
CITY COUNCIL AGENDA

Notice is hereby given that the Rockport City Council will hold a regular meeting on Tuesday, November 8, 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. The live stream link to view the meeting is: <https://www.youtube.com/@rockporttxgov>.

Public participation is valued and citizens wishing to express their views on any topic or agenda item can electronically submit a citizen participation form in order to register to speak by going to <https://rockport.seamlessdocs.com/f/CouncilCitizenParticipation> or scanning the QR code to the right, or if attending the meeting in person register before the meeting begins. Using the same form, citizens can also provide written comments to the City Secretary by 4:00 p.m. on the day of the meeting. The comments will be read and 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 **Agenda** item or any subject matter, will be read and summarized in the minutes of the meeting. Persons wishing to address the Council and who have registered using the Citizen Participation Form will have up to three minutes to speak. In accordance with the Open Meetings Act, Council may not discuss or take action on any item that has not been posted on the agenda. While civil public criticism is not prohibited; disorderly conduct or disturbance of the peace as prohibited by law shall be cause for the chair to terminate the offender's time to speak.

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 October 25, 2022.
5. Deliberate and act on donating an out-of-service Rockport Police patrol vehicle to the Fulton Police Department by adopting a Resolution declaring certain City property surplus and authorizing the disposition and donation of said property to further a public purpose; and establishing an effective date.
6. Deliberate and act on donating an out-of-service Rockport Police patrol vehicle to the Rockport Volunteer Fire Department by adopting a Resolution declaring certain City property surplus and authorizing the disposition and donation of said property to further a public purpose; and establishing an effective date.

7. Deliberate and act on report from the Rockport-Fulton Chamber of Commerce for Fiscal Year 2021-2022 marketing expenditures for HummerBird celebration.
8. Deliberate and act on 4th quarter report from the Rockport Cultural Arts District for Fiscal Year 2021-2022 marketing expenditures.

Regular Agenda

9. Deliberate and act on second and final reading of an Ordinance granting a Conditional Use Permit (CUP) to allow the use of a manufactured home on the property zoned R1 (1st Single Family Dwelling District), located at 157 Kluge Trail; also known as McCombs Subdivision, part of Lots 55 & 56, being 3.494 acres, City of Rockport, Aransas County, Texas; subject to compliance with the conditions stated within this Ordinance, as well as those stipulated in the City of Rockport Code of Ordinances; repealing all ordinances in conflict therewith; providing for severability; and providing an effective date.
10. Deliberate and act on first reading of an Ordinance of the City of Rockport amending Code of Ordinances Chapter 102 'Utilities', Article IV. 'Surcharge Revenue Account', by amending Section 102-401 'Surcharge' to increase surcharge fee, repealing all ordinances in conflict therewith; providing for severability; and providing an effective date.
11. Deliberate and act on purchase of a 2023 John Deere 320P Backhoe.
12. Deliberate and act on a Resolution authorizing the City Manager to enter into a contract for the collection of delinquent special assessments between the City of Rockport and Linebarger Goggan Blair & Sampson, LLP; repealing all conflicting resolutions and providing for an effective date.
13. Report from City Manager:
 - a. Update on City Projects
 - b. Budget Reports

14. Reports from Council.

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

Executive Session

City Council will hold an executive session pursuant to the provisions of Chapter 551 of the Texas Government Code, in accordance with the authority contained in:

15. Section 551.071 Consultations with Attorney seeking the advice of attorney about pending or contemplated litigation or a settlement offer; and on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter: 1) Burnside Services, Inc., and 2) Concho Street Drainage Project.
16. Section 551.074 Personnel Matters - deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee: A) City Secretary Evaluation; B) Municipal Court Judge; and C) Municipal Court Administrator.

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.

17. 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 Thursday, November 3, 2022, at 4:45 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, November 8, 2022

AGENDA ITEM: 4

Deliberate and act on approval of City Council Regular Meeting Minutes of October 25, 2022.

SUBMITTED BY: City Secretary Teresa Valdez

APPROVED FOR AGENDA: VRS

BACKGROUND: Please see the accompanying City Council regular meeting minutes and special meeting minutes.

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, October 25, 2022

Rockport Service Center, 2751 State Highway 35 Bypass

Members of the public could view the meeting via live stream. Public participation is valued and citizens wishing to express their views on any topic or agenda item could electronically submit a Citizen Participation Form in order to register to speak by going to <https://rockport.seamlessdocs.com/f/CouncilCitizenParticipation> or scanning the QR code provided on the Agenda, or if attending the meeting in person register before the meeting begins. Using the same form, citizens could also provide written comments to the City Secretary by 4:00 p.m. on the day of the meeting. The comments were read and summarized in the minutes of the meeting.

On the 25th day of October 2022, the City Council of the City of Rockport, Aransas County, Texas, convened in a Regular Meeting at 6:30 p.m., at the Training Room of the Rockport Service Center and notice of meeting giving time, place, date, and subject was posted as described in V.T.C.A., Government Code § 551.041.

CITY COUNCIL MEMBERS PRESENT

Mayor Tim Jayroe
Mayor Pro-Tem Andrea Hattman, Ward 4
Council Member Danielle Hale, Ward 2
Council Member Katy Jackson, Ward 1
Council Member Brad Brundrett, Ward 3

CITY COUNCIL MEMBER(S) ABSENT

STAFF MEMBERS PRESENT

City Manager Vanessa Shrauner
Assistant to City Manager Kimberly Henry
City Secretary Teresa Valdez
City Attorney Raika Rowe – *Via ZOOM*
Director of Finance Katie Griffin
Parks & Leisure Services Maintenance Superintendent George Bennett
Aquatics Manager Joe Riekers
Director of Public Works and Building & Development Services Mike Donoho
Information Technology Director Bob Argetsinger
Police Chief Greg Stevens
Communications Center Director Lee Brown

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 Jayroe at 6:30 p.m. on Tuesday, October 25, 2022, in the

Training Room of the Rockport Service Center, 2751 State Highway 35 Bypass, Rockport, Texas.

2. Pledge of Allegiance.

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

3. Proclamation: October – Domestic Violence Awareness and Prevention Month.

Mayor Jayroe read a Proclamation proclaiming October as Domestic Violence Awareness and Prevention Month in Rockport, Texas. Mayor Jayroe presented the Proclamation to a representative of The Purple Door.

The Purple Door representative thanked the City for participating stating it shows survivors that you really care.

4. Presentation: Lifeguard Saving Award- Quinton Marr, Caden Dasher, & Kyle Bradshaw.

Mayor Jayroe said there are three Lifeguards that are receiving the Lifeguard Saving Award and City Council Members will read the information about each lifesaving event.

Council Member Hale read the following:

Quinton Marr

On September 10, 2022, Lifeguard Quinton Marr was on duty guarding the Splash Pool. The pool at that time was occupied by three patrons. At 2:40 pm, a patron, nine years of age, in a wheelchair, was in the splash pool when for some unknown reason, the chair went forward, causing the patron to fall face down into the deep end of the splash pool. Unrecognized by the lifeguard, the patron was strapped into the chair and could not free himself. Upon noticing the child submerged headfirst in the water, Lifeguard Quinton Marr immediately sounded the alarm activating the Emergency Action Plan to notify other guards. He entered the water to conduct a rescue by up righting the patron. Lifeguard Marr performed primary health and welfare assessment of the patron to ensure the patron was stable and that he did not intake any water. Patrons' parents were in the pool at the time of the incident and responded after they became aware of the rescue by Lifeguard Marr. Once the patron was up righted, examined, and found stable, he was released to his parents. The parents were very thankful for the actions of Lifeguard Marr and his fellow guards. His alertness, quick thinking, and problem-solving resulted in a successful rescue that prevented a drowning incident.

Mayor Jayroe presented the Lifeguard Saving Award to Finn Klanica who accepted the award on behalf of Quinton Marr.

Council Member Jackson read the following:

Caden Dasher

On Saturday, September 17, 2022, at approximately 6:30 p.m., Lifeguard Dasher was manning the lifeguard stand overseeing the competition pool while a birthday party was being held as a private event. Lifeguard Dasher, scanning and being alert and watching approximately 35 swimmers in the pool, observed a young girl, coming off the diving board, struggling in the pool's deep end. Lifeguard Dasher quickly recognized that she was in danger and immediately activated the Lifeguard Emergency Action Plan notifying the other Guard that he was taking action. Lifeguard Dasher entered the pool, swam to the girl, and applied a front active rescue as he brought the girl to the poolside, where he and the other guard on duty began the care phase of emergency response after obtaining permission from the guardian. After being evaluated by the Lifeguards, the young girl was found to be unhurt and only scared. Guards advised her and her guardian to sit by the pool and relax until she felt comfortable to continue to engage with the other children at the party in the shallow end of the pool. Lifeguard Dasher's quick response, recognition of the severity of the situation, immediate actions, and effective lifesaving practices resulted in the potential saving of a life.

Mayor Jayroe presented the Lifeguard Saving Award to Caden Dasher.

Mayor Pro-Tem Hattman read the following

Kyle Bradshaw

On August 17, 2022, Lifeguard Kyle Bradshaw was on duty at the competition pool. Just one family of four was using the pool at the time. A peculiar chain of events happened. Lifeguard Bradshaw observed a 21-year-old male staying near the wall of the pool. An 11-year-old boy (they were later determined to be brothers) entered the pool from the diving board. The older brother attempted to reach the younger who began struggling to swim. Both boys began to go under water and resurface haphazardly. A young lady on the deck saw this and entered the water in an attempt to help the boys (later determined to be their sister). The young lady also began to struggle to remain at the surface. While all this unfolded in just seconds, Lifeguard Bradshaw set off the Emergency Action Plan and entered the water to conduct a rescue. He reached the young lady first and stabilized her, then gave her instructions and propelled her to the wall. Once she was near the wall, Lifeguard Bradshaw conducted an active victim rescue of the younger boy and immediately secured the older brother. Lifeguard Bradshaw was able to get both victims together using the rescue tube to guide them to safety. Once all three patrons were at the wall, Lifeguard Bradshaw and the responding Lifeguards helped them exit the pool. An assessment was conducted, and each person stated they were able to hold their breath and did not ingest any substantial amount of water. There were no other symptoms of illness or injury. Upon interview, the grandmother of this family stated that none of the three could swim very well, if at all. They were very thankful for the actions of Lifeguard

Bradshaw. His quick thinking and problem solving resulted in a successful triple rescue that prevented a drowning incident.

Mayor Jayroe presented the Lifeguard Saving Award to Kyle Bradshaw.

Aquatics Manager Joe Reikers thanked the Mayor, City Council, City Manager and City staff for everything they do to support the pool staff. Mr. Reikers stated pool staff trains hard and they work together as a team. Mr. Reikers said there had been a triple rescue at a private party at the pool and that has never happened before; that is not something we train for. Mr. Reikers added he appreciates all his staff and their hard work; they do an exceptional job.

The recipients received a standing ovation.

5. Citizens to be heard.

At this time, comments limited to three (3) minutes will be taken from the audience from persons who have signed the speaker's card located on the table in the back of the Training Room of the Service Center and delivered to the City Secretary before the meeting begins, or written comments received by 4:00 p.m. on the day of the meeting, on any Agenda item or any subject matter, will be read and summarized in the minutes of the meeting. Persons wishing to address the Council and who have registered using the Citizen Participation Form will have up to three minutes to speak. In accordance with the Open Meetings Act, Council may not discuss or take action on any item that has not been posted on the agenda. While civil public criticism is not prohibited, disorderly conduct or disturbance of the peace as prohibited by law shall be cause for the chair to terminate the offender's time to speak.

Council Member Brundrett read comments received from Kristie Rutledge, 1411 Dana Drive: vote against Agenda Item #16 and start the application process over; the nominees selected by City Council stack the deck in favor of investors in the private Economic Development Corporation; all citizens should be invited to apply for the Charter Review Committee.

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.

