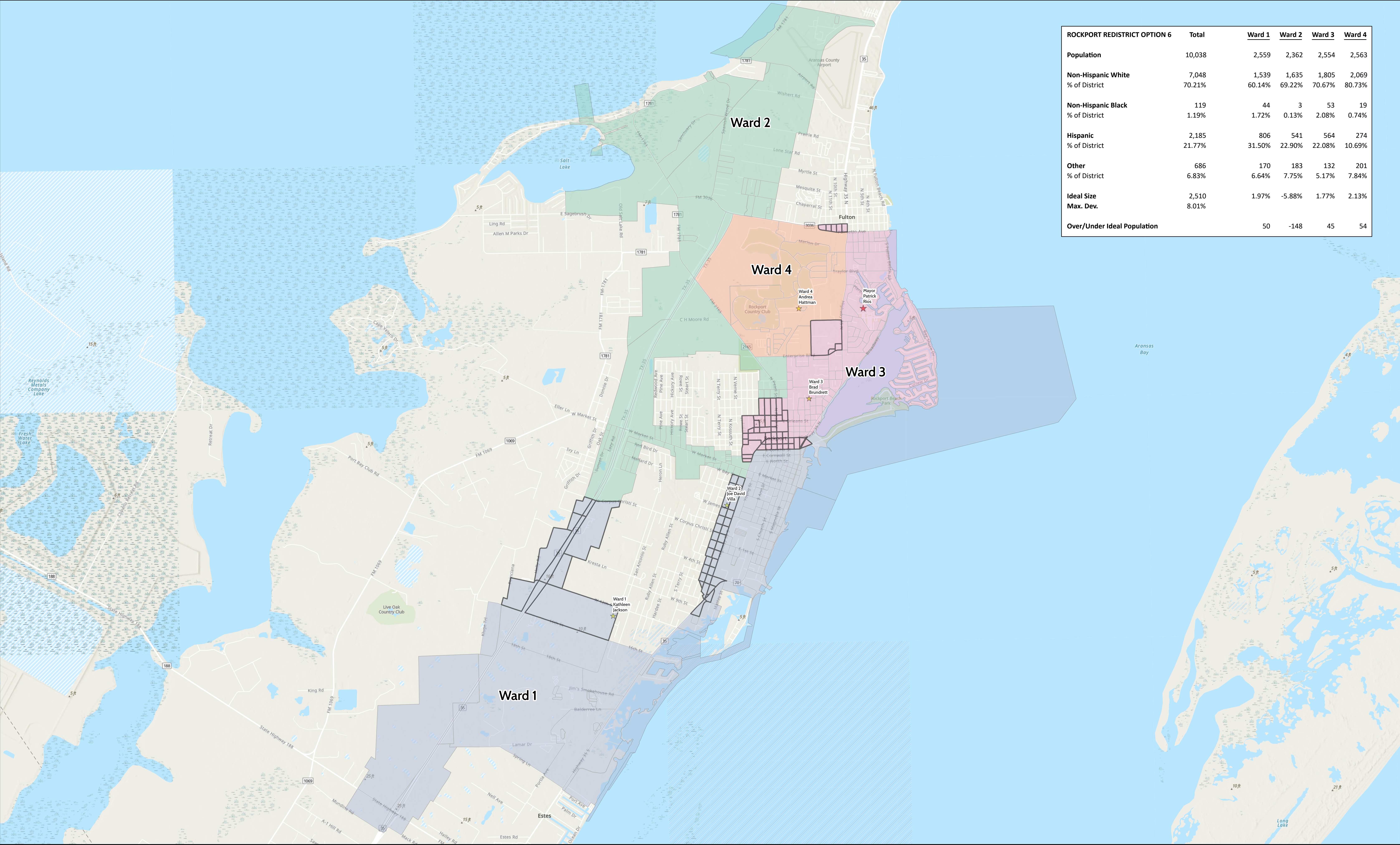
PASSED AND APPROVED on second and final reading the ____ day of _____ 2022.

CITY OF ROCKPORT:

Patrick R. Rios, Mayor

ATTEST:

Teresa Valdez, City Secretary



ROCKPORT REDISTRICT OPTION 6	Total	Ward 1	Ward 2	Ward 3	Ward 4
Population	10,038	2,559	2,362	2,554	2,563
Non-Hispanic White	7,048	1,539	1,635	1,805	2,069
% of District	70.21%	60.14%	69.22%	70.67%	80.73%
Non-Hispanic Black	119	44	3	53	19
% of District	1.19%	1.72%	0.13%	2.08%	0.74%
Hispanic	2,185	806	541	564	274
% of District	21.77%	31.50%	22.90%	22.08%	10.69%
Other	686	170	183	132	201
% of District	6.83%	6.64%	7.75%	5.17%	7.84%
Ideal Size	2,510	1.97%	-5.88%	1.77%	2.13%
Max. Dev.	8.01%				
Over/Under Ideal Population		50	-148	45	54

CITY COUNCIL AGENDA
Regular Meeting: Tuesday, January 11, 2022

AGENDA ITEM: 6

Deliberate and act on the second & final reading of an Ordinance amending Chapter 14, (amusements and entertainments) of the City of Rockport Code of Ordinances; creating Article III, coin-operated machines; establishing an occupation tax; providing for applicable rules and regulations; providing for repealer, cumulative and severability clauses; and establishing an effective date.

SUBMITTED BY: City Manager Kevin Carruth

APPROVED FOR AGENDA: PKC

BACKGROUND: On June 23, 2020, Council adopted an ordinance adopting a six-month moratorium on the acceptance of applications for the issuance of permits for the use of a location as an internet sweepstakes cafes or similar gaming machine establishments because staff had begun receiving inquiries from persons interested in opening game rooms inside the city limits. There is no specific case law provision prohibiting sweepstakes Internet cafes or other game rooms and the City therefore cannot currently prohibit the opening of such businesses; however, the City does have the ability to regulate and license such businesses. Please see the accompanying proposed ordinance for additional information.

There were two revisions made to the Ordinance and approved by Council on first reading on December 14, 2021. The changes are noted in red in the accompanying Ordinance.

FISCAL ANALYSIS: The proposed ordinance provides for the maximum fee per machine (25% of the State's fee) as well as an annual operator's permit of \$500.

