
CITY COUNCIL AGENDA

Notice is hereby given that the Rockport City Council will hold a regular meeting on Tuesday, February 14, 2023, 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 City Council Meeting Minutes of January 24, 2023, and City Council Special Meeting Minutes of January 31, 2023.
5. Deliberate and act 1st quarter report from the Texas Marine Science Institute/Mission Aransas National Estuarine Research Reserve for Fiscal Year 2022-2023 Bay Education marketing expenditures.
6. Deliberate and act on request to close the south side of Austin Street on March 4, 2023, from 7:00 a.m. to 10:00 a.m. for the 34th Annual Whooping Crane Strut.

7. Deliberate and act on second & final reading of an Ordinance amending Article 4 of the City of Rockport Zoning Ordinance Number 1027 by changing the zoning of land located at 407 West Market Street; also known as Doughty and Mathis, Block 200, Lots 1 through 3, the westerly portion & Lots 9 through 11, the easterly portion, Rockport, Aransas County, Texas, from R-1 (1st Single Family Dwelling District) to B1 (General Business District) to allow the use of a new shop; repealing all ordinances in conflict therewith; providing for severability; and providing an effective date.
8. Deliberate and act on second & final reading of an Ordinance ordering a Special Election and establishing procedures for said election to be held on Saturday, May 6, 2023; the Special Election shall be for the purpose of submitting to the qualified voters of the City proposed Charter Amendments for their consideration; establishing early voting locations and polling places for the Special Election; providing other matters relating to the Special Election; providing for publication of the Notice of the Special election; providing for severability; finding and determining that the meeting at which this Ordinance is passed is open to the public as required by law; and establishing an effective date.

Deliberar y actuar sobre la segunda y última lectura de una Ordenanza que ordena una Elección Especial y estableciendo los procedimientos para que dicha elección se celebre el sábado 6 de mayo de 2023; la Elección Especial tendrá el propósito de presentar a los votantes calificados de la Ciudad las Enmiendas a la Carta Constitucional propuestas para su consideración; establecer lugares de votación anticipada y lugares de votación para la Elección Especial; proporcionar otros asuntos relacionados con la Elección Especial; proveer para la publicación del Aviso de la Elección Especial; prever la separabilidad; encontrar y determinar que la reunión en la que se aprueba esta Ordenanza está abierta al público según lo exige la ley; y establecer una fecha efectiva.

9. Deliberate and act on Contract for Election Services with the Elections Administrator of Aransas County for the May 6, 2023 General Election and Special Elections.

Deliberar y actuar sobre el contrato de servicios electorales con el administrador de elecciones del condado de Aransas para las elecciones Generales y Especiales del 6 de mayo de 2023.

10. Deliberate and act on May 6, 2023, Joint Election Contract for Election Services between the City of Rockport and Aransas County Independent School District in compliance with HB 1.

Deliberar y tomar medidas sobre el Contrato de Elecciones Conjuntas del 6 de mayo de 2023 para Servicio Electorales entre la Ciudad de Rockport y el Distrito Escolar Independiente del Condado de Aransas, en conformidad con HB 1.

11. Deliberate and act on Purchase of Ford F750 Elliptical Dump Truck.
12. Deliberate and act on a Resolution authorizing the award of a Professional Service Provider Contract to Grant Works for the 2023/2024 Community Development Block Grant program of the Texas Department of Agriculture.

13. Deliberate and act on a Resolution authorizing the award of a Professional Service Provider Contract to Urban Engineering, Corpus Christi, Texas, for the 2023/2024 Community Development Block Grant program of the Texas Department of Agriculture.

Regular Agenda

14. Deliberate and act on first reading of a proposed Ordinance authorizing a pro-rata reimbursement to Eric & Janet Prim, Michael E. & Cynthia S. Glick, Gary & Lydia A. Newman, Ebbitt I. Thomas, and Scott Johnson for development of a sanitary sewer main utility line affecting the property and property owners along Ocean Drive, known as Aransas County Appraisal District Property ID numbers; 64666, 64667, and 65356, Rockport, Aransas County, Texas; providing for pro-rata payments from benefited property owners who request to connect to the sewer utilities during the reimbursement period; providing for developer to be reimbursed from pro-rata funds received and providing an effective date and a termination date.
15. Deliberate and act to appoint members to the Parks & Leisure Services Advisory Board.
16. Deliberate and act on possible approval of an amendment to the existing Republic Services contract, extending it for one year until July 31, 2024.
17. City Manager Report:
 - A. Information for the public – Proposed Charter Amendments.
 - B. Budget.
18. 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:

19. 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., 2) Concho Street Drainage Project, and 3) Bharatkumar Patel and Kokilakumari Patel vs. City of Rockport.

20. Section 551.074 Personnel Matters - deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee: Parks & Leisure Services Director.

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.

21. Adjournment.

Special Accommodations

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

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

Certification

I certify that the above notice of meeting was posted on the bulletin board at the Rockport Service Center, 2751 State Highway 35 Bypass, Rockport, Texas on Friday, February 10, 2023, at 12:10 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, February 14, 2023

AGENDA ITEM: 4

Deliberate and act on approval of City Council Meeting Minutes of January 24, 2023, and City Council Special Meeting Minutes of January 31, 2023.

SUBMITTED BY: City Secretary Teresa Valdez

APPROVED FOR AGENDA: VRS

BACKGROUND: Please see the accompanying City Council meeting minutes of January 24, 2023, and City Council Special meeting of January 31, 2023.

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, January 24, 2023

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 24th day of January 2023, 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 Katy Jackson, Ward 1
Council Member Brad Brundrett, Ward 3

CITY COUNCIL MEMBER(S) ABSENT

Council Member Danielle Hale, Ward 2

STAFF MEMBERS PRESENT

City Manager Vanessa Shrauner
Assistant to City Manager Kimberly Henry
City Secretary Teresa Valdez
City Attorney Adolfo Ruiz – *Via ZOOM*
Director of Finance Katie Griffin
Director of Public Works and Building & Development Services Mike Donoho
Information Technology Director Bob Argetsinger
Police Captain Criminal Investigation Division Nathan Anderson
Communications Center Director Lee Brown
Assistant Building & Development Services Director/Community Planner Carey Dietrich

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, January 24, 2023, 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. 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.

NOTE: Mayor Jayroe inadvertently missed the one Citizen Participation Form received and Council Member Brundrett read the statement following Agenda Item 11.

Kristie Rutledge, 1411 Dana Drive: Council Member Brundrett read the comments: Surprised and dismayed that the Council took the January 12, 2023 meeting to Bastrop; I listened to the audio and many things were decided concerning standard contracts, petitions for disannexation, and amendments to the City Charter; Mayor Jayroe spread lies about me and they were repeated by another Council member; Mayor Jayroe admitted in Bastrop that his effort to smear my good name started in his election and he had conversations about me in a January 11th meeting with Leadership Aransas County; on March 23, 2022, an editorial was written that compared me to Jim Jones; seems like a coordinated effort to hurt me and my family and I ask you Mayor Jayroe and all City Council Members to cease and desist your defamation of my character that threatens my ability to work and live in this community.

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 City Council Meeting Minutes of January 10, 2023, and City Council Special/Retreat Meeting Minutes of January 12, 2023.**
- 7. Deliberate and act on request from the Fulton Oysterfest for temporary closure of sections of Traylor Boulevard and South Fulton Beach Road for the Oysterfest parade on March 4, 2023, and authorization to display banners across the 2400 block of Highway 35 Business and across the 1200 block of FM 3036 for the Oysterfest event.**
- 8. Deliberate and act on a Resolution approving and adopting an Investment Officer for the City of Rockport, Texas.**
- 9. Deliberate and act on a Resolution of the City of Rockport, Texas, authorizing Professional Service Provider selection for Texas Community Development Block Grant**

Regional Mitigation Program's Method of Distribution (CDBG MIT-MOD) Program funding and administered through the Texas General Land Office (GLO).

- 10. Deliberate and act on 1st quarter Report from Rockport Center for the Arts for Fiscal Year 2022-2023 marketing expenditures.**
- 11. Deliberate and act on a Resolution of the City Council of the City of Rockport ordering a General Election and establishing procedures for said election to be held on Saturday, May 6, 2023; the General Election shall be for the purpose of electing a Council Member to represent Ward #1 and a Council Member to represent Ward #3; providing other matters relating to the General Election; and finding and determining that the meeting at which this Resolution is passed is open to the public as required by law.**

Deliberar y tomar medidas sobre la Resolución, una resolución del Ayuntamiento de la Ciudad de Rockport en la que se ordena la realización de unas Elecciones Generales y se establecen procedimientos para dichas Elecciones, que se llevarán a cabo el sábado 6 de mayo de 2023; las Elecciones Generales se realizarán con el propósito un Concejal que represente el Distrito #1; y un Concejal que represente el Distrito #3; se estipulan otros asuntos relacionados con las Elecciones Generales, y se decide y determina que la reunion en la cual se aprueba la resolución estará abierta al public, como lo require la ley.

- 12. Accept the Final Report of the Charter Review Commission regarding its recommendations on changes, amendments, and modifications to the City Charter.**

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

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

Mayor Jayroe moved to Agenda Item 17.

- 17. Hear and deliberate on presentation from Aransas County Independent School District to close Stadium Drive.**

Lacy Garza, 117 Georgian Oaks, addressed the Council and commented: I am a teacher at Rockport-Fulton Middle School and students did a service project on Stadium Drive Safety. Rockport-Fulton Middle School students gave a PowerPoint presentation (below).



Examples of Safety Hazard



- Students **running** across to get to the other side

Examples of Safety Hazard



- Semi-truck stopped in middle of the road blocks buses and cars

Video Example of Safety Hazard

- Cars go into the other lane to get around the semi-truck



Examples of Safety Hazard



- A biker is trying to the cross road but nobody is stopping.

Possible Solutions

- Closing the road
- Place down wide speed humps
- Lower the current speed limit
- Temporary Road Closure
- Addition of stop signs
- Police Officer for traffic control
- Street Lights
- Push button



Proposed Road Closure Plan



Cost of Speed Humps

- 1000 - 2000 lbs of asphalt is needed to make one speed hump
- We need 3-4 speed humps
- It will cost around \$2,000 for a speed hump.



Installing speed humps would reduce odds of injury or death in children getting hit by a car by 53%-60%!

Example of Speed Hump



Reducing Speed Limit

- Current Speed Limit:
 - 30 mph
 - 20 mph during drop-off and pickup
- Reduce Speed Limit to:
 - 15 mph **at all times**



Temporary Road Closure

- We could temporarily close the road down with a crossing gate
- For the car rider line, we could reroute traffic



Crossing Gate



- A crossing gate would cost more, but would be more efficient
- One 10 foot magnetic crossing gate is about \$5,000 or more plus installment

Installing Crossing Gate



- We would need 2 sets to cover each lane of the road by the turn-in.
- As an alternative, our RF High School welding program could construct the crossing gates.
- Authorized Personnel with IDs would be responsible for activating the gates.

Adding More Street Lights



- It's difficult for motorists and pedestrians to see when it is dark.
- Street lights cost at an average of \$2,000 to \$3,000
- Street lights help light up the roads, making it safer for motorists and pedestrians.

Push Button



- It could also be used by the public.
- There will be a timer to prevent overuse.
- Possibly solar powered
- And could also be used in conjunction with the crossing gate arm.

Push Button Expenses

- Installing a push button with a sign is about \$1,250 to \$5,500



Examples at GP School District



Demonstration of the Push Button at Gregory-Portland's high school



Thank you for your time!

Bibliography

- [Asphalt](#)
- [Barrier Arm](#)
- [Barrier Arm Moving Machine](#)
- [Magnetic Barrier Arm](#)
- [Push Button Cross Walk](#)
- [Street lamps](#)
- [Push Button Sign](#)

Dr. Joshua Garcia, 315 St. Francis Circle, addressed the Council. Dr. Garcia stated Aransas County Independent School District students brought an issue to them and the school felt the idea the students presented was a good idea to bring to the City Council. Dr. Garcia said there were some things he wanted to highlight: 1) Any design related to closing Stadium Drive would continue to allow first responders access and if Stadium Drive were closed it would become part of the School District operations and expenses; and 2) Other alternatives were presented and those would need to be at the expense of City because the City owns the street.

Dr. Garcia expressed he hopes the School and City can be proactive.

Michaela Alston, Aransas County Independent School District Trustee, addressed the Council. Ms. Alston expressed as a School Board Member it is their job as a top priority to keep students and staff safe at all times as is your responsibility as a City Council Member and Mayor to keep community members and those that visit safe. Ms. Alston stated she believed the school and the City could work together to find a solution that best meets the needs and safety concerns on both sides. Ms. Alston invited the Council to come see, hear, and feel what it looks like driving down Stadium Drive during school events; lights would be a help to them and speed humps would slow traffic down. Ms. Alston added that anything the City can do to help keep the students and staff safe would be awesome.

Diedra Amaya, 101 Windcrest Lane, addressed the Council and commented: I frequently drop off children at the school and have witnessed people not stopping for children crossing the street and they are speeding; it's imperative that dollars go toward the safety of our children; any safety features that you can add would greatly improve their safety and the look of Rockport School District when other schools are coming and their children feel safe in that area also.

Ms. Alston called the Council's attention to the map (below) so the Council could clearly see that Option A would still allow full access to first responders, if that road were to be shut down from Enterprise to Sonny Watkins and that would be school district expense.



Council Member Brundrett asked Dr. Garcia if meetings have been started between the School and the City. Council Member Brundrett stated he thinks it is a good idea, but staff has concerns regarding the utilities in that area, and he doesn't know if complete closure is possible. Council Member Brundrett added he knows that Police, Fire and EMS really don't like road humps.

Council Member Brundrett commended the children for a fantastic job.

Dr. Garcia said the School and the City Manager have met a couple of times. Dr. Garcia stated he knows there would be some grading and definitely work with an engineer for drainage.

Mayor Pro-Tem Hattman stated she would like to see additional options brought back and she thinks there are some things that can be done; options that work for everyone for the safety of the children. Mayor Pro-Tem Hattman said she appreciated the children bringing the presentation to City Council.

Ms. Alston expressed it was important as a school district to always be proactive and not reactive. Ms. Alston said the school is trying to stay ahead of any type of safety concerns that could happen.

Council Member Jackson said in looking at this the ideal situation is that the City vacate that portion of Stadium Drive after the City determines rights-of-way, drainage, and utilities ect. Council Member Jackson asked if cross walks and such be installed until all the other things can happen.

Dr. Garcia said if the City were to go with Option A, then you do not want to spend too much money on alternate options, but if Option A is not a choice, then you want to do the other things.

Council Member Jackson stated the question being if the City were to vacate this, say tomorrow, how soon could you start building that? Council Member Jackson said she would rather not have the City vacate it and then it be left as is for two years.

Dr. Garcia answered that would be something they would work with the school board on how they would quickly fund a project that size. Dr. Garcia stated that based on how things are getting built and the bond process it would probably take a year.

City Manager Shrauner asked if this could be funding through the current school bond and not fund it through a future project.

Ms. Alston said this would not be a future project and the School would come up with the sources whether it be bond related or not. Ms. Alston stated if this were to take a year to get done, there are things they can do now, with the City's permission to start training people to go around the other way. Ms. Alston added that the flashing cross walk doesn't do anything, people still blow through there; it may be just putting cones down at this point.

Mayor Jayroe said since this is not an action item, he would recommend it be postponed until the first meeting in February and between now and then the Police and Public Works Department get together with the young people and Dr. Garcia so they can hear some of the City's concerns about closing down a street and the things the City has to worry about.

City Manager Shrauner said it may be moved farther out to allow time to go through all the options; second meeting in February.

Dr. Garcia stated they will coordinate that and get it all worked out.

Public Hearings

Mayor Jayroe opened the Public Hearings at 6:52 p.m.

11. Conduct a Public Hearing to consider the Charter Review Commission's final report regarding proposed Charter amendments to the City Council.

Doug Webb, 130 Lamar Drive, addressed the Council and read a statement commenting: I was on Charter Review Committee and tried in every way to protect the citizens of Rockport; the committee recommended some changes that will protect the public and I was voted down on some others; from what I could learn from the Bastrop meeting very little was discussed about that but much was talked about deannexation; asking you to think seriously about what you should do to make the City better for citizens not better for developers; every citizen I have talked to is appalled that a Council open meeting would be held in Bastrop and most all of it in executive Council; requesting you provide me what this escape from us the citizens cost.

Kristie Rutledge, 1411 Dana Drive - Council Member Brundrett read Ms. Rutledge's comments: I attended all the Charter Review Commission meetings and read through all the changes that were requested by City staff and Council Members and my written comments were submitted during oral public comments at the December 7, 2022, and December 21, 2022 meetings, and handed to the Commission Members and City Secretary; my recommendations included specific language regarding citizens addressing Council during each agenda item, calling an election upon receipt of a verified petition, measures to ensure financial transparency and more; Doug Webb raised serious concerns and none of this was considered during the meeting in Bastrop; City Council does not have access to my written recommendations because they are not included in the meeting minutes; it is apparent City Council and City staff are determined to do what they are going to do and do not wish to hear from the public who cared to attend all of the meetings of the Charter Review Commission; please continue on, accept the Final Report, add in your predetermined amendments and move this forward to the election.

Diedra Amaya, 101 Windcrest Lane, addressed the Council and commented: Served on the Charter Review Commission and we did our best to represent citizens; it has been a long time since the Charter was reviewed; it is very important for citizens to vote on the proposed Charter amendments; hopefully the ballot will represent the citizens.

Nancy Bolting, 201 Spanish Woods Drive - Council Member Jackson read the comments: Section 3.01(1)(d) Term Limits – please reconsider removing term limits; Section 3.10(1) Rules of Procedure – every citizen should have every opportunity to address the Council and each agenda item; Section 4.01(2) City Manager- severance packages can be developed and agreed upon by the Council but the amount of time should remain and negotiations left up to the Council leaves a great deal of leeway depending on the current Council and limits the future Council if and when a City Manager is terminated; Section 10.01 Organization – Do not agree that eliminating P&Z and using only ordinances to make decisions is taking away a citizen or entities ability to be represented by a member within their ward and P&Z acts as a buffer to review requests, ask questions and work with the citizen/entity on a more personal level before bringing the request to Council for

consideration; and Section 10.03 The Comprehensive Plan – The Plan is your guide to creating ordinances and having time to allow citizen input before creating those ordinances.

12. Conduct a Public Hearing to consider a request to rezone property located at 407 West Market Street; also known as Doughty and Mathis, Block 200, Lots 1 through 3, the westerly portion & Lots 9 through 11, the easterly portion, Rockport, Aransas County, Texas, to B1 (General Business District) to allow the use of a new shop; currently zoned R-1 (1st Single Family Dwelling District).

Jane Bash, 124 South Doughty Street addressed the Council and commented: The property on Market Street has the potential of creating after hours noise decibels about what is acceptable for the City of Rockport; may be changes in the flow of flood waters which could damage homes in the area; possible there could be septic leakage or other hazardous chemicals leeching into our ground water; and neighbors are concerned that the zoning will be too quick to investigate their concerns as evidenced by the building materials already on the property for the construction of what has not been approved as of yet.

Lowell Bach, 124 South Doughty Street, addressed the Council and commented: Commend gentleman for trying to expand his business, however over the past few years we have listened to high performance car motors being tested into the night; the high decibels are very disturbing to hear; flooding in this area is a volatile thing; I was told in 2016 by Council and City workers if the drain in front of this property is opened, all the water which floods Market Street would come directly toward my property and attempt to flow down South Doughty; my request is before they build they take time to make sure all the water goes where it is supposed to go; get engineers out there.

Krystal Duckworth, 118 Griffith Drive, addressed the Council and commented: The sole purpose of this meeting today is to request approval of rezoning and if approved we are going to be installing a metal building that is 50' by 92' with an awning – it will be an insulated enclosed shop meeting all City requirements; already met with engineers to complete a plan for drainage; at previous meeting some of the neighbors expressed concerns – chance to hook up to City sewer and unfortunately that is not with us that is between them and the City, and noise issue and we have met with the Police Department regarding the amount of decibels allowed; we do have car meets and family get togethers from time to time – we don't do this every night and we don't do it every week; our family does a lot for the community and we are always willing to sit down with the neighbors to discuss the noise issue at a later time; never been a wreck in front of our property due to our get togethers; crime has always been an issue in the area so building in this dark and empty area will curb some of that in the neighborhood with the use of security lights and cameras so there will be extra eyes to help out; it's not a factory type of business – it's a mechanic shop and designed for overflow so that we can have more mechanics in our area; We've been here for 30 years so we must be doing something right.

Betty Isbell, 120 South Doughty, addressed the Council and commented: I have the same grievances the Bash's have; bought our property 23 years ago and that was our quiet place; give us some peace time to enjoy our yards – we were there first.

Mayor Jayroe closed the Public Hearings at 7:18 p.m.

Regular Agenda

- 13. Deliberate and act on first reading of an Ordinance amending Article 4 of the City of Rockport Zoning Ordinance Number 1027 by changing the zoning of land located at 407 West Market Street; also known as Doughty and Mathis, Block 200, Lots 1 through 3, the westerly portion & Lots 9 through 11, the easterly portion, Rockport, Aransas County, Texas, from R-1 (1st Single Family Dwelling District) to B1(General Business District) to allow the use of a new shop; repealing all ordinances in conflict therewith; providing for severability; and providing an effective date.**

Assistant Director of Building & Development Services and Community Planner Carey Dietrich addressed the Council. Ms. Dietrich stated the Comprehensive Plan recognizes Market Street as a Business Corridor. Ms. Dietrich explained the building materials are there because Mr. Solis did not realize he had to rezone the property and the materials had been delivered. Ms. Dietrich said the rezone request is only for Lot 1-R. Ms. Dietrich added the noise concerns were discussed at the Planning and Zoning Commission Public Hearing and Mr. Solis recognizes the concerns and the building will have blown-in insulation.

Council Member Brundrett said the drainage problem continues down Market Street as it develops and what do we do for existing residents. Council Member Brundrett said if we move forward with the rezoning and prior to issuance of a building permit can we make sure the drainage will be taken care of.

Ms. Dietrich answered they are required to have engineered drainage plans.

Council Member Brundrett said it sounds like the noise is another concern. Council Member Brundrett stated he understands you don't want to be in your back yard and hear loud noises, and it maybe just the issue to have the Police Department come out and check it, or maybe just Mr. Solis being neighborly and letting the neighbors know when they are going to be loud – that can go a long way.

Ms. Dietrich informed the Council the Planning & Zoning Commission voted 5-2 to recommend approval of the rezoning request.

Richard Solis, 806 Heron Lane, addressed the Council. Mr. Solis stated he understood that they do make a lot of noise and they work a lot of hours. Mr. Solis said the building will be insulated, be air conditioned and will be a nice clean area. Mr. Solis expressed he is sorry for the noise, but he can't control everybody. Mr. Solis added he has paid a lot for a drainage plan.

Council Member Brundrett asked if conditions regarding the noise could be put in with a rezoning approval.

Ms. Dietrich answered you cannot put conditions in rezoning approval.

Police Captain Anderson answered a noise violation is a misdemeanor. Police Anderson stated a complaint has to be received before the Police will go out and do a decibel check from the complainant's property line. Police Anderson expressed the complainant has to sign the complaint in order for a citation to be issued.

Council Member Jackson stated it seemed to her that there are seven neighbors and a business willing to work together. Council Member Jackson suggested the lines of communication be kept open, to keep talking and paying attention to each other.

Lowell R. Bash said they will reach out to him and hopefully visa versa regarding the noise. Mr. Bash stated the biggest thing is the flooding and I know he put a bunch of money into a plan to make sure his property will be above flooding, but does that equate to where will all that water go. Mr. Bash asked in the engineering plan will the County, City and State be involved to make sure that the water goes somewhere else.

Mayor Jayroe said that what is being discussed tonight is a rezoning request. Mayor Jayroe stated there has to be a building permit and engineering work done that will take place down the road. Mayor Jayroe reiterated that the request tonight is for rezoning.

Ms. Dietrich stated in Texas you cannot adversely affect your neighbors' property with your drainage and there has to be an engineered plan; natural flow is natural flow and once he builds the only thing is the natural flow the way it did before.

MOTION: Council Member Brundrett moved to approve the first reading of an Ordinance amending Article 4 of the City of Rockport Zoning Ordinance Number 1027 by changing the zoning of land located at 407 West Market Street; also known as Doughty and Mathis, Block 200, Lots 1 through 3, the westerly portion & Lots 9 through 11, the easterly portion, Rockport, Aransas County, Texas, from R-1 (1st Single Family Dwelling District) to B1 (General Business District) to allow the use of a new shop; repealing all ordinances in conflict therewith; providing for severability; and providing an effective date. Council Member Jackson seconded the motion. Motion carried unanimously.

14. Deliberate and act on the second & final reading of an Ordinance authorizing the closing, vacating and abandonment of a 20-foot alleyway lying between Lots 1-3 and Lots 9-11, Block 108, Manning Addition, City of Rockport, Aransas County, Texas; providing for the terms and conditions of such vacation and abandonment; authorizing the Mayor to execute a Quitclaim Deed for the 20-foot wide alleyway to be closed, vacated and abandoned; and providing for an effective date.

Mayor Jayroe said there had been no changes in format or content since Council approved the first reading of the Ordinance on January 10, 2023.

MOTION: Council Member Jackson moved to approve the second & final reading of an Ordinance authorizing the closing, vacating and abandonment of a 20-foot alleyway lying between Lots 1-3 and Lots 9-11, Block 108, Manning Addition, City of Rockport, Aransas County, Texas; providing for the terms and conditions of such vacation and abandonment; authorizing the Mayor

to execute a Quitclaim Deed for the 20-foot wide alleyway to be closed, vacated and abandoned; and providing for an effective date. Mayor Pro-Tem Hattman seconded the motion. Motion carried unanimously.

- 15. Deliberate and act on second & final reading of an Ordinance authorizing the closing, vacating and abandonment of a 40-foot wide platted, unimproved right-of-way located between Blocks 21 and 22, T.P. McCampbell Subdivision; being 0.893 acre, City of Rockport, Aransas County, Texas; providing for the terms and conditions of such vacation and abandonment; authorizing the Mayor to execute a Quitclaim Deed for the 40-foot wide platted, unimproved right-of-way to be closed, vacated and abandoned; and providing for an effective date.**

Mayor Jayroe said there had been no changes in format or content since Council approved the first reading of the Ordinance on January 10, 2023.

MOTION: Council Member Brundrett moved to approve the second & final reading of an Ordinance authorizing the closing, vacating and abandonment of a 40-foot wide platted, unimproved right-of-way located between Blocks 21 and 22, T.P. McCampbell Subdivision; being 0.893 acre, City of Rockport, Aransas County, Texas; providing for the terms and conditions of such vacation and abandonment; authorizing the Mayor to execute a Quitclaim Deed for the 40-foot wide platted, unimproved right-of-way to be closed, vacated and abandoned; and providing for an effective date. Council Member Jackson seconded the motion. Motion carried unanimously.

- 16. Deliberate and act on second & final reading of an Ordinance authorizing the closing, vacating and abandonment of a 40-foot wide platted, unimproved right-of-way located between Blocks 20 and 21, T.P. McCampbell Subdivision; being 2.277 acres, City of Rockport, Aransas County, Texas; providing for the terms and conditions of such vacation and abandonment; authorizing the Mayor to execute a Quitclaim Deed for the 40-foot wide platted, unimproved right-of-way to be closed, vacated and abandoned; and providing for an effective date.**

Mayor Jayroe said there had been no changes in format or content since Council approved the first reading of the Ordinance on January 10, 2023.

MOTION: Mayor Pro-Tem Hattman moved to approve the second & final reading of an Ordinance authorizing the closing, vacating and abandonment of a 40-foot wide platted, unimproved right-of-way located between Blocks 20 and 21, T.P. McCampbell Subdivision; being 2.277 acres, City of Rockport, Aransas County, Texas; providing for the terms and conditions of such vacation and abandonment; authorizing the Mayor to execute a Quitclaim Deed for the 40-foot wide platted, unimproved right-of-way to be closed, vacated and abandoned; and providing for an effective date. Council Member Jackson seconded the motion. Motion carried unanimously.

18. 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 Agriculture and Homemaking Show is going on at the fairgrounds in Sinton and if you get a chance please go out there and support the children. Council Member Jackson stated there is not much going on in Ward 1 right now. Council Member Jackson announced on Thursday at 5:30 p.m. the last Town Hall meeting seeking input for a short-term rental ordinance is being held at the American Legion at 1701 S. Church Street.

Council Member Brundrett said the short-term rental meeting held at the Allegro House was well attending and good feedback from both sides was received, and he encouraged anyone to attend the last meeting. Council Member Brundrett stated the Council is relying on citizens to give them the information they want in a short-term rental ordinance. Council Member Brudrett added the questionnaire regarding a short-term rental ordinance is on the City's website so if you cannot attend the last meeting, please go online and submit your answers.

Mayor Pro-Tem Hattman said the Ward 4 meeting on short-term rental ordinance was held last Tuesday and it went well and Mayor Jayroe had handled the meeting since she was unavailable. Mayor Pro-Tem Hattman asked Public Works Director Mike Donoho to update everyone on the Country Club drainage project.

Public Works Director Mike Donoho stated most of the groundwork has been done and there is an issue with slurry coming from the pond. Mr. Donoho said the project is on time and on budget. Mr. Donoho added he is looking forward to having some funds to clean out other ponds which were not included in the original project.

Mayor Jayroe said the short-term rental meeting in the Country Club went well and there were approximately 80-90 people in attendance and good comments were received.

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:

- 19. 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., 2) Concho Street Drainage Project, and 3) Bhartkumar Patel and Kokilakumari Patel vs. City of Rockport.**

At 7:38 p.m., Mayor Jayroe convened the City Council into executive session pursuant to the provisions of Chapter 551 of the Texas Government Code, in accordance with the authority contained in: Section 551.071 Consultations with Attorney seeking the advice of attorney about pending or contemplated litigation or a settlement offer; and on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter: 1) Burnside Services, Inc., 2) Concho Street Drainage Project, and 3) Bharatkumar Patel and Kokilakumari Patel vs. City of Rockport.

Open Session

City Council will reconvene into open session pursuant to the provisions of Chapter 551 of the Texas Government Code to take any actions necessary related to the executive sessions noted herein, or regular agenda items, noted above, and/or related items.

At 7:39 p.m., Mayor Jayroe reconvened the Rockport City Council into open session pursuant to the provisions of Chapter 551 of the Texas Government Code.

No Executive Session was held.

20. Adjournment.

At 7:39 p.m., Council Member Brundrett moved to adjourn. Motion was seconded by Mayor Pro-Tem Hattman. Motion carried unanimously.