- 6. Deliberate and act on approval of Regular Meeting Minutes of September 27, 2022.**
- 7. Deliberate and act on accepting a surplus network equipment rack from the Aransas County for use in the Public Safety Center to house the server equipment for the new Tyler Technologies Records Management Software and Computer Aided Dispatch software at the Police Department.**
- 8. Deliberate and act on 2nd, 3rd, and 4th quarter reports from the Texas Maritime Museum for Fiscal Year 2021-2022 marketing expenditures.**
- 9. Deliberate and act on 4th quarter report from Rockport Center for the Arts for Fiscal Year 2021-2022.**
- 10. Deliberate and act on 4th quarter report from the Rockport-Fulton Chamber of Commerce for Fiscal Year 2021-2022 marketing expenditures.**

11. Deliberate and act on cancellation of November 22, 2022, Council Regular Meeting, and the December 27, 2022, Council Regular Meeting.

12. Deliberate and act on approval of City of Rockport holiday observance schedule for 2023.

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

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

Regular Agenda

13. Hear, 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.

Director of Finance 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 \$197,525.44. Ms. Griffin added the funds are required to be spend on capital purchases over \$100.00 with a lifespan of two years or greater.

Mayor Jayroe presented a \$4,524.60 check to Carl Stubbs, Fire Chief Lamar Volunteer Fire Department.

Lamar Fire Chief Carl Stubbs addressed the Council and thanked the City for the funds. Chief Stuff stated the funds will be put to good use.

Mayor Jayroe presented a \$42,118.67 check to Jackie Mundine, Assistant Fire Chief Fulton Volunteer Fire Department.

Assistant Fire Chief Jackie Mundine addressed the Council and stated the funds will be used to purchase air-pack bottles and bunker gear.

Mayor Jayroe presented a \$141,005.99 check to Aaron Guerrero, Fire Chief Rockport Volunteer Fire Department.

Rockport Fire Chief Aaron Guerrero, Secretary Emily Guerrero, and Assistant Chief Roy Laird, addressed the Council and gave a PowerPoint presentation on numbers of services provided, budget and capital purchases.

Council Member Brundrett said it had been briefly discussed at the Budget Workshop the possibility of raising the amount of the surcharge collected. Council Member Brundrett

expressed fuel costs and everything else have increased.

City Manager Shrauner said this will be brought back to Council on a future agenda for discussion.

14. Deliberate and act on a first reading of an Ordinance granting a Conditional Use Permit (CUP) to allow the use of a manufactured home on the property zoned R1 (1st Single Family Dwelling District), located at 157 Kluge Trail; also known as McCombs Subdivision, part of Lots 55 & 56, being 3.494 acres, City of Rockport, Aransas County, Texas; subject to compliance with the conditions stated within this Ordinance, as well as those stipulated in the City of Rockport Code of Ordinances; repealing all ordinances in conflict therewith; providing for severability; and providing an effective date.

Public Works & Building and Development Director Mike Donoho addressed the Council. Mr. Donoho stated the Planning & Zoning Commission held a public hearing and recommend approval of the request for a Conditional Use Permit. Mr. Donoho said the property owner is present tonight and will address the Council.

Richard Kretschmann, property owner, addressed the Council. Mr. Kretschmann explained on February 4, 2022, a fire destroyed his home, and they moved a manufactured home onto the property; there are other manufactured homes in the surrounding area. Mr. Kretschmann said there was a problem getting electricity to the manufactured home and that is when they found out it was necessary to have Conditional Use Permit for a manufactured home. Mr. Kretschmann stated he is requesting a Conditional Use Permit so he can get the manufactured home repaired and start rebuilding.

Mr. Donoho said the Planning & Zoning Commission recommend approval of the request with the stipulation that a review of the Conditional Use Permit be conducted at the end of one year to determine if progress made warrants an extension of the Conditional Use Permit – the length of an extension to be determined at time of review.

Mayor Pro-Tem Hattman stated there were no citizens opposed to the request.

MOTION: Mayor Pro-Tem Hattman moved to approve the first reading of an Ordinance granting a Conditional Use Permit (CUP) to allow the use of a manufactured home on the property zoned R1 (1st Single Family Dwelling District), located at 157 Kluge Trail; also known as McCombs Subdivision, part of Lots 55 & 56, being 3.494 acres, City of Rockport, Aransas County, Texas; subject to compliance with the conditions stated within this Ordinance, as well as those stipulated in the City of Rockport Code of Ordinances; repealing all ordinances in conflict therewith; providing for severability; and providing an effective date. Council Member Jackson seconded the motion. Motion carried unanimously.

15. Hear, deliberate, and act on the process for conducting public hearings as per Section 118-26 of the Rockport Code of Ordinances.

Community Planner Carey Dietrich addressed the Council. Ms. Dietrich stated that as the Council is aware, there has been a bit of a problem having joint public hearings with the Planning & Zoning Commission. Ms. Dietrich explained Section 118-26 of the City Code of Ordinances states the Planning & Zoning Commission and City Council shall hold a public hearing, either jointly or separately, so given that a Joint Public Hearing is not required the Planning & Zoning Commission is recommending the joint public hearings be discontinued and allow both the City Council and the Planning & Zoning Commission to hold separate public hearings. Ms. Dietrich added that although there will no longer be need for the Planning & Zoning Commission members to attend the joint public hearings, there will be at least one (1) member available for comments at each City Council Meeting. Ms. Dietrich added if there is a big ordinance change proposed, a workshop could be held.

Mayor Pro-Tem Hattman stated there had been an issue with lack of quorum of the Planning & Zoning Commission and she asked what will make that easier for them. Mayor Pro-Tem Hattman said she had a concern with the number of members not having a quorum.

Ms. Dietrich responded she was not certain but having a joint public hearing with the City Council meant numerous meetings for the Planning & Zoning Commission each month. Ms. Dietrich added this will shorten the process for customers by two meetings.

Council Member Brundrett said he thought this was good for the public because it shortens the process. Council Member Brundrett added if there is a big ordinance change then a workshop could be held; he doesn't want the Council to miss something.

Council Member Jackson asked if each public hearing requires notification in the newspaper.

Ms. Dietrich answered there will be one newspaper notification that will contain both dates of the public hearings, one for the Planning & Zoning Commission and one for the City Council.

MOTION: Council Member Brundrett moved to discontinue the joint public hearings with the Planning & Zoning Commission and the City Council, and the Planning & Zoning Commission hold separate public hearings for review of rezone requests and other items requiring a public hearing and recommendation from the Planning & Zoning Commission. Council Member Jackson seconded the motion. Motion carried unanimously.

16. Deliberate and act on a Resolution creating and appointing members to the Charter Review Commission; providing a charge to the Commission; establishing a term for the Commission; engaging professionals for assistance; adopting repealer and severability clauses; and establishing an effective date.

City Secretary Teresa Valdez addressed the Council and said the City's Home Rule Charter states the City Council shall appoint a Charter Review Commission of five (5) citizens. Ms. Valdez said each Council Member has submitted a nomination for appointment to the Charter Review Commission and it was brought to her attention that the nominee for Ward 1 is not currently a registered voter within the City of Rockport, so Council Member Jackson has submitted a new nominee, George "Doug" Webb and his application had been emailed to Council. Ms. Valdez stated the last Charter Review Commission was organized in November

2008 and the review did not result in a Charter Amendment Election; and the last Charter Amendment Election was May 2004. Ms. Valdez emphasized that the Charter Review Commission makes recommendations for amendments to the City Council and then the City Council will vote whether to have a Charter Amendment Election; it is up to the voters to approve or disapprove the proposed amendments if an election is held. Ms. Valdez stated the Resolution also provides for the City to engage the law firm of Messer Fort and McDonald, PLLC to assist the Charter Review Commission in its efforts and as needed in the future.

Mayor Jayroe announced the nominees submitted for the Charter Review Commission are: Ward 1 – George “Doug” Webb; Ward 2 – Diedra Amaya; Ward 3 – T. Mark Wagnon; Ward 4 – Donna Townsend; and At-Large – Thomas J. Blazek.

MOTION: Mayor Pro-Tem Hattman moved to adopt the Resolution creating and appointing George “Doug” Webb, Diedra Amaya, T. Mark Wagnon, Donna Townsend and Thomas J. Blazek to the Charter Review Commission; providing a charge to the Commission; establishing a term for the Commission; engaging professionals for assistance; adopting repealer and severability clauses; and establishing an effective date. Council Member Hale seconded the motion. Motion carried unanimously.

17. Reports from Council.

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

Council Member Jackson said the area on Water Street has been cleaned up. Council Member Jackson stated it will be in the paper today and there will be flyers on Facebook that there is a new Vet Center at 916 S. Bronte that will work with the Veterans Administration.

Council Member Hale said she attended the annual Texas Municipal League annual conference for the first time, and she was please with the caliber of presentations. Council Member Hale stated she had attended the Stormwater Advisory Committee meeting and the County will be submitting a grant to clean-up Tule Creek. Council Member Hale said she attended the Parks Board meeting yesterday and they are requesting the shade structure for the basketball court be revisited.

Council Member Brundrett said he also attended the Texas Municipal League annual conference, and it was a great opportunity to make contact with other cities and different vendors. Council Member Brundrett stated he met with Parks staff at the Bent Oaks Rookery Park for the new fences and 25 trees planted. Council Member Brundrett added the tree giveaway was last Friday.

Mayor Pro-Tem Hattman said she too had attended the Texas Municipal League annual conference and it was very informational. Mayor Pro-Tem Hattman stated the Chamber has

hired a new Chief Executive Officer Shelly Stewart. Mayor Pro-Tem Hattman said the Fall Festival was held last Saturday and it was a huge success. Mayor Pro-Tem Hattman announced that the Education Foundation “Paint The Town” event is November 5, 2022.

Mayor Jayroe said he attended events at the Mission Aransas National Estuarine Research Reserve and the Wildlife Refuge, and these are great new facilities in our area, and he encouraged everyone to visit them.

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:

- 18. Section 551.071 Consultations with Attorney seeking the advice of attorney about pending or contemplated litigation or a settlement offer; and on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter:**
1) Burnside Services, Inc., and 2) 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 executive sessions noted herein, or regular agenda items, noted above, and/or related items.

No Executive Session was held.

19. Adjournment.

At 7:31 p.m., Council Member Jackson moved to adjourn. Motion was seconded by Council Member Brundrett. Motion carried unanimously.

APPROVED:

 Tim Jayroe, Mayor

ATTEST:

 Teresa Valdez, City Secretary

CITY COUNCIL AGENDA

Regular Meeting: November 8, 2022

AGENDA ITEM: 5

Deliberate and act on donating an out-of-service Rockport Police patrol vehicle to the Fulton Police Department

SUBMITTED BY: Police Chief Greg Stevens

APPROVED FOR AGENDA: VRS

BACKGROUND: In Fiscal Year 2021-2022, the Rockport Police Department (RPD) took delivery of new patrol vehicles to replace aging patrol vehicles. The replaced vehicles have reached their end of useful life for the RPD's law enforcement needs. However, the replaced vehicles are equipped with law enforcement specialty equipment which cannot be cost effectively transferred to the new patrol vehicles; requiring removal of specialty equipment prior to an auction disposition.

The City of Rockport and the Town of Fulton have a memorandum of understanding in place that aids the law enforcement response in the form of manpower. The Town of Fulton has requested assistance in the form of an out-of-service vehicle donation due to budgetary constraints.

After discussions with the Fulton Police Chief, John Harrell, the Town of Fulton, and the City of Rockport both benefit from this proposition. The City of Rockport would avoid the costs of removal and disposal all law enforcement specialty equipment along with preparation of the vehicle for auction (costs which are rarely recovered at auction), and the Town of Fulton gains an essentially fully equipped police package patrol vehicle at little to no costs.

Therefore, at the request of Chief Harrell, the RPD would like to donate patrol vehicle 6209 to the Fulton Police Department to enhance the safety and security of our law enforcement partner, benefiting the entire Rockport/Fulton community. Specifically, the City of Rockport will be donating to the Town of Fulton a 2013 Chevrolet Tahoe, VIN 1GNLCE07DR231639 and Texas registration 1136681, along with its currently installed law enforcement specialty equipment. These items were purchased new through the regular budgetary process and have been fully depreciated.

FISCAL ANALYSIS: Patrol unit 6209 was decommissioned after replacement with new equipment. The vehicle was set for auction but would require extensive man hours to remove all police specialty equipment. Cost to remove all equipment is not likely to be offset at auction. Our fiscal recommendation is to donate the vehicle as is to a partner police agency.