RECOMMENDATION: Staff recommends Council approve the second & final reading of an Ordinance amending Chapter 14, (amusements and entertainments) of the City of Rockport Code of Ordinances; creating Article III, coin-operated machines; establishing an occupation tax; providing for applicable rules and regulations; providing for repealer, cumulative and severability clauses; and establishing an effective date, as presented.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ROCKPORT, TEXAS, AMENDING, CHAPTER 14, (AMUSEMENTS AND ENTERTAINMENTS) OF THE CITY OF ROCKPORT CODE OF ORDINANCES; CREATING ARTICLE III, COIN-OPERATED MACHINES; ESTABLISHING AN OCCUPATION TAX; PROVIDING FOR APPLICABLE RULES AND REGULATIONS; PROVIDING FOR REPEALER, CUMULATIVE AND SEVERABILITY CLAUSES; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Coin-Operated Machines are a popular method of entertainment and amusement, which include any kind of machine or device operated by or with a coin or other United States currency, metal slug, token, electronic card, or check, including a music or skill or pleasure machine; and

WHEREAS, many Coin-Operated Machines purport to be games of skill or chance even though the machines use a reflexive percentage arrangement to ensure predetermined outcomes that cheat the players; and

WHEREAS, there is potential for abuse in that persons operating establishments with Coin-Operated Machines can exceed the limitations set forth in the Texas Penal Code 47 and become gambling establishments; and

WHEREAS, the proliferation of these machines in the City necessitates increased regulation and review to ensure that such machines and game rooms are operated within lawful parameters; and

WHEREAS, as a home-rule municipality established and operating under the Texas Constitution and the City Charter of the City of Rockport, the City Council finds that it has authority to adopt licensing and business regulations as determined necessary and beneficial to the City; and

WHEREAS, Texas Occupations Code Chapter 2153 authorizes a city to impose an occupation tax on coin-operated machines that may not exceed one-fourth of the state tax and expressly authorizes a city to regulate coin-operated machines, including restricting exhibit of a coin-operated amusement machine within 300 feet of a church, school, or hospital; and

WHEREAS, the City Council of the City of Rockport is adopting this ordinance for the purpose of promoting and protecting the public health, safety and general welfare of the community and in the furtherance of conserving the value of property and establishing a community desirable to reside therein; and

WHEREAS, the City council of the City of Rockport finds that adoption of procedures for licensing, permitting and regulating the location and operation of Coin-Operated Machines is in the best interest of the citizens of Rockport.

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

Section 1. The City Council hereby amends the City of Rockport Code of Ordinances, Chapter 14, Amusements and Entertainments, by creating ARTICLE III, Game Rooms and Coin-Operated Machines, as set forth in the attached Exhibit A, incorporated fully 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. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

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 be effective upon the date of final adoption hereof and any publication required by law.

PRESENTED AND APPROVED on first reading on the 14th day of December 2021, at a meeting of the City Council of the City of Rockport, Texas; and given second reading.

CITY OF ROCKPORT:

Patrick R. Rios, Mayor

ATTEST:

Teresa Valdez, City Secretary

APPROVED, PASSED, and ADOPTED on the ____ day of January 2022, by a vote of ____
ayes and ____ nays at a regular meeting of the City Council of the City of Rockport, Texas.

CITY OF ROCKPORT:

Patrick R. Rios, Mayor

ATTEST:

Teresa Valdez, City Secretary

APPROVED AS TO FORM:
DNRBZ, City Attorney

EXHIBIT A

**CHAPTER 14 OF THE CITY OF ROCKPORT CODE OF ORDINANCES IS HEREBY
AMENDED AS PROVIDED BELOW.**

ARTICLE III. COIN-OPERATED MACHINES

Sec. 14-30. Definitions

The following words, terms and phrases as used in this article are defined as follows:

Applicant. Any person, firm, company, association, franchise, or corporation that applies for an operator's game room permit under this article. The term "applicant" shall include each member of a partnership when the applicant is a partnership. If a member of the applicant partnership is not a person, the applicant shall include those persons holding a ten-percent or greater interest in the entity that constitutes that member of the partnership applicant. The term "applicant" shall include each officer, director, and holder of a ten-percent or greater interest of a corporation, firm or association when the applicant is a corporation, firm, association, or franchise. If the holder of a ten-percent or greater interest in a corporation, firm or association applicant is not a person, the applicant shall include those persons holding a ten-percent or greater interest in the entity which holds a ten-percent or greater interest in the corporation, firm or association which is the applicant. The term "applicant" shall include the franchisee, or holder of a franchise license, when the applicant is a franchised business. If a member of the applicant franchise is not a person, the applicant shall include those persons holding a ten-percent or greater interest in the entity that constitutes that member of the franchise applicant. When a permit is issued under this article, the Applicant becomes the permit holder.

Chief of police. The chief of police of the City of Rockport or his designated agent.

Coin-operated machine. Every machine or device of any kind or character, which is operated by or with credits or points which have been purchased with anything of value, including coins, slugs, tokens, paper money, checks, credit or debit cards, or stored value cards, whether those points or credits are purchased directly at the machine or at a central station or terminal, or are transferred to the machine by any other means ~~of an electronic or electromagnetic card~~. When a machine or device allows more than one person to simultaneously operate the machine or device by or with credits or points which have been purchased with anything of value, including coins, slugs, tokens, paper money, checks, credit or debit cards, or stored value cards, whether those points or credits are purchased directly at the machine or at a central station or terminal, or are transferred to the machine by any other means ~~of an electronic or electromagnetic card~~, each station or location on the machine or device where a person can operate the machine or device shall be considered an individual "coin-operated machine." "Music coin-operated machines" and "skill or pleasure coin-operated machines" as those terms are hereinafter defined shall be included in such term.

Music coin-operated machine. Every machine or device of any kind or character that dispenses or vends or that is used for dispensing or vending music and is operated by or with coins, metal slugs, paper money, tokens, checks, or credit or debit cards.

Operator. Any person, firm, company, association, or corporation which exhibits, displays or permits to be exhibited or displayed, in a place of business, any coin-operated machine in the city.

Person. Includes any natural person, association of natural persons, trustee, receiver, partnership, corporation, organization, or the manager, agent, servant, or employee of any of them.

Service coin-operated machine. Every pay toilet, pay telephone, and all other machines which dispense service only and not merchandise, music, skill, or pleasure.

Skill or pleasure coin-operated machine. Every coin-operated machine of any kind or character whatsoever, when such machine or machines dispenses or are used or are capable of being used or operated for amusement or pleasure or when such machines are operated for the purpose of dispensing or affording skill or pleasure or for any other purpose other than the dispensing or vending of merchandise or music or service exclusively, as those terms are defined in this section.

Sec. 14-31. Illegal machines

Nothing contained in this article shall be construed or have the effect to license, permit, authorize or legalize any machine, device, table or coin-operated machine, the keeping, exhibition, operation, displaying or maintenance of which is illegal or in violation of any article of the Penal Code of this state or the constitution of this state.

Sec. 14-32. Fees - amount; registration

(a) Every operator who exhibits or displays or who permits to be exhibited or displayed in the city any coin-operated machine shall pay an annual occupation tax on each coin-operated machine. All associated fees shall be set by the current fiscal budget of the city. If no fee is established by budget ordinance, a minimum fee of fifteen dollars (\$15.00) occupation tax per machine shall be required.

(b) All occupation taxes for coin-operated machines are payable in advance. Prior to payment of the tax every operator shall register each machine by make, model, and serial number with the city secretary or designated agent.

(c) Every operator shall register each spare circuit board or control module by make, model, and serial number with the city secretary or designated agent, although no additional occupation tax will be levied against circuit boards or control modules which are not actually in service. Every operator shall notify the city secretary or designated agent if and when the circuit board or control module for a coin-operated machine is placed into service.

Sec. 14-33. Exemptions

Gas meters, pay telephones, pay toilets, food vending machines, confection vending machines, beverage vending machines, merchandise vending machines, motor vehicle fuel pumps or

recharging stations, and cigarette vending machines which are now subject to an occupation or gross receipts tax, stamp vending machines, and “service coin-operated machines,” as that term is defined, are expressly exempt from the tax levied herein, and the other provisions of this article.