APPROVED:

Tim Jayroe, Mayor

ATTEST:

Teresa Valdez, City Secretary

CITY OF ROCKPORT

MINUTES

CITY COUNCIL SPECIAL MEETING

6:30 p.m., Tuesday, January 31, 2023

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 31st day of January 2023, the City Council of the City of Rockport, Aransas County, Texas, convened in a Special 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 Katy Jackson, Ward 1
Council Member Danielle Hale, Ward 2 – *Via ZOOM*
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
Legal Counsel Art Rodriguez, Jr., Messer Fort & McDonald, PLLC- *Via ZOOM*
Director of Finance Katie Griffin
Director of Public Works and Building & Development Services Mike Donoho
Information Technology Director Bob Argetsinger

ELECTED OFFICIALS PRESENT

Opening Agenda

1. Call meeting to order.

With a quorum of the Council Members present, the Special Meeting of the Rockport City Council was called to order by Mayor Jayroe at 6:33 p.m. on Tuesday, January 31, 2023, in the Training Room of the Rockport Service Center, 2751 State Highway 35 Bypass, Rockport, Texas.

2. Pledge of Allegiance.

Mayor Pro-Tem Hattman led the Pledge of Allegiance to the U.S. flag.

3. Citizens to be heard.

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

Andrew Kane, 2106 Lakeview Drive, addressed the Council and commented: We had a citizen's committee assembled to suggest changes to the City Charter. They recommended the addition of letting citizens speak before an agenda item and that was deleted by staff without a vote or action by the Council. This was done because while at Bastrop Mayor Jayroe stated that out-of-control citizens, namely Kristie Rutledge have abused and interfered with the Council's ability to conduct City business. Mayor Jayroe stated Kristie Rutledge had spoken at a City Council meeting on 19 agenda items and it took 57 minutes; the fact that never happened and that is a lie. She has never spoken on more than 3 to 5 agenda items. Jeff Hutt has spoken maybe 3 times over these same 9 months. Mayor Jayroe has exposed the City to a defamation of character law lawsuit to silence all citizens of Rockport. Mayor Jayroe, I challenge you to support your claim that Kristie Rutledge ever spoke for 57 minutes on 19 agenda items at a City Council Meeting; please provide a time when she did even half that or a third of what you claim to be true. You are lying to the citizens of Rockport and the Council to silence the citizens. Sir that makes you a dangerous tyrant in my opinion.

Patrick Kane, 1123 East Cedar Street, addressed the Council and commented: Why the rush? This Charter hasn't been updated in years, so why can't we take a few extra months and put in on for a vote later; that way you have time to explain to the citizens why the changes are needed. One of the Charter Review Commission Members spoke at the last Council meeting and stated he was concerned that the City staff has been given more authority than before and they are taking rights away from the City Council and the public, and his job was to protect the citizens and give them their rights and I don't think that I've done my job well. What is in the Agenda Packet tonight is not what was forwarded to you by the Commission. Who changed the recommendations and what were the reasons for the changes and why are the Council Members' positions on these changes been officially captured by a vote? I would like to know which Council Members are in favor of curtailing a citizens' right to speak during a meeting. The Commission Member stated that some of us think we have to run through this like it is a race and it is not a race, it is something we need to do right. Council it is your job to put on the brakes that the citizens' rights aren't being protected; we have time to do it right.

Bob Haynes, 60 Mockingbird Lane, addressed the Council and commented: I am here to speak on behalf of Coastal Bend Waste owner Clayton Reaser. It is my opinion that Aransas County and the City of Rockport and Fulton are fortunate to have such a disposal waste company. I have

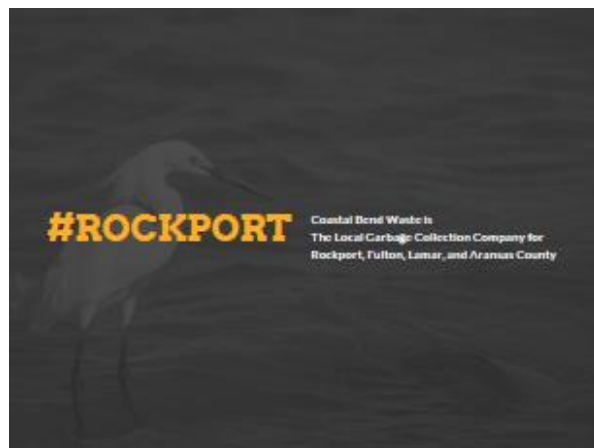
been a customer of this company for 8 months and find their service prompt and dependable. From its roll-out blue containers to the home office here in Rockport, which you will always have someone reply promptly, you can't ask for a better operation.

Steven Cantu, 419 South Fuqua Street, addressed the Council and commented: I am Rockport Fulton Little League President and have been associated with Little League for 16 years. I have been fortunate to work hand and hand with the City of Rockport's Parks Department pertaining to the City's agreement with the League. Like most partnerships there always has to be some give and take, and I feel that at the end of the day former Park's Manager Rick Martinez and the League have always found a way to make things work for both parties. Maintaining and also operating a City parks field is no easy feat. Introducing the love of this great game Baseball/Softball to the youth of Rockport/Fulton is the first step in early development. This is the first thing we preach to our volunteer coaches. Above wins and losses. It's about imbedding a love of the game. Above all once you teach a kid to love the game and to play it the way it's meant to be played, it exposes so many valuable life lessons. The only tools needed to perform this is someone willing to teach and a student willing to learn. Yes, all you need is a patch of grass to do this, but we've been blessed to have a state of the art facility. My appeal to this Council is that you allow Rockport Fulton Little League to add to our facilities yet another tool. Allowing us to build and maintain 6 batting cages two for each of the three main fields. We have done our homework and have two different bids to help us with the decision and layouts of our proposed project.

Regular Agenda

4. Hear presentation from Coastal Bend Waste.

Clayton Reaser and Matt White gave a PowerPoint presentation (below) on Coastal Bend Waste company.





**DIVERSE
COMMUNITY-
DIVERSE
TRASH NEEDS**

- Full Time Residents
- Vacation Homes
- Short Term Rentals
- Retirees

Why do we have a "one-size fits all" service?

COASTAL BEND WASTE CORE VALUES

- COMMUNITY FOCUS
- SUPERIOR SERVICE
- PEOPLE FIRST

COASTAL BEND WASTE DIFFERENCE

WHY WE'RE DIFFERENT

- We hire local and support the local community.
- We provide superior service in an industry where mediocre service is the norm.
- We are one of the only local options in a consolidating market.
- We provide flexible solutions for our customers.

COASTAL BEND WASTE WHY

- \$1MM** EQUIPMENT AND INFRASTRUCTURE
- \$850K** LOCAL SALARIES
- \$400K** LOCAL VENDORS
- \$50K** LOCAL ORGANIZATIONS

CAPABILITIES

SERVICE AREA

- Our current service area is nearly 30 times the size of the city

CUSTOMER SERVICE

- We have personnel and technology dedicated to customer service and reliability

OPTIONALITY

- We offer customized service offerings to each of our customers



COASTAL BEND WASTE

OUR ASK

- Allow citizens to choose service and individual HOAs to opt out of city-mandated service
- Create a competitive environment of accountability
- Allow a local vendor to compete



Mr. Reaser and Mr. White stated they would love to serve the entire City of Rockport, or a shot at any capacity. They requested when the City begins to seek requests for services to please include Coastal Bend Waste. Mr. Reaser said they can provide needed services that the City's current provider is unwilling or unable to provide.

5. Deliberate and act on an updated Agreement for Little League use of ball fields and placement of batting cages at Memorial Park.

City Manager Vanessa Shrauner addressed the Council. Ms. Shrauner stated the Little League has asked to add batting cages to Memorial Park. Ms. Shrauner explained this was a good opportunity to update the agreement and since there were several changes, she wanted Council to approve the Agreement. Ms. Shrauner said future agreements with only date changes will be signed by the City Manager unless there are substantial changes.

Mayor Jayroe asked Little League President Steven Cantu if the Little League was happy with the Agreement.

Steven Cantu answered "yes".

Council Member Jackson asked if the City's legal counsel had reviewed the Agreement.

City Manager Shrauner stated it had been reviewed by legal counsel.

Council Member Brundrett asked Mr. Cantu if the Agreement needed to be approved by the Little League Board.

Mr. Cantu answered if the Agreement is approved tonight by the Council, then the Little League Board has a decision to make regarding the two bids received. Mr. Cantu stated the timeline will be determined by the Board.

MOTION: Council Member Brundrett moved to approve an updated Agreement for Little League use of ball fields and placement of batting cages at Memorial Park. Council Member Jackson seconded the motion. Motion carried unanimously.

6. **Deliberate and act on a Resolution ordering a Special Election and establishing procedures for said election to be held on Saturday, May 6, 2023; the Special Election shall be for the purpose of submitting to the qualified voters of the City one proposition to approve or reject giving authorization to the City Council of the City of Rockport, Texas to sell the natural gas utility distribution system owned by the City of Rockport, Texas; providing other matters relating to the Special Election; and finding and determining that the meeting at which this Resolution is passed is open to the public as required by law.**

Deliberar y actuar sobre una Resolución que ordene una Elección Especial y establezca los procedimientos para que dicha elección se celebre el sábado 6 de mayo de 2023; la Elección Especial será con el fin de presentar a los votantes calificados de la ciudad una propuesta para aprobar o rechazar otorgar autorización al concejo municipal de la ciudad de Rockport, Texas para vender el Sistema de distribución de servicios públicos de gas natural propiedad de la ciudad de Rockport, Texas; suministro de otros asuntos relacionados con la elección especial; y encontrar y determinar que la reunión en la que se aprueba esta Resolución está abierta al público como lo requiere la ley.

City Secretary Teresa Valdez addressed the Council. Ms. Valdez stated the Resolution was prepared by City legal counsel, so it meets all statutes. Ms. Valdez said Council has had several discussions regarding the sale of the natural gas system and this Resolution orders a Special Election to sell the City's natural gas system.

City Manager Vanessa Shrauner stated this is calling the election to put the proposition on the ballot.

MOTION: Council Member Jackson moved to approve the Resolution ordering a Special Election and establishing procedures for said election to be held on Saturday, May 6, 2023; the Special Election shall be for the purpose of submitting to the qualified voters of the City one proposition to approve or reject giving authorization to the City Council of the City of Rockport, Texas to sell the natural gas utility distribution system owned by the City of Rockport, Texas; providing other matters relating to the Special Election; and finding and determining that the meeting at which this Resolution is passed is open to the public as required by law. Mayor Pro-Tem Hattman seconded the motion. Motion carried unanimously.

7. **Deliberate and act on first reading of an Ordinance ordering a Special Election and establishing procedures for said election to be held on Saturday, May 6, 2023; the Special Election shall be for the purpose of submitting to the qualified voters of the City proposed Charter Amendments for their consideration; establishing early voting locations and polling places for the Special Election; providing other matters relating to the Special Election; providing for publication of the Notice of the Special election; providing for severability; finding and determining that the meeting at which this Ordinance is passed is open to the public as required by law; and establishing an effective date.**

Deliberar y actuar en primera lectura de una Ordenanza ordenando una Elección Especial y estableciendo los procedimientos para que dicha elección se celebre el sábado 6 de mayo

de 2023; la Elección Especial tendrá el propósito de presentar a los votantes calificados de la Ciudad las Enmiendas a la Carta Constitucional propuestas para su consideración; establecer lugares de votación anticipada y lugares de votación para la Elección Especial; proporcionar otros asuntos relacionados con la Elección Especial; proveer para la publicación del Aviso de la Elección Especial; prever la separabilidad; encontrar y determinar que la reunión en la que se aprueba esta Ordenanza está abierta al público según lo exige la ley; y establecer una fecha efectiva.

Art Rodriguez, Legal Counsel, addressed the Council. Mr. Rodriguez stated this is the Ordinance prepared from the Charter Review Commission's Final Report and comments from the City Council, and he believes this Ordinance is what City Council would like to consider. Mr. Rodriguez said that a Public Hearing was conducted at the last regular City Council Meeting to receive public input on the proposed Charter Amendments. Mr. Rodriguez explained there are 23 propositions for consideration and this was a long process for possible changes to the City's Charter.

Council Member Brundrett said he had a few questions:

1. With this many propositions, moving forward to a ballot, do you see any issues?

Mr. Rodriguez: Not particularly. The Local Government Code requires when you are going through a Charter revision one issue per proposition. It is difficult to lump some of these together. I have seen up to 70 propositions on a ballot, so 23 is not out of line with similar types of elections in other communities.

2. I have received some feedback from constituents on some of the proposed changes, but before I address that, we are in compliance now with a Charter review and we are good if we do not call an election?

City Manager Shrauner responded: Absolutely, we have met, and we are in compliance with the Charter, as of today.

Feedback received on Section 3.10 citizens to be heard. I do feel if we have a contentious item, I may not remember what everyone one said during citizens to be heard. I don't know if that is the best way to do that so we don't have an hour on one agenda item, we could limit that someway.

Mayor Pro-Tem Hattman said she is not 100% against having people speak on each agenda item, but it has to be productive. With Roberts Rules of Order, it is up to the Chair.

City Manager Shrauner stated the current way it is written in the Charter is that it is up to the Chair, so the next Chair can do it how he wants, and 10 years from now that Chair can do it how they wants. You have the opportunity as Council Member to speak to your Chair about what you would like to see.

Mr. Rodriguez said the City also has a Code of Conduct in Chapter 2 of the Code of

Ordinances and the Council still has the ability to adopt their own rules on how to conduct City business.

Council Member Jackson stated she agreed that this can be addressed in Chapter 2 of the Code of Ordinances.

Mayor Jayroe stated there have been situations in the past where Council Meetings have gotten out of control where people were verbally attacked and he made the decision that if he was elected Mayor, we would have courteous and respectful Council meetings. People have a right to give their opinion, but not at just any time during a meeting, out of order, when they just want to stand up and talk and this is what was going on. What I decided that would require is that people talk at a particular time at the meeting and not throughout all the meeting. By ordinance and Roberts Rules of Order I have a right to make that decision.

Feedback received on the super majority on annexation. We don't have super majority for passing bonds or debt.

Mayor Pro-Tem Hattman stated she would like to see what those utilities cost. She would rather have those people come to the Council rather than have them do a petition. It makes it easier to disannex.

City Manager Shrauner said the point of this proposition was to make it easier for citizens to request disannexation without having to do a petition.

Feedback received on term limits and length of terms. Would like to know if there are any thoughts from Council on this. The length of the term was not in the Charter Review Commission's report; where did that come from?

City Manager Shrauner responded that was Council's direction to staff. The thought process was that with a 2-year term, you are just hitting your stride, and someone is always running for re-election. Those items were separated specifically, and one is not contingent upon the other.

Mayor Pro-Tem Hattman stated she supported 4-year terms because four years give you time to see projects through and she feels like it should be put out there for citizens to decide.

Council Member Jackson stated these ballot propositions are simply our ideas and people vote on them. This is an official accountable way to get people's opinions. Voter's preference. We're giving you options and trying to make better place for everyone.

Mayor Pro-Tem Hattman said she has not received any comments from her Ward.

Mayor Pro-Tem Hattman asked how the proposed Charter Amendments are going to be gotten out to the citizens so they can learn what is on the ballot and how they can get information.

City Manager Shrauner said she is working on a 6-page document with the proposed changes and why it is on the ballot. She stated she has asked for a page in the newspaper and it will be on the website and be a handout that Council can distribute. Ms. Shrauner said she will go anywhere to talk about this with citizens. Ms. Shrauner expressed the City's position is neutral and everything we put out is neutral.

Mayor Pro-Tem Hattman expressed if anyone has questions, the entire Council is available to answer them; email us, call us, please don't be afraid to do that.

Council Member Hale said the comments made by the other Council Members are exceptionally valid. Council Member Hale stated the super majority recommendation for disannexation is valid and it should be noted on record that the intent is to allow for disannexation and the intent of the proposed amendment is to clarify the process to allow for that and to ensure that the rights and privileges of citizens in an area and those in the remaining parts of the City are able to weight in on that, allowing a quicker path to disannexation. Council Member Hale said she supports the proposed super majority. Council Member Hale said that in regard to term limits and lengths of terms, she does not believe there is a strong consensus one way or another and this is an opportunity for voters to make a decision. Council Member Hale commented on why we're pushing forward is that it is her understanding that if we don't piggyback on the May General Election, and we chose to have a Special Election at another time the City will have to pay for that. Council Member Hale asked Mr. Rodriguez to remind them of why we are pushing forward with this current schedule.

Mr. Rodriguez stated February 17, 2023, is the last day that the City can make a decision on what is going on the May election. Mr. Rodriguez explained in order to make the two (2) readings of ordinances Charter requirement, we needed to have a meeting today because the Charter requires a seven (7) day wait period between readings. Mr. Rodriguez said we have the regular Council meeting on February 14th to consider the second reading of the Ordinance. Mr. Rodriguez added that Statute does require this election to be ordered by Ordinance rather than Resolution.

City Manager Shrauner said if the City waits until November for the election, it would be at a substantially higher cost, or otherwise wait another full year.

Council Member Hale stated she did not think the extra expense make sense to the City. Council Member Hale said when in doubt place it in the hands of the voters.

Council Member Brundrett asked for a recess.

Council took a recess from 7:30 p.m. until 7:40 p.m.

Council Member Brundrett stated he would like to discuss some more the citizens speaking on agenda items that the Charter Review Commission recommended. Council Member Brundrett said his concern is that if that is put in the Charter it hinders future Councils.

Discussion was held among Council and City Manager Shrauner regarding the recommendation from the Charter Review Commission.

Council Member Jackson stated it says that the City Council shall determine its own rules of order for business and the citizens shall have a reasonable opportunity to be heard at any meeting with regard to any item under consideration. Council Member Jackson said that is straight out of the Open Meetings Act and in line with Attorney General Opinion KP-300.

Council Member Brundrett asked if Legal Counsel could tell Council what Chapter 2 of the City Code of Ordinance states as it relates to citizen comments.

Mr. Rodriguez read the part of Chapter 2 relating to citizen comments and stated that the way Mayor Jayroe is handling citizen comments is in compliance with Chapter 2.

Council Member Jackson suggested the Council have a workshop on Code of Ordinances Chapter 2.

Council Member Brundrett asked Mr. Rodriguez asked if there is a conflict between the current Charter and the City Code Section 2-31.

Mr. Rodriguez answered there was not a conflict.

Council Member Jackson stated if the Council adopts this Ordinance on the second reading, the Council can only provide factual information and cannot campaign for or against anything on the ballot.

MOTION: Council Member Jackson moved to approve the first reading of an Ordinance ordering a Special Election and establishing procedures for said election to be held on Saturday, May 6, 2023; the Special Election shall be for the purpose of submitting to the qualified voters of the City proposed Charter Amendments for their consideration; establishing early voting locations and polling places for the Special Election; providing other matters relating to the Special Election; providing for publication of the Notice of the Special election; providing for severability; finding and determining that the meeting at which this Ordinance is passed is open to the public as required by law; and establishing an effective date. Mayor Pro-Tem Hattman seconded the motion. Motion carried unanimously.

8. Adjournment.

At 7:54 p.m., Mayor Pro-Tem Hattman 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: Tuesday, February 14, 2023

AGENDA ITEM: 5

Deliberate and act on 1st quarter report from the Texas Marine Science Institute/Mission Aransas National Estuarine Research Reserve for Fiscal Year 2022-2023 Bay Education marketing expenditures.

SUBMITTED BY: City Secretary Teresa Valdez

APPROVED FOR AGENDA: VRS

BACKGROUND: Texas Marine Science Institute/Mission Aransas National Estuarine Research Reserve (NERR UTMSI) has been allocated \$15,000.00 in FY 2022-2023 Hotel Occupancy Tax (HOT) funds. According to our agreement with the NERR UTMSI, fiscal quarterly financial reports are required to be submitted to the City Council for approval. See the accompanying 1st quarter HOT expenditure report for additional information.

The Bay Education Center staff has been notified to begin collecting hotel data from visitors.

FISCAL ANALYSIS: Charged to account 6602003. The budgeted amount is \$15,000.00 and YTD expenses are \$5,965.83.

STAFF RECOMMENDATION: Staff recommends Council approve the NERR UTMSI Fiscal Year 2022-2023 Hotel Occupancy Tax funds 1st quarter expenditures and authorization to disburse 2nd quarter funds in the amount of \$3,750.00, as presented.



January 19, 2023

Honorable Mayor Tim Jayroe
Rockport, Texas

RE: Bay Education Center Hotel Occupancy Tax Quarterly Report Oct to Dec 2022

Dear Mayor Jayroe,

The Mission-Aransas National Estuarine Research Reserve (Reserve) at the University of Texas Marine Science Institute (UTMSI) would like to thank you and the City of Rockport for the support of the Bay Education Center (BEC) through the Hotel Occupancy Tax (HOT) in the amount of \$15,000 for FY2022. The funds have been instrumental in keeping the Bay Education Center open to the public for free. **In accordance with Exhibit A on how HOT funds were spent, the funds allowed the BEC to pay for operational expenses that go towards program development and enhancements so that tourists receive free programming throughout the year. The following is Exhibit B of how the funds for FY2023 have been spent through the 1st quarter to December 2022 so that tourists have free admission to the BEC programming.**

Exhibit "B":							
HOT FUNDING EXPENSE REPORT FY 2022-2023							
Description of Expense	Approved Budget	1st Quarter Expenses (Oct-Dec)	2nd Quarter Expenses (Jan-Mar)	3rd Quarter Expenses (Apr-Jun)	4th Quarter Expenses (Jul-Sep)	TOTAL	*Number of Heads in Beds
Programmatic & Visitor Operations		\$5,965.83				\$5,965.83	
Total Requested	\$15,000.00	\$5,965.83	\$0.00	\$0.00	\$0.00	\$5,965.83	373

*See attached supporting documentation.

Description of Administrative Expenses	Current Fiscal Year Administrative Expenses Projection	Fiscal Year Administrative Actual Expenses	Percentage of Fiscal Year Projections
Adriana Reza	\$ 4,405.00	\$ 1,101.25	25%
Paul Markley	\$ 2,212.50	\$ 2,212.50	100%
Sarah Melendez	\$ 42,000.00	\$ 10,500.00	25%
TOTALS	\$ 48,617.50	\$ 13,813.75	



Mission-Aransas National Estuarine Research Reserve
The University of Texas Marine Science Institute
750 Channel View Drive, Port Aransas, Texas 78373
361-749-3046 - www.MissionAransas.org





MISSION ★ ARANSAS NATIONAL ESTUARINE RESEARCH RESERVE

We want to thank you again for the continued support and look forward to serving the community again this year.

Sincerely,

Jace Tunnell
Reserve Director



Mission-Aransas National Estuarine Research Reserve
The University of Texas Marine Science Institute
750 Channel View Drive, Port Aransas, Texas 78373
361-749-3046 - www.MissionAransas.org



Bay Education Center – Heads in Beds

At the Bay Education Center, we keep attendance records on the number of visitors attending on a daily basis. Other key information we collect from visitors are zip codes where they live and number of people in a group. From October 1, 2022 to December 31, 2022 we had 829 visitors to the Bay Education Center. Of the 829 visitors, 45% (373 visitors) were from outside of the Rockport zip code.

CITY COUNCIL AGENDA

Regular Meeting: Tuesday, February 14, 2023

AGENDA ITEM: 6

Deliberate and act on request to close the south side of Austin Street on March 4, 2023, from 7:00 a.m. to 10:00 a.m. for the 34th Annual Whooping Crane Strut.

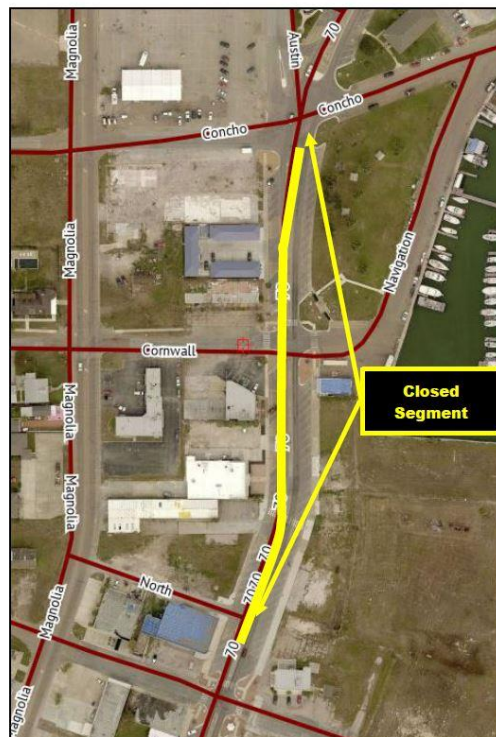
SUBMITTED BY: Rockport Parks & Leisure Services Department

APPROVED FOR AGENDA: VRS

BACKGROUND: The City of Rockport Parks & Leisure Services Department is requesting the closure of the south side of Austin Street from East Concho Street to North Street on March 4, 2023, from 7:00 a.m. to 10:00 a.m. This temporary road closure will permit safe passage for participants of the 10K and 5K run during the 34th Annual Whooping Crane Strut, that will begin and ends inside of the Beach Park.

FISCAL ANALYSIS:

RECOMMENDATION: Staff recommends Council approve the closure of the south side of Austin Street from East Concho Street to North Street, on March 4, 2023, from 7:00 a.m. to 10:00 a.m. for permitting safe passage for participants of the 34th Annual Whooping Crane Strut.



34th Annual

WHOOPING CRANE STRUT

\$25

ENTRY THRU MARCH 1ST
\$30 ON RACE DAY

\$5

FROM EVERY ENTRY GOES TO THE
ARANSAS NATIONAL WILDLIFE REFUGE

SATURDAY, MARCH 4, 2023
ROCKPORT BEACH
8:00AM

2 MILE WALK | 5K RUN | 10K RUN



REGISTRATION OPTIONS
BELKINS@CITYOFROCKPORT.COM
402 E. LAUREL ST
WWW.ATHLETEGUILD.COM
361-727-2158

T-SHIRT SIZE
SHIRTS NOT GUARANTEED
FOR RACE DAY REGISTRATION

Y-LG

S

M

L

XL

2X

REGISTRATION CARD

NAME

CITY/STATE/ZIP

EMAIL ADDRESS

PLEASE MAIL AND MAKE CHECKS OUT TO:
CITY OF ROCKPORT
PARKS DEPARTMENT
402 E. LAUREL ST
ROCKPORT, TX 78382

RACE DAY REGISTRATION
LITTLE BAY PAVILION
ROCKPORT BEACH
6:15 A.M. TO 7:30 A.M.

CIRCLE ONE EVENT

5K

10K

2MILE

CIRCLE ONE SEX

M F

AGE

IN CONSIDERATION OF ACCEPTANCE OF THIS REGISTRATION ENTRY, I THE UNDERSIGNED, ASSUME FULL AND COMPLETE RESPONSIBILITY FOR ANY INJURY OR ACCIDENT WHICH MAY OCCUR DURING MY PARTICIPATION IN THE "WHOOPIING CRANE STRUT" AND I HEREBY RELEASE AND HOLD HARMLESS THE OFFICIALS, SPONSORS, VOLUNTEERS, INVOLVED MUNICIPALITIES, OTHER PUBLIC ENTITIES, THEIR AGENTS OR EMPLOYEES, AND HEREBY WAIVE ANY AND ALL CLAIMS FOR DEATH, PERSONAL INJURY OR PROPERTY DAMAGE WHICH I MAY HAVE, OR MAY HEREINAFTER ACCRUE TO ME AS A RESULT OF MY PARTICIPATION IN SAID EVENT.

THIS ENTRY IS INVALID UNLESS SIGNED BY THE ENTRANT. IF THE ENTRANT IS UNDER 18 YEARS OF AGE, PARENT OR LEGAL GUARDIAN MUST SIGN BELOW.

SIGNATURE

DATE

SIGNATURE OF PARENT/GUARDIAN IF UNDER 18 YEARS OF AGE

DATE

CITY COUNCIL AGENDA
Regular Meeting: Tuesday, February 14, 2023

AGENDA ITEM: 7

Deliberate and act on second & final reading of an Ordinance amending the official zoning map as stipulated under Article 4.1 of the City of Rockport Zoning Ordinance Number 1027 by changing the zoning of land from R-1 (1st Single Family Dwelling District) for property located at 407 West Market Street; also known as Doughty and Mathis, Block 200, Lot 1R, Rockport, Aransas County, Texas, to B-1 (General Business District) to allow the development of new shop with storage for high end motor vehicles with retail space fronting Market Street; repealing all ordinances in conflict therewith; providing for severability; and providing an effective date.

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

APPROVED FOR AGENDA: VRS

BACKGROUND: Mr. Solis desires to build a small shop with storage for high end motor vehicles with retail space fronting Market Street on the property located at 407 W Market, otherwise known as Lot 1-R, Block 200, Doughty & Mathis. Mr. Solis states this will be overflow for his business currently operated on Market Street.

FISCAL ANALYSIS: N/A

RECOMMENDATION: Planning & Zoning Commission recommends approval of the second & final reading of an Ordinance amending the official zoning map as stipulated under Article 4.1 of the City of Rockport Zoning Ordinance Number 1027 by changing the zoning of land from R-1 (1st Single Family Dwelling District) for property located at 407 West Market Street; also known as Doughty and Mathis, Block 200, Lot 1R, Rockport, Aransas County, Texas, to B-1 (General Business District) to allow the development of new shop with storage for high end motor vehicles with retail space fronting Market Street; repealing all ordinances in conflict therewith; providing for severability; and providing an effective date.

ORDINANCE NO. ____

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP AS STIPULATED UNDER ARTICLE 4.1 OF THE CITY OF ROCKPORT ZONING ORDINANCE NUMBER 1027 BY CHANGING THE ZONING OF LAND FROM R-1 (1ST SINGLE FAMILY DWELLING DISTRICT) FOR PROPERTY LOCATED 407 WEST MARKET STREET; ALSO KNOWN AS DOUGHTY AND MATHIS, BLOCK 200, LOT 1R, ROCKPORT, ARANSAS COUNTY, TEXAS, TO B-1 (GENERAL BUSINESS DISTRICT) TO ALLOW THE DEVELOPMENT OF NEW SHOP WITH STORAGE FOR HIGH END MOTOR VEHICLES WITH RETAIL SPACE FRONTING MARKET STREET; REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, On December 19, 2022, notice was posted on the bulletin boards at the City of Rockport Service Center, 2751 State Highway 35 Bypass, and on the City's website www.cityofrockport.com; and

WHEREAS, on December 21, 2022, notice was mailed to affected property owners within 200' of subject property; and

WHEREAS, on December 31, 2022, the City caused to be published "Notice of Public Hearings" 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 January 16, 2023, at 5:30 p.m., the Planning & Zoning Commission did hold a Public Hearing, and on January 24, 2023, the Rockport City Council did hold a Public Hearing; and

WHEREAS, on January 16, 2023, the Planning & Zoning Commission did meet and said Commission voted to recommend to City Council to accept and approve this request to re-zone property, located at 407 West Market Street, from R-1 (1st Single Family Dwelling District) to B-1 (General Business District) to allow the development of a New Shop with storage for high end motor vehicles with retail space fronting Market Street.