RECOMMENDATION: Recommend for approval by Police Chief Greg Stevens.

RESOLUTION NO. 2022 - __

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROCKPORT, TEXAS DECLARING CERTAIN CITY PROPERTY SURPLUS AND AUTHORIZING THE DISPOSITION AND DONATION OF SAID PROPERTY TO FURTHER A PUBLIC PURPOSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Rockport, as a home rule municipality, with full power and right of self-government, as provided by the Constitution and laws of this State, may exercise exclusive dominion over all public property in any manner permitted by the Constitution and laws of the State of Texas, including the authority to buy, sell, lease, mortgage, hold, manage and control such property as its interests require; and

WHEREAS, included among the management responsibilities of public property is the authority and duty to declare property that staff determined to be of no further use to the City to be surplus; and

WHEREAS, surplus property is personal property that is not needed or required for an entity's foreseeable needs but still has some usefulness for the purpose it was originally intended; and

WHEREAS, the City is authorized to dispose of personal property that is found to be surplus in any manner that does not violate the Constitution; and

WHEREAS, the City has determined that the donation of certain surplus property to the Fulton Police Department would be beneficial to the City and serve a public purpose.

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

Section 1. The City Council of the City of Rockport, Texas hereby declares the property listed in the attached Exhibit A as surplus, authorizes the donation of said property to the Fulton Police Department and authorizes the City Manager to execute all necessary documents to complete the transfer of said property in accordance with the foregoing legislative findings.

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 Resolution for all purposes and are adopted as part of the judgement and findings of the City Council.

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

Section 4. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of American.

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

Section 6. It is officially found, determined, and declared that the meeting at which this Resolution 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 Resolution, was given, all as required by Chapter 551, Texas Government Code, as amended.

Section 7. This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

PASSED and APPROVED the 8th day of November 2022.

CITY OF ROCKPORT

Tim Jayroe, Mayor

ATTEST:

Teresa Valdez, City Secretary

EXHIBIT A

Rockport Patrol Vehicle 6209 being a:

2013 Chevrolet Tahoe with currently installed law enforcement specialty equipment

VIN 1GNLCE07DR231639

Texas Registration: 1136681

Town of Fulton

Police Department

*201 N. Seventh Street * PO Box 1130 * Fulton, Texas 78358
(361) 729-5533*

Chief Stevens,

I am respectfully requesting consideration from the Rockport Police Department to acquire an equipped police unit that is no longer in use. The Fulton Police Department is adding an additional police officer effective October 1, 2022. If Rockport Police unit 6209 is available, it would be very much utilized by the Fulton Police Department.

Thank You,

Police Chief

John Harrell



Fulton Police Department

CITY COUNCIL AGENDA

Regular Meeting: November 8, 2022

AGENDA ITEM: 6

Deliberate and act on donating an out-of-service Rockport Police patrol vehicle to the Rockport Volunteer Fire Department.

SUBMITTED BY: Police Chief Greg Stevens

APPROVED FOR AGENDA: VRS

BACKGROUND:

In Fiscal Year 2021-2022, the Rockport Police Department (RPD) took delivery of new patrol vehicles to replace aging patrol vehicles. The replaced vehicles have reached their end of useful life for the RPD's law enforcement needs. However, the replaced vehicles are equipped with public safety specialty equipment which cannot be cost effectively transferred to the new patrol vehicles, requiring removal of specialty equipment prior to an auction disposition.

The Rockport Volunteer Fire Department has requested assistance in the form of an out-of-service vehicle donation due to budgetary constraints. Such vehicle is to be used as a command vehicle for the Fire Chief and Assistant Fire Chief responding to fire emergencies.

After discussions with the Rockport Assistant Fire Chief, Roy Laird, the Rockport Volunteer Fire Department and the City of Rockport both benefit from this proposition. The City of Rockport would avoid the costs of removal and disposal all public safety specialty equipment along with preparation of the vehicle for auction (costs which are rarely recovered at auction), and the Rockport Volunteer Fire Department gains an essentially fully equipped emergency response equipped vehicle at little to no costs.

Therefore, at the request of Assistant Fire Chief Laird, the RPD would like to donate patrol vehicle 6010 to the Rockport Volunteer Fire Department to enhance the efficiency and effectiveness of our public safety partner and benefiting the entire Rockport community. Specifically, the City of Rockport will be donating to the Rockport Volunteer Fire Department a 2013 Chevrolet Tahoe, VIN 1GN1C2E06DR372332 and Texas registration 1148995, along with its currently installed public safety specialty equipment. These items were purchased new through the regular budgetary process and have been fully depreciated.

FISCAL ANALYSIS: Patrol unit 6010 was decommissioned after replacement with new equipment. The vehicle was set for auction but would require extensive man hours to remove all public safety specialty equipment. Cost to remove all equipment is not likely to be offset at auction. Our fiscal recommendation is to donate the vehicle as is to a partner public safety agency.

RECOMMENDATION: Recommend for approval by Police Chief Greg Stevens

RESOLUTION NO. 2022 - __

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROCKPORT, TEXAS DECLARING CERTAIN CITY PROPERTY SURPLUS AND AUTHORIZING THE DISPOSITION AND DONATION OF SAID PROPERTY TO FURTHER A PUBLIC PURPOSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Rockport, as a home rule municipality, with full power and right of self-government, as provided by the Constitution and laws of this State, may exercise exclusive dominion over all public property in any manner permitted by the Constitution and laws of the State of Texas, including the authority to buy, sell, lease, mortgage, hold, manage and control such property as its interests require; and

WHEREAS, included among the management responsibilities of public property is the authority and duty to declare property that staff determined to be of no further use to the City to be surplus; and

WHEREAS, surplus property is personal property that is not needed or required for an entity's foreseeable needs but still has some usefulness for the purpose it was originally intended; and

WHEREAS, the City is authorized to dispose of personal property that is found to be surplus in any manner that does not violate the Constitution; and

WHEREAS, the City has determined that the donation of certain surplus property to the Rockport Volunteer Fire Department would be beneficial to the City and serve a public purpose.

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

Section 1. The City Council of the City of Rockport, Texas hereby declares the property listed in the attached Exhibit A as surplus, authorizes the donation of said property to the Rockport Volunteer Fire Department and authorizes the City Manager to execute all necessary documents to complete the transfer of said property in accordance with the foregoing legislative findings.

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 Resolution for all purposes and are adopted as part of the judgement and findings of the City Council.

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

Section 4. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of American.

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

Section 6. It is officially found, determined, and declared that the meeting at which this Resolution 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 Resolution, was given, all as required by Chapter 551, Texas Government Code, as amended.

Section 7. This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

PASSED and APPROVED the 8th day of November 2022.

CITY OF ROCKPORT

Tim Jayroe, Mayor

ATTEST:

Teresa Valdez, City Secretary

EXHIBIT A

Rockport Patrol Vehicle 6010 being a:

2013 Chevrolet Tahoe with currently installed law enforcement specialty equipment

VIN 1GN1C2E06DR372332

Texas Registration: 1148995



Rockport Volunteer Fire Department

P.O. Box 1325 Rockport, TX 78381
E-Mail: contact@rockportvfd.org
Phone: (361)729-5392
Fax: (361)729-1268

Donate Now



23

Chief Stevens,

The Rockport Volunteer Fire department would like to request consideration from the Rockport Police Department and the city of Rockport to acquire via donation or transfer an equipped out of rotation Police Tahoe. Our hope is to obtain unit #6210. This unit with its suspension and lights will be used as a command vehicle for the Fire Chief and Assistant Fire Chief. The addition of a command vehicle will increase response time and provide additional scene safety.

Thank you for the consideration,

Roy Laird

Asst. Fire Chief RVFD

(361)790-4130

YOUR NEIGHBORS ON CALL 24/7

Pull to the Right and stop for approaching Emergency Vehicles.

Give us the Right of Way when we are working on the roadways, SLOW DOWN and MOVE OVER!

For Emergencies DIAL 9-1-1

CITY COUNCIL AGENDA
Regular Meeting: Tuesday, November 8, 2022

AGENDA ITEM: 7

Deliberate and act on report from Rockport-Fulton Chamber of Commerce for Fiscal Year 2021-2022 marketing expenditures for HummerBird celebration.

SUBMITTED BY: City Secretary Teresa Valdez

APPROVED FOR AGENDA: VRS

BACKGROUND: At the Special City Council Workshop held on June 8, 2021, Sandy Jumper, Director of Tourism & Events of the Rockport-Fulton Chamber of Commerce, presented the HummerBird Committee's Fiscal Year 2021-2022 budget request to the City Council. Budget deliberations were held through the summer to finalize the City's Fiscal Year 2021-2022 Budget, with formal adoption at the September 14, 2021, City Council Meeting. Upon approval of the Fiscal Year 2021-2022 Budget, the City Council awarded the HummerBird Committee \$1,500.00 in funding. Attached is documentation submitted by the Chamber for payment.

FISCAL ANALYSIS: The FY 2021-2022 budget included \$1,500 for HummerBird and is charged to account 6602048.

STAFF RECOMMENDATION: Staff recommends Council approve the report from Rockport-Fulton Chamber of Commerce HummerBird Committee for marketing expenditures made for 2022 HummerBird Celebration, and authorize disbursement of funds in the amount of \$1,500.00 from the Hotel Occupancy Tax Fund for the event, as presented.

EXHIBIT "B"

HOT FUNDING EXPENSE REPORT FY 2021 - 2022		
Description of Expense	Approved Budget	Amount of Expense
Direct Mail Postcard	\$ 1,500	\$1,618.85
Social Media		\$137.25
KIII TV Ch. 3		\$862.75
Cornell University - Living Bird Eblasts		\$1,000.00
TOTAL REIMBURSEMENT REQUEST	\$1,500	\$3,618.85

2022 HummerBird Celebration Report

- The 2022 HummerBird Festival proved to be a tremendous success with a sell-out of all activities. Our Chairman – Melody Waggoner, 10 Committee Members, Chamber Staff and more than 172 Volunteers performed to create this spectacular event.



- More than 1,000 seats were taken for speaker programs, and more than 3,000 attendees were recorded at the vendor Hummer Mall.

- Of the 1,369 zip codes captured at the Hummer Mall, there were 215 visitors from Rockport, 1,092 visitor from across the state of Texas, 60 out of state visitors and 2 visitors from Germany.

Community Collaboration in and around the Community:

- 225 went on hummer bus tours on a school bus
- 348 went on narrated boat trips at Fulton Harbor
- 96 attended photography classes at Inn at Fulton Harbor
- 83 went on guided field trips at Fennessey Ranch and Welder Wildlife Ranch
- 60 attended birding with experts at Goose Island State Park
- 1000-plus attended the Banding Demonstration at the Lamar Home
- 80 attended the Hummer Breakfast at the History Center
- 120 attended the 33rd Anniversary Texas BBQ Dinner on Thursday evening.

Aransas Pathways Event - There were a number of participants. Bella la Brew donated the coffee and The Donut Palace donated the donuts, and provided coupons for the participants. Participants were visitors from all areas of Texas. The winner of the binoculars, donated by Land Sea & Sky, was from Sugarland, Texas.

Rockport Center for the Arts - More than 200 attendees from all over Texas and beyond attended the Welcome Reception on Thursday evening. They enjoyed Wine and Cheese and a welcome message from the Chairman of the event - Melody Waggoner.

ACISD - The ACISD staff and students did an outstanding job throughout the event. We were able to give back to the students a performance by SkyKings Falconry on the Thursday morning of the event.

Fulton Harbor - We were able to put nearly 350 on the tour boat at Fulton Harbor and 96 people attended Photography Sessions in the Inn at Fulton Harbor Meeting Room.

CITY COUNCIL AGENDA
Regular Meeting: Tuesday, November 8, 2022

AGENDA ITEM: 8

Deliberate and act on 4th quarter report from the Rockport Cultural Arts District for Fiscal Year 2021-2022 marketing expenditures.