Sec. 14-34. Issuance and display of decal as evidence of payment

(a) The decal issued by the city secretary to evidence payment of the tax levied herein shall be securely attached with its own adhesive to a fixed part of the coin-operated machine. The decal shall be affixed to the machine in a manner prescribed by the city secretary.

(b) During the last quarter of each year, operators shall pay the occupation tax, register the machines taxed, and receive a decal for each coin-operated machine to be within the city on January 1st of the following year.

Sec. 14-35. Sealing machine for nonpayment

The chief of police may seal any such machine upon which the tax has not been paid in a manner that will prevent further operation. The city secretary shall charge a fee of five dollars (\$5.00) for the release of any machine sealed for nonpayment of tax. The fee shall be paid to the city secretary by cashier’s check or money order. It shall be unlawful to break the seal affixed in the name of the city or exhibit, display or remove from location any machine on which the seal has been broken.

Sec. 14-36. Operator’s Permit - Required; fee; renewal

(a) Any operator whose business operates six (6) or more skill or pleasure coin-operated machines or any operator whose principal business is the operation of skill or pleasure coin-operated machines, without regard to number, shall obtain an operator’s game room permit from the city secretary.

(b) All associated fees for obtaining an operator’s game room permit shall be set by the current fiscal budget of the city. If no fee is established by budget ordinance, a minimum fee of five hundred dollars (\$500.00) for the administrative costs of processing the operator’s game room permit shall be required.

(c) Each time the location of a machine is changed, the operator shall notify the city secretary of the change by filing an amendment to the operator’s game room permit application within ten (10) days of the change.

(d) An application for the renewal of an operator’s game room permit must be made to the city secretary by December 31st of each year.

Sec. 14-37. Application

(a) An operator’s game room permit application shall be obtained at the city secretary’s office.

(b) The applicant shall be required to furnish the following information:

(1) The name of the applicant's business and the address of the location where the machines are to be located.

(2) The date of birth and full legal name, including any and all names by which the person has been known, of the applicant and of each person included within the definition of applicant as set forth at Sec. 14-30 of this article.

(3) If the applicant is a corporation, the exact corporate name, state of incorporation and principal place of business for the corporation.

(4) The current residence address and telephone number of the applicant and of each person included within the definition of applicant as set forth at Sec. 14-30 of this article.

(5) A copy of the driver's license, state identification card, or other forms of identification acceptable to the city secretary and sufficient to establish the truth and accuracy of the information provided in the application of the applicant and of each person included within the definition of applicant as set forth at Sec. 14-30 of this article.

(6) The name and home address of a local agent if the applicant is not a resident of the City of Rockport. If the applicant is a resident of the City of Rockport, the applicant may serve as the local agent or designate a separate individual as the local agent. A copy of the local agent's driver's license, state identification card, or other forms of identification acceptable to the city secretary and sufficient to establish the truth and accuracy of the information provided in the application.

(7) The name and home address of the manager of the applicant's business who will be primarily responsible for the day-to-day operations of the business. A copy of the manager's driver's license, state identification card, or other forms of identification acceptable to the city secretary and sufficient to establish the truth and accuracy of the information provided in the application.

(8) All felony and misdemeanor convictions and deferred adjudications, except for class C traffic offenses, of the applicant and of each person included within the definition of applicant as set forth at Sec. 14-30 of this article, and of the local agent and manager, including, but not limited to, any of the offenses as described in Sec. 14-39(d)(5) of this article, except for deferred adjudications when a court has issued an order of nondisclosure.

(9) The maximum number of skill or pleasure coin-operated machines to be located at the business.

(10) The landline telephone number for the address of the location where the machines are to be located.

(11) The application shall be signed under penalty of perjury by the applicant, attesting to the truth and accuracy of the information provided, including each document attached to the application.

(c) Only one operator's game room permit may be issued for a single location and each operator's game room permit is non-transferable to any other location or address or to any person, firm, company, association, franchise, or corporation that was not originally the applicant as set forth at section Sec. 14-30 of this article.

(d) The operator shall have a continuing duty, during the term of any operator's game room permit or renewal thereof, to notify the city secretary of any change in the information required to be submitted on the application for the operator's game room permit.

(e) Issuance of an operator's game room permit by the city secretary is contingent on the verification of the application information with assistance of other city departments as appropriate, including, without limitation, the police, planning and zoning, code enforcement, fire marshal, environmental health, and building inspection departments.

Sec. 14-38. Inspections

An applicant or permit holder shall permit representatives of the police department, building inspection department, fire department, code enforcement department and environmental health department of the city to inspect the premises of the game room business for the purpose of ensuring compliance with the law and this division at any time that the premises are occupied by one or more persons.

Sec. 14-39. Issuance or denial

(a) The chief of police shall investigate said application and the background of the applicant. At his or her discretion, the chief of police shall be assisted in his investigation by the building official, environmental health officer, code enforcement officer, and/or the fire marshal. Within forty-five (45) days after receipt by the city secretary of the fully completed application for the permit, including all attachments or submissions as may be required, the chief of police shall report the results of the investigation to the city secretary.

(b) Within sixty (60) days after receipt by the city secretary of the fully completed application for the permit, including all attachments or submissions as may be required, the city secretary shall inform the applicant by certified mail, return receipt requested, or by email if elected by the applicant, as to the approval or denial of said permit.

(c) The city secretary shall issue a permit to the Applicant which shall be valid only as to the game room activities described in the application and approved on the face of the permit, unless one or more of the following conditions exists:

- (1) The location of the game room business or enterprise is or would be in violation of the City of Rockport, Texas zoning ordinances.

(2) The applicant has failed to make full disclosure, or to supply all of the information requested on the application, or the application is otherwise incomplete.

(3) The applicant has provided false, fraudulent or untruthful information on the application, or is attempting to acquire the permit under false pretenses.

(4) The application or the establishment or the venture does not meet one or more of the requirements of this article.

(5) The correct permit fee has not been tendered to the city and, in the case of a check or bank draft, honored with payment upon presentation.

(6) The structure, configuration or layout of the premises, as proposed by the applicant, if permitted, would not comply with all applicable laws, including, but not limited to, the city building, zoning, fire prevention and protection, and health ordinances and regulations.

(7) The applicant or the manager or any other person principally in charge of the operation of the business is under eighteen (18) years of age, or is under twenty-one (21) years of age and the sale or consumption of alcoholic beverages would be an aspect of the venture.

(8) The applicant has not demonstrated that the applicant owns, leases or otherwise has or continues to have the lawful right to occupy and use the premises for the purpose stated in the application.

(9) The applicant has been a permit holder, owner, manager, local agent, or an employee with managerial responsibilities for a game room business when the permit for such business has been denied or revoked, within two (2) years preceding the date of the application.

(d) The city secretary shall not issue a permit to the applicant which shall be valid only as to the game room activities described in the application and approved on the face of the permit, unless:

(1) The parking ratio of one parking space per fifty (50) square feet of gross floor area is provided on the development lot.

(2) The legal description of the property of the business where the machines will be located is provided.

(3) The name of the owner of the property where the business is located is provided.