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

SECTION 1 – AMENDMENT

That, pursuant to Article 4 of the City of Rockport Zoning Ordinance Number 1027, the current zoning of land located at 407 West Market Street; also known as Doughty and Mathis, Block 200, Lot 1R, City of Rockport, Aransas County, Texas, be changed from R-1 (1st Single Family Dwelling District) to B-1 (General Business District).

SECTION 2 - REPEALER

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

SECTION 3 - SEVERABILITY

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

SECTION 4 - EFFECTIVE DATE

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

APPROVED on first reading the 24th day of January 2023.

CITY OF ROCKPORT, TEXAS

Tim Jayroe, Mayor

ATTEST:

Teresa Valdez, City Secretary

APPROVED, PASSED and ADOPTED on second and final reading the ____ day of _____ 2023.

CITY OF ROCKPORT, TEXAS

Tim Jayroe, Mayor

ATTEST:

Teresa Valdez, City Secretary



CITY OF ROCKPORT
ZONING AND LAND DEVELOPMENT APPLICATION

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

A. REQUESTING: Rezoning [☒] Conditional Permit [☐

Planned Unit Development (P.U.D.) by Conditional Permit [☐

B. ADDRESS AND LOCATION OF PROPERTY 403 W market St.

C. CURRENT ZONING OF PROPERTY: Commercial R1

D. PRESENT USE OF PROPERTY: None

E. ZONING DISTRICT REQUESTED: B1

F. CONDITIONAL USE REQUESTED: _____

G. LEGAL DESCRIPTION: (Fill in the one that applies)

• Lot or Tract 1-R Block 200

• Tract DOUGHTY And mgth's 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): 0.344 Acres total

J. REASON FOR REQUEST AND DESCRIPTION OF DEVELOPMENT:
 (Please be specific)

Take Tree out New Shop

K. OWNER'S NAME: (Please print) Richard Solis
 ADDRESS: 318 W. Market St.
 CITY, STATE, ZIP CODE: Rockport Texas 78382
 PHONE NO 361-463-1800

L. REPRESENTATIVE: (If Other Than Owner) Richard Solis
 ADDRESS: 806 Heron Ln
 CITY, STATE, ZIP CODE: Rockport Texas 78382
 PHONE NO 361-463-1800

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

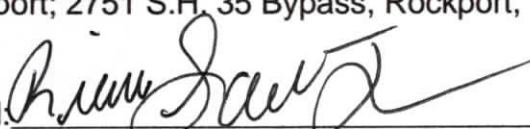
YES ☒ NO ☐

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)

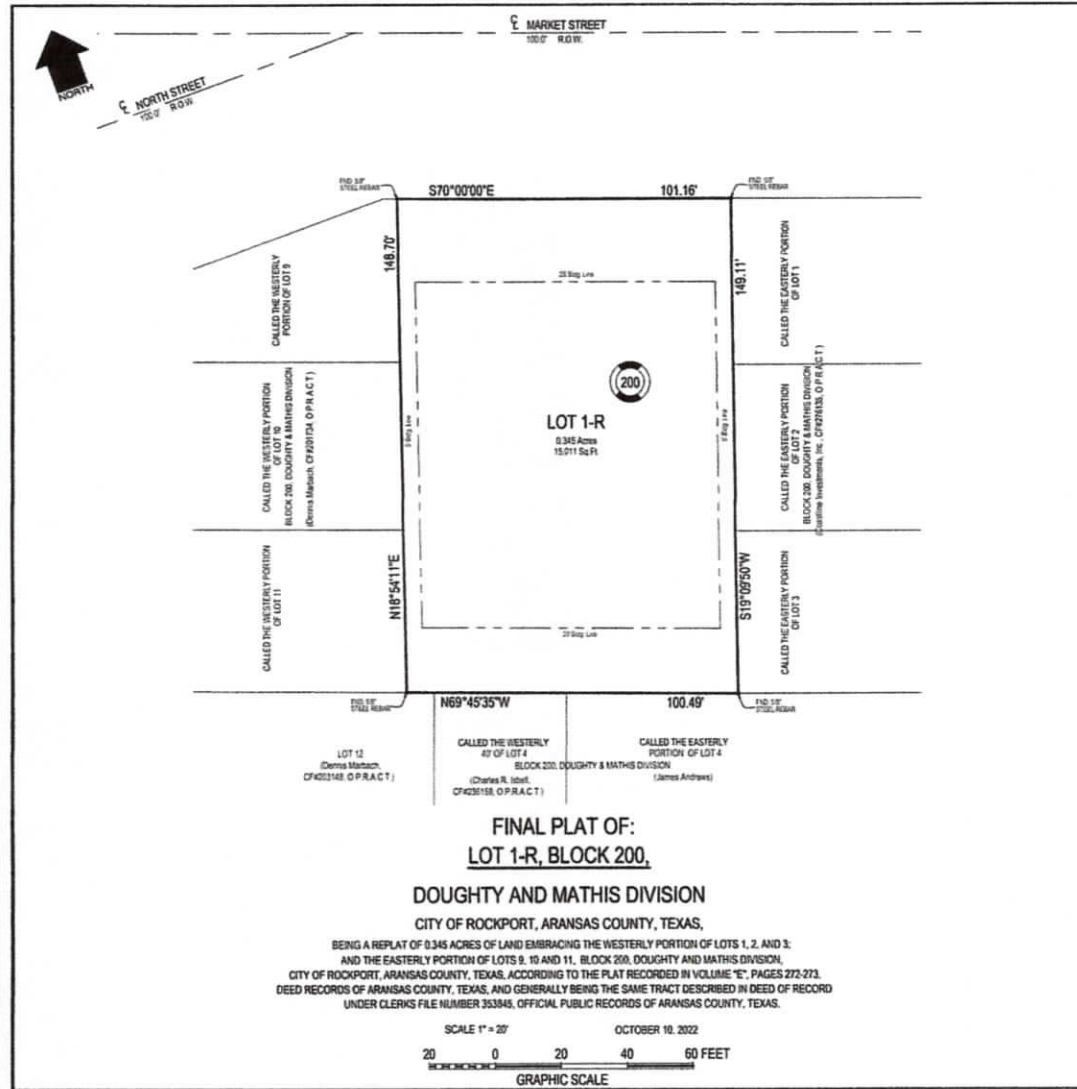
(FOR CITY USE)

Received by: CL Date: 12/2/22 Fees Paid: \$

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

If rejected, reasons why:

Receipt No.

[illegible]

Aransas CAD

Property Search Results > 18462 SOLIS RICARDO JR for Year
2022

Tax Year: 2022

Property

Account

Property ID: 18462 Legal Description: DOUGHTY & MATHIS, BLOCK 200, LOT 1 THRU 3 THE WESTERLY PORTION & 9 THRU 11 THE EASTERLY PORTION

Geographic ID: 1575-200-001-005 Zoning:

Type: Real Agent Code:

Property Use Code:

Property Use Description:

Location

Address: 407 W MARKET ST
ROCKPORT, TX 78382 Mapsco:

Neighborhood: Map ID: A-2

Neighborhood CD:

Owner

Name: SOLIS RICARDO JR Owner ID: 126081

Mailing Address: 806 HERON LN
ROCKPORT, TX 78382-6102 % Ownership: 100.000000000000%

Exemptions:

Values

(+) Improvement Homesite Value: + \$0

(+) Improvement Non-Homesite Value: + \$0

(+) Land Homesite Value: + \$0

(+) Land Non-Homesite Value: + \$51,000 Ag / Timber Use Value

(+) Agricultural Market Valuation: + \$0 \$0

(+) Timber Market Valuation: + \$0 \$0

(=) Market Value: = \$51,000

(-) Ag or Timber Use Value Reduction: - \$0

(=) Appraised Value: = \$51,000

(-) HS Cap: - \$0

(=) Assessed Value: = \$51,000

Taxing Jurisdiction

Owner: SOLIS RICARDO JR

% Ownership: 100.000000000000%

Total Value: \$51,000

Entity	Description	Tax Rate	Appraised Value	Taxable Value	Estimated Tax
CAD	ARANSAS COUNTY APPRAISAL DISTRICT	0.000000	\$51,000	\$51,000	\$0.00

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

407 W Market

APPLICANT/PROPERTY OWNER

Richard Solis, Owner

PUBLIC HEARING DATE

P&Z - Tuesday, January 16, 2023
 CC - Tuesday, January 24, 2023

P&Z DATE

Monday, January 16, 2023

CITY COUNCIL DATE(S)

1st Reading - Tuesday, January 24, 2023
 2nd Reading - Tuesday, February 14, 2023

BRIEF SUMMARY OF REQUEST

Mr. Solis desires to build a new shop with storage for high end motor vehicles with retail space fronting Market Street on the property located at 407 W Market, otherwise known as Lot 1-R, Block 200, Doughty & Mathis

A public notice regarding this item was published in The Rockport Pilot in the Saturday, December 31, 2022, edition and mailed out to eighteen (18) property owners within a 200-foot radius of the property. No letters For and three (3) Against the request have been received.



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	Vacant Property	North: R-1 1st Single-Family Dwelling with residential use South: R-1 1st Single-Family Dwelling with residential use East: R-1 1st Single-Family Dwelling with residential use West: R-1 1st Single-Family Dwelling with commercial use	To develop a shop with storage and retail space	.345 acres

STAFF RECOMMENDATION

APPROVE

APPROVE WITH CONDITIONS

DENY

COMPATIBILITY with the ZONING ORDINANCE

Any future development will meet all setback requirements of the B-1 General Business District if approved.

The Current Future Land Use Map suggests Residential Use but the Comp Plan identifies Market Street as a Business Corridor

PROPERTY HISTORY

The property is not in a Special Flood Hazard Area.

ATTACHMENTS
(CIRCLE)

SUBMITTED PLANS

PUBLIC HEARING PETITION/
APPLICATION FORM

LEGAL NOTICE

LEGAL DESCRIPTION

PUBLIC COMMENTS

AGENCY COMMENTS

RESPONSE TO STANDARDS

OTHER (DESCRIBE)

<u>Property ID</u>	<u>Property Owner</u>	<u>Situs Address</u>	<u>Mailing Address</u>	<u>City</u>	<u>State</u>	<u>ZIP</u>
18462	Richard Solis Jr	407 W. Market St	806 Heron Ln	Rockport	Tx	78382
32788	Richard Solis Jr	318 W. Market St	806 Heron Lane	Rockport	Tx	78382
58078	Carothers Thad & Todd Investment Trust	107 N Kossuth St	419 Champion Dr	Rockport	Tx	78382
18313	George Thompson	313 W. Market St	PO Box 2387	Rockport	Tx	78381
18315	George & Jamie Thompson	108 S. Kossuth St	106 Cherry Hills	Rockport	Tx	78382
18316	Fred Niemann	110 S Kossuth St	110 S Kossuth St	Rockport	Tx	78382
18461	Augustin Garcia	113 S Kossuth St	113 S Kossuth St	Rockport	Tx	78382
18459	Osie Andrews	109 S Kossuth St	109 S Kossuth St	Rockport	Tx	78382
59557	James Andrews	107 S Kossuth	107 S Kossuth St	Rockport	Tx	78382
50502	Coastline Investments Inc	401 W Market St	PO Box 691	Rockport	Tx	78381
59558	Charles Isbell & Betty Brehm	107-R S Kossuth St	PO Box 18151	San Antonio	Tx	78218
42442	Charles Isbell	120-R S Doughty St	PO Box 18151	San Antonio	Tx	78218
18467	Allison Krueger	406 W. Bay St	406 W Bay St	Rockport	Tx	78382
18468	Lowell & Jane Bash	408 W. Bay St	815 Midnight Dr	San Antonio	Tx	78260
18466	Lowell & Jane Bash	124 S Doughty St	815 Midnight Dr	San Antonio	Tx	78260
18465	Charles Isbell & Betty Brehm	120 S Doughty St	PO Box 18151	San Antonio	Tx	78218
18464	Dennis & Anna Marbach	116 S Doughty St	31 Redfish	Holiday Beach Rockp	Tx	78382
18463	Dennis & Anna Marbach	411 W. Market St	31 Redfish	Holiday Beach Rockp	Tx	78382



PUBLIC HEARING
Planning & Zoning Commission
and City Council

NOTICE is hereby given that the Planning & Zoning Commission will hold a Public Hearing on Monday, January 16, 2023, at 5:30 p.m. and the Rockport City Council will hold a Public Hearing on Tuesday, January 24, 2023 at 6:30 p.m., at the Rockport Service Center, 2751 State Highway 35 Bypass, Rockport, Texas, to consider a request to rezone property located at 407 West Market Street; also known as Doughty and Mathis, Block 200, Lots 1 through 3, the Westerly portion & Lots 9 through 11 the Easterly portion, Rockport, Aransas County, Texas to B1 (General Business District) to allow the use of a New Shop; 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 January 16, 2023, and the City Council Agenda of January 24, 2023, and posted on the City's website www.cityofrockport.com.

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

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

CITY OF ROCKPORT, TEXAS

/s/ Teresa Valdez, City Secretary

TO BE ON RECORD, THIS FORM MUST BE FILLED OUT, SIGNED BY THE CURRENT PROPERTY OWNER(S) AND MAILED IN ITS ENTIRETY TO THE BUILDING & DEVELOPMENT SERVICES DEPARTMENT, 2751 STATE HIGHWAY 35 BYPASS, ROCKPORT, TX 78382. ANY INFORMATION PROVIDED BELOW BECOMES PUBLIC RECORD.

NOTE: In accordance with the Open Meetings Act and Public Information Act, no discussion shall be held by a member or members of this Commission, either at home or office, or in person, by telephone call or by letter.

Printed Name: Betty J. Isbell

Address: 120 S. Doughty

City/State: Rock Port TX 78382

() IN FAVOR (✓) IN OPPOSITION

Phone: 210-204-5681

REASON: We are not apposed to Mr. Solis business.

We do have some concerns which I would like to address. The noise this will generate. Not just moving the engines up, but all

Betty J. Isbell
 Signature

See map on reverse side.

the other cars they are ⁴⁷ putting on this property. Where will it stop? My second concern is the drainage. We have 50 ft. of fence we share with Mr. Solis. 5 properties around us drain back there. The water is supposed to run along Mr. Solis and Marbacks Property line. This needs to be addressed. Carey Dietrich told me Mr. Solis has someone who is going to look into that. I hope so. My third concern is the noise ordinance. I think 10:30 is too late for this type of business. We would like to enjoy our yards in the evening without our
over

dogs barking and the noise⁴⁸.
7:30 to 5:00 is Mr. Solis
tire shop hours. We would
like for him to stay open a
little later if he is working
in his garage.

We are 80 and 84 years old.
We bought this property 23
years ago for us, our 6 children,
grandchildren and great
grandchildren to enjoy. Please
do not let us be sorry.

Thank You
Betty & Charlie Solis



PUBLIC HEARING

Planning & Zoning Commission and City Council

NOTICE is hereby given that the Planning & Zoning Commission will hold a Public Hearing on Monday, January 16, 2023, at 5:30 p.m. and the Rockport City Council will hold a Public Hearing on Tuesday, January 24, 2023 at 6:30 p.m., at the Rockport Service Center, 2751 State Highway 35 Bypass, Rockport, Texas, to consider a request to rezone property located at 407 West Market Street; also known as Doughty and Mathis, Block 200, Lots 1 through 3, the Westerly portion & Lots 9 through 11 the Easterly portion, Rockport, Aransas County, Texas to B1 (General Business District) to allow the use of a New Shop; 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 January 16, 2023, and the City Council Agenda of January 24, 2023, and posted on the City's website www.cityofrockport.com.

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

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

CITY OF ROCKPORT, TEXAS

/s/ Teresa Valdez, City Secretary

TO BE ON RECORD, THIS FORM MUST BE FILLED OUT, SIGNED BY THE CURRENT PROPERTY OWNER(S) AND MAILED IN ITS ENTIRETY TO THE BUILDING & DEVELOPMENT SERVICES DEPARTMENT, 2751 STATE HIGHWAY 35 BYPASS, ROCKPORT, TX 78382. ANY INFORMATION PROVIDED BELOW BECOMES PUBLIC RECORD.

NOTE: In accordance with the Open Meetings Act and Public Information Act, no discussion shall be held by a member or members of this Commission, either at home or office, or in person, by telephone call or by letter.

Printed Name: Lowell R. Bash

Address: 124 S. Doughty St

City/State: Rockport, TX

() IN FAVOR (☒) IN OPPOSITION

Phone: 210-587-9717

REASON: Excessive Noise (revving and Testing engines after business hours (5:30pm) Burwants
on market st, danger for traffic. If there will be a Hot Rod Club, there will
be excessive noise. Police have Lowell R. Bash been called in the
past, they were a no show. Signature

See map on reverse side.



PUBLIC HEARING

Planning & Zoning Commission and City Council

NOTICE is hereby given that the Planning & Zoning Commission will hold a Public Hearing on Monday, January 16, 2023, at 5:30 p.m. and the Rockport City Council will hold a Public Hearing on Tuesday, January 24, 2023 at 6:30 p.m., at the Rockport Service Center, 2751 State Highway 35 Bypass, Rockport, Texas, to consider a request to rezone property located at 407 West Market Street; also known as Doughty and Mathis, Block 200, Lots 1 through 3, the Westerly portion & Lots 9 through 11 the Easterly portion, Rockport, Aransas County, Texas to B1 (General Business District) to allow the use of a New Shop; 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 January 16, 2023, and the City Council Agenda of January 24, 2023, and posted on the City's website www.cityofrockport.com.

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

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

CITY OF ROCKPORT, TEXAS

s/ Teresa Valdez, City Secretary

TO BE ON RECORD, THIS FORM MUST BE FILLED OUT, SIGNED BY THE CURRENT PROPERTY OWNER(S) AND MAILED IN ITS ENTIRETY TO THE BUILDING & DEVELOPMENT SERVICES DEPARTMENT, 2751 STATE HIGHWAY 35 BYPASS, ROCKPORT, TX 78382. ANY INFORMATION PROVIDED BELOW BECOMES PUBLIC RECORD.

NOTE: In accordance with the Open Meetings Act and Public Information Act, no discussion shall be held by a member or members of this Commission, either at home or office, or in person, by telephone call or by letter.

Printed Name: Jane Bash
Address: 408 W Bay St City/State: 78382

☐ IN FAVOR ☒ IN OPPOSITION

Phone: 210 643 329

REASON: Gordo's Auto has been a poor business & community member. They have disregarded the speed limits, noise from after hours parties & revving motors as we try to get kids to bed & try to relax. I fear the expansion of the disrespect they already exhibit. I oppose the development of this residential lot for use as commercial property.

Signature [Signature]





CITY COUNCIL AGENDA
Regular Meeting: Tuesday, February 14, 2023

AGENDA ITEM: 8

Deliberate and act on second & final reading of an Ordinance ordering a Special Election and establishing procedures for said election to be held on Saturday, May 6, 2023; the Special Election shall be for the purpose of submitting to the qualified voters of the City proposed Charter Amendments for their consideration; establishing early voting locations and polling places for the Special Election; providing other matters relating to the Special Election; providing for publication of the Notice of the Special election; providing for severability; finding and determining that the meeting at which this Ordinance is passed is open to the public as required by law; and establishing an effective date.

Deliberar y actuar sobre la segunda y última lectura de una Ordenanza que ordena una Elección Especial y estableciendo los procedimientos para que dicha elección se celebre el sábado 6 de mayo de 2023; la Elección Especial tendrá el propósito de presentar a los votantes calificados de la Ciudad las Enmiendas a la Carta Constitucional propuestas para su consideración; establecer lugares de votación anticipada y lugares de votación para la Elección Especial; proporcionar otros asuntos relacionados con la Elección Especial; proveer para la publicación del Aviso de la Elección Especial; prever la separabilidad; encontrar y determinar que la reunión en la que se aprueba esta Ordenanza está abierta al público según lo exige la ley; y establecer una fecha efectiva.

SUBMITTED BY: City Manager Vanessa Shrauner

APPROVED FOR AGENDA: VRS

BACKGROUND: Council approved the first reading of the Ordinance on January 31, 2023. The only change to the Ordinance since first reading is the word “petition” was changed to “election” in Proposition 18.

FISCAL ANALYSIS:

RECOMMENDATION:

ORDINANCE NO. 2023-__

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKPORT, TEXAS ORDERING A SPECIAL ELECTION AND ESTABLISHING PROCEDURES FOR SAID ELECTION TO BE HELD ON SATURDAY, MAY 6, 2023; THE SPECIAL ELECTION SHALL BE FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY PROPOSED CHARTER AMENDMENTS FOR THEIR CONSIDERATION; ESTABLISHING EARLY VOTING LOCATIONS AND POLLING PLACES FOR THE SPECIAL ELECTION; PROVIDING OTHER MATTERS RELATING TO THE SPECIAL ELECTION; PROVIDING FOR PUBLICATION OF THE NOTICE OF THE SPECIAL ELECTION; PROVIDING FOR SEVERABILITY; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Rockport, Texas is a home rule municipality by virtue of a charter election; and

WHEREAS, the City Council of the City of Rockport, Texas adopted Resolution No. 2022-24 and established a Charter Review Commission during the October 25, 2022, regular city council meeting for the purpose of reviewing the City's charter, as amended, (the "Charter") and making recommendations for changes to the Charter; and

WHEREAS, following a series of seven public meetings, held pursuant to and in compliance with the Texas Open Meetings Act, the Charter Review Commission systematically reviewed the Charter and presented its Final Report ("Final Report") to Council during the January 24, 2023, regular City Council meeting; and

WHEREAS, the City Council accepted the Final Report as presented; and

WHEREAS, the City Council conducted a Public Hearing on the findings of the Charter Review Commission during the January 24, 2023, regular City Council Meeting; and

WHEREAS, the City Council has reviewed the Final Report and now believes that Rockport voters should vote on the following proposed amendments, in the form of propositions; and

WHEREAS, Texas Local Government Code Section 9.004 governs the amendments to a City's home-rule charter; and

WHEREAS, the City Council of the City of Rockport, Texas finds that it is in the public interest to order a special election to be held on May 6, 2023, a date at least 30 days after the date this ordinance is adopted, for a vote of the electors as to the proposed amendments to the Rockport City Charter; and

WHEREAS, the City Council has determined that the anticipated fiscal impact to the City of the proposed amendments, if adopted, is \$0.00 per year or negligible; and

WHEREAS, the City Council of the City of Rockport, Texas finds that the ballot language for each proposition contained in this ordinance is in the public interest for a vote of the electors as to the proposed amendments to the Rockport City Charter.

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

Section 1: The recitals provided for in the preamble are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

Section 2: The City of Rockport hereby orders a Special Election to be held on May 6, 2023, uniform election date, for the purpose of submitting to the qualified voters of the City of Rockport, propositions to approve or reject the following proposed amendments to the existing Charter of the City of Rockport, Texas, as amended.

Section 3: The ballot for the Special Election shall conform to the requirements of the Texas Election Code, as amended, and on such ballot shall appear the following propositions that correspond to and summarize each of the proposed measures or charter text amendments set forth in Section 4 of this ordinance, with each provision permitting voters to vote "For" or "Against" each proposition without voting "For" or "Against" all propositions. Such propositions shall be expressed substantially as follows:

Proposition No. 1

Shall the Charter be amended to provide for gender neutral terminology and correct other terms, spelling and capitalization without making any substantive changes?

[Insert Spanish Translation]

Proposition No. 2

Shall the Charter be amended to conform to the general laws of the State of Texas?

[Insert Spanish Translation]

Proposition No. 3

Shall the Charter be amended to provide for expansion and contraction of the City's corporate boundaries?

[Insert Spanish Translation]

Proposition No. 4

Shall the Charter be amended to provide a process for disannexation petitions to be considered by the City?

[Insert Spanish Translation]

Proposition No. 5

Shall the Charter be amended to provide for four-year terms of office for the Mayor and City Council persons and the process to fill vacancies of such terms?

[Insert Spanish Translation]

Proposition No. 6

Shall the Charter be amended to eliminate the service limitation of ten years for members of the City Council?

[Insert Spanish Translation]

Proposition No. 7

Shall the Charter be amended to provide for notice of a meeting and an emergency meeting and establish additional quorum provisions if City Council is reduced to less than three voting members?

[Insert Spanish Translation]

Proposition No. 8

Shall the Charter be amended to provide for amended reading requirements for an ordinance to be approved?

[Insert Spanish Translation]

Proposition No. 9

Shall the Charter be amended to provide for electronic means of storing and publication of ordinances and resolutions?

[Insert Spanish Translation]

Proposition No. 10

Shall the Charter be amended to eliminate the cap on severance or termination compensation of the City Manager?

[Insert Spanish Translation]

Proposition No. 11

Shall the Charter be amended to provide updated duties of the City Secretary?

[Insert Spanish Translation]

Proposition No. 12

Shall the Charter be amended to provide for the ability of the City to employ a person or firm as City Attorney?

[Insert Spanish Translation]

Proposition No. 13

Shall the Charter be amended to delete the provisions related to the City Engineer?

[Insert Spanish Translation]

Proposition No. 14

Shall the Charter be amended to provide for movement of the City's general election date if made possible by the general laws of the State of Texas?

[Insert Spanish Translation]

Proposition No. 15

Shall the Charter be amended to provide for petitions of offices to meet certain signature numerical requirements?

[Insert Spanish Translation]

Proposition No. 16

Shall the Charter be amended to disqualify a person to serve on the City Council if the person is in arrears of taxes or other liabilities to the City?

[Insert Spanish Translation]

Proposition No. 17

Shall the Charter be amended to clarify the meaning of Qualified Voter?

[Insert Spanish Translation]

Proposition No. 18

Shall the Charter be amended to provide for cancellation of a recall election in certain circumstances?

[Insert Spanish Translation]

Proposition No. 19

Shall the Charter be amended to update the form of ballot for initiatives and recall elections?

[Insert Spanish Translation]

Proposition No. 20

Shall the Charter be amended to clarify the duties regarding initiative, referendum, or recall elections?

[Insert Spanish Translation]

Proposition No. 21

Shall the Charter be amended to provide for changes to municipal finance provisions related to the City's fiscal year, budget, capital programs, borrowing, purchasing, depository, financial reporting, and audit?

[Insert Spanish Translation]

Proposition No. 22

Shall the Charter be amended to eliminate Article X. Planning and Zoning Commission?

[Insert Spanish Translation]

Proposition No. 23

Shall the Charter be amended to allow for the exclusivity of franchises?

[Insert Spanish Translation]

Section 4: If one or more of the following measures are approved by the voters, the Rockport City Charter would be amended as follows: [proposed deleted text is shown with ~~striketroughs~~ and proposed added text is underlined]:

TEXT AMENDMENT – PROPOSITION NO. 1

Sec. 3.01 Number, Selection and Term.

(1) The legislative and governing body of the City will consist of a Mayor and four Councilpersons and will be known as the City Council of Rockport.

(a) The Mayor will be elected at large; one Councilperson shall be elected from each of four (4) Wards; all elected officials shall serve two (2) year terms unless removed from office through the provisions of this Charter.

(b) All members of the City Council, other than the Mayor, shall be elected under the Ward System the boundaries which are defined by ordinance and which may be amended as population changes warrant.

(c) Councilpersons from Wards One (1) and Three (3) shall be elected in odd years and the Mayor and Councilpersons from Wards Two (2) and Four (4) in even years. No boundary change of any Ward shall operate to disqualify a duly elected Councilperson who shall be allowed to complete ~~his~~ the Councilperson's current term of office.

(d) No person shall serve more than ten (10) consecutive years on the City Council.

Sec. 3.02 Qualification of Members.

(1) In addition to any other qualifications prescribed by law, the Mayor and each Councilperson shall meet the qualifications set forth in Article V of this Charter while in office. A Council Member shall reside in the Ward ~~they~~ the Council Member represents while in office.

Sec. 3.04 Mayor and Mayor Pro-Tem.

(1) The Mayor shall be the official head of the City Government. ~~He~~ The Mayor shall be the chairman and shall preside at all meetings of the City Council. The Mayor shall have the same right to vote, as do other Council Members. ~~He~~ The Mayor shall, when authorized by the City Council, sign all official documents; such as, ordinances, resolutions, conveyances, official plats and bonds. ~~He~~ The Mayor shall perform such other duties consistent with this Charter as may be imposed upon ~~him~~ the Mayor by the City Council.

(2) The Mayor Pro-Tem shall be a Councilperson elected by the City Council at the first regular meeting after each election of Council Member and/or Mayor. The Mayor Pro-Tem shall act as Mayor during the disability or absence of the Mayor and in this capacity shall have the rights conferred upon the Mayor.

Sec. 3.05 Vacancies, Forfeiture and Filling of Vacancies.

(1) The office of a Council Member or the Mayor shall become vacant upon death, resignation, forfeiture of, or removal from office by any manner authorized by law.

(2) If any member of the City Council is absent from three (3) consecutive meetings, without explanation acceptable to the remaining Council Members, ~~his~~ the Council Member's office shall be declared vacant at the next regular meeting of the Council.

(3) If any member of the Council ceases to possess the required qualifications for office or is convicted of any felony, or a misdemeanor involving moral turpitude, this position shall be declared vacant at the next regular meeting of the Council.

(4) In the event of a permanent vacancy in the office of the Mayor, the Mayor Pro-Tem shall become the Mayor, thereby vacating ~~his~~ the Council position. Vacancies in the Council, other than the Mayor, shall be filled by a majority vote of the remaining members, if the remaining term is less than one (1) year. In the event that an election is held in any of the Wards and no candidate

files or registers as a write-in, that vacancy shall be filled after said election by the Council. In the event the remaining term is equal to or more than one (1) year, the Council may fill the position by a majority vote of the remaining members or call for a special election to fill the vacancy, for the unexpired term only. In all cases, the successor shall possess all qualifications for the position.

Sec. 3.07 Prohibitions.

(1) Except where authorized by law, no Mayor or Councilperson shall hold any other City employment during ~~his~~ the elected official's term as Mayor or Councilperson. No former Mayor or Councilperson shall hold any compensated appointed office or City employment within one (1) year after the expiration of ~~his~~ the elected official's term as Mayor or Council Member, unless approved by a majority vote of the City Council.