SUBMITTED BY: City Secretary Teresa Valdez

APPROVED FOR AGENDA: VRS

BACKGROUND: The Rockport Cultural Arts District has been allocated \$40,000.00 in FY 2021-2022 Hotel Occupancy Tax (HOT) funds. According to our agreement with the Rockport Cultural Arts District, HOT funds are paid in advance and a report of the previous quarter's expenditures is required. See the accompanying 4th quarter HOT expenditure report for additional information.

FISCAL ANALYSIS: Charged to account 6602097. YTD expenses are \$40,000 out of \$40,000.00 budgeted.

STAFF RECOMMENDATION: Staff recommends approval of the Rockport Cultural Arts District FY 2021-2022 Hotel Occupancy Tax funds 4th quarter expenditures, as presented.

EXHIBIT "B"

HOT FUNDING EXPENSE REPORT FY 2021-2022

Description of Expense	Approved Budget	1st Quarter Expenses	2nd Quarter Expenses	3rd Quarter Expenses	4th Quarter Expenses	TOTAL
Events - Arts Promotion	10,000	-	-	3,500	6,500	10,000
Historical Restoration & Preservation Activities	17,000	10,000	7,000	-	-	17,000
Administrative	13,000	-	3,000	6,500	3,500	13,000
TOTAL REQUESTED	40,000	10,000	10,000	10,000	10,000	40,000

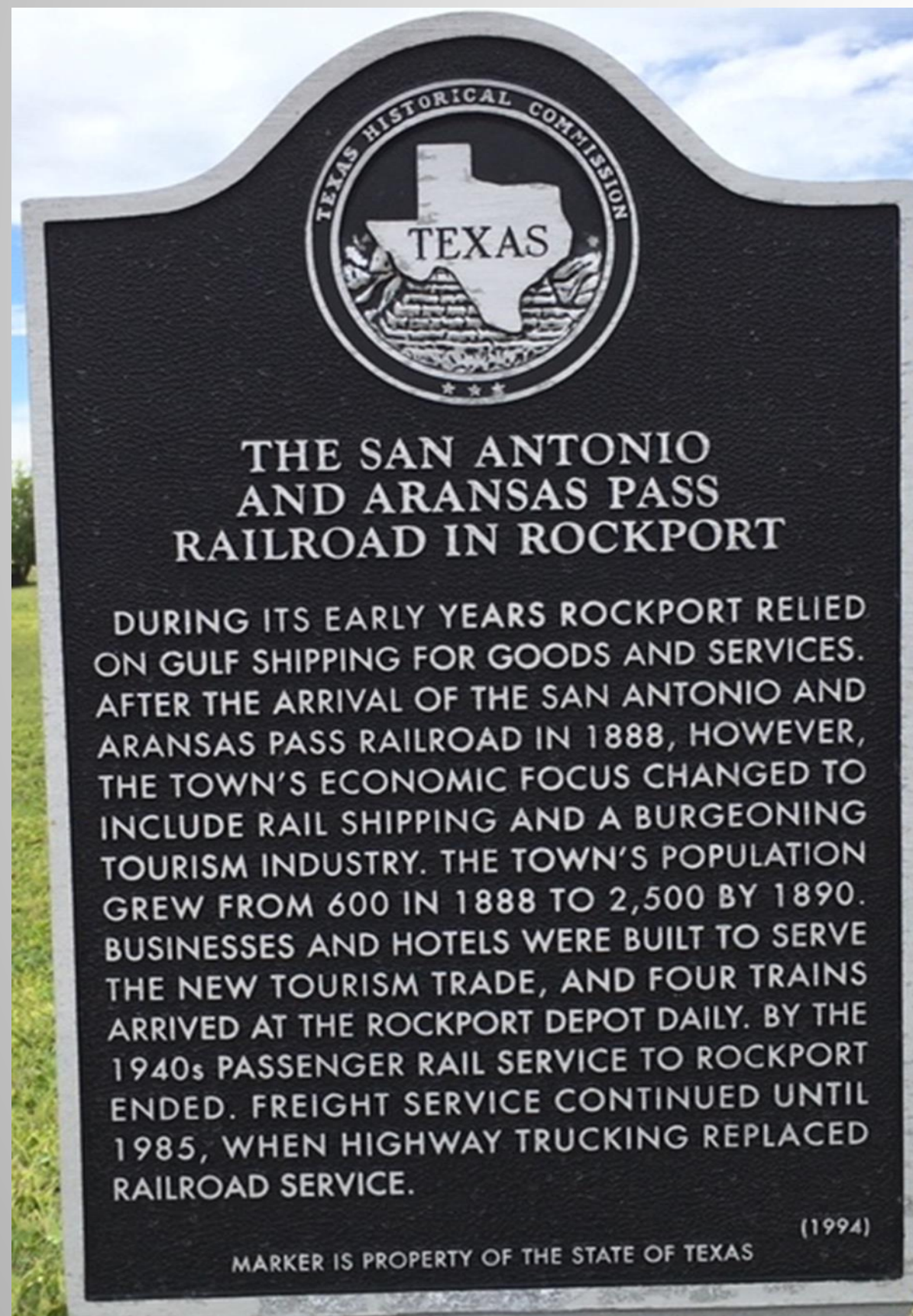
Description of Administrative Expenses	Current Fiscal Year Administrative Expenses Projection	Fiscal Year Administrative Actual Expenses	Percentage of Fiscal Year Projections
Wages, office, dues, insurance, utilities	88,964	64,448	72.44%
TOTALS	88,964	64,448	72.44%

City of Rockport
HOT Report
July-September
2022



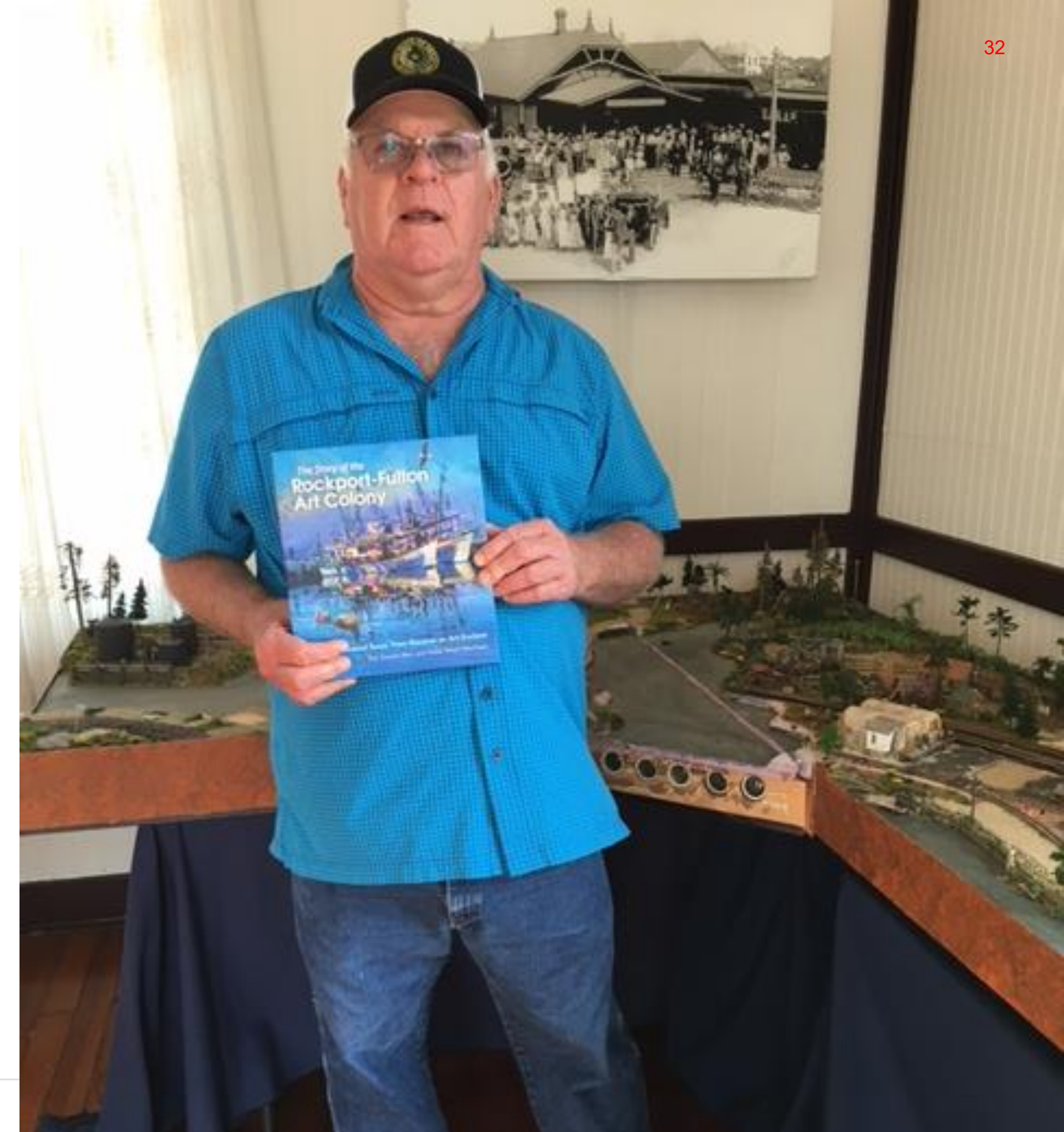
ROCKPORT CULTURAL
ARTS DISTRICT

Rockport SAAP Railroad Depot Project Continues





**Rockport Center for the Arts / Cultural Arts District Parking Lot
Ribbon Cutting 8/31/22**



**Rockport Center for the Arts / Cultural Arts District Parking Lot
Ribbon Cutting 8/31/22**

Passport To The Past Program



Passport To The Past Program

Challenges
people to visit to
four different
museums



Passport to the Past Patrons

Zip Code Collection
7/1/22-9/30/22

Outside 75 Miles
49%

Austin, DFW, Houston, San
Antonio

Within 75 Miles
51%





**Passport to the Past
Patrons**



New Artifact Donated

San Antonio & Aransas Pass Railroad Yard Spittoon

This Spittoon was likely in the
Rockport Depot 100 years ago.