(4) A copy of the lease or rental agreement is provided, if the property is leased or rented. A sublease, agreement, or contract with a person or entity other than the person or entity listed with the Rockport County Central Appraisal District as the property owner for

the address where the business will be located shall not be sufficient to satisfy this requirement.

(5) The applicant and of each person included within the definition of applicant as set forth at Sec. 14-30 of this article, the manager, and the local agent, has not been convicted or received a deferred adjudication for any offense set forth in chapter 47 of the Texas Penal Code (gambling); chapter 34 of the Texas Penal Code (money laundering); chapter 71 of the Texas Penal Code (organized crime); any offense involving the manufacture, possession or delivery of a controlled substance in penalty groups 1, 1A, 2, 3, or 4, or the delivery of marihuana, as more fully described in chapter 481 of the Texas Health & Safety Code; or any crime of moral turpitude.

(e) A business that existed on or before November 3, 1982 and has remained in continuous operation shall be permitted to obtain an operator's game room permit under this division without complying with subsection (d)(1), provided that no structural alterations are made except those required by law or ordinance. Compliance with subsection (d)(1) of this section shall be required when an exempted business is added to or enlarged. This requirement may be satisfied upon the granting of a variance by the zoning board of adjustment.

(f) When a permit is issued to the applicant, each person included within the definition of applicant as set forth at Sec. 14-30 of this article shall be considered to be a permit holder.

Sec. 14-40. Suspension

(a) The chief of police may suspend a permit for a period not to exceed thirty (30) days if he determines that a permit holder or any employee of a permit holder has violated or is not in compliance with this article; or that a condition exists which would be grounds for denial of an application for a permit under this article.

(b) The chief of police shall inform the permit holder by certified mail, return receipt requested, of the suspension of a permit and of the permit holder's right to appeal as set forth at Sec. 14-42 of this article. Written notice of the suspension of a permit shall be posted in a conspicuous place on the business premises. The chief of police shall inform the city secretary of the suspension.

Sec. 14-41. Revocation

(a) Any operator's game room permit issued under this division shall be subject to revocation by the city secretary for the following reasons:

(1) The correct operator's game room permit fee has not been tendered to the city secretary, in the case of a check or bank draft, honored with payment upon presentation.

(2) Failure to comply with the requirements of this article.

(3) Operation of the coin-operated machines in a manner which violates the law.

(4) Any condition which would make the applicant, operator or local agent ineligible to receive an operator's game room permit, including, without limitation, conviction of any offense set forth in chapter 47 of the Texas Penal Code (gambling); chapter 34 of the Texas Penal Code (money laundering); chapter 71 of the Texas Penal Code (organized crime); any offense involving the manufacture, possession or delivery of a controlled substance in penalty groups 1, 1A, 2, 3, or 4, or the delivery of marihuana, as more fully described in chapter 481 of the Texas Health & Safety Code; or any crime of moral turpitude.

(b) The chief of police or any other representatives of the police department, building inspection department, fire department, code enforcement department and environmental health department of the city shall inform the city secretary of an applicant's or operator's failure to comply with the requirements of this article.

Sec. 14-42. Appeal of denial or revocation or suspension

Any applicant or operator whose operator's game room permit is denied or revoked pursuant to the provisions of this division shall have ten (10) business days following receipt of the notice of such denial or revocation to appeal the denial or revocation to the City of Rockport City Council. The applicant or operator must file a written appeal with the city secretary, who shall, within ten days after the appeal is filed forward same to city council for its consideration at a public meeting following a hearing. The city council shall, within 30 days, grant such hearing to consider the action. The city council has authority to sustain, reverse, or modify the action appealed. The decision of the city council is final.

Sec. 14-43. Restrictions on prizes

(a) Any operator who operates skill or pleasure coin-operated machines or any business whose principal business is the operation of skill or pleasure coin-operated machines, if such business awards any prizes or things of value, shall not:

(1) Operate the machines in violation of the law.

(2) Award any prize which includes cash.

(b) Any operator who operates skill or pleasure coin-operated machines or any business whose principal business is the operation of skill or pleasure coin-operated machines, if such business awards any prizes or things of value, shall:

(1) Maintain for public inspection a contemporaneous list of any prizes to be awarded which includes the wholesale value of each prize or prize category.

Sec. 14-44. Premises and operational requirements

(a) The operator shall not restrict the view into the area of the business in which the skill or pleasure coin-operated machines are located by obscuring any windows opening into the area with paint or opaque coverings.

(b) The operator shall not restrict public access to enter the business through the use of locking mechanisms on the entry doors during regular business hours.

(c) The operator shall permit the city secretary or designated agent, and officers of any law enforcement agency, to enter during regular business hours, for the purpose of inspection or for the preservation of the peace.

(d) The operator shall maintain a list of current employees, including each employee's name, home address, and date of birth. The list is to be made available during regular business hours for inspection by the city secretary or designee, and law enforcement officers.

(e) The operator shall maintain a working telephone landline on the premises where the machines are to be located.

Sec. 14-45. Prohibited locations

No business exhibiting skill or pleasure coin-operated machines shall be located within 300 feet of a school, church, or hospital.

Sec. 14-46. Offenses; Penalties

A person who fails to comply with any requirement of this code commits a class C misdemeanor punishable by a fine not less than two hundred and fifty dollars (\$250) and not more than five hundred dollars (\$500); except that:

(a) Proof of a culpable mental state is not required for a conviction of an offense under this article.

(b) Each violation is considered a separate offense

(c) Each day that a violation occurs is a separate offense.

(d) In addition to the penalties described in above, the city may pursue other remedies such as injunctive relief, abatement of nuisance, revocation, and removal of current license, and securing a coin operated machine so as to render it inoperable.

Secs. 14-47—14-60. Reserved

CITY COUNCIL AGENDA

Regular Meeting: Tuesday, January 11, 2022

AGENDA ITEM: 7

Deliberate and act on a Resolution approving a Plan of Finance to issue General Obligation Refunding Bonds to refund a portion of the City's outstanding indebtedness and to issue Tax Notes and Certificates of Obligation to finance the acquisition and construction of certain public improvements, and authorizing the City's staff and professional advisors to prepare and distribute all documents and take all actions deemed necessary in connection with preparing for the issuance of such obligations, including the selection of underwriters and the preparation and distribution of a Preliminary Official Statement.

SUBMITTED BY: Director of Finance Katie Griffin

APPROVED FOR AGENDA: PKC

BACKGROUND: During the December 30, 2021, City Council Meeting, Council discussed the status of the City Hall construction project, bids submitted for construction, and the funding shortfall for those bids. During the council meeting, the City's financial advisor, Robert Henderson of RBC Capital Markets and the City's bond counsel, Tom Spurgeon of McCall, Parkhurst & Horton, LLP were present to answer questions relating to the funding options for the short fall and additional public improvements.

The cost estimate for City Hall construction was \$12,195,238 with another \$1,079,888 for soft costs/furniture, fixtures, & equipment/contingencies, and \$1,356,706 for professional services. The lowest proposal received on December 9, 2021, was \$16,380,000 from Teal Construction which was followed by a letter from Teal Construction indicating that several key materials costs are projected to increase by 12%-15% in January 2022. The Teal Construction bid does not include the proposal from Alliance for Community Solutions of \$800,000-\$1,000,000 for audio-visual and security elements of the new City Hall. As discussed in the last Council meeting, project costs can be reduced through value engineering, changes to finish materials, and sharpening of sub-contractor estimates; although this reduction will not be the full amount of the funding shortfall, as discussed by project manager Broaddus Companies and Teal Construction.