(2) Members of the City Council shall not in any way dictate the appointment or removal of any City Employee whom the City Manager or any of ~~his~~ the City Manager's subordinates are empowered to appoint. The City Council at a meeting called for that purpose may express its views and fully and freely discuss with the City Manager anything pertaining to appointment and removal of such employees.

(3) The City Manager shall consult with the City Council before the hiring of any Department Head or promotion of an employee to Department Head. Members of the City Council shall not give orders to any such officer or employee either publicly or privately except as otherwise provided in this Charter.

(4) The City Manager shall consult with the City Council before the removal of Department Heads.

Sec. 4.01 City Manager.

(1) The City Council shall appoint a City Manager who shall serve as the chief administrative officer of the City. ~~He~~ The City Manager shall be responsible to the City Council for administration of all the affairs of the City, with only those exceptions named in this Charter. The City Manager shall be appointed solely upon ~~his~~ the City Manager's executive and administrative qualifications. ~~He~~ The City Manager need not be a resident of the City when appointed, but shall reside within the City during the tenure of ~~his~~ the City Manager's appointment within a reasonable period of time as determined by the City Council.

(2) The City Council will fix the compensation of the City Manager, and ~~his~~ the City Manager's compensation may be amended from time to time in accordance with the City Manager's experience and qualifications. No employment agreement shall provide more than six (6) months' severance or termination compensation.

(3) The City Manager shall be appointed for an indefinite term, and may be removed by resolution at the discretion of the Council by a majority vote of its members. Upon passage of a resolution stating the intention to remove the City Manager and the reasons therefore, a copy of which shall be immediately furnished him, the Council may suspend ~~him~~ the City Manager from duty, but ~~his~~ the City Manager's salary shall continue until ~~his~~ the City Manager's removal becomes effective. Within twenty (20) days after the passage of such a resolution, the City

Manager may reply in writing to it, and may request a public hearing. If so requested the Council shall fix a time and place for a public hearing on the question of removal, which shall be held not sooner than ten (10) days nor more than twenty (20) days after the receipt of such request. The final resolution removing the City Manager shall not be adopted until such public hearing, if requested, has been held. The action of the City Council in removing the City Manager shall be final. In case of the absence, disability or suspension of the City Manager, the Council may designate a qualified administrative officer of the City to perform the duties of the office. No City Council Member may serve as Acting City Manager.

(4) The City Manager shall have power to:

- (a) Appoint, suspend and remove all City employees provided for in this Charter, except as otherwise provided by law, this Charter, or personnel rules adopted pursuant to this Charter.
- (b) Direct and supervise the administration of all departments, offices and agencies of the City. ~~He~~ The City Manager shall, when authorized by the City Council, sign contracts, except as otherwise provided by law or this Charter.
- (c) See that all State laws and City ordinances are effectively enforced.
- (d) Attend all City Council meetings, with the right to take part in discussion, but ~~he~~ the City Manager shall not vote.
- (e) Prepare and accept items for inclusion in the official agenda of all City Council meetings and meetings of boards and commissions.
- (f) Prepare and recommend to the City Council the annual budget and capital program, and administer the budget as adopted by the City Council.
- (g) Prepare and submit to the City Council, within one hundred twenty (120) days of the end of the City's fiscal year, an annual report on the finances and administrative activities of the City, as of the end of the fiscal year. The report of an individual audit, as required by this Charter, shall be incorporated into the annual report submitted by the City Manager.
- (h) Keep the City Council fully advised at least quarterly as to the financial condition and future needs of the City, and make such recommendations concerning the affairs of the City as ~~he~~ the City Manager or the City Council deems desirable or necessary.
- (i) Make reports as ~~he~~ the City Manager or the City Council may require concerning the operations of the City departments, offices, or agencies subject to ~~his~~ the City Manager's direction or supervision.
- (j) Perform such other duties as are specified in this Charter or may be required by the City Council, and are consistent with this Charter or State or Federal Law.

Sec. 4.04 City Attorney.

- (1) The City Council, after consultation with the City Manager, shall appoint a competent, duly qualified, licensed and practicing attorney in the State of Texas who shall serve as the City Attorney.
- (2) The City Attorney shall:
 - (a) Serve as the legal advisor to the City Council and the City Manager regarding City affairs.
 - (b) Represent the City in litigation and legal proceedings as directed by the City Council and City Manager.
 - (c) Review and provide opinions as requested by the City Council or City Manager on contracts, legal instruments, and ordinances of the City and other items of City business.
- (3) The City Council shall have the right to retain Special Counsel at any time that it may deem necessary and appropriate.
- (4) The City Attorney and Special Counsel shall receive compensation as may be determined by the City Council.
- (5) The City Attorney, with approval of the City Council, may select additional attorneys to act for ~~him~~ the City Attorney and the City in its representation and/or litigation.
- (6) The City Attorney may be removed by a vote of the City Council.

Sec. 6.01 General Authority.

- (1) *Initiative*: The qualified voters of the City shall have power to propose ordinances to the City Council and if the Council fails to adopt an ordinance so proposed without any change in substance, the voters shall adopt or reject it at a City election. Such power shall not extend to the budget or capital program or any ordinance relating to appropriation of money, the levy of taxes or salaries of City officers or employees nor any other matter which a court of law has held to have been withdrawn as a power of initiative.
- (2) *Referendum*: The qualified voters of the City shall have power to require reconsideration by the Council of any adopted ordinance and, if the Council fails to repeal an ordinance so reconsidered, the voters shall approve or reject it at a City election. Such power shall not extend to the budget or capital program or any emergency ordinance or ordinance relating to appropriation of money or levy of taxes nor any other matter which a court of law has held to have been withdrawn as a power of referendum.
- (3) *Recall*: The qualified voters of the City shall have power to remove, for cause, any official serving in an elective office.
- (4) *Qualified Voter*: In the context of eligibility to sign a petition under this ~~Chapter~~ Article means a registered voter.

Sec. 6.08 Public Hearing on Recall of Officers.

(1) An elected official whose removal is sought by recall may, within five (5) days after such recall petition has been presented to the City Council, request that a public hearing be held to permit ~~him~~ the elected official to present facts pertinent to the charges specified in the petition. Should a request be made, the City Council shall order a public hearing be held not less than five (5) days and no more than fifteen (15) days after receiving such request for a public hearing.

Sec. 6.13 Results of Election.

(1) If a majority of qualified electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the City Council. If conflicting ordinances are approved at the same election, the one receiving the greater number of affirmative votes shall prevail.

(2) An ordinance adopted by initiative may be repealed or amended at anytime after the expiration of two (2) years by a majority vote of the City Council.

(3) If a majority of the electors voting on a referred ordinance vote against the ordinance, it shall be considered repealed upon certification of the election results. If a majority of the qualified electors voting on a referred ordinance vote for the ordinance, the ordinance shall be considered in effect.

(4) An ordinance repealed by referendum may be reenacted at anytime after the expiration of two (2) years by a majority vote of the City Council.

(5) If a majority of the votes cast on the question of recall at a recall election shall be against the removal of the elected official named on the ballot, ~~he~~ the elected official shall continue in office for the remainder of ~~his~~ the elected official's unexpired term, subject to recall as before within the limitations of Sec. 6.14 below. If a majority of the votes cast on the questions of recall at a recall election shall be for the removal of the elected official named on the ballot, ~~he~~ the elected official shall, regardless of any technical defects in the recall petition, be deemed removed from office upon official canvas of said election and the vacancy shall be filled in accordance with the provisions of this Charter for the filling of vacancies.

Sec. 6.14 Limitations and Restrictions.

(1) No recall petition shall be filed against any officer of the City within:

(a) six (6) months after ~~his~~ the officer's election or appointment; or

(b) within six (6) months of such a petition being filed and found insufficient; ~~nor or~~

(c) within one (1) year after an election for such officer's recall.

(2) In no instance shall an officer removed from office by recall election serve in an elective office of the City within a period of three (3) years following the date of the election at which he ~~the officer~~ was removed from office.

Sec. 6.15 Failure of City Council to Call an Election.

(1) In case all of the requirements of this Charter have been met and the City Council shall fail or refuse to receive an initiative, referendum or recall petition, or order such initiative, referendum ~~of or~~ recall election, or discharge other duties imposed upon said City Council by the provisions of this Charter with the reference to initiative, referendum or recall, then the County Judge of Aransas County, Texas may discharge any such duties herein provided to be discharged by the City Secretary or by the City Council. In addition, any qualified voter in the City may seek judicial relief to have any of the provisions of this Charter pertaining to initiative, referendum or recall carried out by the proper official.

Sec. 7.09 Purchasing.

(1) The City Council may, by ordinance, confer upon the City Manager general authority to contract for expenditure without further approval of the City Council for all budgeted items not exceeding limits set by the City Council. All contracts for expenditures involving more than the set limits must be expressly approved in advance by the City Council. All contracts or purchases involving more than the limits set by the City Council shall be let to the lowest bidder whose submittal is among those most responsive to the needs of the City after there has been opportunity for competitive bidding as provided by law or ordinance. The Council or City Manager in such cases as ~~he~~ the City Manager is authorized to contract for the City, shall have the right to reject any and all bids.

(2) Emergency contracts as authorized by law and this Charter may be negotiated by the City Council or City Manager if given authority by the City Council without competitive bidding. Such emergency shall be declared by the City Manager and approved by the City Council or may be declared by the City Council.

Sec. 7.10 Administration of Budget.

(1) No payment shall be made or obligation incurred against any allotment or appropriation except in accordance with appropriations duly made and unless the City Manager or ~~his~~ the City Manager's designee first certifies that there is a sufficient unencumbered balance in such allotment or appropriation and that sufficient funds there from are or will be available to cover the claim or meet the obligation when it becomes due and payable. Any authorization of payment or incurring of obligation in violation of the provisions of this Charter shall be void and any payment so made illegally. Such action shall be cause for removal of any officer who knowingly authorized or made such payment or incurred such obligation, and ~~he~~ the officer shall also be liable to the City for any amount so paid. However, this prohibition shall not be construed to prevent the making or authorizing of payments or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds, time warrants, certificates of indebtedness, or certificates of obligation, or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year, providing that such action is made or approved by ordinance.

Sec. 11.07 Licenses.

(1) The City shall have the power to license, levy and collect fees in order to license any lawful business, occupation or calling subject to control pursuant to the police powers of the State of Texas and/or for any other purpose not contrary to the Constitution and Laws of the State of Texas.

Sec. 12.11 Emergency Powers of the Mayor.

(1) Whenever it comes to the knowledge of the Mayor or the Mayor's ~~his~~ designee that any malignant, infectious and contagious disease or epidemic is prevalent in the City or probably will become so, or in the case of public calamity arising by reason of flood, hurricane, tornado, fire or any other disaster, when it appears that action may become necessary before the Council can be convened to consider such action, ~~he~~ the Mayor shall have the power to take all steps and use all measures necessary to avoid, suppress or mitigate such disease and prepare for and relieve distress caused by flood or resulting from hurricane, tornado, fire or any other disaster.

TEXT AMENDMENT – PROPOSITION NO. 2

Sec. 3.08 Meetings of the City Council.

(1) The City Council shall hold at least one (1) regular meeting each month and as many additional meetings as it deems necessary to transact the business of the City. The City Council shall fix by ordinance the date and time of the regular meeting(s). Special meetings of the City Council shall be held at the call of the Mayor or a majority of the Council and, wherever practicable, upon no less than twelve (12) to each member.

(2) All meetings shall be open to the public and shall be held and notice given in accordance with ~~Article 6252-17 V.A.T.S.~~ Texas Government Code Chapter 551 as amended or superseded.

Sec. 5.01 City Elections.

(1) City elections shall be conducted in accordance with Texas Election Law following procedures prescribed therein.

(2) The City's General Election shall be held annually on the May uniform election date. The City Council shall be responsible for specification of places for holding such election.

(3) The City Council may, by resolution, order a special election for purposes consistent with this Charter and laws of the State of Texas. The City Council will fix the time and places for such a special election, and provide all means for holding same.

(4) Municipal elections shall be conducted by election officials appointed or approved by the City Council, or as prescribed by law. Sample ballots identical in format to those used in the specific election shall be posted in the voting place(s) for the purpose of voter orientation.

(5) All municipal elections shall be publicized in accordance with the Texas Election Code.

Sec. 6.10 Calling of Recall Election.

(1) If the officer whose removal is sought does not resign, then the City Council shall order an election and set the date for holding such recall election. The date selected for the recall election shall be in accordance with the Texas Election Code ~~not less than twenty five (25) days and not more than thirty five (35) days after the date the petition was presented to the City Council, or from the date of the public hearing, if one was held.~~ Any election order so issued shall comply fully with the Texas Election Code.

Sec. 6.12 Form of Ballots.

(1) Ordinances shall be submitted by ballot title, which shall be prepared in all cases by the City Attorney. The ballot title may be different from the legal title of any such initiated or referred ordinance and it shall be a clear, concise statement, without argument or prejudice, descriptive of the substance of such ordinance. Unless otherwise required by law, ~~immediately~~ below the ballot title shall be printed the following two statements, one above the other, in the order indicated:

"For adoption of the ordinance"

and

"Against adoption of the ordinance"

Immediately below or to the left of such statements shall appear a square in which the voter may cast his vote by making a mark.

(2) Ballots used at recall elections shall, with respect to each person whose removal is sought, submit the question:

"Shall (name of person) be removed from the office (name of office) by recall?"

Immediately below each such question there shall be printed the two following statements, one above the other, in the order indicated.

"For the removal of ... by recall."

"Against the removal of.... by recall."

Immediately below or to the left of such statement shall appear a square in which the voter may cast his vote by making a mark.

Sec. 12.01 Public Records.

(1) All records of the City shall be open to inspection except for those that are closed to the public by law. The records may be examined and copied in the City offices during normal office hours ~~at a nominal charge~~ in accordance with state law.

Sec. 12.02 Official Newspaper.

(1) The City Council shall declare biannually an official newspaper of general circulation in the City. All ordinances, notices and other matters required by this Charter, City ordinance, of the Constitution and Laws of the State of Texas shall be published in the official newspaper or in accordance with state law.

Sec. 12.05 Prohibitions and Penalties.

(1) Equality of rights under the law shall not be denied or abridged with respect to appointment to or removal from any position because of race, sex, age, national origin, ~~physical disabilities,~~ political or religious opinions or affiliations.

(2) No person who seeks appointment or promotion with respect to any City position shall, directly or indirectly, give, render or pay any money, service or other valuable thing to any person for, or in connection with, his test, appointment or promotion.

(3) No person shall willfully make any false statement, certificate, mark, rating or report in regard to any test, certification or appointment or attempt to commit any fraud preventing the impartial execution of the personal provisions, rules and regulations of this Charter.

(4) No person who holds any compensated non-elective City position shall make, solicit or receive any contribution for any candidate for public office in the City, or take part in the management, affairs or political campaign of such candidate. He may exercise his rights as a citizen to express his opinion and to cast his vote.

(5) Any person who willfully engages in any of the above-prohibited activities shall be ineligible for appointment or election to a position in the City for a period of five (5) years. If he is an officer or employee of the City at the time of the violation, he shall immediately forfeit his office or position.

Sec. 12.09 Service of Process Against the City.

(1) All legal processes against the City shall be served upon the Mayor ~~and or City Manager~~ Secretary.

TEXT AMENDMENT – PROPOSITION NO. 3

Sec. 1.03 Extension of Boundaries.

(1) The boundaries of the City of Rockport, Texas, may be enlarged and extended by the annexation of additional territory. The City Council, by proper ordinance in accordance with State law, has power to annex additional territory ~~adjacent to or contiguous with the city limits with or without the consent of the residents and/or the owners of the territory annexed.~~

(2) Upon completion of the annexation procedure, the annexed territory shall become a part of the City, and said land and its residents shall be entitled to all the rights and privileges provided by the City for its citizens, and shall be bound by the acts, ordinances, resolutions and regulations of the City.

Sec. 1.04 Contraction of Boundaries.

- (1) If, after two and one-half (2-1/2) years from the date of annexation, the newly annexed territory is not receiving the standard governmental and proprietary services of the City, as specified by State law, then a majority of the qualified voters residing within said annexed territory may petition the governing body of the City to disannex said territory.
- (2) The petition shall be started, circulated, certified and presented consistent with the procedural rules of Sub Chapter G of Chapter 43, V.T.C.A. Local Government Code, and Article VI of this Charter. If there are fewer than twenty (20) qualified voters residing within the annexed area, the Petitioners Committee may be fewer than ten (10) members so long as it consists of a majority of the qualified voters within the territory proposed for disannexation.
- (3) A petition to the City Council for disannexation shall be filed with the city secretary no later than thirty (30) days following the date of filing of the required affidavit by the Petitioners' Committee.
- (4) However, prior to the submission of the issue of disannexation to an election as described in subsection (4) above, the City Council may also disannex the petitioned area by an affirmative vote of at least four members of the City Council.

TEXT AMENDMENT – PROPOSITION NO. 4

Sec. 1.04 Contraction of Boundaries.

- (1) If, after two and one-half (2-1/2) years from the date of annexation, the newly annexed territory is not receiving the standard governmental and proprietary services of the City, as specified by State law, then a majority of the qualified voters residing within said annexed territory may petition the governing body of the City to disannex said territory.
- (2) The petition shall be started, circulated, certified and presented consistent with the procedural rules of Sub Chapter G of Chapter 43, V.T.C.A. Local Government Code, and Article VI of this Charter. If there are fewer than twenty (20) qualified voters residing within the annexed area, the Petitioners Committee may be fewer than ten (10) members so long as it consists of a majority of the qualified voters within the territory proposed for disannexation.
- (3) A petition to the City Council for disannexation shall be filed with the city secretary no later than thirty (30) days following the date of filing of the required affidavit by the Petitioners' Committee.
- (4) In addition to the subsections above, the petition for disannexation shall follow the requirements of petitions for an initiative as outlined in Sections 6.07, 6.09, 6.11, 6.12, 6.13, 6.14, and 6.15 of this Charter.

TEXT AMENDMENT – PROPOSITION NO. 5

Sec. 3.01 Number, Selection and Term.

(1) The legislative and governing body of the City will consist of a Mayor and four Councilpersons and will be known as the City Council of Rockport.

(a) The Mayor will be elected at large; one Councilperson shall be elected from each of four (4) Wards; all elected officials shall serve ~~two (2)~~ four (4) year terms unless removed from office through the provisions of this Charter.

(b) All members of the City Council, other than the Mayor, shall be elected under the Ward System the boundaries which are defined by ordinance and which may be amended as population changes warrant.

(c) Councilpersons from Wards One (1) and Three (3) shall be elected to two-year terms in 2023 and shall each begin serving a four-year term in 2025 and every fourth year thereafter. in odd years and ~~the Mayor and Councilpersons from Wards Two (2) and Four (4) shall be elected to a three-year term in 2024 and shall begin serving a four-year term in 2027 and every fourth year thereafter. in even years.~~ No boundary change of any Ward shall operate to disqualify a duly elected Councilperson who shall be allowed to complete his current term of office.

(d) No person shall serve more than ten (10) consecutive years on the City Council.

Sec. 3.05 Vacancies, Forfeiture and Filling of Vacancies.

(1) The office of a Council Member or the Mayor shall become vacant upon death, resignation, forfeiture of, or removal from office by any manner authorized by law.

(2) If any member of the City Council is absent from three (3) consecutive meetings, without explanation acceptable to the remaining Council Members, his office shall be declared vacant at the next regular meeting of the Council.

(3) If any member of the Council ceases to possess the required qualifications for office or is convicted of any felony, or a misdemeanor involving moral turpitude, this position shall be declared vacant at the next regular meeting of the Council.

(4) In the event of a permanent vacancy in the office of the Mayor if the remaining term is twelve (12) months or less, the Mayor Pro-Tem shall become the Mayor, thereby vacating ~~his the Council person's~~ Council position. Vacancies in the Council, other than the Mayor, shall be filled by a majority vote of the remaining members, if the remaining term is twelve (12) months or less less than one (1) year. ~~In the event that an election is held in any of the Wards and no candidate files or registers as a write-in, that vacancy shall be filled after said election by the Council.~~ In the event the remaining term of a vacant position for Mayor or Council person is equal to or more than twelve (12) months one (1) year, the Council ~~may fill the position by a majority vote of the remaining members or shall~~ call for a special election to fill the vacancy, for the unexpired term only, in compliance with state law. In all cases, the successor shall possess all qualifications for the position.

TEXT AMENDMENT – PROPOSITION NO. 6

Sec. 3.01 Number, Selection and Term.

(1) The legislative and governing body of the City will consist of a Mayor and four Councilpersons and will be known as the City Council of Rockport.

(a) The Mayor will be elected at large; one Councilperson shall be elected from each of four (4) Wards; all elected officials shall serve two (2) year terms unless removed from office through the provisions of this Charter.

(b) All members of the City Council, other than the Mayor, shall be elected under the Ward System the boundaries which are defined by ordinance and which may be amended as population changes warrant.

(c) Councilpersons from Wards One (1) and Three (3) shall be elected in odd years and the Mayor and Councilpersons from Wards Two (2) and Four (4) in even years. No boundary change of any Ward shall operate to disqualify a duly elected Councilperson who shall be allowed to complete his current term of office.

~~(d) No person shall serve more than ten (10) consecutive years on the City Council.~~

TEXT AMENDMENT – PROPOSITION NO. 7

Sec. 3.08 Meetings of the City Council.

(1) The City Council shall hold at least one (1) regular meeting each month and as many additional meetings as it deems necessary to transact the business of the City. The City Council shall fix by ordinance the date and time of the regular meeting(s). Special meetings of the City Council shall be held at the call of the Mayor or a majority of the Council and, wherever practicable, upon no less than ~~twelve (12)~~ seventy-two (72) hours notice to each member, unless such meeting is an emergency meeting. Notice shall be considered effective when posted in compliance with the Texas Open Meetings Act and electronic communication to each Councilperson within three (3) hours of such posting.

(2) All meetings shall be open to the public and shall be held and notice given in accordance with Article 6252-17 V.A.T.S. as amended or superseded.

(3) Nothing herein shall prevent a meeting being called in emergency circumstances with notice provided in compliance with state law.

Sec. 3.09 Quorum.

(1) Three (3) members of the City Council shall constitute a quorum for the purpose of transaction of business and no action of the City Council, except as specifically provided in this Charter, shall be valid or binding unless adopted by the affirmative vote of Council Members present. When the City Council is reduced to less than three (3) voting members on account of vacancies, a quorum shall consist of all the remaining members of the City Council.

TEXT AMENDMENT – PROPOSITION NO. 8

Sec. 3.11 Passage of Ordinances In General.

(1) The City Council shall legislate by ordinance only, and the enacting clause of every ordinance shall be

"BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCKPORT, TEXAS ..."

Each proposed ordinance shall be introduced in the written or printed form required for adoption. No ordinance shall contain more than one subject, which shall be clearly expressed in its title. General appropriation ordinances may contain various subjects and accounts for which monies are to be appropriated. After adoption an ordinance shall not be amended or repealed except by the adoption of another ordinance amending or repealing the original ordinance. Except where an ordinance is repealed in its entirety, an amendatory or repealing ordinance shall set out in full the ordinance sections or subsections to be amended or repealed and shall indicate matter to be omitted by strikeout and shall indicate new matter by underlining and bold print.

(2) Any member of the City Council may offer any ordinance in writing to be placed on the agenda at a regular City Council meeting.

Copies of proposed ordinances, in the form required for adoption, shall be furnished to members of the City Council before the first reading. Copies of the proposed ordinance, in the form required for adoption, shall be available at the City offices and shall be furnished citizens upon request to the City Secretary before the first reading and, if amended, shall be available and furnished in amended form for as long as the proposed ordinance is before the City Council.

(3) A proposed ordinance, except an emergency, budget or tax ordinance, shall be read at two (2) City Council meetings ~~with at least one week between readings.~~ For a zoning ordinance, the proposed zoning ordinance shall be read at two (2) regular City Council meetings, unless the City Council dispenses with the need for a two (2) reading requirement and the ordinance is approved by at least four (4) members of the City Council.

(4) A proposed ordinance may be amended at either reading, but any ordinance amended in substance shall automatically be placed again on the first reading at a subsequent meeting. At any reading of a proposed ordinance, interested persons shall have a reasonable opportunity to be heard.

(5) Every ordinance shall become effective upon adoption or at any later time(s) specified in the ordinance, except that every ordinance imposing any penalty, fine or forfeiture shall become effective only after having been published once in its entirety or summary form, after adoption, in a newspaper designated as the official newspaper of the City.

(6) The reading aloud of a title and caption of the ordinance shall suffice as a reading provided printed copies of the ordinance in the form required for adoption are in front of all members of the City Council and a reasonable number of additional copies are available to citizens present at the meeting. If a majority of the members present request that the ordinance be read in its entirety, it must be read.

TEXT AMENDMENT – PROPOSITION NO. 9

Sec. 3.13 Authentication, Recording, Codification, Printing and Distribution.

(1) The City Secretary shall authenticate by signature and seal ~~in properly indexed book(s) kept for that purpose~~ all ordinances and resolutions adopted by the City Council, and it shall be kept open for public inspection. Ordinances shall be numbered consecutively in the order in which adopted. The City Secretary may use electronic means, allowed by law, to maintain all ordinances and resolutions.

(2) The City Council shall cause all ordinances and amendments to this Charter to be ~~printed promptly following their adoption, and the printed ordinances and Charter amendments shall be sold to the public at a reasonable price to be fixed by the City Council. A copy of each ordinance and amendment shall be placed in appropriate city offices for public reference, posted on the City's internet website for at least one year, unless earlier codified into its Code of Ordinances.~~

TEXT AMENDMENT – PROPOSITION NO. 10

Sec. 4.01 City Manager.

(1) The City Council shall appoint a City Manager who shall serve as the chief administrative officer of the City. He shall be responsible to the City Council for administration of all the affairs of the City, with only those exceptions named in this Charter. The City Manager shall be appointed solely upon his executive and administrative qualifications. He need not be a resident of the City when appointed, but shall reside within the City during the tenure of his appointment within a reasonable period of time as determined by the City Council.

(2) The City Council will fix the compensation of the City Manager, and his compensation may be amended from time to time in accordance with the City Manager's experience and qualifications. ~~No employment agreement shall provide more than six (6) months' severance or termination compensation.~~

(3) The City Manager shall be appointed for an indefinite term, and may be removed by resolution at the discretion of the Council by a majority vote of its members. Upon passage of a resolution stating the intention to remove the City Manager and the reasons therefore, a copy of which shall be immediately furnished him, the Council may suspend him from duty, but his salary shall continue until his removal becomes effective. Within twenty (20) days after the passage of such a resolution, the City Manager may reply in writing to it, and may request a public hearing. If so requested the Council shall fix a time and place for a public hearing on the question of removal, which shall be held not sooner than ten (10) days nor more than twenty (20) days after the receipt of such request. The final resolution removing the City Manager shall not be adopted until such public hearing, if requested, has been held. The action of the City Council in removing the City Manager shall be final. In case of the absence, disability or suspension of the City Manager, the Council may designate a qualified administrative officer of the City to perform the duties of the office. No City Council Member may serve as Acting City Manager.

(4) The City Manager shall have power to:

- (a) Appoint, suspend and remove all City employees provided for in this Charter, except as otherwise provided by law, this Charter, or personnel rules adopted pursuant to this Charter.
- (b) Direct and supervise the administration of all departments, offices and agencies of the City. He shall, when authorized by the City Council, sign contracts, except as otherwise provided by law or this Charter.
- (c) See that all State laws and City ordinances are effectively enforced.
- (d) Attend all City Council meetings, with the right to take part in discussion, but he shall not vote.
- (e) Prepare and accept items for inclusion in the official agenda of all City Council meetings and meetings of boards and commissions.
- (f) Prepare and recommend to the City Council the annual budget and capital program, and administer the budget as adopted by the City Council.
- (g) Prepare and submit to the City Council, within one hundred twenty (120) days of the end of the City's fiscal year, an annual report on the finances and administrative activities of the City, as of the end of the fiscal year. The report of an individual audit, as required by this Charter, shall be incorporated into the annual report submitted by the City Manager.
- (h) Keep the City Council fully advised at least quarterly as to the financial condition and future needs of the City, and make such recommendations concerning the affairs of the City as he or the City Council deems desirable or necessary.
- (i) Make reports as he or the City Council may require concerning the operations of the City departments, offices, or agencies subject to his direction or supervision.
- (j) Perform such other duties as are specified in this Charter or may be required by the City Council, and are consistent with this Charter or State or Federal Law.

TEXT AMENDMENT – PROPOSITION NO. 11

Sec. 4.02 City Secretary.

- (1) The City Council, after consultation with the City Manager, shall appoint or remove a City Secretary.
- (2) The City Secretary shall:
 - (a) Give notice of all legal publications and official public meetings of the City Council in a manner consistent with this Charter and State laws.
 - (b) Attend all official public meetings and hearings of the City Council.

- (c) Keep the minutes of the proceedings of all official public meetings and hearings of the City Council in a manner prescribed by the Council consistent with applicable law.
- (d) Act as custodian of all official records of the City Council.
- (e) Hold and maintain the seal of the City of Rockport, and affix this seal to all appropriate documents.
- (f) Authenticate by signature and seal, and record all ordinances, resolutions and proclamations of the City.
- (g) Keep all contracts made by the governing body.
- ~~(h) Keep accurate records of all franchise, occupation taxes and hotel/motel taxes due to the City.~~
- (i) Act as coordinator for all boards and commissions as directed by the City Council.
- (j) Work closely with department heads and the City Manager in day-to-day operations of the City.
- (k) Perform such other duties as may be required and authorized by the City Council, consistent with this Charter and the laws of the State of Texas.

Sec. 5.04 Official Results.

- (1) The candidate for elective office receiving a plurality of the votes cast shall be declared the winner.
- (2) The returns of every municipal election shall be handled in accordance with the Texas Election Code. ~~These returns shall be delivered from the election judges to the City Secretary at City Hall as soon as possible after the closing of the polls.~~

Sec. 6.03 Petition Circulation.

- (1) All petition blanks used for circulation by the members of the Petitioner's Committee or their designees shall be obtained from the City Secretary and be numbered, dated and bear the signature of the City Secretary.

TEXT AMENDMENT – PROPOSITION NO. 12

Sec. 4.04 City Attorney.

- (1) The City Council, after consultation with the City Manager, shall appoint a competent, duly qualified, licensed and practicing attorney in the State of Texas who shall serve as the City Attorney.
- (2) The City Attorney shall:

- (a) Serve as the legal advisor to the City Council and the City Manager regarding City affairs.
 - (b) Represent the City in litigation and legal proceedings as directed by the City Council and City Manager.
 - (c) Review and provide opinions as requested by the City Council or City Manager on contracts, legal instruments, and ordinances of the City and other items of City business.
- (3) The City Council shall have the right to retain Special Counsel at any time that it may deem necessary and appropriate.
 - (4) The City Attorney and Special Counsel shall receive compensation as may be determined by the City Council.
 - (5) The City Attorney, with approval of the City Council, may select additional attorneys to act for him and the City in its representation and/or litigation.
 - (6) The City Attorney may be removed by a vote of the City Council.
 - (7) The term "City Attorney" may refer to an individual or firm.