Donated by Anita Garratt,
the daughter of the first Aransas
County Surveyor

A New Attraction Delivered in September



“CULTURAL INTERFACE”
PROJECT UPDATE

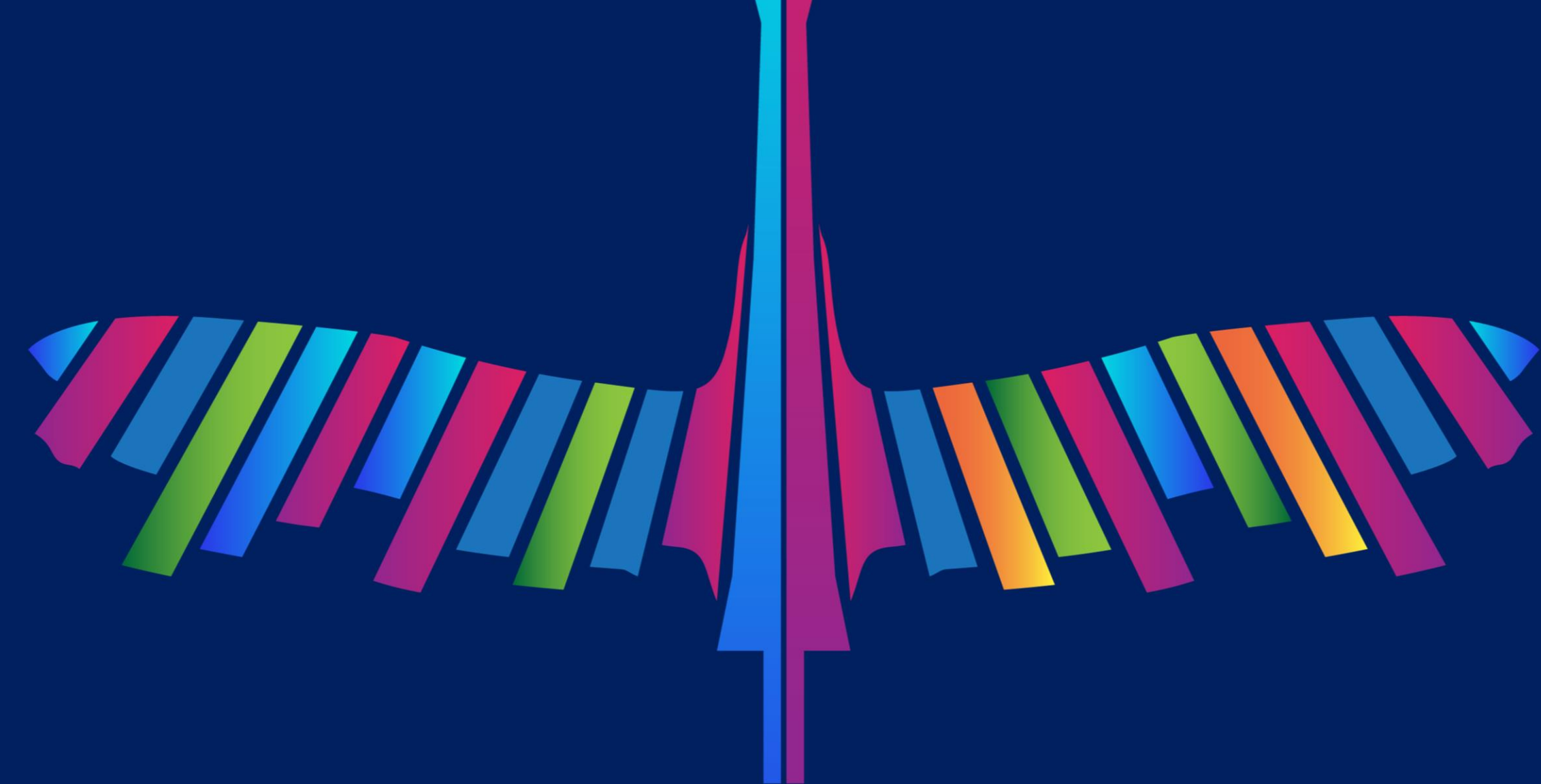


Native American Series Delivered to the Foundry in Colorado for Bronzing



“Cultural Interface” 3rd Quarter 2022

- Continued Successful Fundraising and Planning
- Target Project Launch Fall 2023
- Exponential Number of Tourists Expected



ROCKPORT CULTURAL
ROCKPORT CULTURAL

Other
Initiatives...



District Merchant Meeting

August 8th



FARMERS MARKET

MAKERS MARKET

ENTERTAINMENT

MARKET ON MAIN

in the Cultural Arts & Heritage District





Rockport Cultural Arts District
Invites You to Meet
**New City Manager
Vanessa Shrauner**

The Rockport Cultural Arts District (RCAD) is hosting a meet and greet for the new Rockport City Manager Vanessa Shrauner. Ms. Shrauner started her new position as City Manager August 1st. Please make plans to meet and welcome her to our community.

When: Saturday, September 10th, 2pm
Where: Rockport Railroad Depot Museum
105 S. Magnolia Street, in the Cultural Arts District



Social Media Marketing



Facebook Page

- 3.6 K Likes

- 4.1 K Followers

Railroad Depot Facebook Page

- 779 Likes

- 874 Followers

- Social Media Campaign Features
 - District Businesses and Organizations
 - Culinary Arts and Local Culture
 - Launched “Donica Live”

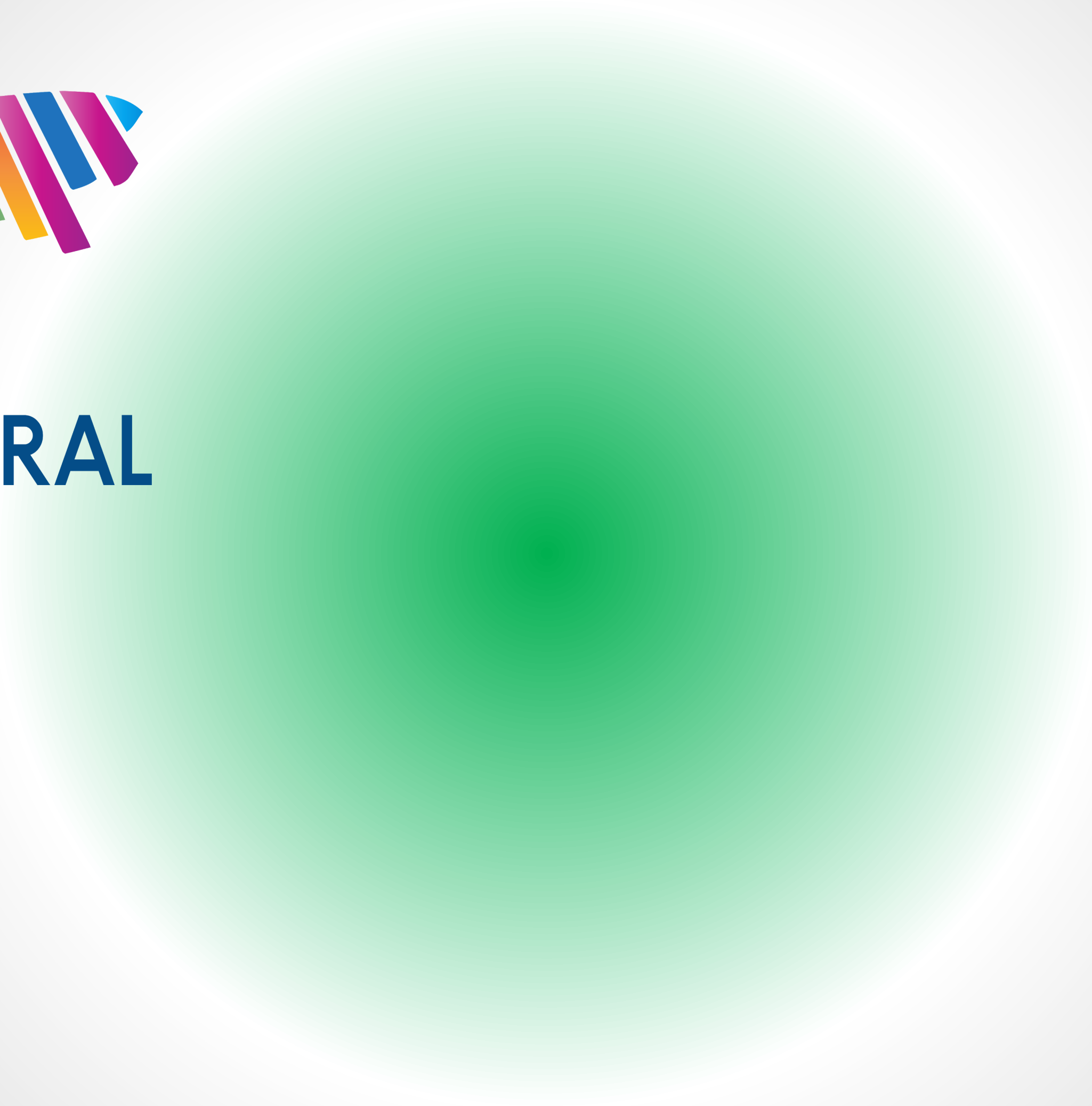




Thank you from the Rockport Cultural Arts District Board!!



ROCKPORT CULTURAL
ARTS DISTRICT



CITY COUNCIL AGENDA
Regular Meeting: Tuesday, November 8, 2022

AGENDA ITEM: 9

Deliberate and act on second and final reading of an Ordinance granting a Conditional Use Permit (CUP) to allow the use of a manufactured home on the property zoned R1 (1st Single Family Dwelling District), located at 157 Kluge Trail; also known as McCombs Subdivision, part of Lots 55 & 56, being 3.494 acres, City of Rockport, Aransas County, Texas; subject to compliance with the conditions stated within this Ordinance, as well as those stipulated in the City of Rockport Code of Ordinances; repealing all ordinances in conflict therewith; providing for severability; and providing an effective date.

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

APPROVED FOR AGENDA: VRS

BACKGROUND: Property owner, Richard Kretschmann, states their home located at 157 Kluge Trail was destroyed by fire earlier in the year and they moved a manufactured home onto the property to reside in while rebuilding their dwelling but was not aware of the zoning regulations. Mr. Kretschmann is requesting a four (4) year allowance for the use of the manufactured home.

A public notice regarding this item was published in *The Rockport Pilot* in the Saturday, October 1, 2022, edition and mailed out to seven (7) property owners within a 200-foot radius of the property. City Council held a Public Hearing on the matter on Tuesday, September 27, 2022, which was published in *The Rockport Pilot* on Saturday, September 3, 2022. Two letters For and none Against the request had been received at time of Planning & Zoning Commission Public Hearing.

Please see the accompanying zoning change request application and Section 118-23 of Code of Ordinances for detail information.

FISCAL ANALYSIS: N/A

RECOMMENDATION: Planning & Zoning Commission, by unanimous vote of approval, recommends Council approve the second & final reading of an Ordinance granting a Conditional Use Permit (CUP) to allow the use of a manufactured home on the property, while the property owners rebuild their home that was recently burned located at 157 Kluge Trail; also known as McCombs Subdivision, part of Lots 55 & 56, being 3.494 acres, City of Rockport, Aransas County, Texas; currently zoned R-1 (1st Single Family Dwelling District) with an allowance of one (1) year with a review of the CUP at the end of the year to determine if progress made warrants an extension of the CUP. Length of an extension to be determined at time of review.

ORDINANCE NO. _____

AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT TO ALLOW THE USE OF A MANUFACTURED HOME ON THE PROPERTY ZONED R1 (1ST SINGLE FAMILY DWELLING DISTRICT), LOCATED AT 157 KLUGE TRAIL; ALSO KNOWN AS MCCOMBS SUBDIVISION, PART OF LOTS 55 & 56, BEING 3.494 ACRES, CITY OF ROCKPORT, ARANSAS COUNTY, TEXAS; SUBJECT TO COMPLIANCE WITH THE CONDITIONS STATED WITHIN THIS ORDINANCE, AS WELL AS THOSE STIPULATED IN THE CITY OF ROCKPORT CODE OF ORDINANCES; REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, an application for a Conditional Use Permit was received in the office of the Building Department, Rockport, Texas; and

WHEREAS, On August 30, 2022, for City Council, and September 27, 2022, for Planning & Zoning Commission, notice was posted on the bulletin board at the Rockport Service Center, 2751 State Highway 35 Bypass and on the City's webpage www.cityofrockport.com; and

WHEREAS, on September 9, 2022, and September 30, 2022, notice was mailed to affected property owners within 200' of subject property; and

WHEREAS, on September 3, 2022, the City caused to be published "Notice of Joint Public Hearing" and on October 1, 2022, the City caused to be published "Notice of Public Hearing" in the official newspaper of the City notifying area residents and the public in general to participate and make their views known regarding this request; and

WHEREAS, on September 27, 2022, at 6:30 p.m., the Rockport City Council did hold a Public Hearing; and

WHEREAS, on October 17, 2022, at 6:30 p.m., the Planning & Zoning Commission did hold a Public Hearing; and

WHEREAS, on October 17, 2022, the Planning & Zoning Commission did meet and said Commission by unanimous vote of approval, recommends Council to accept and approve this request for a Conditional Use Permit (CUP) with an allowance of one (1) year with a review of the CUP at the end of the year to determine if progress made warrants an extension of the CUP. Length of an extension to be determined at time of review.

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

SECTION 1 – CONDITIONAL USE PERMIT

That, pursuant to Section 118-23 “Conditional Use Permit” (CUP), of the Rockport Code of Ordinances, a Conditional Use Permit is hereby granted to property located at 157 Kluge Trail for the purpose of allowing the use of a manufactured home while the property owners rebuild their home that was recently burned, subject to compliance with the following conditions and all applicable regulations and conditions contained in the City of Rockport Code of Ordinances:

1. Must meet requirements of the City of Rockport Code of Ordinances, including, but not limited to Chapter 118, Sec 118-20 for residential setbacks;
2. Manufactured home must meet all requirements of the HUD Manufactured Home Construction and Safety Standards;
3. Conditional Use Permit to be reviewed by the Commission to make a recommendation to Council regarding any requested extension prior to the expiration of the allowed one (1) year. Length of an extension to be determined at time of review.