Discussions with the Mr. Henderson resulted in the attached list of additional public improvements and capital projects to be funded with the issuance of Certificates of Obligation Bonds.

The list of capital projects identified for this CO issuance includes approximately \$4.4M for City Hall construction, \$1.0M for City Hall audio-visual and security, \$835K for backup Dispatch Center, \$1.8M for Vehicles and Equipment (including seven police vehicles), \$3.5M for drainage and street reconstruction.

The City, along with guidance for the City's financial advisor prepared a plan of finance to issue approximately \$13,360,000 in General Obligation Refunding Bonds to refund the outstanding 2020 Tax Notes, approximately \$3,500,000 in principal amount of Combined Tax and Revenue

Certificates of Obligation to finance streets and drainage improvement projects and approximately \$8,100,000 in new Tax Note Projects.

Mr. Henderson will be available via Zoom to answer questions.

FISCAL ANALYSIS: Over the past several years, the City has been able to manage its I&S tax rate, maintaining a consistent rate of approximately \$0.184. The City continues to pay down outstanding debt, resulting in a capacity for new debt in the Interest & Sinking (I&S) tax rate.

RECOMMENDATION: Staff recommends that City Council approving a Plan of Finance to issue General Obligation Refunding Bonds to refund a portion of the City's outstanding indebtedness and to issue Tax Notes and Certificates of Obligation to finance the acquisition and construction of certain public improvements, and authorizing the City's staff and professional advisors to prepare and distribute all documents and take all actions deemed necessary in connection with preparing for the issuance of such obligations, including the selection of underwriters and the preparation and distribution of a Preliminary Official Statement, as presented.

RESOLUTION NO. _____

RESOLUTION APPROVING A PLAN OF FINANCE TO ISSUE GENERAL OBLIGATION REFUNDING BONDS TO REFUND A PORTION OF THE CITY'S OUTSTANDING INDEBTEDNESS AND TO ISSUE TAX NOTES AND CERTIFICATES OF OBLIGATION TO FINANCE THE ACQUISITION AND CONSTRUCTION OF CERTAIN PUBLIC IMPROVEMENTS, AND AUTHORIZING THE CITY'S STAFF AND PROFESSIONAL ADVISORS TO PREPARE AND DISTRIBUTE ALL DOCUMENTS AND TAKE ALL ACTIONS DEEMED NECESSARY IN CONNECTION WITH PREPARING FOR THE ISSUANCE OF SUCH OBLIGATIONS, INCLUDING THE SELECTION OF UNDERWRITERS AND THE PREPARATION AND DISTRIBUTION OF A PRELIMINARY OFFICIAL STATEMENT

**THE STATE OF TEXAS
COUNTY OF ARANSAS
CITY OF ROCKPORT**

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WHEREAS, the City Council of the **CITY OF ROCKPORT, TEXAS** (the "**City**") deems it necessary and appropriate to issue a series of general obligation refunding bonds to refund all of the City's outstanding *Tax Notes, Series 2020*, in order to extend and restructure the debt service payments related thereto; and

WHEREAS, the City Council of the City further deems it necessary and appropriate to issue a series of Certificates of Obligation to finance all or a portion of the following projects (collectively, the "**CO Projects**"):

- (i) construct drainage improvements at various locations within the City; and
- (ii) construct street, curb, and sidewalk improvements at various locations in the City, together with utility relocation and/or drainage improvements related or incidental thereto; and

WHEREAS, the City Council of the City further deems it necessary and appropriate to issue a series of Tax Notes to finance all or a portion of the following projects (collectively, the "**Tax Note Projects**"):

- (i) provide additional funds to construct and equip judicial facilities (Municipal Court) and other facilities physically attached thereto, including other administrative facilities for the City, all within a new City Hall;
- (ii) acquire vehicles and other equipment for various City departments;
- (iii) construct drainage improvements at various locations within the City; and

- (iv) construct street, curb, and sidewalk improvements at various locations in the City, together with utility relocation and/or drainage improvements related or incidental thereto; and

WHEREAS, the City's financial advisor (RBC Capital Markets) has presented a plan of finance to issue (i) approximately \$13,360,000 in principal amount of the City's *General Obligation Refunding Bonds, Series 2022* (the "**Proposed Series 2022 Refunding Bonds**") to refund all of the City outstanding *Tax Notes, Series 2020*, (ii) approximately \$3,500,000 in principal amount of the City's *Combination Tax and Revenue Certificates of Obligation, Series 2022* (the "**Proposed Series 2022 Certificates**") to finance the CO Projects; and (iii) approximately \$8,100,000 in principal amount of the City's *Tax Notes, Series 2022* (the "**Proposed Series 2022 Tax Notes**") to finance the Tax Note Projects; and

WHEREAS, the Proposed Series 2022 Refunding Bonds, the Proposed Series 2022 Certificates and the Proposed Series 2022 Tax Notes are referred to collectively herein as the "**Proposed Series 2022 Obligations**"; and

WHEREAS, the City Council now deems it advisable to approve the plan of finance presented by the City's financial advisor to issue the Proposed Series 2022 Obligations, to authorize the City Manager and the Finance Director to approve a team of underwriters for the Proposed Series 2022 Obligations, and to authorize the City's staff and professional advisors to prepare and distribute all documents (including but not limited to a Preliminary Official Statement) and take all actions deemed necessary in connection with preparing for the issuance of the Proposed Series 2022 Obligations for subsequent approval by the City Council; and

WHEREAS, it is hereby officially found and determined that the meeting at which this Resolution was adopted was open to the public and public notice of the time, place, and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code, as amended;

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

SECTION 1. APPROVAL OF PLAN OF FINANCE; AUTHORIZATION OF STAFF AND PROFESSIONAL ADVISORS. The City Council hereby (i) approves the plan of finance presented by the City's financial advisor to issue the Proposed Series 2022 Obligations to accomplish the purposes set forth in the recitals of this Resolution, (ii) authorizes the City Manager and the Finance Director of the City to approve a team of underwriters for the Proposed Series 2022 Obligations, and (iii) authorizes the City's staff, financial adviser and Bond Counsel (McCall, Parkhurst & Horton L.L.P.) to prepare and distribute all documents (including but not limited to a Preliminary Official Statement) and take all actions deemed necessary in connection with preparing for the issuance of the Proposed Series 2022 Obligations.

SECTION 2. INCORPORATION OF RECITALS. The City Council hereby finds that the statements set forth in the recitals of this Resolution are true and correct, and the City Council hereby incorporates such recitals as a part of this Resolution.

SECTION 3. EFFECTIVE DATE. This Resolution shall become effective immediately after its adoption.