TEXT AMENDMENT – PROPOSITION NO. 13

~~Sec. 4.05 – City Engineer.~~

- ~~(1) The City Council, after consultation with the City Manager, may appoint a competent, duly qualified, registered and practicing professional engineer in the State of Texas who shall serve as the City Engineer.~~
- ~~(2) The term "City Engineer" may refer to an individual or firm.~~
- ~~(3) The City Engineer shall serve as engineering advisor to the City Council and City Manager, and shall perform such other duties as may be required by the City Council or City Manager.~~
- ~~(4) The City Council shall have the right to retain special engineering service anytime it may deem necessary and appropriate.~~
- ~~(5) The City Engineer shall receive compensation as may be determined by the City Council.~~
- ~~(6) The City Engineer, with the approval of the City Council, may select additional engineers to act for him and the City in serving its engineering needs.~~
- ~~(7) The City Engineer may be removed by a vote of the City Council.~~

TEXT AMENDMENT – PROPOSITION NO. 14

Sec. 5.01 City Elections.

- (1) City elections shall be conducted in accordance with Texas Election Law following procedures prescribed therein.
- (2) The City's General Election shall be held annually on the May uniform election date. However, if state law allows the movement of a City general election to a date other than in May, the City Council may move to such date by ordinance without the need for a charter amendment. The City Council shall be responsible for specification of places for holding such election.
- (3) The City Council may, by resolution, order a special election for purposes consistent with this Charter and laws of the State of Texas. The City Council will fix the time and places for such a special election, and provide all means for holding same.
- (4) Municipal elections shall be conducted by election officials appointed or approved by the City Council. Sample ballots identical in format to those used in the specific election shall be posted in the voting place(s) for the purpose of voter orientation.
- (5) All municipal elections shall be publicized in accordance with the Texas Election Code.

TEXT AMENDMENT – PROPOSITION NO. 15

Sec. 5.02 Filing for Office.

- (1) Candidates for City offices shall file for office with the City Secretary at City Hall.
- (2) Candidates for elective City office shall meet the following qualifications:
 - (a) Shall be at least eighteen (18) years of age at the time of the election for which they are filing.
 - (b) Shall be a qualified voter of the City.
 - (c) Shall have resided within the corporate limits of the City, or recently annexed territory, for at least twelve (12) months prior to the Election Day.
 - (d) Shall have resided in the Ward, or newly created Ward, they are seeking to represent for a least twelve (12) months prior to the Election Day.
 - (e) No candidate may file in a single election for more than one office or position as provided by this Charter.
 - (f) No employee of the City shall continue in such position after filing for an elective office provided for in this Charter.
 - (g) A candidate filing for a Council Member position must include a petition along with their application for a place on the ballot for an office which contains signatures of qualified voters equal in number to thirty (30%) percent or fifty (50), whichever is lesser, of those who voted in the last election for that office. If the immediately preceding election for the Council Member position applied for was canceled as provided by law, a petition

containing fifty (50) signatures of qualified voters shall be necessary along with the application for a place on the ballot for an office. This requirement shall not be construed to mean the signatures of actual people who voted in the last election.

(h) A candidate filing for a Mayor position must include a petition along with their application for a place on the ballot for an office which contains signatures of qualified voters equal in number to thirty (30%) percent or one hundred and fifty (150), whichever is lesser, of those who voted in the last election for that office. If the immediately preceding election for the position of Mayor was canceled as provided by law, a petition containing one hundred fifty (150) signatures of qualified voters shall be necessary along with the application for a place on the ballot for an office. This requirement shall not be construed to mean the signatures of actual people who voted in the last election.

TEXT AMENDMENT – PROPOSITION NO. 16

Sec. 5.02 Filing for Office.

- (1) Candidates for City offices shall file for office with the City Secretary at City Hall.
- (2) Candidates for elective City office shall meet the following qualifications:
 - (a) Shall be at least eighteen (18) years of age at the time of the election for which they are filing.
 - (b) Shall be a qualified voter of the City.
 - (c) Shall have resided within the corporate limits of the City, or recently annexed territory, for at least twelve (12) months prior to the Election Day.
 - (d) Shall have resided in the Ward, or newly created Ward, they are seeking to represent for a least twelve (12) months prior to the Election Day.
 - (e) No candidate may file in a single election for more than one office or position as provided by this Charter.
 - (f) No employee of the City shall continue in such position after filing for an elective office provided for in this Charter.
 - (g) A candidate filing for a Council Member position must include a petition along with their application for a place on the ballot for an office which contains signatures of qualified voters equal in number to thirty (30%) percent or fifty (50), whichever is lesser, of those who voted in the last election for that office. This requirement shall not be construed to mean the signatures of actual people who voted in the last election.
 - (h) A candidate filing for a Mayor position must include a petition along with their application for a place on the ballot for an office which contains signatures of qualified voters equal in number to thirty (30%) percent or one hundred and fifty (150), whichever

is lesser, of those who voted in the last election for that office. This requirement shall not be construed to mean the signatures of actual people who voted in the last election.

(i) Shall not, at the time of filing or while in office, be in arrears in payment of taxes or other liabilities due the City after the expiration of thirty (30) days following the providing of notice of any delinquency.

TEXT AMENDMENT – PROPOSITION NO. 17

Sec. 6.01 General Authority.

(1) *Initiative*: The qualified voters of the City shall have power to propose ordinances to the City Council and if the Council fails to adopt an ordinance so proposed without any change in substance, the voters shall adopt or reject it at a City election. Such power shall not extend to the budget or capital program or any ordinance relating to appropriation of money, the levy of taxes or salaries of City officers or employees nor any other matter which a court of law has held to have been withdrawn as a power of initiative.

(2) *Referendum*: The qualified voters of the City shall have power to require reconsideration by the Council of any adopted ordinance and, if the Council fails to repeal an ordinance so reconsidered, the voters shall approve or reject it at a City election. Such power shall not extend to the budget or capital program or any emergency ordinance or ordinance relating to appropriation of money or levy of taxes nor any other matter which a court of law has held to have been withdrawn as a power of referendum.

(3) *Recall*: The qualified voters of the City shall have power to remove, for cause, any official serving in an elective office.

(4) *Qualified Voter*: In the context of eligibility to sign a petition under this Chapter means a registered voter in the City of Rockport.

TEXT AMENDMENT – PROPOSITION NO. 18

Sec. 6.10 Calling of Recall Election.

(1) If the officer whose removal is sought does not resign, then the City Council shall order an election and set the date for holding such recall election. The date selected for the recall election shall be not less than twenty-five (25) days and nor more than thirty-five (35) days after the date the petition was presented to the City Council, or from the date of the public hearing, if one was held. Any election order so issued shall comply fully with the Texas Election Code. If after the recall election date is established, the officer vacates the officer's position, the election shall be cancelled. Further, if the date for the recall election extends beyond the officer's term or the limits provided in Section 3.01(1)(d), the election shall be cancelled.

TEXT AMENDMENT – PROPOSITION NO. 19

Sec. 6.12 Form of Ballots.

(1) Ordinances shall be submitted by ballot title, which shall be prepared in all cases by the City Attorney. The ballot title may be different from the legal title of any such initiated or referred ordinance and it shall be a clear, concise statement, without argument or prejudice, descriptive of the substance of such ordinance. Immediately below the ballot title shall be printed the following two statements, one above the other, in the order indicated:

"For adoption of the ordinance"

and

"Against adoption of the ordinance"

~~Immediately below or to the left of such statements shall appear a square in which the voter may cast his vote by making a mark.~~

(2) Ballots used at recall elections shall, with respect to each person whose removal is sought, submit the question:

"Shall (name of person) be removed from the office (name of office) by recall?"

Immediately below each such question there shall be printed the two following statements, one above the other, in the order indicated.

"For the removal of ... by recall."

"Against the removal of.... by recall."

~~Immediately below or to the left of such statement shall appear a square in which the voter may cast his vote by making a mark.~~

TEXT AMENDMENT – PROPOSITION NO. 20

Sec. 6.15 Failure of City Council to Call an Election.

(1) In case all of the requirements of this Charter have been met and the City Council shall fail or refuse to receive an initiative, referendum or recall petition, or order such initiative, referendum or recall election, or discharge other duties imposed upon said City Council by the provisions of this Charter with the reference to initiative, referendum or recall, then ~~the County Judge of Aransas County, Texas may discharge any such duties herein provided to be discharged by the City Secretary or by the City Council.~~ In addition, any qualified voter in the City may seek judicial relief to have any of the provisions of this Charter pertaining to initiative, referendum or recall carried out by the proper official.

TEXT AMENDMENT – PROPOSITION NO. 21

Sec. 7.01 Fiscal Year.

(1) The fiscal year of the City shall begin on the first day of each October and end on the last day of September of each calendar year. The fiscal year shall constitute the budget and accounting year of the City government. ~~The term "budget year" shall mean the fiscal year for which any particular budget is adopted and in which it is administered.~~

Sec. 7.02 Submission of Budget.

(1) On or before the first regular scheduled meeting in August of each year, the City Manager shall submit to the City Council a proposed budget for the ensuing fiscal year and budget message. The City Council shall review the proposed budget and make any appropriate changes prior to publishing the final budget.

Sec. 7.03 Budget.

(1) The City Manager shall submit an annual budget not later than thirty (30) days prior to the date the City Council sets its tax levy for the fiscal year. The budget shall consist of three (3) parts as follows the following:

(a) ~~Part I shall contain:~~

(i) ~~A B~~budget message prepared by the City Manager, which shall outline a
outlining fiscal policy for the City government with explanations of significant
changes in expenditures, revenues, and fiscal conditions from previous years;
~~describing therein the important features of the budget with reference both to~~
~~proposed expenditures and anticipated income for the ensuing year; and~~

(b) (ii) ~~A general budget summary with supporting schedules, which shall exhibit the~~
~~aggregate figures of the budget in such manner as to show a balanced relationship between~~
~~the total proposed expenditures and the total anticipated income for the fiscal year covered~~
~~by the budget, and which shall compare these figures with the corresponding figures of the~~
~~last completed fiscal year and the year in progress.~~

(bc) ~~Part II shall contain:~~

(i) Detailed estimates of all proposed expenditures and estimates of anticipated
revenues and other income, showing the corresponding expenditures for each item
for the current fiscal year and the last preceding fiscal year with explanations of
increases or decreases recommended as compared with appropriations for the
current fiscal year.;

(ii) ~~Detailed estimates of anticipated revenues and other income;~~

(iii) ~~Delinquent taxes for current and preceding years, with estimated percentage~~
~~collectible; and~~

~~(civ) Statements of the bonded debt redemption and interest requirements, the debt authorized and unissued, the condition of the sinking funds, if any, and the borrowing capacity of the City.~~

~~(c) Part III shall contain a complete draft of the budget ordinance, including an appropriation ordinance and such other ordinances as may be required to finance the budget.~~

(2) The City Council shall make available in the City Secretary's offices ~~a general summary of the proposed budget and a notice stating: the budget, as presented to the City Council, open to public inspection by anyone interested and posted on the City's internet website until a budget has been finally adopted.~~

~~(a) The times and places where copies of the message and budget are available for inspection by the public; and~~

~~(b) The time and place, applicable to current laws, for a public hearing on the budget.~~

(3) City Council action:

(a) The City Council shall hold a public hearing on the proposed budget as submitted at the time and place so advertised ~~or another time and place with proper notification. All interested persons shall be given an opportunity to be heard, either for or against any item of the proposed budget. The City Council shall set the hearing time, date, and location in accordance with state law. Any person may attend and may participate in the hearing.~~

(b) At a regular or special meeting, at the conclusion of the public hearing, not fewer than seven (7) days after the public hearing, the City Council may adopt the budget, in accordance with state law, with or without amendment. A vote to adopt the budget must be recorded, in accordance with state law. ~~In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law for debt service or for an estimated cash deficit, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than the total of estimated income plus funds available from prior years.~~

(c) The City Council shall adopt or amend the budget by ordinance on one (1) reading. Adoption of the budget shall constitute appropriation of the amounts specified therein as expenditures from the funds indicated and shall constitute a levy of the property tax therein proposed.

(d) The final approved budget must be filed with the City Secretary in accordance with state law and posted on the City's internet website for at least one year.

(4) If the City Council fails to adopt the budget by the twenty-seventh (27th) day of September, the amounts appropriated for the operation during the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items in it prorated accordingly,

until such time as the City Council adopts a budget for the ensuing fiscal year. The levy of property tax normally approved, as part of the budget adoption will be set such that tax receipts for the budgeted year shall equal the tax receipts of the current fiscal year.

Sec. 7.04 Amendments After Adoption.

(1) If, during the fiscal year, the City Manager certifies that there are revenues available for appropriation in excess of those estimated in the budget, the City Council may carry the excess into the next fiscal year, or, by ordinance, may make supplemental appropriations to retire indebtedness or to fund emergency appropriations ~~as described in Sec. 7.04 (2) of this Article.~~

(2) At anytime in any fiscal year, the City Council may, ~~pursuant to this Section,~~ make emergency appropriations to meet a pressing need for public expenditure for other than regular or recurring requirements affecting life, health, property, or the public peace. Such appropriations shall be by ordinance adopted by ~~the affirmative vote of at least three (3) members of the City Council.~~ The total amount of all emergency appropriations made in any fiscal year shall not exceed ~~five (5%) percent of the tax levy for that fiscal year.~~ Such appropriations may require emergency notes, which may be renewed from time to time, but the emergency notes and renewals of any fiscal year shall be paid not later than the last day of the fiscal year in which the emergency appropriation was made.

(3) ~~If, at anytime during the fiscal year, it appears probable to the City Manager that the revenues available will be insufficient to meet the amount appropriated, he shall report to the City Council without delay, indicating the amount of the deficit, any remedial action taken by him and his recommendations as to any other steps to be taken. The City Council shall then take such further action it may deem necessary to prevent or minimize any deficit.~~

(4) ~~At anytime during the fiscal year, the City Manager may transfer part or all of any unencumbered appropriation balance among programs within a department, office or agency. The City Council may require approval of these transfers within departments above a limit established by the City Council. Upon written request by the City Manager, the City Council may, by budget amendments, transfer part or all of any unencumbered appropriation balance from one department, office or agency to another.~~

(5) No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced by any amount required by law to be appropriated or by more than the amount of the unencumbered balance.

(6) ~~The supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this section shall be made effective immediately upon adoption of the appropriate ordinance or budget amendment.~~

Sec. 7.05 Capital Program.

(1) The City Manager shall submit a ~~two (2)-~~five (5) year capital program in conjunction with ~~as an attachment to~~ the annual budget. The capital program shall include ~~the proposed program by~~

~~the Planning & Zoning Commission and comments by the City Manager. The program, as submitted, shall include:~~

- (a) ~~A clear general~~ summary of its contents;
- (b) A list of all capital improvements which are proposed for the two (2) fiscal years succeeding the budget year, with appropriate supporting information as to the necessity for such improvements;
- (c) Cost estimates, method of financing and recommended time schedules for each such improvement; and
- (d) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

~~(2) The above information may be revised and extended each year with regard to capital improvements still pending or in the process of construction or acquisition.~~

Sec. 7.06 Public Records.

(1) Copies of the budget and capital program, as adopted, shall be public records and shall be made available to the public upon request.

Sec. 7.07 Lapse of Appropriations.

(1) Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned; the purpose of any such appropriation shall be deemed abandoned if three (3) years pass without any disbursement from or encumbrance of the appropriations. Any funds not expended, disbursed or encumbered shall be deemed excess funds.

Sec. 7.08 Borrowing.

~~(1) The City shall have the right and power, except as prohibited by law or this Charter, to borrow money by whatever method it may deem to be in the public interest.~~

~~(2) The City shall have the power to borrow money on the credit of the City and to issue bonds or certificates of obligation for permanent public improvements or for any other public purpose not prohibited by law and this Charter, and to issue refunding bonds to refund outstanding bonds previously issued. All such bonds or certificates of obligation shall be issued in conformity with the laws of the State of Texas and shall be used only for purposes for which they were issued. All bonds and certificates of obligation, except those certificates issued for public necessity, or refunding debts, shall not be issued without an election except where otherwise permitted by State Law. The City Council shall prescribe the procedure for calling and holding such elections, shall define the voting precincts and shall all provide for the return and canvass of the ballots cast at~~

such elections. If, at such elections, a majority of the vote shall be in favor of creating such a debt, it shall be lawful for the City Council to issue bonds as proposed in the ordinance submitting same, but if a majority of the vote polled shall be against the creating of such debt, the City Council shall be without authority to issue the bonds. In all cases when the City Council shall order an election for the issuance of bonds of the City, it shall, at the same time, submit the questions of whether or not a tax shall be levied upon the property of the City for the purpose of paying the interest on the bonds and to create a sinking fund for their redemption.

(3) — ~~The City shall have the power to borrow money for the purpose of constructing, purchasing, improving, extending or repairing of any public utilities, recreational facilities or any other self liquidating municipal function not prohibited by the Constitution and laws of the State of Texas, and to issue revenue bonds to evidence the obligation created thereby. Such bonds shall be a charge upon and payable for the properties, or interest therein pledged, or the income therein from, or both. The holders of the revenue bonds shall never have the right to demand payment thereof out of monies raised or to be raised by taxation. All such bonds shall be issued in conformity with the laws of the State of Texas and shall be used only for the purpose for which they were issued.~~

(4) — ~~In any budget year, the City Council may, by resolution, authorize the borrowing of money in anticipation of the collection of the ad valorem tax for the same year, whether levied or to be levied. Notes may be issued for periods not exceeding one (1) year and must be retired by the end of the budget year in which issued.~~

The City shall have the right to issue and refund general obligation bonds, revenue bonds, and other evidence of indebtedness as is now permitted or as may be hereafter authorized to be issued by a home-rule municipality in the State of Texas.

The City may borrow funds on the credit of the City for a term not to exceed one year provided that such obligations are scheduled to be retired by the end of the budget year in which they were issued.

Sec. 7.09 Purchasing.

(1) The City Council may, by ordinance, confer upon the City Manager general authority to contract for expenditure without further approval of the City Council for all budgeted items not exceeding limits set by the City Council or state law. All contracts for expenditures involving more than the set limits must ~~be expressly approved in advance by the City Council~~ be approved in accordance with state law. ~~All contracts or purchases involving more than the limits set by the City Council shall be let to the lowest bidder whose submittal is among those most responsive to the needs of the City after there has been opportunity for competitive bidding as provided by law or ordinance. The City Council or City Manager in such cases as he the City Manager is authorized to contract for the City, shall have the right to reject any and all bids.~~

(2) Emergency contracts as authorized by law and this Charter may be negotiated by the City Council or City Manager if given authority by the City Council in accordance with state or federal law, without competitive bidding. Such emergency shall be declared by the City Manager and approved by the City Council or may be declared by the City Council.

Sec. 7.10 Administration of Budget.

(1) No payment shall be made or obligation incurred against any allotment or appropriation except in accordance with appropriations duly made and unless the City Manager or ~~his~~ the City Manager's designee first certifies that there is a sufficient unencumbered balance in such allotment or appropriation and that sufficient funds there from are or will be available to cover the claim or meet the obligation when it becomes due and payable. Any authorization of payment or incurring of obligation in violation of the provisions of this Charter shall be void and any payment so made illegally. Such action shall be cause for removal of any officer who knowingly authorized or made such payment or incurred such obligation, and ~~he~~ the officer shall also be liable to the City for any amount so paid. However, this prohibition shall not be construed to prevent the making or authorizing of payments or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds, time warrants, certificates of indebtedness, or certificates of obligation, or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year, providing that such action is made or approved by ordinance.

Sec. 7.11 Depository.

(1) All monies received by any person, department or agency of the City for or in connection with the affairs of the City shall be deposited promptly in the City depository or depositories, which shall be designated by the City Council in accordance with such regulations and subject to such requirements as to security for deposits and interest thereon as may be established by City's Investment ~~Policy Ordinance~~ and State Law. The governing body shall designate by resolution the bank, credit union or savings association to serve as the City's depository for the municipality's funds. The governing body shall review, approve, execute and deliver any depository service contract for a term of two (2) years or as soon as practicable but not greater than a five (5) year period. ~~Procedures for withdrawal of money or the disbursement of funds from the City depositories shall be prescribed by the City's Investment Ordinance. Disbursement of funds shall be in accordance with the City's policy and state law. In selecting a depository, the services, cost of services, credit worthiness, earnings potential and collateralization by the institutions shall be considered. All time and demand deposits in any depository shall be insured or collateralized at all times in accordance with state law.~~

Sec. 7.12 Financial Report.

(1) The City Manager shall submit to the City Council at its ~~first~~ second formal meeting each month the financial condition of the City by budget item, budget estimates versus accruals for the preceding month and for the fiscal year-to-date. The financial records of the City will be maintained in accordance with Governmental Accounting Standards Board (GASB) and Generally Accepted Accounting Principals (GAAP) ~~on an accrual basis to support this type of financial management.~~

Sec. 7.13 Independent Audit.

(1) As soon as practicable after the close of each fiscal year but no later than 120 days, an independent audit shall be made of all accounts of the City government by a certified public accountant selected by the governing body, who has no personal interest, directly or indirectly, in

the financial affairs of the City government, or any of its officers. The governing body shall appoint an independent auditor whose contract shall be reviewed and reconsidered at the end of five (5) years. The annual financial statement, including the auditor's opinion on the statement shall be posted on the City's internet website for at least two years following publication ~~filed in the office of the City Secretary within 120 days after the last day of the fiscal year as a public record. A summary thereof shall be published immediately in the official newspaper of the City.~~

TEXT AMENDMENT – PROPOSITION NO. 22

~~ARTICLE X – PLANNING AND ZONING COMMISSION~~

~~Sec. 10.01 – Organization.~~

~~(1) — There is hereby established a Planning and Zoning Commission which shall consist of seven (7) members who shall be appointed by the City Council for overlapping three (3) year terms. Each member shall be a qualified City voter. Any vacancy occurring during the unexpired term of a member shall be filled by the City Council for the remainder of the unexpired term. The Commission shall elect from its members a Chairman, Vice Chairman and Secretary to serve for one (1) year beginning in July of the year elected. The Commission shall meet at least once each month when practicable. The Council should strive to balance Commission membership to represent best each Ward and all major areas.~~

~~Sec. 10.02 – Duties and Powers.~~

~~(1) — The Commission shall be responsible to act as an advisory board to the City Council. The Commission shall:~~

~~(a) — Review all current and proposed ordinances and amendments pertaining to planning, zoning, platting and subdividing property and make recommendations to the City Council for action to be taken.~~

~~(b) — Make, amend, extend and add to the Comprehensive Plan for the physical development of the City.~~

~~(c) — Submit annually to the City Manager, not less than one hundred twenty (120) days prior to the beginning of the budget year, an annual update to any Capital Improvement Program as developed from the Comprehensive Plan regarding land use issues. The update may identify new or additional capital improvements as well as revisions of the project priorities by year.~~

~~(d) — Keep public records of its findings and determinations.~~

~~(2) — The Commission shall have full power to:~~

~~(a) — Exercise the authority of the Zoning Commission as provided by State law, this Charter and City ordinances.~~

(b) — ~~Administer rules and recommendations pertaining to subdivisions and to platting in territories within the City limits and its extraterritorial jurisdiction.~~

~~Sec. 10.03 — The Comprehensive Plan.~~

(1) — ~~The Comprehensive Plan for the physical development of the City including its ETJ shall contain the Commission's recommendations for the growth, development and beautification of the City. The Commission may recommend approval to the City Council the Comprehensive Plan as a whole or in parts and with any amendment thereto.~~

~~Sec. 10.04 — Procedure.~~

(1) — ~~All rules and regulations recommended for approval by the Planning & Zoning Commission for the Comprehensive Plan shall be forwarded to the City Manager who shall submit them to the Council with his recommendations if any. The Council may adopt or reject any such rules or regulations. If any rules or regulations should be rejected, the Planning & Zoning Commission may modify them and submit such modified rules and regulations to the City Manager. The City Manager shall again forward such changes to the Council. The adoption of the Plan or of any such part or amendment shall be by ordinance, but before adoption of the Plan or any such part or amendment, the City Council and the Commission shall hold at least one (1) joint public hearing on the proposed action.~~

~~Sec. 10.05 — Legal Effect of the Comprehensive Plan.~~

(1) — ~~Following adoption by the Council of the Comprehensive Plan, it shall serve as a guide to all future Council action concerning land use and development regulations and expenditures for capital improvements. Any proposal, which deviates from the Comprehensive Plan, shall not be authorized until and unless the location and extent thereof shall have been submitted to and accepted by the Commission. In case of disapproval, the Commission shall communicate its reasons to the Council, which shall have the power to overrule such disapproval and upon such overruling, the Council or the appropriate office, department or agency shall have authority to proceed. The failure of the Commission to act within thirty (30) days after the date of official submission to the Commission shall be deemed accepted, unless a longer period is granted by the Council or submitting official.~~

TEXT AMENDMENT – PROPOSITION NO. 23

Sec. 11.02 Ordinance Granting Franchise.

(1) Any ordinance granting, renewing, extending or amending a public service or utility franchise must be read at two (2) separate meetings of the City Council and shall not take effect until thirty (30) days after the final reading. Within seven (7) days following the first reading of the ordinance, the text or the summary of the ordinance shall be published once in a newspaper designated as the official newspaper of the City, with the expense of such publication borne by the prospective franchisee. Copies of the proposed ordinance, in the form required for adoption, shall be available at the city offices and shall be furnished to the citizens upon request to the City

Secretary before the first (1st) reading, if amended, shall be available and furnished in amended form for as long as the proposed ordinance is before the City Council.

(2) No franchise shall be granted for a term of more than twenty (20) years from the date of the grant, renewal or extension of any franchise.

~~(3) No franchise may be exclusive.~~

Section 5: All qualified voters of the City of Rockport shall be entitled to vote in said Special Election.

Section 6: The City Secretary of the City of Rockport is hereby directed to cause notice to be given of said elections by publication in the official newspaper of the City of Rockport, Texas, in accordance with the State Election Code. In addition to or in conjunction with the notice as provided by the Election Code, notice shall also be provided that:

- a) Includes a substantial copy of the proposed amendments;
- b) Includes an estimate of the anticipated fiscal impact to the City of the proposed amendments if approved at the election; and
- c) Be published on the same day in each of two successive weeks, with the first publication occurring before the 14th day before the date of the election.

A copy of the published notice that contains the name of the newspaper and the dates of publication shall be retained as a record of such notice.

Section 7: The Elections Administrator of Aransas County, Kevin A. Stroud, is designated as the Early Voting Clerk. Early voting by personal appearance will be conducted each weekday at the main early voting location, Aransas County Elections & Voter Registration Office, 602 E. Concho Street, Rockport, Texas as follows:

Monday, April 24, 2023	8:00 a.m. – 5:00 p.m.
Tuesday, April 25, 2023	8:00 a.m. – 5:00 p.m.
Wednesday, April 26, 2023	8:00 a.m. – 5:00 p.m.
Thursday, April 27, 2023	8:00 a.m. – 5:00 p.m.
Friday, April 28, 2023	8:00 a.m. – 5:00 p.m.
Monday, May 1, 2023	7:00 a.m. – 7:00 p.m.
Tuesday, May 2, 2023	7:00 a.m. – 7:00 p.m.

Section 8: The Early Voting Clerk shall process all applications for early voting by mail. Applications for ballot by mail shall be mailed to: Kevin A. Stroud, Elections Administrator of

Aransas County, Early Voting Clerk, 602 E. Concho Street, Rockport, TX 78382. Election Administrator's website address: <https://www.aransascountytexas.gov/electionadmin/> and phone number: 361-729-7431. Applications for ballot by mail may also be emailed to: kstroud@aransascounty.org. The last day to receive an application from a voter in person for a ballot to be voted by mail is the close of business on Friday, April 25, 2023.

Section 9: A HAVA compliant voting system approved by the Texas Secretary of State shall be used for voting during Early Voting and Election Day. Paper ballots shall be used for voting by mail. The Early Voting Ballot Board shall canvass all ballots cast in the Saturday, May 6, 2023, Special Election.

Section 10: Carolyn Smith will serve as Presiding Judge and Mayra Wilson will serve as Alternate Presiding Judge, and the clerks of the election will be appointed by the Presiding Judge in a number not to exceed four (4) clerks. The appointment is for a single election to be held on Saturday, May 6, 2023.

Election officials shall be paid \$12.00 per hour. The Presiding Judge, or the election worker at the polling location that he or she designates, who picks up the elections supplies on May 6, 2023, from the Contracting Officer and who returns the remaining supplies, ballot boxes, and all other election records from the polling location to the Contracting Officer will be compensated with a delivery fee of \$25.00.

The polls at the polling place shall on said Election Day be open from seven o'clock (7:00) a.m. to seven o'clock (7:00) p.m.

Section 11: A committee, of the following persons, is hereby established to hold three computer accuracy tests. The first test shall be conducted at least 48 hours before the count of voted ballots. The second test shall be conducted immediately prior to the start and the third test immediately subsequent to the count of voted ballots to ascertain that the computer will accurately count the votes cast for the offices to be voted upon in said election:

- a) Carolyn Smith, Presiding Judge;
- b) Rockport City Secretary, Teresa Valdez; and
- c) Aransas County Independent School District Executive Assistant

Section 12: Notice of this election shall be given in accordance with the provisions of the Texas Election Code and returns of such notice shall be made as provided for in said Code. The Mayor shall issue all necessary orders and writs for such election and returns of such election shall be made to the City Secretary immediately after the closing of the polls. In addition, the election materials as outlined in Section 272.005, Texas Election Code, shall be printed in both English and Spanish for use at the polling places and for early voting for said election.

Section 13: Mayor Tim Jayroe has set Wednesday, May 17, 2023, at 6:30 p.m. as the date of Official Canvass. The City Secretary is directed to record results in the Election Register as soon as practicable after the Canvass.

Section 14: Said election shall be held in accordance with the Texas Election Code and the Federal Voting Rights Act of 1965, as amended.

Section 15: Should any part, section, subsection, paragraph, sentence, clause or phrase contained in this ordinance be held to be unconstitutional or of no force and effect, such holding shall not affect the validity of the remaining portion of this ordinance, but in all respects said remaining portion shall be and remain in full force and effect.