SECTION 2

That the recitals contained in the preamble hereto 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

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance be severable, and, if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared invalid by judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Ordinance and the remainder of this Ordinance shall be enforced as written.

SECTION 4

That 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 5

Any individual, firm, corporation, utility, or business entity that violates the provisions of this Ordinance shall, upon conviction, be fined as provided in Section 1-7 of the City Code.

SECTION 6

The repeal or amendment of any ordinance or part of ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying, or altering any penalty accruing or to accrue or as affecting any rights of the City under any section or provisions of any ordinances in effect at the time of passage of this Ordinance.

SECTION 7

The provisions of this Ordinance shall be cumulative of all ordinances not repealed by this Ordinance and ordinances governing or regulating the same subject matter as that covered herein.

SECTION 8

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

APPROVED on first reading the ____ day of _____ 2022.

CITY OF ROCKPORT, TEXAS

Tim Jayroe, Mayor

ATTEST:

Teresa Valdez, City Secretary

APPROVED, PASSED and ADOPTED on second and final reading, this ____ day of _____ 2022.

CITY OF ROCKPORT, TEXAS

Tim Jayroe, Mayor

ATTEST:

Teresa Valdez, City Secretary



JOINT PUBLIC HEARING
Rockport City Council
and
Planning & Zoning Commission

NOTICE is hereby given that the Rockport City Council and the Planning & Zoning Commission will hold a Joint Public Hearing on Tuesday, September 27, 2022, at 6:30 p.m., at the Rockport Service Center, 2751 State Highway 35 Bypass, Rockport, Texas, to consider a request for a Conditional Use Permit to allow the use of a manufactured home on the property, while they rebuild their home that was recently burned, located at 157 Kluge Trail; also known as McCombs, part of Lots 55 & 56, being 3.494 acres, City of Rockport, Aransas County, Texas and currently zoned R-1 (1st Single Family Dwelling District).

Members of the public can view the meeting remotely via live stream at the address that will be provided on the City Council Agenda of September 27, 2022, and posted on the City's website www.cityofrockport.com.

Public participation is valued and citizens wishing to express their views during the Joint Public Hearing can electronically submit a Citizen Participation Form in order to register to speak by going to <https://rockport.seamlessdocs.com/f/CouncilCitizenParticipation>, or if attending the meeting in person register at the meeting before the meeting begins. Using the same form, citizens can also provide written comments to the City 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 City encourages citizens to participate and make their views known at this Joint Public Hearing. For further information on this request, please contact the Building Department at (361) 790-1125.

POSTED the 30th day of August 2022, on the bulletin board at the Rockport Service Center, 2751 State Highway 35 Bypass, Rockport, Texas, and on the website www.cityofrockport.com.

PUBLISHED in *The Rockport Pilot* in the Saturday, September 3, 2022, Edition, in accordance with the City of Rockport Code of Ordinances.

CITY OF ROCKPORT, TEXAS


Teresa Valdez, City Secretary



PUBLIC HEARING

Planning & Zoning Commission

NOTICE is hereby given that the Planning & Zoning Commission will hold a Public Hearing on Monday, October 17, 2022, at 5:30 p.m., at the Rockport Service Center, 2751 State Highway 35 Bypass, Rockport, Texas, to consider a request for a Conditional Use Permit to allow the use of a manufactured home on the property, while they rebuild their home that was recently burned, located at 157 Kluge Trail; also known as McCombs, part of Lots 55 & 56, being 3.494 acres, City of Rockport, Aransas County, Texas and currently zoned R-1 (1st Single Family Dwelling District).

Members of the public can view the meeting remotely via live stream at the address that will be provided on the Planning & Zoning Commission Agenda of October 17, 2022, and posted on the City's website www.cityofrockport.com.

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

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

POSTED the 27th day of September 2022, on the bulletin board at the Rockport Service Center, 2751 State Highway 35 Bypass, Rockport, Texas, and on the website www.cityofrockport.com.

PUBLISHED in *The Rockport Pilot* in the Saturday, October 1, 2022, Edition, in accordance with the City of Rockport Code of Ordinances.

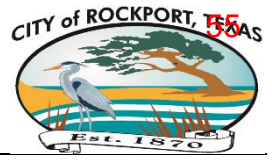
CITY OF ROCKPORT, TEXAS



Teresa Valdez, City Secretary

STAFF REPORT

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

**PROPERTY ADDRESS/LOCATION**

157 Kluge Tr

APPLICANT/PROPERTY OWNER

Richard Kretschmann, Owner

PUBLIC HEARING DATE

CC - Tuesday, September 27, 2022
 P&Z - Monday, October 17, 2022

P&Z DATE

Monday, October 17, 2022

CITY COUNCIL DATE(S)

1st Reading - Tuesday, October 25, 2022
 2nd Reading - Tuesday, November 8, 2022

BRIEF SUMMARY OF REQUEST

Property owner Richard Kretschmann is seeking approval for a Conditional Use Permit (CUP) in order to allow the use of a manufactured home (MH) on his property while they reconstruct their home that was recently burned. The MH is currently set up on the property as Mr. Kretschmann states they were not aware they needed a CUP in order to reside in the MH while they rebuild.

A public notice regarding this item was published in The Rockport Pilot in the Saturday, September 3, 2022, edition and mailed out to Seven (7) property owners within a 200-foot radius of the property. No letters For or Against the request have been received at time of PH. City Council held a Public Hearing on the matter on Tuesday, September 27, 2022 which was published in The Rockport Pilot on Saturday, September 3, 2022. Two letters For and none Against the request had been received at time of P&Z PH.



MAP SOURCE: Pictometry

EXISTING ZONING	EXISTING LAND USE	SURROUNDING ZONING & LAND USE	SITE IMPROVEMENTS	SIZE OF PROPERTY
R-1 (1 st Single Family Dwelling District)	Previously Single Family Residential Dwelling	N – R-1 (1 st Single Family Dwelling District) with SFD S - R-1 (1 st Single Family Dwelling District) with SFD E – R-1 (1 st Single Family Dwelling District) vacant land W – Not in City Limits	Manufactured Home moved onto property	3.494 acres

STAFF RECOMMENDATION	
APPROVE	DENY
COMPATIBILITY with the ZONING ORDINANCE There can be no future development without approval of the CUP. The Current Future Land Use Map suggests Residential Use	PROPERTY HISTORY Applicant states the single family dwelling was destroyed by fire on February 2, 2022. A Manufactured Home (MH) was placed on the property in April of 2022 with the intent to repair/remodel the MH to provide a home for the family while rebuilding the single family dwelling. Applicant requests a CUP for four (4) years

ATTACHMENTS
(CIRCLE)

SUBMITTED PLANS

PUBLIC HEARING PETITION/
APPLICATION FORM

LEGAL NOTICE

LEGAL DESCRIPTION

PUBLIC COMMENTS

AGENCY COMMENTS

RESPONSE TO STANDARDS

OTHER (DESCRIBE)



**CITY OF ROCKPORT
ZONING AND LAND DEVELOPMENT APPLICATION**

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

- A. REQUESTING: Rezoning [] Conditional Permit [☒]
Planned Unit Development (P.U.D.) by Conditional Permit []
- B. ADDRESS AND LOCATION OF PROPERTY 157 Kluge Trl
Rockport, TX, 78382
- C. CURRENT ZONING OF PROPERTY: R1
- D. PRESENT USE OF PROPERTY: None
- E. ZONING DISTRICT REQUESTED: _____
- F. CONDITIONAL USE REQUESTED: ☒
- G. LEGAL DESCRIPTION: (Fill in the one that applies)
- Lot or Tract McCombs Lot 55 + 56 Block _____
 - Tract _____ of the _____
Survey as per metes and bounds (field notes attached)
 - If other, attach copy of survey or legal description from the Records of Aransas County or Appraisal District.
- H. NAME OF PROPOSED DEVELOPMENT (if applicable) _____
- I. TOTAL ACREAGE OR SQ. FT. OF SITE(S): 3.494 acres
- J. REASON FOR REQUEST AND DESCRIPTION OF DEVELOPMENT:
(Please be specific)
- MANUFACTURED HOME RK
Need electricity permit for trailer on the
property while rebuilding dwelling that
was destroyed during a structure fire.
for 4 years.

K. OWNER'S NAME: (Please print) Richard J. Kretschmann
 ADDRESS: 157 Kluge Trl
 CITY, STATE, ZIP CODE: Rockport, TX, 78382
 PHONE NO 830-708-7709

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

NOTE: Do you have property owner's permission for this request?

YES ☒ NO ☐

M. FILING FEE:

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

(Make check payable to the City of Rockport)

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

Signed: _____
 (Owner or Representative)

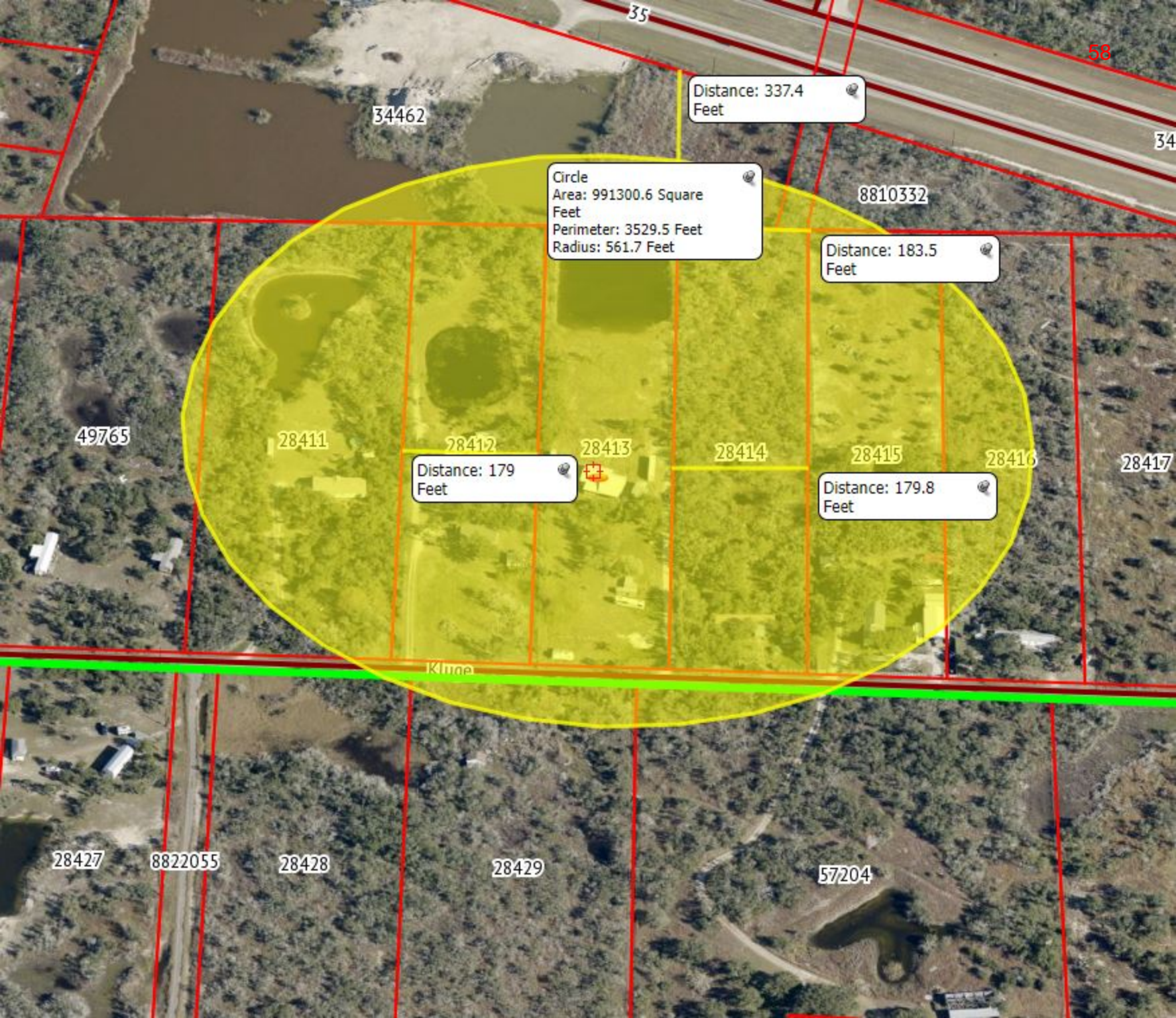
(FOR CITY USE)

Received by: CO Date: 8/24/22 Fees Paid: \$ 190.00/xx

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

If rejected, reasons why: _____

Receipt No. _____



Distance: 337.4 Feet

Circle
Area: 991300.6 Square Feet
Perimeter: 3529.5 Feet
Radius: 561.7 Feet

Distance: 183.5 Feet

Distance: 179 Feet

Distance: 179.8 Feet

Klinge

ZONING MAP EXHIBIT



FUTURE LAND USE MAP EXHIBIT



City of Rockport Municipal Council/Zoning Board
 2751 SH 35 Bypass
 Rockport, TX 78382

To Whom It May Concern,

Re: Granting permission for residents/neighbors living at 157 Kluge Trail, Rockport, TX, 78382 to reside in mobile home during rebuild of single-family home and for permanent placement of mobile home on the property.