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***PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKPORT,
TEXAS AT A REGULAR MEETING HELD ON THE 11TH DAY OF JANUARY, 2022.***

By: _____
Patrick R. Rios, Mayor
City of Rockport, Texas

Attest:

Teresa Valdez, City Secretary
City of Rockport, Texas

(City Seal)

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CERTIFICATE FOR RESOLUTION

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THE STATE OF TEXAS
COUNTY OF ARANSAS
CITY OF ROCKPORT

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I, the undersigned City Secretary of the **CITY OF ROCKPORT, TEXAS** (the "**City**"), hereby certify as follows:

1. The City Council of the City (the "**City Council**") convened in Regular Meeting on January 11, 2022 at the designated meeting place (the "**Meeting**"), and the roll was called of the duly constituted officers and members of the City Council, to wit:

Patrick Rios, Mayor
Katy Jackson, Ward 1 Council Member
J.D. Villa, Mayor Pro Tem and Ward 2 Council Member
Brad Brundrett, Ward 3 Council Member
Andrea Hattman, Ward 4 Council Member

and all of said officers and members of the City Council were present, except the following absentees: _____, thus constituting a quorum. Whereupon, among other business, the following was transacted at the Meeting: a written Resolution No. _____ (the "**Resolution**") entitled

RESOLUTION APPROVING A PLAN OF FINANCE TO ISSUE GENERAL OBLIGATION REFUNDING BONDS TO REFUND A PORTION OF THE CITY'S OUTSTANDING INDEBTEDNESS AND TO ISSUE TAX NOTES AND CERTIFICATES OF OBLIGATION TO FINANCE THE ACQUISITION AND CONSTRUCTION OF CERTAIN PUBLIC IMPROVEMENTS, AND AUTHORIZING THE CITY'S STAFF AND PROFESSIONAL ADVISORS TO PREPARE AND DISTRIBUTE ALL DOCUMENTS AND TAKE ALL ACTIONS DEEMED NECESSARY IN CONNECTION WITH PREPARING FOR THE ISSUANCE OF SUCH OBLIGATIONS, INCLUDING THE SELECTION OF UNDERWRITERS AND THE PREPARATION AND DISTRIBUTION OF A PRELIMINARY OFFICIAL STATEMENT

was duly introduced for the consideration of the City Council. It was then duly moved and seconded that the Resolution be adopted; and, after due discussion, said motion carrying with it the adoption of the Resolution, prevailed and carried by the following vote:

AYES: _____ NOES: _____ ABSTENTIONS: _____

2. A true, full and correct copy of the Resolution adopted at the Meeting described in the above and foregoing paragraph is attached to and follows this Certificate; the Resolution has been duly recorded in the City Council's minutes of the Meeting; the above and foregoing paragraph is a true, full and correct excerpt from the City Council's minutes of the Meeting pertaining to the passage of the Resolution; the persons named in the above and foregoing paragraph are the duly chosen, qualified and acting officers and members of the City Council as indicated therein; each of the officers and members of the City Council was duly and sufficiently notified officially and personally, in advance, of the time, place and purpose of the Meeting, and that the Resolution would be introduced and considered for passage at the Meeting, and each of said officers and members consented, in advance, to the holding of the Meeting for such purpose; and the Meeting was open to the public and public notice of the time, place and purpose of the Meeting was given, all as required by Chapter 551, Texas Government Code.

SIGNED AND SEALED the 11th day of January, 2022.

(SEAL)

Teresa Valdez, City Secretary
City of Rockport, Texas

CITY COUNCIL AGENDA
Regular Meeting: Tuesday, January 11, 2022

AGENDA ITEM: 8

Deliberate and act on a Resolution expressing official intent to reimburse costs incurred for the acquisition and construction of various capital improvements in the City.

SUBMITTED BY: Director of Finance Katie Griffin

APPROVED FOR AGENDA: PKC

BACKGROUND: The City is currently in the process of issuing three debt instruments as a part of a hybrid approach to cover additional construction costs for City Hall, constructing a backup emergency communications center, constructing streets and drainage improvements, and purchasing equipment and vehicles. The process for issuance debt requires a reimbursement resolution for such costs incurred. This resolution will allow expenditures made in connection with the projects to be reimbursed to the City if those expenses were prior to the issuance of the debt. .

The City's financial advisor, Bob Henderson of RBC Capital Markets, will be available via Zoom to answer questions.

FISCAL ANALYSIS: If the resolution is not adopted, any expenses incurred prior to the debt being issued will have to come out of unbudgeted fund balance.

RECOMMENDATION: Staff recommends that City Council approve the Resolution expressing official intent to reimburse costs incurred for the acquisition and construction of various capital improvements in the city, as presented.

RESOLUTION NO. _____

**RESOLUTION EXPRESSING OFFICIAL INTENT TO REIMBURSE COSTS
INCURRED FOR THE ACQUISITION AND CONSTRUCTION OF
VARIOUS CAPITAL IMPROVEMENTS IN THE CITY**

**THE STATE OF TEXAS
COUNTY OF ARANSAS
CITY OF ROCKPORT**

WHEREAS, City Council of the **CITY OF ROCKPORT, TEXAS** (the "***City***"), has determined that it is beneficial for the City to:

- (i) construct drainage improvements at various locations within the City;
- (ii) construct street, curb, and sidewalk improvements at various locations in the City, together with utility relocation and/or drainage improvements related or incidental thereto; and
- (iii) acquire vehicles and other equipment for various City departments, including but not limited to approximately seven police vehicles, 14 utility trucks, two dump trucks, one vacuum truck, one John Deer tractor, two SCAG mowers, two trailers, two generators, one articulated loader, one Godwin pump, and public safety dispatch equipment (collectively, the "***Projects***"); and

WHEREAS, the City expects that it will pay expenditures in connection with the Projects prior to the issuance of tax-exempt obligations (the "***Obligations***") to finance the Projects; and

WHEREAS, the City finds, considers, and declares that the reimbursement of the City for the payment of expenditures related to the Projects will be appropriate and consistent with the lawful objectives of the City and, as such, chooses to declare its intention to reimburse itself for such payments at such time as the City issues Obligations to finance the Projects;

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROCKPORT THAT:

SECTION 1. EXPECTATION TO INCUR DEBT. The City reasonably expects to incur debt, as one or more series of Obligations, with an aggregate maximum principal amount equal to \$6,500,000, for the purpose of financing the Projects.

SECTION 2. REIMBURSEMENT OF PRIOR EXPENDITURES. All costs to be reimbursed pursuant hereto will be capital expenditures. No Obligations will be issued by the City in furtherance of this Resolution after a date which is later than 18 months after the later of (1) the date the expenditures are paid, or (2) the date on which the property, with respect to which such expenditures were made, is placed in service.

SECTION 3. THREE-YEAR LIMITATION FOR REIMBURSEMENT. The foregoing notwithstanding, no Obligations will be issued pursuant to this Resolution more than three years after the date any expenditure which is to be reimbursed is paid.

SECTION 4. PUBLIC RECORD. The City Council directs that this Resolution shall be maintained as a public record available for inspection by all persons in accordance with the provisions of Chapter 552, Texas Government Code, and that no later than 30 days after this date, this Resolution will be made available for inspection by all members of the general public at the offices of the City.

SECTION 5. INCORPORATION OF RECITALS. The City hereby finds that the statements set forth in the recitals of this Resolution are true and correct, and the City hereby incorporates such recitals as a part of this Resolution.

SECTION 6. EFFECTIVE DATE. This Resolution shall become effective immediately upon passage thereof.