Section 16: It is hereby officially found and determined that the meeting at which this ordinance is passed is open to the public as required by law, and that public notice of the time, place and purpose of said meeting was given as required.

PASSED AND APPROVED by the Rockport City Council, County of Aransas, State of Texas, on the following dates:

FIRST READING: January 31, 2023

SECOND READING: _____, 2023

CITY OF ROCKPORT, TEXAS

Tim Jayroe, Mayor

ATTEST:

Teresa Valdez, City Secretary

CITY COUNCIL AGENDA
Regular Meeting: Tuesday, February 14, 2023

AGENDA ITEM: 9

Deliberate and act on Contract for Election Services with the Elections Administrator of Aransas County for the May 6, 2023, General Election and Special Elections.

Deliberar y actuar sobre el contrato de servicios electorales con el administrador de elecciones del condado de Aransas para las elecciones Generales y Especiales del 6 de Mayo de 2023.

SUBMITTED BY: City Secretary Teresa Valdez

APPROVED FOR AGENDA: VRS

BACKGROUND: The City contracts with Aransas County Elections Administrator to conduct elections. The City will contract with the Aransas County Elections Administrator to conduct the May 6, 2023, General Election and Special Elections. The Contract is the same as the previous years except for the costs.

FISCAL ANALYSIS: Budgeted for FY 2022-2023 Election Expenses is \$25,000. Aransas County Elections Administrator has estimated the cost for the City election to be \$37,169.00, the cost for a joint election with one additional entity to be \$24,304.50, and the cost for a joint election with two additional entities to be \$20,016.34.

RECOMMENDATION: Staff recommends Council approve the Contract for Election Services between the Elections Administrator of Aransas County and the City of Rockport for the May 6, 2023, General Election and Special Elections, as presented.

**CONTRACT FOR ELECTION SERVICES
BETWEEN THE ELECTIONS OFFICER OF ARANSAS COUNTY
AND THE CITY OF ROCKPORT FOR THE MAY 6, 2023 GENERAL AND
SPECIAL ELECTIONS**

THIS CONTRACT FOR ELECTION SERVICES (this “Contract”) is made and entered into by and between the **Elections Administrator of Aransas County, Kevin A. Stroud**, hereinafter referred to as the “**Elections Officer**” or “**Contracting Officer**,” and the **City of Rockport, Aransas County, Texas**, hereinafter referred to as the “**City**,” under Section 31.092 of the Texas Election Code. Both parties are sometimes referred to collectively herein as the “Parties.”

WITNESSETH:

WHEREAS, the City expects to call an election to be held on **May 6, 2023** (the “Election”) and a run-off election, if necessary, to be held at a later date; and,

WHEREAS, the City desires the County Elections Officer to provide certain election services for the Election in order to maintain consistency and accessibility in voting practices, polling practices, and election procedures; and,

WHEREAS, the Elections Officer and the City desire to enter into a contract setting forth the terms and conditions of such arrangement, including the responsibilities of the respective parties.

NOW, THEREFORE, in consideration of the mutual benefits that will accrue to the parties, the sufficiency of which is hereby acknowledged, the Parties agree as follows:

1. **Purpose.** The purpose of this Contract is to maintain consistency and accessibility in voting practices, polling places, and election procedures in order to best assist the voters. This Contract also exists for the purpose of ensuring that the Contracting Officer and the City understand the tasks each is to perform in connection with the election and the runoff election.
2. **Term.** The term of this Contract shall begin on the date that each party has executed this Contract and shall terminate upon the conclusion of the activities required herein related to the 2023 Election and, if necessary, the 2023 Runoff Election.
3. **Duties and Services of the Contracting Officer.** In accordance with Section 172.126(a), Texas Election Code, the Contracting Officer shall supervise the overall conduct of the election. The Contracting Officer shall be responsible for performing the following duties and furnishing the following services and equipment in connection with the election and the runoff election.
 - a. *Election Judges.* Elections judges shall be secured by the Contracting Officer with the approval of the City. The Contracting Officer shall notify the City of the list of election judges and alternate judges for the Election and the City may approve judges by written order.

b. *Notification to Presiding and Alternate Judges.* The Contracting Officer shall notify each presiding judge and alternate judge, in writing, of his or her appointment no later than the date prescribed in Section 4.007 of the Texas Election Code. The notice will include: (1) the nature and date of the election; (2) the location of the assigned polling place; (3) the eligibility requirements that apply to the judge and to election clerks; (4) the date and time of the election; (5) the rate of compensation; (6) the maximum number of election clerks the judge may appoint; and (7) the name of the presiding or alternate judge, as appropriate.

c. *Election Clerk Appointments.* The Contracting Officer shall ensure that the presiding judges make the appropriate election clerk appointments and notify the clerks of their appointments. The recommendations of the City will be accepted guidelines for the number of clerks secured to work in each polling place. The presiding election judge of each polling place, however, will use his or her discretion to determine when additional manpower is needed during peak voting hours.

d. *Election Schools.* The Contracting Officer shall be responsible for conducting one or more, at his discretion, election schools to train the presiding judges, alternate judges, election clerks, and early voting clerks, and Early Voting Ballot Board members in the conduct of elections, including qualifying voters, provisional voting, and the counting of ballots. The Contracting Officer shall determine the date, time, and place for such school(s) and notify the presiding judges, alternate judges, and election clerks of such. The Contracting Officer may hold the election school(s) on a Saturday in order to increase its availability to election workers who are employed during the regular workweek. All election workers must attend a training class certified by the Texas Secretary of State. (This does not imply that election judges or clerks will be paid for attending such schools. See, 1 T.A.C. §§ 81.120(a) & 81.121(c))

e. *Equipment and Supplies.* The Contracting Officer shall procure, prepare, and distribute to the presiding judges for use at the polling locations on Election Day and for the Early Voting Ballot Board (and to the Deputy Early Voting Clerks during Early Voting) the following election supplies: election kits from third-party vendors (including the appropriate envelopes, sample ballots, lists, forms, name tags, posters, and signage described in Chapters 51, 61, 62, and Subchapter B of Chapter 66 of the Texas Election Code); pens; pencils; tape; markers; paper clips; ballot box seals; sample ballots; tacks; and all consumable-type office supplies necessary to hold an election.

f. *Registered Voter Lists.* The Contracting Officer shall provide all lists of registered voters required for use on Election Day and for the early voting period required by law. The Election Day list shall be arranged in alphabetical order by precinct.

g. *Ballots.* The Contracting Officer shall be responsible for the programming of the voting devices and the printing of ballots requested by mail,

used for early voting, or used on Election Day. The Contracting Officer shall be responsible for distributing voting devices along with the election supplies.

h. *Early Voting.* In accordance with Section 31.094 of the Texas Election Code, the Contracting Officer will serve as Early Voting Clerk for the Election, subject to Sections 31.096 and 31.097 (b) of the Texas Election Code.

i. The Contracting Officer shall receive applications for early voting ballots to be voted by mail in accordance with the Texas Election Code.

ii. The Contracting Officer shall work with the City in securing personnel to serve as Early Voting Deputies.

iii. Early voting by personal appearance for the Election shall be conducted during the hours, time period, and at the locations listed in “**Exhibit A**,” attached hereto and incorporated herein.

iv. *Early Voting by Mail.* The Contracting Officer shall receive mail ballot applications on behalf of the City. All applications shall be processed by the Contracting Officer in accordance with the Texas Election Code at the Election Office located at 602 East Concho, Rockport, TX, 78382. All requests for early voting ballots to be voted by mail received by the City shall be forwarded to the Contracting Officer immediately for processing.

v. *Counting Early Votes.* All Early Voting ballots, those cast by mail or by personal appearance, shall be secured and maintained by the Contracting Officer and delivered by him or his deputy for counting in accordance with Chapter 127 of the Texas Election Code.

vi. *Ballots.* All early voting ballots, those cast by mail and by appearance, shall be secured and maintained by the Contracting Officer and delivered by the Contracting Officer or his designee for counting in accordance with Chapter 87 of the Texas Election Code to the Early Voting Ballot Board, at the Aransas County Elections and Voter Registration Office on Election Day.

j. *Election Day Polling Locations.* The Election Day polling locations are those listed in “**Exhibit B**,” attached hereto and made a part of this contract. The Contracting Officer shall arrange for the use of all Election Day polling places and shall arrange for the setting up of all polling locations for Election Day, including ensuring that each polling location has the necessary tables, chairs, and voting booths.

k. *Central Counting Station.* The Contracting Officer shall be responsible for establishing and operating the Central Counting Station to receive and tally the voted ballots in accordance with Section 127.001 of the Texas Election Code and of this Contract. The Central Counting Station Manager shall be Julie Gifford. The Tabulation Supervisor shall be Kevin A. Stroud. The Presiding Judge of the

Central Counting Station shall be Dawn Miller and the Alternate Judge shall be Sandra Musser. The required Tabulation Supervisor shall handle ballot tabulation in accordance with statutory requirements and county policies, under the auspices of the Contracting Officer.

i. *Election Night Reports.* Election night reports will be available to the City and at the Central Counting Station on Election night and will provide individual polling location totals.

l. *Manual Counting of Ballots.* The Contracting officer shall conduct a manual count as prescribed by Section 127.201 of the Texas Election Code. The Secretary of State may waive this requirement. If applicable, a written report shall be submitted to the Secretary of State.

m. *Election Reports.* The Contracting Officer shall prepare the unofficial tabulation of precinct results under 66.056 (a) of the Texas Election Code and shall provide a copy of the tabulation to the City as soon as possible after the Contracting Officer has received the precinct returns on Election Day night. Provisional ballots will be tabulated after election night in accordance with state law.

n. *Custodian of Voted Ballots.* The Contracting Officer is hereby appointed the custodian of the voted ballots and shall preserve them in accordance with Chapter 66 of the Texas Election Code and other applicable law.

o. *Paper Ballots.* In advance of the date on which the Texas Secretary of State's Office encourages the mailing out of ballots for early voting by mail, the Contracting Officer shall arrange with a third party to prepare the necessary optical paper ballots for the election. The ballots shall be in English with the Spanish translation included.

4. **City's Responsibilities.** The City shall assume the following responsibilities:

a. *Election School(s).* At the request of the Contracting Officer, the City will provide space in a City building at no cost for the required election school or schools.

b. *Polling Locations.* The City shall pay the respective cost of all employee services required to provide access, security, and/or custodial services for the polling locations.

c. *Applications for Mail Ballots.* The City shall date stamp and then immediately hand-deliver to the Contracting Officer all original applications for mail ballots that it receives.

d. *Election Orders and Notices; Canvass.* The City shall prepare the election order, resolutions, notices, official canvass, and other pertinent documents for adoption by the City's governing body.

i. *Publication.* The City shall be responsible for having the required election notice published as required under Section 4.003(a)(1) of the Texas Election Code.

ii. *Posting.* The City shall be responsible for posting the notice as required by Texas Election Code.

iii. *Returning Documents to the Contracting Officer.* Promptly after approval by the City's governing body, the City shall return all pertinent documents to the Contracting Officer within such time as to not impede the orderly conduct of the Election.

iv. *The Schedule.* The City assumes the responsibility or promoting the schedules for Early Voting and Election Day.

v. *Early Voting Clerk Appointment.* The City shall be responsible for ensuring the Contracting Officer is appointed to serve as Early Voting Clerk in the Orders calling the Election.

vi. *Orders Calling the Election.* The Orders shall include the approval of the polling places, times, dates, and places for early voting, and the appointment of the precinct judges.

e. *Ballot Preparation.* The City shall furnish the Contracting Officer a list of candidates and/or propositions showing the order and the exact manner in which their names and/or propositions(s) are to appear on the official ballot (including bilingual titles and text). This list shall be delivered to the Contracting Officer as soon as possible after ballot positions have been determined. The City shall perform the duties required for drawing for place on the ballot by candidates. The City shall also be responsible for proofreading and approving (including bilingual titles and text) the ballot insofar as it pertains to the City's candidates and/or propositions.

5. **Non-Exclusive.** It is understood that to the extent that space is available, the Contracting Officer may contract with other entities to hold elections at the same time as the Election. In the event that the Contracting Officer contracts with one or more additional entities for elections to be held at the same time, any expenses for the elections shall be divided among the entities holding the elections as illustrated in the attached "Exhibit C".

6. **Election Workers:**

a. *Number of Election Workers.* All polling locations shall have a minimum of three (3) election workers consisting of the presiding judge, alternate judge, and a clerk.

- b. *Hourly Compensation.* Presiding judges and alternate judges will be compensated at the rate of Twelve Dollars (\$12.00) per hour and election clerks shall be compensated at the rate of Twelve Dollars (\$12.00) per hour. Workers will be compensated for all hours actually worked, including time to set up the polling location, the time to complete counting, and time to wrap up paperwork, but such hours shall not exceed one (1) hour before and two (2) hours after the polling location is open for voting.
 - c. *Compensation for Delivery.* The presiding judge or other election worker at the polling location who picks up election supplies from the Contracting Officer and who returns remaining supplies, ballot boxes, and election records from the polling location will be compensated a flat rate of Twenty-Five Dollars (\$25.00) in addition to his or her hourly pay.
 - d. *Election School Compensation.* Election workers attending an election school shall be compensated a flat rate of Twenty Dollars (\$20.00).
 - e. *Contracting Officer to Pay and City to Reimburse.* The Contracting Officer will pay election workers directly and will be reimbursed for such compensation by the City.
7. **Expenses:**
- a. *City's Responsibility.* The City will be responsible for payment of all expenses for polling locations used solely by the City, including the costs of wages and salaries of election workers.
 - b. *Shared Expenses.* The City agrees to share actual costs incurred with other entities who may be holding elections at the same time and place as the City. If this occurs, the City and the other entity will share the actual costs incurred to the extent that the costs incurred in connection with a polling location used by more than one local political subdivision such as renting polling locations and voting equipment, programming voting equipment, supplies needed for the polling place, and/or the wages and salaries of election workers. Election expenses will be divided among the entities holding elections at the same time as illustrated in the attached "**Exhibit C**".
 - c. *Administrative Fee.* The City shall pay the Contracting Officer an administrative fee in the amount of Ten Percent (10%) as authorized by Section 31.100 of the Texas Election Code.
8. **Billing.** As soon as possible after Election Day, the Contracting Officer will submit an itemized invoice to the City for the actual expenses directly attributable to the coordination, supervision, and running of the Election, incurred on behalf of the City, subject to and conformance with the following:
- i. *Billing and Itemized Expenses.* Generally, the Contracting Officer will be responsible for billing the City for services and supplies related to the Election.

The Contracting Officer will send an invoice after the Election is conducted, with some exceptions (see below). This invoice will include expenses for supplies, publication, printing, wages, and any other expenses reasonably and directly related to the Election, including but not limited to, rental and programming of voting equipment and audio ballots, and the Contracting Officer's fee.

ii. *Direct Invoicing by Vendor.* The Contracting Officer reserves the right to share information to facilitate direct billing to the City by vendors. Any expenses or fees directly invoiced by vendor to the City will not be included on the list of itemized expenses and vendors may choose to invoice the City for such expenses or fees when incurred instead of after the Election.

iii. *Large Expenses May be Billed as Incurred.* The Contracting Officer reserves the right to bill for expenses and fees incurred on behalf of the City that are equal to or exceeding Five Hundred Dollars (\$500.00) at the time the expense is incurred rather than waiting until after the Election.

iv. *Documentation for Expenses and Fees Billed by Contracting Officer.* Expenses and fees billed by the Contracting Officer related to wages shall be supported by timesheets. Other expenses shall be supported by invoices or receipts, except for those items that Contracting Officer provides from supplies kept in stock, so long as the Contracting Officer provides a certificate stating the number of items used and the unit cost for such items according to a vendor's standard price list.

v. *Estimated Costs of Services.* Cost estimates for election expenses are attached to this Contract as "**Exhibit C,**" and vary depending on how many entities hold elections at the time of the Election. Each of the three (3) cost estimates are incorporated as if set out fully herein. The parties acknowledge that these documents are estimates only and that the actual costs may exceed the estimates.

vi. *Notice of Increased Costs.* The Contracting Officer agrees to advise the City as soon as possible should it becomes apparent that the actual costs of the Election will exceed the estimated costs by twenty percent (20%) or more.

9. Payment. The City shall pay a Contracting Officer's invoice within thirty (30) days of receipt. Payments shall be remitted to:

Aransas County
Attn: Kevin A. Stroud
Elections Administrator
602 East Concho
Rockport, TX 78382

If the City disputes any portion of the invoice, the City shall pay all expenses not in dispute within the thirty (30) day period and notify the Contracting Officer of what expenses are disputed and the basis of such dispute. The Contracting Officer will have thirty (30) days to reply. If the parties cannot reach an agreement, the City Manager and the County Judge will meet to discuss the disagreement and reach an amicable solution.

10. Voting System. The voting system to be used in the election and runoff election is the Hart InterCivic Verity System.

11. Non-Transferable Functions. Nothing contained in this Contract shall authorize or permit a change in the officer with whom or the place at which any document or record relating to the election or to the runoff election is to be filed, the place at which any function is to be carried out, the officers who conduct the official canvass of the election returns, the officer to serve as custodian of the voted ballots or other election records, or any other nontransferable functions specified by Section 31.096, Texas Election Code or other provisions of Texas law.

12. Contract Copies to Treasurer and Auditor. In accordance with Section 31.099 of the Texas Election Code, the Contracting Officer agrees to file copies of this contract with the County Treasurer of Aransas County, Texas and the County Auditor of Aransas County, Texas.

13. Cancellation of Election. If the City cancels the Election, the Contracting Officer shall only be entitled to receive the actual expenses incurred prior to the cancellation and an administrative fee of Seventy-Five Dollars (\$75.00) as authorized by Section 31.100(d) of the Texas Election Code. In the event of cancellation, the Contracting Officer and the City agree to use the billing and payment provisions set forth herein. In order to ensure the lowest possible cost to the parties, the Contracting Officer agrees to use reasonable diligence and not to incur major costs in connection with election preparations until it is known that the Election will be held, unless the City authorizes such expenses in writing.

14. Notices. For purposes of implementing this Contract, the Contracting Officer and the City designate the following individuals, and whenever the Contract requires submission of information or notice to the Contracting Officer or the City, submission or notice shall be made to these individuals:

Contracting Officer:

Kevin A. Stroud
East Concho St.
Rockport, TX 78382
(361) 729-7431
kstroud@aransascounty.org

City:

Teresa Valdez, City Secretary
2751 SH 35 N Bypass
Rockport, TX 78382
(361) 729-2213 Ext. 225
tvaldez@cityofrockport.com

15. Relationship of the Parties. Each party to this Contract shall act in an individual capacity and, unless otherwise expressly stated herein, shall not act as agents,

employees, partners, joint venturers, or associates of one another. The employees of one party to this Contract shall not be deemed or construed to be the employee of any other party for any purpose whatsoever.

16. Severability. If any provision in this Contract is determined by a court of competent jurisdiction to be invalid, illegal, or unenforceable, such determination shall not affect the remaining provisions of this Contract and the parties to this Contract shall continue to perform their respective obligations under this Contract in accordance with the remaining provisions.

17. Third Party Beneficiaries. Nothing in this Contract is intended to confer unto any person or entity that is not a party to this Contract any benefits, rights, or remedies.

18. Entire Agreement and Amendments. This Contract contains the entire agreement of the parties and supersedes all prior agreements, including any prior election services contracts. Any prior agreements, promises, negotiations, or representations not expressly contained in this Contract are of no force and effect. This Contract may only be amended in a writing that is executed by both parties and attached hereto.

By signing below, the Contracting Officer and the City warrant and represent that they are authorized to enter into this Contract and that each desire to enter into this Contract.

**“Elections Officer”
Aransas County**

By: _____
Kevin A. Stroud, Elections Administrator

Date: _____

ADDITIONAL SIGNATURE PAGE FOLLOWS

**“City”
City of Rockport**

By: _____
Tim Jayroe, Mayor

Date: _____

(SEAL)

ATTEST:

City Secretary

EXHIBIT “A”

EARLY VOTING DATES, TIMES, AND LOCATIONS

Time Period:

Monday, April 24, 2023 through Tuesday, May 2, 2023.

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
April 24 8 AM - 5 PM	April 25 8 AM - 5 PM	April 26 8 AM - 5 PM	April 27 8 AM - 5 PM	April 28 8 AM - 5 PM	April 29 CLOSED	April 30 CLOSED
May 1 7 AM - 7 PM	May 2 7 AM - 7 PM					

Main Early Voting Location:

Aransas County Elections & Voter Registration Office (Side Entrance)
602 E. Concho St.
Rockport, TX 78382

Voting by Mail:

Kevin A. Stroud
Aransas County Early Voting Clerk
602 E. Concho St.
Rockport, TX 78382

EXHIBIT “B”

ELECTION DAY POLLING LOCATIONS

Time Period:

Saturday, May 6, 2023

7:00 a.m. to 7:00 p.m.

Vote Centers (All Precincts)

Aransas County Elections & Voter Registration Office (Side Entrance)

602 E. Concho St.

Rockport, TX 78382

EXHIBIT “C-1”

ESTIMATED COST OF MAY 2023 ELECTION

Election with City of Rockport Only

<u>Ballots & Programming</u>	\$6,700.00
<i>Includes programming of 26 items on the ballot.</i>	
<u>Election Supplies & Distribution</u>	\$575.00
<u>Election Officials/Staffing</u>	\$9,500.00
<u>Ballot by Mail & Support</u>	\$3,200.00
<u>Equipment Rental</u>	\$13,315.00
<i>3 Verity Controller, 17 Verity Duo Touch, 3 Verity Duo Access (ADA), and 4 Verity Scan</i>	
<u>Miscellaneous</u>	\$500.00
SUBTOTAL	\$33,790.00
Administrative Fee (10%)	\$3,379.00
TOTAL	\$37,169.00

EXHIBIT “C-2”

ESTIMATED COST OF MAY 2023 ELECTION

Election with City of Rockport and One Additional Entity

<u>Ballots & Programming</u>	\$6,700.00
<i>Includes programming of 26 items on the ballot.</i>	
<u>Election Supplies & Distribution</u>	\$287.50
<u>Election Officials/Staffing</u>	\$4,750.00
<u>Ballot by Mail & Support</u>	\$3,200.00
<u>Equipment Rental</u>	\$6,657.50
<i>3 Verity Controller, 17 Verity Duo Touch, 3 Verity Duo Access (ADA), and 4 Verity Scan</i>	
<u>Miscellaneous</u>	\$500.00
SUBTOTAL	\$22,095.00
Administrative Fee (10%)	\$2,209.50
TOTAL	\$24,304.50

EXHIBIT “C-3”

ESTIMATED COST OF MAY 2023 ELECTION

Election with City of Rockport and Two Additional Entities

<u>Ballots & Programming</u>	\$6,700.00
<i>Includes programming of 26 items on the ballot.</i>	
<u>Election Supplies & Distribution</u>	\$191.67
<u>Election Officials/Staffing</u>	\$3,166.67
<u>Ballot by Mail & Support</u>	\$3,200.00
<u>Equipment Rental</u>	\$4,438.33
<i>3 Verity Controller, 17 Verity Duo Touch, 3 Verity Duo Access (ADA), and 4 Verity Scan</i>	
<u>Miscellaneous</u>	\$500.00
SUBTOTAL	\$18,196.67
Administrative Fee (10%)	\$1,819.67
TOTAL	\$20,016.34

CITY COUNCIL AGENDA

Regular Meeting: Tuesday, February 14, 2023

AGENDA ITEM: 10

Deliberate and act on May 6, 2023, Joint Election Contract for Election Services between the City of Rockport and Aransas County Independent School District in compliance with HB 1.

Deliberar y tomar medidas sobre el Contrato de Elecciones Conjuntas del 6 de mayo de 2023 para Servicios Electorales entre la Ciudad de Rockport y el Distrito Escolar Independiente del Condado de Aransas, en conformidad con HB 1.

SUBMITTED BY: City Secretary Teresa Valdez

APPROVED FOR AGENDA: VRS

BACKGROUND: In compliance with House Bill 1, which amended Section 11.01, Subchapter C, Chapter 11 “Elections” by adding 11.058, the City and Aransas County Independent School District (ACISD) have determined that it is in the public interest of the inhabitants of Rockport to enter into a contract for the purpose of voter convenience and public economy in connection with the May 2023 General Election. In this combined joint election, all races and/or propositions will be on one voting ballot for the City’s registered voters and a separate ballot for countywide registered voters. School districts are mandated to conduct joint elections with another government entity and ACISD has chosen the City to join in their general elections. See the accompanying contract for additional details.

FISCAL ANALYSIS: Conducting ACISD’s election is budget neutral because ACISD will be responsible for any direct and *pro rata* expenses related to their election.

RECOMMENDATION: Staff recommends City Council approve the May 6, 2023, Joint Election Contract for Election Services between the City of Rockport and Aransas County Independent School District in compliance with HB 1, as presented.

**JOINT ELECTION AGREEMENT
BETWEEN THE ARANSAS COUNTY INDEPENDENT SCHOOL DISTRICT
AND THE CITY OF ROCKPORT**

This joint election agreement ("Agreement") is made and entered into between the Aransas County Independent School District ("ACISD") and the City of Rockport ("the City").

WHEREAS, ACISD has previously elected to hold its general trustee election on the May uniform election date;

WHEREAS, the City has previously elected to hold its City Officers General Election on the May uniform election date;

WHEREAS, Texas Election Code section 271.002 authorizes the governing bodies of political subdivisions to enter into an agreement to hold joint elections in election precincts that can be served by common polling places;

WHEREAS, Texas Government Code, Chapter 791, authorizes local governments to contract with one another and with agencies of the state for various governmental functions including those in which the contracting parties are mutually interested;

WHEREAS, A provision of the Texas Education Code, Section 11.0581, requires the District to hold its general trustee elections jointly with a municipality located wholly within the boundaries of the District on the May uniform election date.

WHEREAS, ACISD and the City (collectively referred to hereinafter as the "Entities" or "Participating Entities") have agreed to hold joint elections on the May uniform election date;

WHEREAS, the parties to this agreement serve voters within the same boundaries, and it would be to the benefit of the City, ACISD, and the citizens and voters thereof to hold the elections jointly.

NOW, THEREFORE, it is agreed that a Joint Election will be held by ACISD and the City, pursuant to Sections 271.002, and 271.003 of the Texas Election Code, Section 11.0581 of the Texas Education Code and Chapter 791 of the Texas Government Code, under the following terms and conditions.

I. Scope of the Election Agreement

- A. ACISD and the City will share common early voting and election-day polling location(s) located within their shared boundaries for each joint election to the extent possible. See ("Exhibits A & B"). Each Entity will contract with the Elections Administrator of Aransas County for election services to be provided in the joint election.

- B. Each of the Entities shall be individually responsible for the preparation and/or publication of orders, resolutions, notices and other pertinent documents for adoption or execution by its own respective governing board as required by law.
- C. Each of the Entities shall be individually responsible for obtaining appropriate pre-clearance, if necessary, from the United States Department of Justice. Each of the Entities shall be individually responsible for posting and publishing its election notices.
- D. If required, each entity shall be individually responsible for obtaining HAYA-compliant voting system, which will be used by the entities in their respective elections.

II. Election Judge, Officer, and Clerks

Determination regarding the appointment of Election Judges, Officers, and Clerks for the joint election shall be made by each Entity in its contract with the Elections Administrator of Aransas County for election services for the joint election.

III. Early Voting

The Entities shall share early voting location(s) located within their shared boundaries to the extent possible as provided in this Agreement. Early voting locations will be mutually agreed upon and authorized and ordered by the governing body of each Participating Entity. See ("Exhibit A").

IV. Election Day

The Entities will share the common election-day voting locations as provided in this Agreement. Election-day voting locations will be mutually agreed upon and authorized and ordered by the governing body of each Participating Entity. See ("Exhibit B"). The Entities will contract with the Election Administrator of Aransas County for election services, including administration of each Entity's respective election.

The final returns for each Participating Entity shall be canvassed separately by each respective Entity.

V. Joint Election Costs: Payment

A. Costs

Each Entity remains responsible for all costs associated with its respective elections. All funds expended by each Entity will be from current revenues.

B. Cancellation

In the event any of the participating Entities cancel their election because of unopposed candidates under Subchapter C of the Title I of the Texas Election Code, the remaining Entity shall be responsible for their respective election.

VI. General Provisions

A. Communications

Throughout the term of this Agreement, the Participating Entities will engage in ongoing communications concerning the conduct of the Joint Election and discuss and resolve any problems, which might arise regarding the Joint Election.

B. Effective Date

This Agreement takes effect upon the complete Execution of this Agreement by all Participating Entities.

C. Termination of Agreement

This Agreement shall continue in force and effect until terminated by either Entity for any reason. Termination of this Agreement and the Entities' rights, duties and responsibilities hereunder shall only occur upon 120 days written notice from the terminating Entity. In no event shall this Agreement be terminated on a date that is less than 90 days prior to the annual May uniform election date each year. Written notice shall be sent by certified mail or hand-delivery to the business office of each Entity.

D. Modification of Election Day Polling Location

The early voting and election-day polling locations provided in this Agreement may be modified as necessary, upon agreement by both the District and the City. Signatures of the Superintendent and Mayor, acting upon the authority of their respective governing bodies, on the written statement of agreed modifications to the polling locations shall evidence such modification.

E. Custodian of Records

Each Participating Entity will serve as their Individual custodian for purposes of election records as required by law. Each Participating Entity shall appoint a qualified person to act as Custodian of Records for

the Entity to perform the duties imposed by the Election Code on the custodian of records for its respective entity.

VII. **Miscellaneous Provisions**

A. **Venue and Choice of Law**

The Entities agree that venue for any dispute arising under this Agreement will lie in the appropriate courts of Aransas County, Texas. This Agreement shall be governed by and construed in accordance with the laws of the State of Texas and the United States of America.

B. **Entire Agreement**

This Agreement contains the entire agreement of the parties relating to the rights herein granted and the obligations herein assumed and supersede all prior agreements, including prior election services contracts relating to any future joint elections between the Entities. Any prior agreements, promises, negotiations, or representations not expressly contained in this Agreement are of no force and effect. Any oral representations or modifications concerning this Agreement shall be of no force or effect, excepting a subsequent modification in writing as provided herein.

C. **Severability**

If any provision of this Agreement is found to be invalid, illegal or unenforceable by a court of competent jurisdiction, such invalidity, illegality or unenforceability shall not affect the remaining provisions of this Agreement; and, parties to this Agreement shall perform their obligations under this Agreement in accordance with the intent of the parties to this Agreement as expressed in the terms and provisions of this Agreement.

D. **Breach**

In the event that any Participating Entity or City breaches any of its obligations under this Agreement, the non-breaching party shall be entitled to pursue any and all rights and remedies allowed by law. Nothing in this Agreement shall be construed as a waiver of any immunity or defense to which any participating Entity is entitled under statutory or common law.