It has come to my attention that my neighbors, Richard Kretschmann and his family who own the property at 157 Kluge Trail, are seeking permission to have services provided to a mobile home on their property so they can reside in it while rebuilding the previous structure that was destroyed in a fire.

I am supportive of their request to be provided occupancy and services to the mobile home. Additionally, due to their exceptional and unfortunate circumstances, I am also supportive of their desire to have the mobile home be allowed to be permanently placed on the property as mobile homes are on the majority of properties on Kluge Trail.

Sincerely,

M W BRADSON

(Print name)

M W Bradson

(Signature)

157 KLUGE TRAIL

(Address)

10-17-22

(Date)

City of Rockport Municipal Council/Zoning Board
2751 SH 35 Bypass
Rockport, TX 78382

To Whom It May Concern,

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I am supportive of their request to be provided occupancy and services to the mobile home. Additionally, due to their exceptional and unfortunate circumstances, I am also supportive of their desire to have the mobile home be allowed to be permanently placed on the property as mobile homes are on the majority of properties on Kluge Trail.

Julia Nixon

(Print name)

Julia Nixon

(Signature)

149 Kluge Tr.

(Address) Rockport

Oct 17, 2022

(Date)

CITY COUNCIL AGENDA

Regular Meeting: Tuesday, November 8, 2022

AGENDA ITEM: 10

Deliberate and act on first reading of an Ordinance of the City of Rockport amending Code of Ordinances Chapter 102 ‘Utilities’, Article IV. ‘Surcharge Revenue Account’, by amending Section 102-401 “Surcharge” to increase surcharge fee, repealing all ordinances in conflict therewith; providing for severability; and providing an effective date.

SUBMITTED BY: Katie Griffin, Director of Finance

APPROVED FOR AGENDA: VRS

BACKGROUND: 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. The Chapter 102, Article IV of the Code of Ordinances prescribes that Rockport Volunteer Fire Department (RVFD) and Fulton Volunteer Fire Department (FVFD) receive 77 and 23 percent, respectively, of the surcharge and that Lamar Volunteer Fire Department (LVFD) receive the amount collected from customers (who are gas only) in Lamar. The City retains a 5 percent administrative fee.

The Utility Bill Surcharge was created in April of 1989 with Ordinance No. 828 for the purpose of creating a capital fund for fire equipment and capital outlay. The surcharge was established at \$1.00 per utility bill per month for the purchase of capital items at a unit cost of more than \$100 with an intended life of two years or more for the Rockport and Fulton Volunteer Fire Departments. Lamar VFD was added in December of 2009.

In the mid-1990s, the residential rate was increased to \$1.25 per utility bill and in July of 1998, the Utility Bill Surcharge was amended to add multi-unit customers, including RV Parks, Apartments, Condominiums, hotels, motels, and shopping centers. The most recent increase in the Utility Bill Surcharge took place in August 2010, increasing the rate to \$1.35 per utility bill.

Currently, single unit utility customers have a monthly surcharge of \$1.35 per municipal utility bill. Multi-unit customers are charged \$1.35 for each metered connection, plus \$27 for each additional space, RV, apartment or other multi-unit and wholesale customers are charged \$1.35 for each single unit serviced plus \$0.27 for additional customers being serviced. Annual collections are distributed each fall to the three-area volunteer fire department proportionately, 77% to Rockport Volunteer Fire Department, 23% to Fulton Volunteer Fire Department, and 100% of natural gas utility accounts on the Lamar Peninsula to the Lamar Volunteer Fire Department.

Total collections for FY 2021-2022 were \$197,525.54. The City retained 5%, 9,876.28 of collections as an administrative fee, with the balance of the fund being disbursed to the VFDs. Following the FY 2021-2022 disbursements to the local volunteer fire departments, the City Council requested staff present an agenda item to discuss the current utility bill surcharge rate and the possibility of amending the rate.

FISCAL ANALYSIS: An increase in the Utility Bill Surcharge rate would have minimal impact on City operations or expenditures, as the surcharge is collected by the City with utility bills and disbursed to the VFDs once annually.

There are currently 9,939 customers participating in the Utility Bill Surcharge program, 202 of which are on the Lamar peninsula. Of these customers, 9,429 are single unit customers, 510 are additional multi-unit customers. There are no wholesale customers participating.

An increase of \$0.05 (4%) per connection would equate to approximately \$5,405 annually to be distributed to the local volunteer fire departments, with an annual impact per single household of \$0.60. The \$0.05 increase would provide an additional \$3,954 to the Rockport VFD, \$1,181 to Fulton VFD, \$115 to Lamar VFD and \$155 in administrative fees.

RECOMMENDED ACTION: Staff recommends approval of the first reading of an Ordinance of the City of Rockport amending Code of Ordinances Chapter 102 ‘Utilities’, Article IV. ‘Surcharge Revenue Account’, by amending Section 102-401 “surcharge” to increase surcharge fee, repealing all ordinances in conflict therewith; providing for severability; and providing an effective date; to support the volunteer fire departments and their need to purchase fire equipment for response to the Rockport and Aransas County area of a minimum of \$0.05 per utility connection.

ORDINANCE NO.

AN ORDINANCE AMENDING CODE OF ORDINANCES, CITY OF ROCKPORT, TEXAS, CHAPTER 102 'UTILITIES,' ARTICLE IV. 'SURCHARGE REVENUE ACCOUNT', BY AMENDING SECTION 102-401 "SURCHARGE" TO INCREASE FEE; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Chapter 102 "Utilities" Article IV. "Surcharge Revenue Account", Section 102-401, of the Rockport Code of Ordinances is hereby amended to wit:

Sec. 102-401. Surcharge.

- (a) *Single unit customer.* A surcharge in the amount of \$~~1.35~~ _____ per municipal utility bill per month is hereby established for each non-wholesale single unit customer.
- (b) *Multi-unit customer.* A surcharge in the amount of \$~~1.35~~ _____ for each meter connection, plus \$~~0.27~~ _____ for each space, room, apartment, condo or like multiple unit, per municipal utility bill per month, is hereby established for each non-wholesale multi-unit customer. Multi-unit customers shall include but not limited to R.V. parks, apartments, condominiums, hotels/motels and shopping centers.
- (c) *Wholesale customer.* A surcharge per municipal utility bill per month is hereby established for each wholesale customer in an amount equal to the sum of \$~~1.35~~ _____ per each single unit served, plus \$~~0.27~~ _____ for each space, room, apartment, condo or like multiple unit served by the wholesale customer. Wholesale customers shall include all contracted resale customers being charged wholesale water rate.

Section 2. All ordinances and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

Section 3. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Ordinance would have been enacted without such invalid provision.

Section 4. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

Section 5. This Ordinance shall be effective upon the date of final adoption hereof and any publication required by law.

Section 6. This Ordinance shall become effective upon adoption by second and final reading. Rates to become effective December 15, 2022, and reflected on the January 1, 2023 billing.

APPROVED and **PASSED** on first reading the 8th day of November 2022.

CITY OF ROCKPORT, TEXAS

Tim Jayroe, Mayor

ATTEST:

Teresa Valdez, City Secretary

APPROVED, PASSED and ADOPTED on second reading the _____ day of _____ 2022.

CITY OF ROCKPORT, TEXAS

Tim Jayroe, Mayor

ATTEST:

Teresa Valdez, City Secretary

CITY COUNCIL AGENDA
Regular Meeting: Tuesday, November 8, 2022

AGENDA ITEM: 11

Deliberate and act on purchase of a 2023 John Deere 320P Backhoe.

SUBMITTED BY: Director of Public Works & Building Development Michael S. Donoho, Jr

APPROVED FOR AGENDA: VRS

BACKGROUND: This Backhoe will replace a 20-year-old unit. This unit will be used for daily operations within the Water Department.

FISCAL ANALYSIS: The cost for the Backhoe is \$143,131.38. The funds for this purchase were approved in FY 2022/2023 Vehicle & Heavy Equipment Replacement Fund and funded by 2022 Tax Note proceeds. Act # 80-6018028.

This purchase will be from John Deere Doggett Heavy Equipment through a Buy Board (Source – Well) Quote, complying with required purchasing guidelines.

RECOMMENDED ACTION: Council approve purchase of 2023 John Deere 320P Backhoe

**12410 US HWY 59 N
VICTORIA TX 77905
361-570-6666**

Make:	DEERE
Model:	320P
Stock #:	TBD
Serial #:	TBD
Expires:	11/18/22

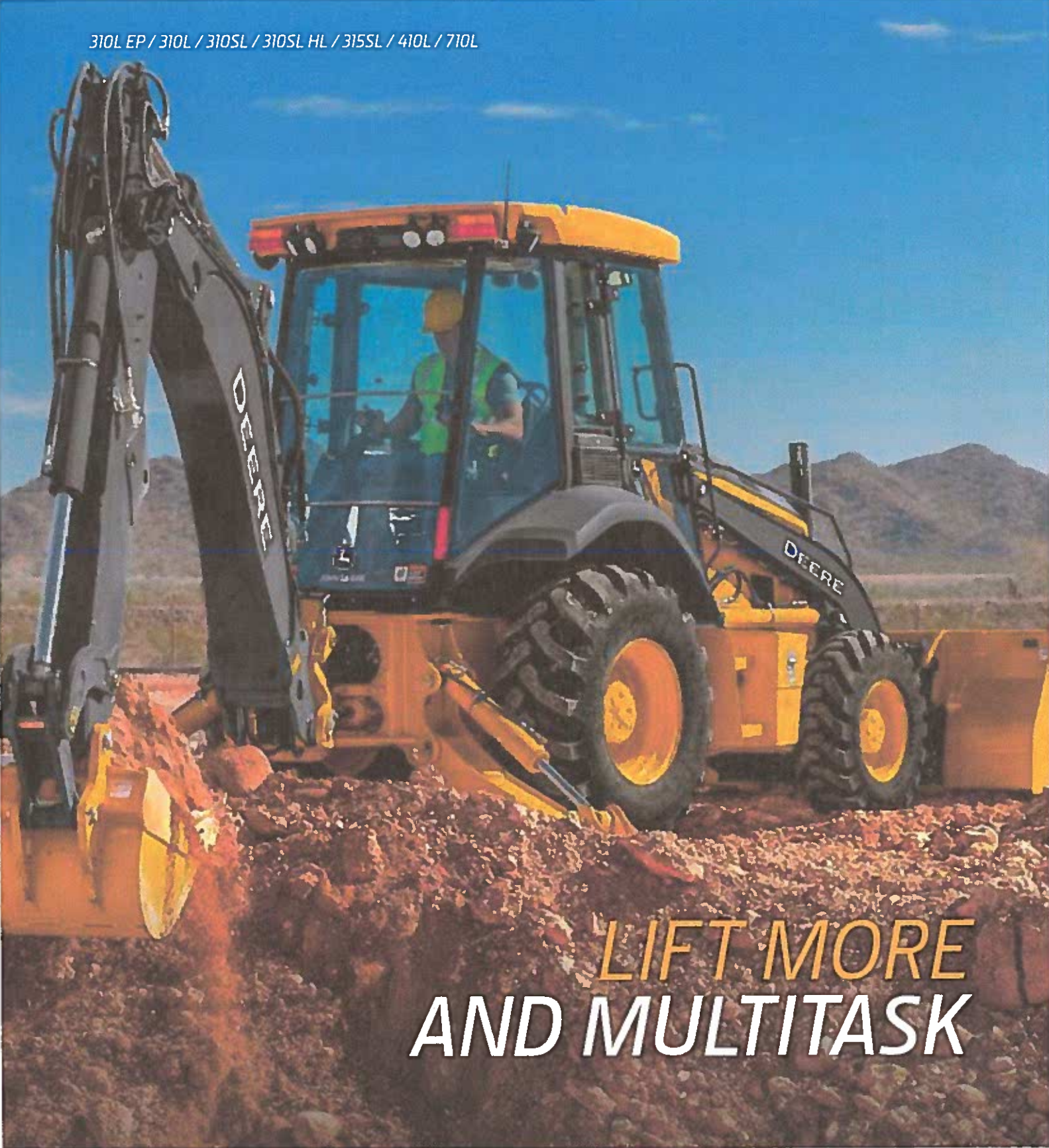
[illegible]

L-SERIES
BACKHOES



JOHN DEERE

310L EP / 310L / 310SL / 310SL HL / 315SL / 410L / 710L

A large John Deere backhoe loader is shown in a construction setting, digging into a pile of reddish-brown soil. The machine is yellow and black, with "DEERE" visible on the boom and side. A worker in a yellow hard hat and safety vest is visible in the cab. The background shows a clear blue sky and distant hills.