[The remainder of this page intentionally left blank]

***PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKPORT,
TEXAS AT A REGULAR MEETING HELD ON THE 11TH DAY OF JANUARY, 2022.***

By: _____

Patrick R. Rios, Mayor
City of Rockport, Texas

Attest:

Teresa Valdez, City Secretary
City of Rockport, Texas

(City Seal)

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CERTIFICATE FOR RESOLUTION

THE STATE OF TEXAS
COUNTY OF ARANSAS
CITY OF ROCKPORT

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I, the undersigned City Secretary of the **CITY OF ROCKPORT, TEXAS** (the "**City**"), hereby certify as follows:

1. The City Council of the City (the "**City Council**") convened in Regular Meeting on January 11, 2022 at the designated meeting place (the "**Meeting**"), and the roll was called of the duly constituted officers and members of the City Council, to wit:

Patrick Rios, Mayor
 Katy Jackson, Ward 1 Council Member
 J.D. Villa, Mayor Pro Tem and Ward 2 Council Member
 Brad Brundrett, Ward 3 Council Member
 Andrea Hattman, Ward 4 Council Member

and all of said officers and members of the City Council were present, except the following absentees: _____, thus constituting a quorum. Whereupon, among other business, the following was transacted at the Meeting: a written Resolution No. _____ (the "**Resolution**") entitled

**RESOLUTION EXPRESSING OFFICIAL INTENT TO REIMBURSE COSTS
 INCURRED FOR THE ACQUISITION AND CONSTRUCTION OF VARIOUS
 CAPITAL IMPROVEMENTS IN THE CITY**

was duly introduced for the consideration of the City Council. It was then duly moved and seconded that the Resolution be adopted; and, after due discussion, said motion carrying with it the adoption of the Resolution, prevailed and carried by the following vote:

AYES: _____ NOES: _____ ABSTENTIONS: _____

2. A true, full and correct copy of the Resolution adopted at the Meeting described in the above and foregoing paragraph is attached to and follows this Certificate; the Resolution has been duly recorded in the City Council's minutes of the Meeting; the above and foregoing paragraph is a true, full and correct excerpt from the City Council's minutes of the Meeting pertaining to the passage of the Resolution; the persons named in the above and foregoing paragraph are the duly chosen, qualified and acting officers and members of the City Council as indicated therein; each of the officers and members of the City Council was duly and sufficiently notified officially and personally, in advance, of the time, place and purpose of the Meeting, and that the Resolution would be introduced and considered for passage at the Meeting, and each of said officers and members consented, in advance, to the holding of the Meeting for such purpose; and the Meeting was open to the public and public notice of the time, place and purpose of the Meeting was given, all as required by Chapter 551, Texas Government Code.

SIGNED AND SEALED the 11th day of January, 2022.

(SEAL)

 Teresa Valdez, City Secretary
 City of Rockport, Texas

CITY COUNCIL AGENDA
Regular Meeting: Tuesday, January 11, 2022

AGENDA ITEM: 9

Deliberate and act on a Resolution authorizing publication and posting of Notice of Intention to Issue Certificates of Obligation to finance Street and drainage Improvements.

SUBMITTED BY: Director of Finance Katie Griffin

APPROVED FOR AGENDA: PKC

BACKGROUND: During the FY2021-22 Budget discussions with the City Council, the need for additional drainage and street improvements were identified as well as the need for funding of the projects.

At the December 30, 2021, City Council meeting, Council discussed funding needs of City Hall along with the need for additional funding for drainage and streets as well as the backup communications center and vehicles and equipment. The total required additional funding totals approximately \$11.62M. During this same meeting, the City's Finance Advisor, Robert Henderson of RBC Capital Markets, and the City's Bond Counsel, Tom Spurgeon of McCall, Parkhurst & Horton, LLP, discussed and answered questions relating to the City's ability to acquire additional debt to meet the needs of the City for construction costs, public improvements, and vehicles and equipment.

Additional discussions with Mr. Henderson and Mr. Spurgeon by city staff identified the need for a hybrid debt issuance structure in order to maintain the current Interest and Sinking (I&S) tax rate while using the available debt capacity. This hybrid approach results in three separate debt instruments. The first, as previously discussed, is the refunding (refinancing) of the 2020 Tax Notes into a 15-year General Obligation Bond. The second is the issuance of additional 7-year Tax Notes at \$8.10M for the additional City Hall construction costs, the emergency backup communications center and the purchase of vehicles and equipment. The third is a Certificate of Obligation Bond at \$3.50M for the construction of street and drainage public improvements.

Mr. Henderson will be available via Zoom to answer any questions.

FISCAL ANALYSIS: The issuance of 2022 Certificates of Obligation has minimal impact on the City's current capacity within its Interest & Sinking (I&S) tax rate. Over the past several years, the City has been able to manage its I&S tax rate, maintaining a consistent rate of approximately \$0.184. The City continues to pay down outstanding debt, resulting in a capacity for new debt in the I&S tax rate.

RECOMMENDATION: Staff recommends Council approve the Resolution authorizing publication and posting of Notice of Intention to Issue Certificates of Obligation to finance Street and drainage Improvements, as presented.

RESOLUTION NO. _____

**RESOLUTION AUTHORIZING PUBLICATION AND POSTING OF
NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION TO
FINANCE STREET AND DRAINAGE IMPROVEMENTS**

**THE STATE OF TEXAS
COUNTY OF ARANSAS
CITY OF ROCKPORT**

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WHEREAS, the City Council of the **CITY OF ROCKPORT, TEXAS** (the "***City***") has determined that it is necessary and desirable to finance all or a portion of the following projects (collectively, the "***Projects***"):

- (i) construct drainage improvements at various locations within the City; and
- (ii) construct street, curb, and sidewalk improvements at various locations in the City, together with utility relocation and/or drainage improvements related or incidental thereto; and

WHEREAS, the City Council of the City intends to finance the Projects from proceeds derived from the sale of one or more series of Combination Tax and Revenue Certificates of Obligation issued by the City pursuant to Sections 271.041 - 271.064, Texas Local Government Code, as amended; and

WHEREAS, pursuant to Section 271.049, Texas Local Government Code, the City Council deems it advisable to give notice of intention to issue certificates of obligation in an amount not to exceed an aggregate of \$3,500,000 for the purpose of paying, in whole or in part, the Projects, to pay all or a portion of the legal, fiscal and engineering fees in connection with the Projects, and to pay the costs of issuance related to the certificates of obligation; and

WHEREAS, the City Council hereby determines that all Projects to be financed with proceeds of Certificates of Obligation contemplated in this Resolution are included within the term "debt" as defined in Section 26.012(7) of the Texas Tax Code and constitute "designated infrastructure" as defined in Section 26.012(9) of the Texas Tax Code (specifically within clauses (A) and (D) thereof); therefore, such Certificates of Obligation shall constitute "Debt" within the meaning of Section 26.012(7) of the Texas Tax Code; and

WHEREAS, it is hereby officially found and determined that the meeting at which this resolution was passed was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code;

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

SECTION 1. APPROVAL OF NOTICE OF INTENTION. Attached hereto as Exhibit A is a form of the *Notice of Intention to Issue Combination Tax and Revenue Certificates of Obligation* (the "**Notice**"), the form and substance of which is hereby adopted and approved. The City Manager, the Finance Director, and the City Secretary of the City are each authorized to make changes to the Notice as necessary prior to its publication and posting as described in Sections 3 and 4 below.