E. **Other Instruments**

The Entities agree that they will execute other and further instruments, or any documents as may become necessary or convenient to effectuate and carry out the purposes of this Agreement.

F. Mediation

When mediation is acceptable to both parties in resolving a dispute arising under this Agreement, the parties agree to use a mutually agreed upon mediator, or a person appointed by a court of competent jurisdiction, for mediation as described in Section 154.023 of the Texas Civil Practice and Remedies code. Unless both parties are satisfied with the result of the mediation, the mediation will not constitute a final and binding resolution of the dispute. All communications within the scope of the mediation shall remain confidential as described in Section 154.023 of the Texas Civil Practice and Remedies Code unless both parties agree, in writing, to waive the confidentiality. Notwithstanding the foregoing, the parties intend to fully comply with the Texas Open Meetings Act and the Texas Public Information Act whenever applicable. The term "confidential" as used in this Agreement has the same meanings as defined and construed under the Texas public Information Act and the Texas Open Meetings Act.

G. Amendment/Modification

Except as otherwise provided, this Agreement may not be amended, modified, or changed in any respect whatsoever, except by a further Agreement in writing, duly executed by the parties hereto. No official, representative, agent, or employee of Participating Entity has any authority to modify this Agreement except pursuant to such expressed authorization as may be granted by the governing body of the respective Participating Entity.

H. Counterparts

This Agreement may be executed in multiple counterparts, all of which shall be deemed originals and with the same effect as if all parties hereto had signed the same document. All such counterparts shall be construed together and shall constitute one and the same Agreement.

IN TESTIMONY WHEREOF, the Participating Entities have executed this Agreement in multiple copies, each of equal dignity.

Joshua Garcia, Superintendent
Aransas County Independent School District

Date

Tim Jayroe, City of Rockport
Mayor

Date

EXHIBIT “A”**EARLY VOTING DATES, TIMES, AND LOCATIONS****Time Period:**

Monday, April 24, 2023 through Tuesday, May 2, 2023.

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
April 24 8 AM - 5 PM	April 25 8 AM - 5 PM	April 26 8 AM - 5 PM	April 27 8 AM - 5 PM	April 28 8 AM - 5 PM	April 29 CLOSED	April 30 CLOSED
May 1 7 AM - 7 PM	May 2 7 AM - 7 PM					

Main Early Voting Location:

Aransas County Elections & Voter Registration Office (Side Entrance)

602 E. Concho St.

Rockport, TX 78382

Voting by Mail:

Kevin A. Stroud

Aransas County Early Voting Clerk

602 E. Concho St.

Rockport, TX 78382

EXHIBIT “B”**ELECTION DAY POLLING LOCATIONS****Time Period:**

Saturday, May 6, 2023

7:00 a.m. to 7:00 p.m.

Vote Centers (All Precincts)

Aransas County Elections & Voter Registration Office (Side Entrance)

602 E. Concho St.

Rockport, TX 78382

CITY COUNCIL AGENDA
Council Meeting: Tuesday, February 14, 2023

AGENDA ITEM: 11

Deliberate and act on Purchase of 2024 Ford F750 Elliptical Dump Truck

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

APPROVED FOR AGENDA: VRS

BACKGROUND: This 2024 unit will be assigned to the Street Department. It will replace a 2002 unit that has reached its service life and will be sold in the city surplus auction.

FISCAL ANALYSIS: The 2024 Dump Truck is priced at \$113,528.65. The funds for this purchase were approved using the 2022 Tax Notes - act # 80-6018028. The unit will be purchased from Silsbee Ford using Buy Board Pricing.

RECOMMENDED ACTION: Council approve purchase of 2024 F750 Dump Truck





PRODUCT PRICING SUMMARY

GOODBAY 22-22 8F000 VEHICLES www.purchasing.esc2.net
VENDOR--Silsbee Ford, 1211 Hwy 96 N., Silsbee TX 77656

End User: CITY OF ROCKPORT

Prepared by: RICHARD HYDER

Contact: DALE MARTINEZ 361.463.9435

Phone: (409) 300-1385

Email: FLEETMGR@CITYOFROCKPORT.COM

Email: rhyder.cowboyfleet@gmail.com

Product Description: FORD F750 REG CAB MEDIUM DUTY

Date: December 9, 2022

A. Bid Item: 7A49

A. Base Price: \$ 57,515.00

B. Factory Options

Code	Options	Bid Price	Code	Options	Bid Price
F7D	2024 F750 REGULAR CAB DIESEL 84" CA	\$ 11,165.00	62D	AIR DRYER	\$ -
41A	PTO PROVISION	\$ 895.00	16205	**DAVIS 10' 6/8 YD ELLIPTICAL DUMP B	\$ 40,450.00
90P	POWER GROUP	\$ 470.00		W/ 1/2 CAB PROTECTOR, AIR OPERATE	
88G	INTERIOR 30/70 AIR RIDE SEAT	\$ 395.00		TAILGATE, HOT SHIFT PTO, ELECTRIC	
YZ	EXTERIOR WHITE			TARP, HD SPREADER APRON,	
90E	EXTERIOR APPEARANCE PKG	\$ 730.00		UNDERCOAT, POLYURETHANE PAINT	
43P	12K# FRONT END	\$ 525.00		20K# TOWING PKG, BRAKE CONTROLLE	
61D	12K# TAPER-LEAF SPRINGS	\$ 305.00	159	TRAILER CONNECTION SOCKET	\$ 100.00
99C	6.7L V8 TURBO DIESEL 270 HP	\$ -	18P	DRIVESHAFT UPGRADE	\$ 185.00
67A	AIR BRAKES	\$ 2,180.00			

Total of B. Published Options: \$ 57,400.00

Published Option Discount (5%) \$ (2,870.00)

C. Additional Options [not to exceed 25%]

\$= 0.0 %

Options	Bid Price	Options	Bid Price
PRODUCTION BEGINS JANUARY 2023			
ESTIMATED DELIVERY SUMMER/FALL 2023			

Total of C. Unpublished Options: \$ -

D. Floor Plan Interest (for in-stock and/or equipped vehicles):

\$ 562.00

E. Lot Insurance (for in-stock and/or equipped vehicles):

\$ 112.40

F. Contract Price Adjustment:

\$ -

G. Additional Delivery Charge: 291 miles

\$ 509.25

H. Subtotal:

\$ 113,228.65

I. Quantity Ordered 1 x K =

\$ 113,228.65

J. Trade in:

\$ -

K. GOODBAY Administrative Fee (\$300 per purchase order)

\$ 300.00

L. Total Purchase Price Including GOODBAY Fee

\$ 113,528.65

Davis EFMT Dump Body Specifications

CONSTRUCTION:

AR-450 Hardox abrasion / impact resistant high strength steel

UNDERSTRUCTURE:

13.5" $\frac{1}{4}$ " boxed plate long sills – 50,000 PSI minimum

$\frac{1}{4}$ " heavy duty gussets on front and rear

FLOOR:

$\frac{1}{4}$ " AR-450 Hardox plate (center 48" flat portion)

SIDES:

3/16" AR-450 Hardox rolled plate (20" radius to floor)

Large box type front and rear posts for added strength

Top rail constructed of heavy duty 3" square tubing for added strength and to provide better impact resistance

3/16" 50,000 PSI minimum full length skirts

TAILGATE:

3/16" AR-450 Hardox plate with 3" square tubing boxing entire tailgate assembly

Box type vertical braces

Dirt shedding sloped cross bracing

Flame cut heavy duty hinges and latch assembly

Double acting design

3/8" proof coil spreader chain apparatus

Air operated tailgate latch

FRONT PANEL:

3/16" AR-450 Hardox high strength plate steel with front cross brace angle

DOGHOUSE CONSTRUCTION:

$\frac{1}{4}$ " AR-450 Hardox - fully welded

$\frac{1}{4}$ " cap for upper pin seat

Access plate of top for greasing pin

LIGHTS:

Conform to FMVSS108

All clearance lights and reflectors provided

BACKUP ALARM:

12 volt DC 97 DB 70 beeps per minute

Wired into back up lights

SPECIFICATIONS ARE SUBJECT TO CHANGE WITHOUT NOTICE

**CITY OF ROCKPORT**

2751 S H 35 Bypass
Rockport, TX 78382
(361) 729-2213 ex 231

PURCHASE ORDER 119**PO Number:** 22-00336 **Date:** 12/13/2022**Request #:** 22-00341 **Vendor #:** 01-S0288

ISSUED TO: SILSBEE FORD
ATTN: FLEET DEPT.
P. O. BOX 815
SILSBEE, TX 77656-0815

SHIP TO: CITY OF ROCKPORT
2751 STATE HWY 35 BYPASS
ROCKPORT, TX 78382

ITEM	UNITS	DESCRIPTION	G/L ACCOUNT	PROJECT	PRICE	AMOUNT
1	0.00	2024 FORD F750 FORD F750 REGULAR CAB MEDIUM DUTY - BID ITEM #7A49 BASE PRICE: \$57,515.00 FACTORY OPTIONS: \$54,530.00 (Including Diesel Engine and Davis 10' Dump Bed) Equipped Interest, Insurance, & Delivery: \$1,183.65 GOODBUY ADMINISTRATION FEE: \$300.00 TOTAL INCLUDING GOODBUY FEE: \$113,528.65	80 -6018028		0.00	113,528.65

Awaiting
Council Approval - January 10, 2022

* Taxable item

SUBTOTAL	113,528.65
TOTAL TAX	0.00
TOTAL	113,528.65

Approvals:Department: [Signature]Date: 12-14-2022Finance: [Signature]Date: 12-14-2022City Manager: (over \$50,000.00)Date: 12-14-2022

1. Original Invoice plus one copy must be sent to:
City of Rockport, Finance Dept, 2751 S H 35 Bypass, Rockport, TX 78382
2. Purchase Order numbers must appear on all packages, packing slips and invoices. COD shipments will not be accepted.
3. The City is exempt from all federal excise and state tax - ID# 74-8002000

finance2@cityofrockport.com

CITY COUNCIL AGENDA

Regular Meeting: Tuesday, February 14, 2023

AGENDA ITEM: 12

Deliberate and act on a Resolution of the City of Rockport, Texas, authorizing the award of the Professional Service Provider contract to Grant Works for the 2023/2024 Community Development Block Grant program of the Texas Department of Agriculture.

SUBMITTED BY: Assistant to the City Manager, Kimberly Henry

APPROVED FOR AGENDA: VRS

BACKGROUND: The Texas Department of Agriculture (TDA) is providing funding through the Community Development Block Grant process. Most funds are used for Public Facilities (water/wastewater infrastructure, street and drainage improvements and housing activities). The award amount is maxed at \$500,000 with a matching fund of 15%, or \$75,000 depending on the scoring of the grant. The deadline for Rockport to submit projects is April 3, 2023. The city has already held the required public hearing on December 27, 2022, at 5:15 p.m.

The RFP for Grant Administration was emailed to the appropriate individuals in accordance with grant requirements on January 13, 2023, with all responses due January 27, 2023. The review committee consisted of Mayor Tim Jayroe, Public Works Director Mike Donoho, Finance Director Katie Griffin, Community Planner/Assistant Building & Development Director Carey Dietrich, and Assistant Director of Public Works Ryan Picarazzi. Below is the list of responses in order by date/time received to include the name, average score, and direct pricing provided. (Due to the length of these RFP's, they are not included within the packet, but are available upon request.)

Responses were received from the following three firms:

Date/Time Received	Name	Contact Information	Score	Bid
1/19/2023 11:55 AM	Langford Community Management Services	9017 W. State Hwy 29 Suite #206 Liberty Hill, Texas 78642 512-452-0432	86	\$50,000.00
1/24/2023 10:40 AM	Grant Works	2201 Northland Dr. Austin, Texas 78756 713-252-5872 bruce@grantworks.net	90	\$34,800.00 11.00% Whichever is lower
1/25/2023 11:15 AM	Traylor & Associates	201 Cambridge Rd. Tyler, Texas 75703 Gary Traylor 903-581-0500	90	\$36,500.00

FISCAL ANALYSIS: This CDBG 2023/2024 program from TDA can award up to \$500,000 with a matching fund of 15%, or \$75,000 depending on the scoring of the grant.

RECOMMENDATION: Staff recommends Council adopt the Resolution of the City of Rockport, Texas, authorizing the award of the Professional Service Provider contract to Grant Works for the 2023/2024 Community Development Block Grant program of the Texas Department of Agriculture.

RESOLUTION No. 2023 - _____

**A RESOLUTION OF THE CITY OF ROCKPORT, TEXAS,
AUTHORIZING THE AWARD OF A PROFESSIONAL
SERVICE PROVIDER CONTRACT TO GRANT WORKS
FOR THE 2023/2024 COMMUNITY DEVELOPMENT
BLOCK GRANT PROGRAM OF THE TEXAS
DEPARTMENT OF AGRICULTURE**

WHEREAS, the 2023/2024 Community Development Block Grant (CDBG) Program contract of the Texas Department of Agriculture (TDA) requires implementation by professionals experienced in the administration of federally-funded community development projects;

WHEREAS, in order to identify qualified and responsive providers for these services a Request for Proposals (RFP) process for administration services has been completed in accordance with Texas CDBG requirements;

WHEREAS, the proposals received by the due date have been reviewed to determine the most qualified and responsive providers for professional services.

NOW, THEREFORE, BE IT RESOLVED:

- Section 1. That Grant Works be awarded a contract to provide Texas CDBG application and project-related administration services for the 2023/2024 CDBG Program of Texas Department of Agriculture (TDA).
- Section 2. That any and all contracts or commitments made with the above-named services providers are dependent on the successful negotiation of a contract with the service provider.

PASSED and APPROVED on this 14th day of February 2023.

CITY OF ROCKPORT:

Tim Jayroe, Mayor

ATTEST:

Teresa Valdez, City Secretary

CITY COUNCIL AGENDA

Regular Meeting: Tuesday, February 14, 2023

AGENDA ITEM: 13

Deliberate and act on a Resolution of the City of Rockport, Texas, authorizing the award of Professional Service Provider contract to Urban Engineering, Corpus Christi, Texas, for the 2023/2024 Community Development Block Grant program of the Texas Department of Agriculture.

SUBMITTED BY: Assistant to the City Manager, Kimberly Henry

APPROVED FOR AGENDA: VRS

BACKGROUND: The Texas Department of Agriculture (TDA) is providing funding through the Community Development Block Grant process. Most funds are used for Public Facilities (water/wastewater infrastructure, street and drainage improvements and housing activities). The award amount is maxed at \$500,000 with a matching fund of 15%, or \$75,000 depending on the scoring of the grant. The deadline for Rockport to submit projects is April 3, 2023. The city has already held the required public hearing on December 27, 2022, at 5:15 p.m.

The RFQ for Engineering was published and emailed to the appropriate individuals in accordance with grant requirements on January 13, 2023, with all responses due January 27, 2023. The review committee consisted of Mayor Tim Jayroe, Public Works Director Mike Donoho, Finance Director Katie Griffin, Community Planner/Assistant Building & Development Director Carey Dietrich, and Assistant Director of Public Works Ryan Picarazzi. Below is the list of responses in order by date/time received to include the name, average score, and direct pricing provided. (Due to the length of these RFP's, they are not included within the packet, but are available upon request.)

Responses were received from the following six firms:

Date/Time Received	Name	Contact Information	Avg Pts
1/26/2023	Urban Engineering Victoria	2004 N. Commerce St. Victoria, Texas 77901-5510 361-578-9836	92.00
1/26/2023 7:02 AM	Urban Engineering Corpus Christi	2725 Swantner Corpus Christi, TX. 78404 361-854-3101	96.80
1/27/2023 10:00 AM	Hanson Professional Services Inc.	4501 Golihar Rd. Corpus Christi, TX. 78411 361-814-9900	94.00
1/27/2023 10:43 AM	KSA	4833 Spicewood Springs Rd. #204 Austin, Texas 78759 512-342-6868	87.80

FISCAL ANALYSIS: This CDBG 2023/2024 program from TDA can award up to \$500,000 with a matching fund of 15%, or \$75,000 depending on the scoring of the grant.

RECOMMENDATION: Staff recommends Council approve the Resolution of the City of Rockport, Texas, authorizing the award of Professional Service Provider contract to Urban Engineering, Corpus Christi, Texas, for the 2023/2024 Community Development Block Grant program of the Texas Department of Agriculture.

RESOLUTION No. 2023 - _____

**A RESOLUTION OF THE CITY OF ROCKPORT, TEXAS,
AUTHORIZING THE AWARD OF A PROFESSIONAL
SERVICE PROVIDER CONTRACT TO URBAN
ENGINEERING OF CORPUS CHRISTI, TEXAS FOR THE
2023/2024 COMMUNITY DEVELOPMENT BLOCK GRANT
PROGRAM OF THE TEXAS DEPARTMENT OF
AGRICULTURE**

WHEREAS, the 2023/2024 Community Development Block Grant (CDBG) Program contract of the Texas Department of Agriculture (TDA) requires implementation by professionals experienced in the engineering of federally-funded community development projects;

WHEREAS, in order to identify qualified and responsive providers for these services a Request for Qualifications (RFQ) process for engineering services has been completed in accordance with Texas CDBG requirements;

WHEREAS, the proposals received by the due date have been reviewed to determine the most qualified and responsive providers for professional services.

NOW, THEREFORE, BE IT RESOLVED:

- Section 1. That Urban Engineering of Corpus Christi, Texas, be awarded a contract to provide Texas CDBG application and project-related engineering services for the 2023/2024 Community Development Block Grant Program of the Texas Department of Agriculture (TDA).
- Section 2. That any and all contracts or commitments made with the above-named services providers are dependent on the successful negotiation of a contract with the service provider.

PASSED and APPROVED on this 14th day of February 2023.

CITY OF ROCKPORT:

Tim Jayroe, Mayor

ATTEST:

Teresa Valdez, City Secretary

CITY COUNCIL AGENDA
Regular Meeting: Tuesday, February 14, 2023

AGENDA ITEM: 14

Deliberate and act on first reading of a proposed Ordinance authorizing a pro-rata reimbursement to Eric & Janet Prim, Michael E. & Cynthia S. Glick, Gary & Lydia A. Newman, Ebbitt I. Thomas, and Scott Johnson for development of a sanitary sewer main utility line affecting the property and property owners along Ocean Drive, known as Aransas County Appraisal District Property ID numbers; 64666, 64667, and 65356, Rockport, Aransas County, Texas; providing for pro-rata payments from benefited property owners who request to connect to the sewer utilities during the reimbursement period; providing for developer to be reimbursed from pro-rata funds received and providing an effective date and a termination date.

SUBMITTED BY: Assistant Public Works Gene Camargo

APPROVED FOR AGENDA: VRS

BACKGROUND: The accompanying Section 102-14 of the Code of Ordinances details the procedure for developers to seek reimbursement for extension of water and sewer mains. Eric & Janet Prim, Michael E. & Cynthia S. Glick, Gary & Lydia A. Newman, Ebbitt I. Thomas, and Scott Johnson paid 100 percent of the \$27,500.00 cost to extend a sewer main to the properties known as 125, 127, 129, 133, and 135 Ocean Drive, Rockport, Texas. Three parcels owned by others also benefit from this line extension. The proposed Ordinance allows Eric & Janet Prim, Michael E. & Cynthia S. Glick, Gary & Lydia A. Newman, Ebbitt I. Thomas, and Scott Johnson to be reimbursed by each of the other property owners based on the linear front footage of their respective parcels.

FISCAL ANALYSIS: See Exhibit A of the Ordinance for the pro-rata calculations.

RECOMMENDATION: Staff recommends City Council approve the first reading of the Ordinance, as presented.

ROCKPORT CODE OR ORDINANCES

Sec. 102-14. Developer participation agreement for extension of water and wastewater mains.

- (a) A developer shall make application for proposed water or wastewater line extension to the public works director and shall supply all necessary information (maps, diagrams, engineering reports, etc.) concerning the line extension, as may be required. Utility job estimate charges shall apply as per this article.
- (b) Upon compiling all necessary and required information, the public works director shall prepare a cost estimate.
- (c) A proposal for water or wastewater main extension shall be made subject to all city conditions, which may include but not be limited to the following:
 - (1) All necessary mains, line, fire hydrants, gate valves and other fittings shall be furnished and installed at the cost of the developer by a qualified utility contract. All work shall be under the director of the city engineer and the public works director, or as otherwise agreed;
 - (2) The pipe diameter of any main to be extended shall be determined by the city engineer and the director of utilities;
 - (3) No extension of any main or service line shall be laid except in a dedicated street, public road or approved easement;
 - (4) Such mains, lines, fire hydrants and gate valves and other fittings, upon completion of testing and acceptance by the city, shall become the property of the city and the city shall have full control, management and jurisdiction of such lines, mains, fire hydrants and gate valves; and
 - (5) The city shall receive all revenues for water or wastewater service provided through such mains or lines.
- (d) The developer making such extension may be entitled to reimbursement not to exceed the costs of materials and installation of such extension main, for the length of the main extension, minus the developer's pro rata share. Any reimbursement shall be paid only out of funds received for such reimbursement as herein provided.
 - (1) Developer shall make written request for a pro rata agreement to the public works director, no later than 30 days after the completion of the line extension. The developer shall furnish to the public works director satisfactory evidence as to the actual cost of such extension, as well as an administrative fee of \$500.00. The amount of such costs as finally determined by the public works director shall be conclusive for the purpose of reimbursement under this section. The costs may include engineering directly associated with the developer's application.
 - (2) Before any reimbursement is made, there shall be a written contract between the city and developer pursuant to and in accordance with this section.
- (e) Within 30 days upon final determination of costs by the public works director, the city council will consider an ordinance that allows a pro rata reimbursement with a developer who has paid for installation of either a water or wastewater extension, pursuant to this section.
- (f) Any ordinance approving a developer's agreement that allows a pro rata reimbursement provision with a developer who has paid for installation of either a water or wastewater main extension, pursuant to this section, shall set forth the legal property description of each lot or tract affected by such agreement and the amount of costs to be reimbursed upon connection to the line by each property owner affected, and shall be recorded in the Official Public

Records of Aransas County, Texas. The ordinance shall, by its own terms, expire and be of no further effect upon the expiration of the seven-year contractual reimbursement period.

Not less than 15 days before first reading of a proposed ordinance adopting a developer's pro rata reimbursement contract, written notice of such ordinance and the anticipated pro rata costs attributed to each property shall be given to each such affected property owner.

(g) This section shall not prohibit the city council from assessing benefiting property owners a portion of the cost of any water or wastewater extension pursuant to state law or ordinance passed pursuant to the power granted to a home rule city, in lieu of a developer's agreement.

(h) Unless determined to be inequitable, all prorata costs shall be developed and administered on a linear foot basis. The calculation of the pro-rata cost for a particular lot is as follows:

(1) The total cost of the line extension divided by total front footage of all lots to which service is made available, times the front footage of the lot; and

(2) Lots with non-typical footage will be on a case-by-case basis. At a minimum it would be the average front footage of the lots within the project.

(i) Associated fees:

(1) For each service connection made to any such extension, during the reimbursement period, by a water or wastewater user, the user so connecting shall, upon application and in addition to all usual service connection charges, pay to the city the sum prescribed by the proposed ordinance.

(2) When any such taps are made during the reimbursement period, the payments therein provided for (exclusive of the regular service-connection charges) shall be refunded to the developer making such extension as a partial reimbursement of such party's costs as set out in this section. Such reimbursement shall be made within 90 days of collection and shall be limited to payments received by the city within seven years from the date of such main extension is completed (reimbursement period). The completion date shall be determined by the public works director, which date as so established shall be conclusive.

(Ord. No. 1260, § 1, 8-26-03; Ord. No. 1271, § 1, 3-23-04; Ord. No. 1430, § 4, 5-13-08; Ord. No. 1437, § 1, 9-9-08; Ord. No. 1587, § 1, 9-11-12)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ROCKPORT AUTHORIZING A PRO-RATA REIMBURSEMENT TO ERIC & JANET PRIM, MICHAEL E. & CYNTHIA S. GLICK, GARY & LYDIA A. NEWMAN, EBBITT I. THOMAS, AND SCOTT JOHNSON FOR DEVELOPMENT OF A SANITARY SEWER MAIN UTILITY LINE AFFECTING PROPERTY AND PROPERTY OWNERS ALONG OCEAN DRIVE AFFECTING THE PROPERTIES SHOWN ON EXHIBIT B OF THIS ORDINANCE AND KNOWN AS ARANSAS COUNTY APPRAISAL DISTRICT PROPERTY ID NUMBERS: 64666, 64667, AND 65356, ROCKPORT, ARANSAS COUNTY, TEXAS; PROVIDING FOR PRO-RATA PAYMENTS FROM BENEFITED PROPERTY OWNERS WHO REQUEST TO CONNECT TO THE SEWER UTILITIES DURING THE REIMBURSEMENT PERIOD; PROVIDING FOR DEVELOPERS TO BE REIMBURSED FROM THE PRO-RATA FUNDS RECEIVED; AND PROVIDING AN EFFECTIVE DATE AND A TERMINATION DATE.

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

WHEREAS, the City Council finds that it is in the public interest to work together with developers for extension of water and wastewater mains, both within and outside the city limits; and

WHEREAS, Eric & Janet Prim, Michael E. & Cynthia S. Glick, Gary & Lydia A. Newman, Ebbitt L. Thomas, and Scott Johnson (Developers) has previously paid 100% of the cost to extend sewer utilities of the City for the benefit of and service to certain property located along Ocean Drive pursuant to Section 102-14 of the City of Rockport Code of Ordinances; and

WHEREAS, the City Council finds it to be in the best interest of public health, safety and welfare for the City to allow limited reimbursement to Developers for a pro-rata share of Developers' expenses paid to the City for said construction of the utility improvements, when the benefited property owners connect to these utilities during the reimbursement period:

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

SECTION 1. Any benefited property owner shown in Exhibit A who connects to the new sewer main utility line shall pay to the City the applicable pro-rata share, per lot, of costs associated with construction of said line. Exhibit A attached hereto, and incorporated herein, sets forth the legal property description of each lot or parcel benefited by such sewer main utility line, and the final actual total costs to be reimbursed to Developers upon connection to the sewer main utility line by each benefited property owner during the reimbursement period. Exhibit B attached hereto shows map of benefited properties.

SECTION 2. While this Ordinance is in effect, the City shall collect the appropriate pro-rata fee from the benefited property owners when the utility service is made to such property, and pay to Developers, per a Pro Rata Reimbursement Agreement attached hereto as Exhibit C, the pro-rata fees it has actually received, within thirty (30) days from the receipt, pursuant to the City of

Rockport Code of Ordinances, and Exhibit A attached hereto, until: 1) All benefited property owners have either connected to the new sewer main utility line, or 2) This Ordinance terminates pursuant to Section 4 below, whichever occurs first.

SECTION 3. All benefited property owners were mailed notice on February 1, 2023, of the first reading of this Ordinance.

SECTION 4. This Ordinance shall not exceed seven (7) years and shall automatically terminate at 12:01 a.m. seven years from its effective date, said effective date being the date of adoption on second reading below.

SECTION 5. REPEALER.

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

SECTION 6. SEVERABILITY.

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

SECTION 7. EFFECTIVE DATE.

This ordinance shall become effective upon adoption on second reading by the Rockport City Council and publication of the Ordinance caption in the official newspaper of the City of Rockport.

APPROVED on first reading the _____ day of February 2023.

CITY OF ROCKPORT, TEXAS

Tim Jayroe, Mayor

ATTEST:

Teresa Valdez, City Secretary

APPROVED, PASSED and ADOPTED on second and final reading the ____ day of _____ 2023.

CITY OF ROCKPORT, TEXAS

Tim Jayroe, Mayor

ATTEST:

Teresa Valdez, City Secretary

EXHIBIT A

132

OWNER NAME	ADDRESS	PROPERTY ADDRESS	LEGAL DESCRIPTION	FRONT FOOTAGE	COST PER FT SEWER	AMOUNT PAID	AMOUNT TO BE REIMBURSED
Eric & Janet Prim	43 Redbud Ridge Pl. The Woodlands, TX 77380-3412	125 Ocean Drive Rockport, TX 78382	BURTON & DANFORTH, RESUB BLK 243-244, BLOCK A-1, LOT 12 - TRACT C OF; REPLAT OF LOT 7, BLK 244 & LOT 1, BLK 243 & WFE OF OCEAN DR	60	\$47.83	\$5,500.00*	\$2,343.67
Michael E. & Cynthia S. Glick	116 N. Plant Ave. Boerne, TX 78006-1727	127 Ocean Drive Rockport, TX 78382	BURTON & DANFORTH, RESUB BLK 243-244, BLOCK A-1, LOT 12 - REPLAT OF S/181.23' OF; TRACT D; REPLAT OF LOT 7, BLK 244 & LOT 1, BLK 243 & WFE OF OCEAN DR.	60	\$47.83	\$5,500.00*	\$2,343.67
Gary & Lydia A. Newman	129 Ocean Dr. Rockport, TX 78382	129 Ocean Dr. Rockport, TX 78382	BURTON & DANFORTH, RESUB BLK 243-244, LOT 11-A & 11-B; REPLAT OF LOT 11, WFE OF OCEAN DR.	100	\$47.83	\$5,500.00*	\$2,343.67
Thomas L. Ebbitt	7725 US Hwy 87 E San Antonio, TX 78263-2204	133 Ocean Dr. Rockport, TX 78382	BURTON & DANFORTH, RESUB BLK 243-244, LOT 11-C REPLAT OF LOT 11	60	\$47.83	\$5,500.00*	\$2,343.67
Scott Johnson	14214 FM 2729 Leander, TX 78641-9109	135 Ocean Dr. Rockport, TX 78382	BURTON & DANFORTH, RESUB BLK 243-244, LOT 10 & 11 - REPLAT OF; TRACT A	50	\$47.83	\$5,500.00*	\$2,343.67
Jeffrey W. Lennon	P.O. Box 384 Rockport, TX 78381	128 Ocean Dr. Rockport, TX 78382	BURTON & DANFORTH, RESUB BLK 243-244, LOT 10 & 11 - REPLAT OF; TRACT A	77	\$47.83	\$3682.91	-0-
Kenneth & Merissa Kallies	9540 Dileen St. San Antonio, TX 78263-9625	130 Ocean Dr. Rockport, TX 78382	Ocean Drive Addition, Lot 2, ACRES 0.5	77	\$47.83	\$3682.91	-0-
Thomas L. Ebbitt	7725 US Hwy 87 E San Antonio, TX 78263-2204	306 Windjammer Rockport, TX 78382	Bahia Bay North, Lot 1, ACRES 0.6	91	\$47.83	\$4352.53	-0-
				575			

* \$27,500 Paid by Developers - agreed to pay equally.