**LIFT MORE
AND MULTITASK**

CITY COUNCIL AGENDA

Regular Meeting: Tuesday, November 8, 2022

AGENDA ITEM: 12

Deliberate and act on a Resolution authorizing the City Manager to enter into a contract for the collection of delinquent special assessments between the City of Rockport and Linebarger Goggan Blair & Sampson, LLP; repealing all conflicting resolutions and providing for an effective date.

SUBMITTED BY: Katie Griffin, Director of Finance

APPROVED FOR AGENDA: VRS

BACKGROUND: The City currently holds 257 active property liens with a filed value of \$145,179, plus interest. These liens were filed under Chapter 342 of the Health and Safety Code.

Currently, these liens are only paid in full if a property is sold or if the current property owner decides to make payment. Often times, these liens go unpaid for several years.

In order to reduce the number of unpaid liens, Staff met with representatives from Linebarger Goggan Blair & Sampson, LLP Gabriel Roeder Smith & Company (Linebarger) to explore collection options for delinquent liens. The City has successfully contracted with Linebarger for several years for the collection of delinquent property taxes.

Contracting with Linebarger will authorize the firm to take necessary actions to include the delinquent lien accounts in pending tax suits in representation of the City. The contract also provides Linebarger the authority to represent the City in all bankruptcies filed by delinquent property owners, insuring the City's interest are protected in bankruptcy matters with respect to the delinquent accounts.

Implementing this contract will allow the City to have additional collection opportunities for delinquent property liens.

Steve Saucedo with Linebarger will be present during the City Council meeting to answer questions and provide additional information on the contract and collection process.

FISCAL ANALYSIS: The fee for Linebarger's collection services for the collection of delinquent accounts in special assessments is twenty (20%) of all referred delinquent accounts that are collected and paid to the City, to be paid by and collected from the property owners.

RECOMMENDED ACTION: Staff recommends adoption of the Resolution authorizing the City Manager to enter into a contract with Linebarger for the collection of delinquent special assessment accounts.

RESOLUTION NO. 2022-__

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR THE COLLECTION OF DELINQUENT SPECIAL ASSESSMENTS BETWEEN THE CITY OF ROCKPORT AND LINEBARGER GOGGAN BLAIR & SAMPSON, LLP; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Rockport (“City”) desires to have an outside firm assist with the collection of delinquent special assessments levied in connection with paving liens and liens filed under Chapter 342 of the Health and Safety Code, including principal and interest owing to the City;

WHEREAS, the City received a contract for these services from Linebarger Goggan Blair & Sampson, LLP (“Linebarger”) to be paid a 20% attorney’s fee that will be added to all delinquent accounts in special assessments which are referred for collection and which are actually collected and paid to the City;

WHEREAS, the City and Linebarger have worked to prepare a Contract for the Collection of Delinquent Special Assessments.

BE IT RESOLVED by the City Council of the City of Rockport, Texas:

I.

THAT the City Manager is authorized and directed as an act of the City of Rockport, Texas to enter into a Contract for the Collection of Delinquent Special Assessments between the City of Rockport and with Linebarger Goggan Blair & Sampson, LLP in accordance with Exhibit A hereto attached and made a part hereof.

II.

THAT all resolutions or parts of resolutions in conflict with this resolution are repealed to the extent of such conflict only.

III.

THAT this Resolution shall be and become effective on and after adoption.

PASSED AND APPROVED by a majority vote of the City Council on the _____ day of _____ 2022.

Tim Jayroe, Mayor

ATTEST:

Teresa Valdez, City Secretary

CONTRACT FOR THE COLLECTION OF DELINQUENT SPECIAL ASSESSMENT ACCOUNTS

This Agreement (“Agreement”) is made on this the ____ day of _____, 20__ between City of Rockport, Texas, hereinafter referred to as “City”, and Linebarger Goggan Blair & Sampson, LLP, hereinafter referred to as “Law Firm”;

In consideration of the mutual promises herein contained, the parties hereto agree as follows:

I. PURPOSE OF REPRESENTATION

1.01 City hereby retains and employs Law Firm for the collection of delinquent accounts in special assessments levied in connection with paving liens and liens filed under Chapter 342 of the Health and Safety Code, including principal and interest owing to the City thereby, hereinafter referred to as “Delinquent Accounts” or “Delinquent Accounts in Special Assessments”. An account is delinquent when it remains unpaid after thirty (30) days of initial invoice.

1.02 The City authorizes and directs Law Firm to take all action necessary to include the Delinquent Account in pending tax suit, including all necessary court appearances, research, investigation, correspondence, preparation and drafting of pleadings, and all related work necessary to properly represent the City’s interest in these matters. The Law Firm shall check with the City before filing any tax suit or obtaining a judgment on such a suit to ensure the inclusion of all liens in the suit or judgment. If additional liens are filed after the initiation of the tax suit, but before final judgment, Law Firm shall amend the pleadings to include such additional liens. The City will respond within 5 business days to the Law Firm’s request for lien accounts to be included in the filings or amendment of any suit. When a case is set for final hearing, the Law Firm will request an update to identify any additional liens to be included in the suit before the entry of judgment. The City will respond within 5 business days of the request for any update and said liens will constitute the final claims to be included in the suit. The Law Firm shall represent the City in all bankruptcies filed by delinquent property owners, including filing claims, monitoring the bankruptcy process, attending hearings as necessary, and otherwise insuring the City’s interests are protected in the bankruptcy matter with respect to Delinquent Accounts.

1.03 The Law Firm shall pursue collection methods such as letters, telephone calls, in person contact regarding the collection of Delinquent Accounts in Special Assessments. The Law Firm agrees to contact the person who is legally responsible for the Delinquent Account to collect amounts owed. This shall be accomplished by mailings to delinquent accounts on intervals to be agreed upon by the Law Firm and the City Manager. Exhibit 1 identifies specific tasks to be performed by Law Firm.

1.04 The Law Firm shall provide the City Manager with written monthly reports as requested.

1.05 The Law Firm is to call to the attention of the City Manager any errors, double assessments, or other discrepancies coming under its observation during the progress of the

work. Ownership of information acquired by Law Firm concerning the services performed during this agreement belongs to the City, and Law Firm shall only use such information as needed to perform required services.

1.06 No settlement agreement of any claim, suit or proceeding shall be entered into without the approval of the City Manager.

1.07 The Law Firm shall maintain a file for each referred claim which shall be available to the City at all times for inspection. Such file shall contain all data pertinent to the claim to support its disposition. All documents, papers, or records pertaining to a file shall be retained after conclusion of all legal proceedings for disposition as mutually agreed to by the City Manager and Law firm.

II. LAW FIRM'S FEES AND EXPENSES

2.01 As compensation for services required under this contract, City hereby agrees to pay Law Firm 20% of all Delinquent Accounts in Special Assessments which are referred to Law Firm for collection and which are actually collected and paid to the City during the term of this contract, to be paid by and collected from the property owners. All such compensation shall become the property of the Law Firm at the time payment of the monies is made to the City. The City shall pay over said funds monthly by check.

2.02 It is understood that if the amount of Law Firm's fees under this Contract are regulated or governed by law, and that law precludes any other fee arrangement other than the amount set by law or regulation, then the amount payable to Law Firm is limited to the maximum allowed by law.

III. TERM AND TERMINATION

3.01 This contract shall be effective beginning _____, 2022, and shall expire on _____, 2026 unless extended as hereinafter provided. Either party may terminate this Agreement upon sixty (60) days prior written notice.

3.02 Unless prior to sixty (60) days before the expiration date, the City or the Law Firm notifies the other in writing that it does not wish to continue this contract beyond its initial term, this contract shall be automatically extended for an additional one year period without the necessity of any further action by either party. In the absence of any such sixty (60) day notice by either the City or the Law Firm, this contract shall continue to automatically renew for additional and successive one-year terms in the same manner at the end of each renewal period.

3.03 Upon termination, Law Firm will deliver all pending files on cases referred to it under this Contract to the City. The Law Firm has six (6) months following termination of the contract to reduce to judgments all suits filed prior thereto.

IV. CITY RESPONSIBILITIES

4.01 City shall identify tax account number, owner name, street address, legal description and amounts owed on original list submitted to Law Firm.

4.02 City will be responsible for executing and maintaining payment agreements on delinquent accounts referred to Firm for collection.

4.03 City shall respond to incoming telephone calls regarding Delinquent Accounts in Special Assessments.

4.04 City shall notify Law Firm of any settlements, adjustments or cancellations to delinquent accounts.

V. MISCELLANEOUS

5.01 This agreement shall be construed under and in accordance with Texas law, and all obligations of the parties are performable in Aransas County, Texas.

- a. This Agreement constitutes the sole and only Agreement between the parties and supersedes any prior undertakings or written or oral agreement between the parties respecting the subject matter of this agreement.
- b. In case any one or more of the provisions contained in this Agreement shall, for any reason, be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provisions thereof and this Agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.
- c. This Agreement may be amended only by written agreement signed by duly authorized representatives of the parties hereto. The City Manager is authorized to execute amendments to the Agreement.
- d. Law Firm agrees to comply with all applicable Federal, State, and Local laws, including laws related to collections.
- e. As desired by City, Law Firm agrees to an audit of files maintained by Law Firm pertaining to this Contract.
- f. Neither party may assign this Agreement without the prior written approval of other party.
- g. Notice may be sent by certified mail, postage prepared, and is deemed received on the third day after deposit if sent certified mail. Notice shall be sent as follows:

If to City: City of Rockport
Attn: City Manager
2751 State Highway 35 N Bypass
Rockport, Texas 78382

If to Law Firm: Linebarger Goggan Blair & Sampson, LLP
Attn: Paul D. Chapa, Partner
500 N. Shoreline Blvd., Suite 1111
Corpus Christi, Texas 78401

Agreed to by the City of Rockport and Law Firm:

City of Rockport

By: _____
 Vanessa Shrauner, City Manager
 Date: _____

Attest

By: _____
 Teresa Valdez, City Secretary
 Date: _____

Linebarger Goggan Blair & Sampson, LLP

By: _____
 Paul Daniel Chapa, Partner
 Date: _____

Exhibit 1
Services Performed by Law Firm

Collection of Lien

Include liens in delinquent tax suits.

Mass mailings of delinquent bills as requested by city.

Respond to incoming phone calls to Law Firm regarding Delinquent Accounts.

Represent City in bankruptcy court when property owner in bankruptcy.

Perform telephone collections.

Prepare deeds for resale.

Disburse tax sale and resale money.

Answer correspondence regarding Delinquent Accounts.

Law Firm will inform City of any forwarding addresses on returned mail received by Law Firm.