SECTION 2. DESIGNATION OF SELF-SUPPORTING DEBT. In connection with providing the information contained in the Notice approved in Section 1 above, attached hereto as Exhibit B is a list of outstanding debt obligations of the City which the City hereby designates as self-supporting debt for the purposes of Section 271.049(e), Texas Local Government Code.

SECTION 3. PUBLICATION OF NOTICE OF INTENTION IN NEWSPAPER. The City Secretary shall cause the Notice to be published in substantially the form attached hereto in a newspaper, as defined by Subchapter C, Chapter 2051, Government Code, that is of general circulation in the area of the City, on the same day in each of two consecutive weeks, the date of the first publication thereof to be at least 46 days before the date tentatively set for the passage of the ordinance authorizing the issuance of such certificates of obligation as shown in the Notice.

SECTION 4. POSTING OF NOTICE OF INTENTION ON CITY'S WEBSITE. The City Secretary shall further cause the Notice to be posted on the City's internet website beginning at least 45 days before, and continuing through, the date tentatively set for the passage of the ordinance authorizing the issuance of such certificates of obligation as shown in the Notice.

SECTION 5. INCORPORATION OF RECITALS. The City Council hereby finds that the statements set forth in the recitals of this Resolution are true and correct, and the City Council hereby incorporates such recitals as a part of this Resolution.

SECTION 6. EFFECTIVE DATE. This Resolution shall become effective immediately upon passage.

[The remainder of this page intentionally left blank]

***PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKPORT,
TEXAS AT A REGULAR MEETING HELD ON THE 11TH DAY OF JANUARY, 2022.***

By: _____

Patrick R. Rios, Mayor
City of Rockport, Texas

Attest:

Teresa Valdez, City Secretary
City of Rockport, Texas

(Seal)

EXHIBIT A**CITY OF ROCKPORT, TEXAS
NOTICE OF INTENTION TO ISSUE
COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION**

The City Council of the City of Rockport, Texas (the "City") does hereby give notice of intention to issue one or more series of *City of Rockport, Texas Combination Tax and Revenue Certificates of Obligation* (the "Certificates") in the maximum aggregate principal amount not to exceed \$3,500,000 for the purpose of paying, in whole or in part, contractual obligations to: (i) construct drainage improvements at various locations in the City; and (ii) construct street, curb, and sidewalk improvements at various locations in the City, together with utility relocation and/or drainage improvements related or incidental thereto (collectively, the "Projects"), and for paying all or a portion of the legal, fiscal and engineering fees in connection with the Projects and the costs of issuance related to the Certificates. The City proposes to provide for the payment of the Certificates from the levy and collection of ad valorem taxes in the City as provided by law and from a lien on and pledge of "Surplus Revenues," if any, received by the City from the ownership and operation of the City's waterworks and sanitary sewer system.

The current principal of all currently outstanding debt obligations of the City is \$27,844,084, the combined principal and interest required to pay all currently outstanding debt obligations of the City on time and in full is \$33,093,188, the estimated combined principal and interest required to pay the proposed Certificates on time and in full is \$4,305,892, the estimated interest rate for the proposed Certificates is 2.55% per annum, and the maximum maturity date of the proposed Certificates is February 15, 2037. (The prior statements regarding currently outstanding debt obligations of the City do not include debt that the City has designated as self-supporting and payable from revenues other than ad valorem taxes. The resolution pursuant to which the City Council designated such self-supporting debt is available upon request. For more information regarding the debt designated as self-supporting, please contact the City's Finance Director.)

The City Council proposes to authorize the issuance of the Certificates at 6:30 p.m. on Tuesday, March 8, 2022, at a Regular Meeting to be held at the Rockport Service Center, 2751 SH 35 Bypass, Rockport, Texas.

/s/ Patrick R. "Pat" Rios
Mayor, City of Rockport, Texas

EXHIBIT B

Title of Obligations	Outstanding Principal Amount (\$)	Amount Designated as Self-Supporting (\$)
General Obligation Refunding Bonds, Series 2012	3,275,000	1,383,360
Combination Tax and Revenue COs, Series 2014	2,625,000	1,337,438
General Obligation Refunding Bonds, Series 2014	5,315,000	1,133,158
General Obligation Refunding Bonds, Series 2015	2,800,000	596,960
Combination Tax and Revenue COs, Series 2015	1,515,000	0
Combination Tax and Revenue COs, Series 2016	2,760,000	0
General Obligation Refunding Bonds, Series 2017	5,085,000	5,085,000
Tax Notes, Series 2020	<u>14,005,000</u>	<u>0</u>
Totals	<u><u>37,380,000</u></u>	<u><u>9,535,916</u></u>

CERTIFICATE FOR RESOLUTION

**THE STATE OF TEXAS
COUNTY OF ARANSAS
CITY OF ROCKPORT**

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I, the undersigned City Secretary of the **CITY OF ROCKPORT, TEXAS** (the "**City**"), hereby certify as follows:

1. The City Council of the City (the "**City Council**") convened in Regular Meeting on January 11, 2022 at the designated meeting place (the "**Meeting**"), and the roll was called of the duly constituted officers and members of the City Council, to wit:

Patrick Rios, Mayor
Katy Jackson, Ward 1 Council Member
J.D. Villa, Mayor Pro Tem and Ward 2 Council Member
Brad Brundrett, Ward 3 Council Member
Andrea Hattman, Ward 4 Council Member

and all of said officers and members of the City Council were present, except the following absentees: _____, thus constituting a quorum. Whereupon, among other business, the following was transacted at the Meeting: a written Resolution No. _____ (the "**Resolution**") entitled

**RESOLUTION AUTHORIZING PUBLICATION AND POSTING OF NOTICE OF
INTENTION TO ISSUE CERTIFICATES OF OBLIGATION TO FINANCE STREET
AND DRAINAGE IMPROVEMENTS**

was duly introduced for the consideration of the City Council. It was then duly moved and seconded that the Resolution be adopted; and, after due discussion, said motion carrying with it the adoption of the Resolution, prevailed and carried by the following vote:

AYES: _____ NOES: _____ ABSTENTIONS: _____

2. A true, full and correct copy of the Resolution adopted at the Meeting described in the above and foregoing paragraph is attached to and follows this Certificate; the Resolution has been duly recorded in the City Council's minutes of the Meeting; the above and foregoing paragraph is a true, full and correct excerpt from the City Council's minutes of the Meeting pertaining to the passage of the Resolution; the persons named in the above and foregoing paragraph are the duly chosen, qualified and acting officers and members of the City Council as indicated therein; each of the officers and members of the City Council was duly and sufficiently notified officially and personally, in advance, of the time, place and purpose of the Meeting, and that the Resolution would be introduced and considered for passage at the Meeting, and each of said officers and members consented, in advance, to the holding of the Meeting for such purpose; and the Meeting was open to the public and public notice of the time, place and purpose of the Meeting was given, all as required by Chapter 551, Texas Government Code.

SIGNED AND SEALED the 11th day of January, 2022.

(SEAL)

Teresa Valdez, City Secretary,
City of Rockport, Texas