EXHIBIT A

133

Prim paid \$5,500.00 - \$2,343.67 reimbursement =	actual cost \$	3,156.33
Glick paid \$5,500.00 - \$2,343.67 reimbursement =	actual cost \$	3,156.33
Newman paid \$5,500.00 - \$2,343.67 reimbursement =	actual cost \$	3,156.33
Ebbitt paid \$5,500.00 - \$2,343.67 reimbursement =	actual cost \$	3,156.33
Johnson paid \$5,500.00 - \$2,343.67 reimbursement =	actual cost \$	3,156.33
Lennon	actual cost \$	3,682.91
Kallies	actual cost \$	3,682.91
Ebbitt	actual cost \$	<u>4,352.53</u>
TOTAL		\$ 27,500.00

Pro-Rata reimbursements will also be distributed equally to developers as follows: $\$3682.91 / 5 = \736.58
 $\$3682.91 / 5 = \736.58
 $\$4352.53 / 5 = \870.51

EXHIBIT B



Property ID 64666 – Jeffrey W. Lennon

Property ID 64667 – Kenneth Kallies & wife, Merissa

Property ID 65356 – Thomas L. Ebbitt

EXHIBIT C

CITY OF ROCKPORT

and

**ERIC & JANET PRIM, MICHAEL E. & CYNTHIA S. GLICK, GARY &
LYDIA A. NEWMAN, EBBITT L. THOMAS, AND SCOTT JOHNSON**

PRO RATA REIMBURSEMENT AGREEMENT

The City of Rockport, Texas, hereinafter called “the City,” and Eric & Janet Prim, Michael E. & Cynthia S. Glick, Gary & Lydia A. Newman, Ebbitt L. Thomas, and Schott Johnson hereinafter called “the Developers,” hereby agree to the following:

ARTICLE I.

The Developers have constructed an eight-inch (8") sanitary sewer main line along Ocean Drive benefiting properties listed on Exhibit A and shown on Exhibit B, Rockport, Texas. This Agreement pertains to the construction of the eight-inch (8") sanitary sewer main line. Developers previously owned five (5) of the eight (8) lots affected. It is agreed that Developers shall be entitled to be reimbursed up to 42.614% (\$11,718.35) of the project costs over the term of this Agreement.

ARTICLE II.

Said improvements shall belong to the City upon completion and acceptance by the City and City shall have exclusive jurisdiction over the same, subject to the terms of this Agreement. Developers, at their sole cost and expense, have installed the 8-inch sanitary sewer main line according to pre-approved City engineering specifications. Developers shall reimburse City for all legal and engineering costs, if any, incurred by the City related to this Agreement and/or project up to \$500, and Developers shall pay such costs or expenses within ten (10) days of receipt of demand from the City requesting reimbursement.

ARTICLE III.

For the term of this Agreement, property owners along Ocean Drive as listed on Exhibit A who desire to connect to the above-described sanitary sewer main line shall pay a pro rata fee to the City per lot, in order to pay for their applicable portion of costs associated with the construction of said sanitary sewer main line. For the term of this Agreement, the City shall pay to the Developers pro rata fees received until the Developers receive up to 42.614% of the construction and other costs incurred for constructing said sewer line. Calculations for said pro rata construction and other costs attributed to the affected property owners are referenced in the attached Exhibit A and shown on Exhibit B, incorporated by reference.

ARTICLE IV.

Developers shall transfer title to the water main line to the City upon completion and acceptance of the project by the City, free and clear of all debts and liens that may arise by law, and the City may require proof of payment as to all debts and liens.

EXHIBIT C

ARTICLE V.

This Agreement for the pro rata reimbursement to the Developers for the sanitary sewer main line shall not exceed seven (7) years and shall expire at 12:01 a.m. seven (7) years from the date of completion and acceptance as determined by the City. The City shall reimburse the Developers within thirty (30) days after receipt of any or all pro rata funds. There shall be no interest, and no interest shall accrue, on this reimbursement provision.

ARTICLE VI.

All connections to the sanitary sewer main line shall be made by the City. The City shall have, and this Agreement does not in any way limit, the right for City to charge, collect and keep all City impact fees and/or other City charges set by City ordinance for monthly usage and/or tap fees for customers connected to and served from the sanitary sewer main line after the date of its acceptance. Developers are not exempt by this Agreement from such charges.

ARTICLE VII.

The City shall be exempt from any and all contractual connect fees set forth above, and explicitly reserves the right to subsequently extend an additional sewer main line to this project and to connect thereto during the term of this Agreement, without liability to nor prior permission required of Developers.

ARTICLE VIII.

The parties hereto agree that any proceeds paid pursuant to this Agreement do not constitute an impact fee as defined in Chapter 395 of the Texas Local Government Code, as amended, and that such proceeds are pro rata fees specifically authorized pursuant to Section 395.001(4)(B) of the Texas Local Government Code, as amended.

ARTICLE IX.

This Agreement shall be governed by and construed in accordance with the laws of the State of Texas, and all obligations of the parties created hereunder are performable in Aransas County, Texas. Venue for any action arising under this Agreement shall lie in Aransas County, Texas.

ARTICLE X.

Any notices required or permitted to be given hereunder shall be given by certified or registered mail, return receipt requested, to the addresses set forth below or to such other single address as either party hereto shall notify the other:

If to the City:	City of Rockport Attn: City Manager 2751 State Highway 35 Bypass Rockport, TX 78382
-----------------	--

EXHIBIT C

If to the Developers: See Exhibit A for names & addresses of Developers.

ARTICLE XI.

In the event any person initiates or defends any legal action or proceeding to enforce or interpret any of the terms of this Agreement, the prevailing party in any such action or proceeding shall be entitled to recover its reasonable costs and attorney's fees (including its reasonable costs and attorney's fees on any appeal).

ARTICLE XII.

This Agreement contains the entire agreement between the parties hereto and supersedes all prior agreements, oral or written, with respect to the subject matter hereof. The provisions of this Agreement shall be construed as a whole and not strictly for or against any party. Further, this Agreement shall be deemed to run with the land.

ARTICLE XIII.

The provisions of this Agreement are severable. In the event any provision of this Agreement is illegal, invalid, or unenforceable under the present or future laws, then, and in that event, it is the intention of the City and Developers that the remainder of this Agreement shall not be affected thereby, and it is also the intention of the City and Developers that in lieu of each clause or provision that is found to be illegal, invalid, or unenforceable a provision be added to this Agreement which is legal, valid and enforceable and is a similar in terms as possible to the provision found to be illegal, invalid or unenforceable.

ARTICLE XIV.

This Agreement shall become a binding obligation on the signatories upon execution by all signatories hereto. The City warrants and represents that the individual executing this Agreement on behalf of the City has full authority to execute this Agreement and bind the City to the same. The Developers warrant and represent that the individuals executing this Agreement on its behalf have full authority to execute this Agreement and bind the Developers to same.

ARTICLE XV.

In the event of any disagreement or conflict concerning the interpretation of this Agreement, and such disagreement cannot be resolved by the signatories hereto, the signatories agree to submit such disagreement to mediation.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed on _____, 2023.

EXHIBIT C

City:
CITY OF ROCKPORT, TEXAS

By: _____
Tim Jayroe, Mayor

ATTEST:

Teresa Valdez, City Secretary

STATE OF TEXAS §

§

COUNTY OF ARANSAS §

§

BEFORE ME, the undersigned authority, on this day personally appeared Tim Jayroe, Mayor, City of Rockport, Aransas County, Texas, and being known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed, as the act and deed of said municipality, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE the _____ day of _____
2023.

[Notary Seal]

Notary Public, State of Texas

EXHIBIT C

Developers:

Eric Prim

Janet Prim

STATE OF TEXAS §

§

COUNTY OF _____ §

BEFORE ME, the undersigned authority, on this day personally appeared Eric Prim and being known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the ____ day of _____ 2023.

[notary seal]

Notary Public, State of Texas

STATE OF TEXAS §

§

COUNTY OF _____ §

BEFORE ME, the undersigned authority, on this day personally appeared Janet Prim and being known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the ____ day of _____ 2023.

[notary seal]

Notary Public, State of Texas

EXHIBIT C

Developers:

Michael E. Glick

Cynthia S. Glick

STATE OF TEXAS §

§

COUNTY OF _____ §

BEFORE ME, the undersigned authority, on this day personally appeared Michael E. Glick and being known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the ____ day of _____ 2023.

[notary seal]

Notary Public, State of Texas

STATE OF TEXAS §

§

COUNTY OF _____ §

BEFORE ME, the undersigned authority, on this day personally appeared Cynthia S. Glick and being known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the ____ day of _____ 2023.

[notary seal]

Notary Public, State of Texas

EXHIBIT C

Developers:

Gary Newman

Lydia A. Newman

STATE OF TEXAS §
 §
COUNTY OF _____§

BEFORE ME, the undersigned authority, on this day personally appeared Gary Newman and being known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the ____ day of _____ 2023.

[notary seal]

Notary Public, State of Texas

STATE OF TEXAS §
 §
COUNTY OF _____§

BEFORE ME, the undersigned authority, on this day personally appeared Lydia A. Newman and being known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the ____ day of _____ 2023.

[notary seal]

Notary Public, State of Texas

EXHIBIT C

Developers:

Ebbitt L. Thomas

STATE OF TEXAS §

§

COUNTY OF _____ §

BEFORE ME, the undersigned authority, on this day personally appeared Ebbitt L. Thomas and being known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the ____ day of _____ 2023.

[notary seal]

Notary Public, State of Texas

[Additional Signature Page Attached Hereto]

EXHIBIT C

Developers:

Scott Johnson

STATE OF TEXAS §
 §
COUNTY OF _____ §

BEFORE ME, the undersigned authority, on this day personally appeared Scott Johnson and being known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the ____ day of _____
2023.

[notary seal]

Notary Public, State of Texas

CITY COUNCIL AGENDA

Regular Meeting: Tuesday, February 14, 2023

AGENDA ITEM: 15

Deliberate and act to appoint members to the Parks & Leisure Services Advisory Board.

SUBMITTED BY: City Secretary Teresa Valdez

APPROVED FOR AGENDA: VRS

BACKGROUND: Currently there are three (3) vacancies on the Parks & Leisure Services Advisory Board. As provided in Section 70-41 of the City of Rockport Code of Ordinances, the City Council is to appoint members to the Board.

Sec. 70-41. Composition; appointments.

(b) All appointments to the park and leisure services advisory board shall be made by the city council. Such appointments will be made from a pool of individuals to represent each of the four city wards and three representatives appointed by the mayor who have made application to serve on the park and leisure services advisory board. The park and leisure services advisory board may offer recommendations to the city council regarding appointments to the board.

The quorum for a meeting of the Parks & Leisure Services Advisory Board is four (4) and it has been difficult to meet that quorum. Applications to serve on the Parks and Leisure Services Advisory Board have been received and accompanies this briefing sheet. The current membership of the Commission is listed in the table below.

Parks and Leisure Services Advisory Board				
Place	Member	End of Term	Ward	Comments
1	VACANT	June 2024		David Rodriguez resigned Jan. 2023
2	Maria Fee	June 2024	3	
3	VACANT	June 2023		Leo Villa – Deceased 2022
4	VACANT	June 2024		Ray Garza resigned Jan. 2023
5	Jenny Vander Pluym	June 2024	3	
6	Karen Rester	June 2025		
7	Lindsee Merrell	June 2024	2	

FISCAL ANALYSIS: N/A

STAFF RECOMMENDATION: Staff recommends appointment of members to the Parks and Leisure Services Advisory Board.

CITY OF ROCKPORT
2751 State Highway 35 Bypass
Rockport, TX 78382
361-729-2213

**APPLICATION FOR
BOARD OR COMMISSION APPOINTMENT**

Check area of Interest:

- | | |
|---|---|
| ☐ Keep Rockport Beautiful Advisory Board (suspended) | ☒ Park and Leisure Services |
| ☐ Planning and Zoning Commission | Advisory Board |
| ☐ Rockport Heritage District Board (suspended) | ☒ Tree & Landscaping |
| ☐ Zoning Board of Adjustment/Building Standards Commission | Committee |

Name: Josh Dowling Age (Optional): _____

Home Address: 102 N Santa Clara Dr Ward No: 2

Home Phone: [REDACTED] Work Phone: _____

Business Address: _____

E-mail Address: [REDACTED]

Resident of City for 1 years Voter Registration No. _____

Occupation: Landscape Designer/ Estimator

Education: B.S. Organizational Leadership/ Management

Special Knowledge or Experience Applicable to City Board or Commission Function:
5+ years in current occupation of commercial and residential landscape design and sales.
Currently serve on advisory board for commercial property managers and building owners
professional organizations in San Antonio area and have been active member of advisory

- | | |
|---|--|
| ☒ Banking/Finance | ☒ Business Development |
| ☒ Building/Construction | ☐ Promotion/Marketing |
| ☐ Real Estate/Development | ☐ Manufacturing/Industrial Operations |
| ☐ Industrial Training | ☐ Law/Contract Administration |

Other Information (civic activities, etc.)

New official resident to Rockport. Have been a visitor/ extended family have been stakeholders for many years. As such, have not had the opportunity to attend meetings, however I am looking forward to becoming actively involved in the community.
I have attended one or more meetings of the board or commission for which I have applied:

☐ Yes ☒ No

Date: 01-27-2023

Signature: _____

eSigned via SeamlessDocs.com
Joshua Dowling
Key: afbc335dc6ee4813d72918534100c2b4

ALL INFORMATION MUST BE FURNISHED IN ORDER TO BE CONSIDERED

Email any questions to: citysec@cityofrockport.com

CITY OF ROCKPORT
2751 State Highway 35 Bypass
Rockport, TX 78382
361-729-2213

**APPLICATION FOR
BOARD OR COMMISSION APPOINTMENT**

Check area of Interest:

- | | |
|---|---|
| ☐ Keep Rockport Beautiful Advisory Board (suspended) | ☒ Park and Leisure Services |
| ☐ Planning and Zoning Commission | ☐ Advisory Board |
| ☐ Rockport Heritage District Board (suspended) | ☐ Tree & Landscaping |
| ☐ Zoning Board of Adjustment/Building Standards Commission | ☐ Committee |

Name: Elsa Gonzalez Age (Optional): 50
Home Address: 1113 Egret Lane Ward No: 2
Home Phone: [REDACTED] Work Phone: [REDACTED]
Business Address: [REDACTED]
E-mail Address: [REDACTED]
Resident of City for 50 years Voter Registration No. [REDACTED]
Occupation: Parafession ISS
Education: High school graduate and 2 years college at Del Marr
Special Knowledge or Experience Applicable to City Board or Commission Function: [REDACTED]

- | | |
|--|--|
| ☐ Banking/Finance | ☐ Business Development |
| ☐ Building/Construction | ☐ Promotion/Marketing |
| ☐ Real Estate/Development | ☐ Manufacturing/Industrial Operations |
| ☐ Industrial Training | ☐ Law/Contract Administration |

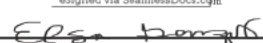
Other Information (civic activities, etc.)

I have served on the RFL board president and I am also serving on Pirate club board I also am on the board for Salvation Army Rockport Unit and I recently joined in the Good Samaritan community group. I have a interest into the parks and leisure board
I have attended one or more meetings of the board or commission for which I have applied:

☐ Yes ☒ No

Date: 01-20-2023

Signature:

eSigned via SeamlessDocs.com

Key: afbc335dc6ee4913d72918534100c2be

ALL INFORMATION MUST BE FURNISHED IN ORDER TO BE CONSIDERED

Email any questions to: citysec@cityofrockport.com

CITY OF ROCKPORT
2751 State Highway 35 Bypass
Rockport, TX 78382
361-729-2213

**APPLICATION FOR
BOARD OR COMMISSION APPOINTMENT**

Check area of Interest:

- | | |
|---|--|
| ☐ Keep Rockport Beautiful Advisory Board (suspended) | ☒ Park and Leisure Services Advisory Board |
| ☐ Planning and Zoning Commission | |
| ☐ Rockport Heritage District Board (suspended) | ☐ Tree & Landscape Committee |
| ☐ Zoning Board of Adjustment/Building Standards Commission | |

Name: Shelly Schubert-Staecker Age (Optional): _____

Home Address: 3352 Loop 1781, Rockport TX 78382 Ward No: 2

Home Phone: _____ Work Phone: Cell

Business Address: _____

E-mail Address: _____

Resident of City for 27 years Voter Registration No. _____

Occupation: Realtor

Education: Bachelors in Business administration TX A&M CC

Special Knowledge or Experience Applicable to City Board or Commission Function: (attach additional information if needed)

I am currently on county & city tree committees & Board of Aransas First Land Trust

- | | |
|---|--|
| ☐ Banking/Finance | ☐ Business Development |
| ☐ Building/Construction | ☐ Promotion/Marketing |
| ☒ Real Estate/Development | ☐ Manufacturing/Industrial Operations |
| ☐ Industrial Training | ☐ Law/Contract Administration |

Other Information (civic activities, etc.) Actively attend the storm water management meetings

I have attended one or more meetings of the board or commission for which I have applied:

☐ Yes ☒ No

Date: 1/24/2023 Signature: [Signature]

RETURN COMPLETED FORM TO THE CITY SECRETARY'S OFFICE

ALL INFORMATION MUST BE FURNISHED IN ORDER TO BE CONSIDERED

Email to: tvaldez@cityofrockport.com
ACTIVE BOARDS/COMMISSIONS

CITY COUNCIL AGENDA
Regular Meeting: Tuesday, February 14, 2023

AGENDA ITEM: 16

Deliberate and act on possible approval of an amendment to the existing Republic Services contract, extending it for one year until July 31, 2024.

SUBMITTED BY: Vanessa Shrauner, City Manager

APPROVED FOR AGENDA: VRS

BACKGROUND: The City is coming to the end of a 5-year contract with Republic Services for Solid Waste Services. Council has expressed a wish to explore options for Solid Waste and Republic has honored a request for a one-year extension in order for the City to make a thoughtful decision on trash

FISCAL ANALYSIS: Republic has agreed to waive the CPI index in the residential waste collections for the duration of the extension. All other services will see a 4% increase.

RECOMMENDATION: Staff recommends approval.

SECOND AMENDMENT TO CITY OF ROCKPORT, TEXAS MUNICIPAL CONTRACT

This Second Amendment to the **CITY OF ROCKPORT, TEXAS MUNICIPAL CONTRACT** (this “Amendment”) is made effective as of February 14, 2023, by and between the City of Rockport, Texas (the “City”), and BFI Waste Services of Texas, LP d/b/a Allied Waste Services of Corpus Christi // Republic Services of Corpus Christi, qualified to do and actually doing business in the state of Texas (the “Contractor”), as successor-in-interest to Browning-Ferris, Inc. (“BFI”). The City and Contractor are referred to in this Agreement collectively as the “Parties” and individually as a “Party.”

Recitals

A. The City and BFI entered into that certain **MUNICIPAL CONTRACT** dated June 28, 2016, and that First Amendment dated November 1, 2016, (collectively, the “Agreement”) pursuant to which BFI agreed to provide solid waste collection and disposal services as more set forth in the Agreement. Capitalized terms used but not otherwise defined in this Amendment shall have the meanings assigned to them in the Agreement.

B. The Parties desire to amend the Agreement pursuant to the terms of this Amendment.

Agreement

NOW, THEREFORE, FOR AND IN CONSIDERATION of the respective covenants herein contained, the Parties have agreed as follows:

1. **Term.** This contract will be extended for a period of one (1) year beginning August 1, 2023, until July 31, 2024. Should either party wish not to renew a written notice must be given via certified mail, receipt to the other party in writing not less than 120 days prior to July 21, 2024, as amended herein, unless the Contract is sooner terminated as provided elsewhere in the contract.

2. **Modification to Rates.** The language in section 4.4 will be stricken and replaced with the following:

The residential portion of the CPI will not be adjusted until after July 31, 2024. The commercial portion will be adjusted by 4.0% in October of 2023. Each October 1st both the residential and commercial rates will be adjusted at a fixed 4.0% thereafter.

Section 4.4.1 will be modified to say that a reminder notice for the 4.0% will be sent to the City no less than 60 days prior to rate modification date each year.

3. **Section 3.15.** The language in this section will have the following added: A minimum 10-day notice must be requested via email to the Municipal Services Manager per each use. Any unused hauls will not carry over to the next year.

4. **Miscellaneous.** Section 16.14 will be removed as this item is expired and the modification of rates in section 4.4 addresses the future language.

5. **Conflict in Terms.** In the case of a conflict in terms between this Amendment and any Contract Documents, this Amendment shall prevail.

IN WITNESS WHEREOF, the Parties have executed this Amendment in duplicate conformed originals as of the date first set forth above.

CONTRACTOR:

CITY:

BFI Waste Services of Texas, LP

City Rockport, Texas

By: Allied Waste Landfill Holdings, Inc.
General Partner

By:_____

Name:_____

Its:_____

By:_____

Name:_____

Its:_____

Municipal Contract

(For Residential, Commercial, Municipal Facilities, and All-In-One Recycling)

THIS MUNICIPAL CONTRACT (the "Contract"), is made and entered into on August 23, 2016, by and between the **CITY OF ROCKPORT, TEXAS** (the "City") and **BFI Waste Services of Texas, LP d/b/ Allied Waste Services of Corpus Christi// Republic Services of Corpus Christi**, qualified to do and actually doing business in the state of Texas (the "Contractor"), as successor-in-interest to Browning-Ferris, Inc.. The City and Contractor are referred to in this Agreement collectively as the "Parties" and individually as a "Party."

WITNESSED, THAT in consideration of the covenants and agreements contained in this Contract, to be performed by the parties and of the payments agreed to be made, the parties agree as follows:

1. Contractor is hereby granted the sole and exclusive franchise, license and privilege within the territorial jurisdiction of the City and shall furnish all personnel, labor, equipment, trucks, and all other items necessary to collect waste materials during term of this Contract for the following areas (check boxes for the transaction):
 - ✓ Residential and Commercial Units
 - ✓ Municipal Facilities
 - ✓ Recyclables from above checked locations only
2. The Contract Documents shall include the following documents, and this Contract expressly incorporates the same as fully as if set forth verbatim in this Contract:
 - a. **Exhibit A - General Specifications**
 - b. **Exhibit B - Insurance Requirements**
 - c. **Exhibit C - Contractor's Proposal Pricing**
 - d. **Exhibit D - Contractor's Performance Bond**
 - e. **Exhibit E - Waste Material Collection Specifications for Residential Units**
 - f. **Exhibit F - Recyclable Material Collection Specifications for Residential Units**
 - g. **Exhibit G - Waste Material Collection Specifications for Municipal Facilities**
3. All provisions of the Contract Documents shall be strictly complied with and conformed to by Contractor, and no amendment to this Contract shall be made except upon written consent of the parties. No amendment shall be construed to release either party from any obligation of the Contract Documents except as specifically provided for in such amendment.
4. The initial term of this Contract shall be from **August 1, 2017, (the "Effective Date") until July 31, 2023**, and will automatically renew for a five (5) year period. Should either the City or Contractor elect not to renew and extend the contract for an additional (5) years, notice must be given by certified mail (return receipt requested) to the other party in writing not less than 120 days prior to the expiration of the Contract, unless this Contract is sooner terminated as provided elsewhere herein. The parties agree that the automated services provided under this Contract is to begin upon Contractor's receipt of the capital equipment and inventory at a date to be determined in 2016 or by the first quarter of 2017. Between August 1, 2017, and the beginning of automated services, residential waste and recycling collection shall continue by hand collection.

EXHIBIT B
INSURANCE REQUIREMENTS

During the term of this Contract, Contractor shall maintain in force, at its expense, insurance coverage with minimum limits as follows:

Contractor's parent company, Republic Services, Inc., and its subsidiaries (including Contractor) are registered non-subscribers to the Texas Workers' Compensation Act and has filed an approved Indemnity Plan with the Texas Department of Insurance and therefore is not required to carry Workers' Compensation insurance in Texas.

Automobile Liability

Bodily Injury/Property Damage Combined-Single Limit	\$3,000,000 Coverage is to apply to all owned, Non-owned, hired and leased vehicles (including trailers).
Pollution Liability Endorsement	MCS-90 endorsement for pollution liability Coverage

Commercial General Liability

Bodily Injury/Property Damage Combined-Single Limit	\$2,500,000 \$5,000,000
--	----------------------------

All such insurance policies will be primary without the right of the contribution from any other insurance coverage maintained by City. All policies required herein shall be written by insurance carriers with a rating of A.M. Bests of at least "A-" and a financial size category of at least VII~~L~~. Upon City's request, Contractor shall furnish City with a certificate of insurance, evidencing that such coverage's are in effect. Such certificate: (i) will also **be supplemented with blanket-form endorsements** providing for 30 days prior written notice of cancellation to the City; (ii) shall show City as an additional insured under the Automobile and General Liability policies; and, (iii) shall contain waivers of subrogation in favor of City (excluding Worker's Compensation policy) except with respect to the sole negligence or willful misconduct of City. In addition, the following requirements apply:

- The Commercial General Liability policy must include Contractual Liability coverage specifically covering Contractor's Indemnification of City herein.
- Coverage must be provided for Products/Completed Operations.
- The policy shall also contain a cross Liability/Severability of Interests provision assuring that the acts of one insured do not affect the applicability of coverage to another insured.

CITY COUNCIL AGENDA
Regular Meeting: Tuesday, February 14, 2023

AGENDA ITEM: 17

City Manager Report:

- A. Proposed Charter Amendments Information Sheet.
- B. Budget.

SUBMITTED BY: City Manager Vanessa Shrauner

APPROVED FOR AGENDA: VRS

BACKGROUND: Please see the accompanying proposed information to be made available to the public regarding the proposed Charter Amendments.

FISCAL ANALYSIS: N/A

RECOMMENDATION: N/A



2023 Charter Amendment Election Information

City of Rockport, Texas

The City of Rockport's Charter governs the City and requires periodic review by the City Council. Since adopted in 1983, there have been five different Charter amendment elections. The last time the City Council reviewed the Charter was in 2008, for which no amendments were considered. In October 2022, the City Council appointed a Charter Review Commission, in accordance with the Charter, to recommend potential changes. The City Council, after reviewing the recommendations and receiving public input, submit the propositions to the public for a vote.

On May 6, 2023, you will be able to decide which amendments are approved and which amendments are not. **All registered voters of the City of Rockport are encouraged to vote.** Each proposition can be voted on a "Yes" or "No" basis. A complete copy of the proposed changes may be found on the City website at the following link: [\[insert link\]](#).

CHARTER AMENDMENT GOVERNING THE GENDER SPECIFICITY IN THE CHARTER:

#1 Shall the Charter be amended to provide for gender neutral terminology and correct other terms, spelling and capitalization without making any substantive changes?

Why this amendment was placed on the ballot.

The current charter is written in the masculine form. This amendment removes gender specificity and replaces it with job title or neutrality. Included are corrections to spelling, punctuation, capitalization, and other non-substantive changes to provide clarity.

The specific language change may be viewed here: [\[insert link\]](#).

CHARTER AMENDMENT GOVERNING CONFORMANCE TO THE GENERAL LAWS OF THE STATE IN THE CHARTER:

#2 Shall the Charter be amended to conform to the general laws of the State of Texas?

Why this amendment was placed on the ballot:

State Law has changed since the last charter update. This amendment addresses areas where Texas laws have changed, or the existing charter is not in compliance with State Law. For all changes, State Law takes precedence therefore alignment will alleviate conflict and confusion with local policy application. In some areas, some changes provide flexibility if State Law changes.

The specific language change may be viewed here: [\[insert link\]](#).

CHARTER AMENDMENT GOVERNING THE EXTENSION OR CONTRACTION OF CITY BOUNDARIES IN THE CHARTER:

#3 Shall the Charter be amended to provide for expansion and contraction of the City's corporate boundaries?

Why this amendment was placed on the ballot:

State annexation laws have changed which is reflected in this amendment. This amendment allows for the City Council to expedite approval of a valid disannexation petition with four of five members voting in favor. Any other vote by City Council will require a Special Election for consideration by the public.

The specific language change may be viewed here: [\[insert link\]](#).

CHARTER AMENDMENT GOVERNING DISANNEXATION PROCESS IN THE CHARTER:

#4 Shall the Charter be amended to provide a process for disannexation petitions to be considered by the City

Why this amendment was placed on the ballot:

The current charter does not provide a clear process for completing a disannexation. The proposed change clarifies the process for disannexation when a valid petition is submitted.

The specific language change may be viewed here: [\[insert link\]](#).

CHARTER AMENDMENT GOVERNING TERMS OF OFFICE FOR COUNCIL MEMBERS IN THE CHARTER:

#5 Shall the Charter be amended to provide for four-year terms of office for the Mayor and City Council persons and the process to fill vacancies of such terms?

Why this amendment was placed on the ballot:

This amendment would change City Council member terms from two years to four years. Currently, the Mayor and City Council members serve two years. Some have expressed that two years is not enough time to get acclimated to the duties of the job and carry out initiatives. This change would also reduce election costs. Should four-year terms be approved, this amendment outlines how to transition from two to four-year terms as well as how to fill council vacancies over the course of the term.

The specific language change may be viewed here: [\[insert link\]](#).

CHARTER AMENDMENT GOVERNING CITY COUNCIL TERM LIMITS IN THE CHARTER:

#6 Shall the Charter be amended to eliminate the service limitation of ten years for members of the City Council?

Why this amendment was placed on the ballot:

City Council members are currently allowed to serve for ten consecutive years. This amendment would remove term limits and remove identified loopholes that exist that circumvent the intent of the

existing Charter limitation. Some have expressed that the ballot box provides the ultimate term limit. Any Council person can be voted out through the appropriate channels.

The specific language change may be viewed here: [\[insert link\]](#).

CHARTER AMENDMENT GOVERNING MEETINGS OF CITY COUNCIL IN THE CHARTER:

#7 Shall the Charter be amended to provide for notice of a meeting and an emergency meeting and establish additional quorum provisions if City Council is reduced to less than three voting members?

Why this amendment was placed on the ballot:

This amendment will bring the City into conformance with the notice provisions of the Texas Open Meetings Act. Additionally, it provides for a quorum to be established in the event that the City Council is reduced to less than three members.

The specific language change may be viewed here: [\[insert link\]](#).

CHARTER AMENDMENT GOVERNING PASSAGE OF ORDINANCES IN THE CHARTER:

#8 Shall the Charter be amended to provide for amended reading requirements for an ordinance to be approved?

Why this amendment was placed on the ballot:

If passed, this would require two readings for any zoning ordinance unless council votes to forgo a second reading with approval by a supermajority of the City Council. This will allow for flexibility to address emergent needs, customer service, and more closely aligns with neighboring communities while still protecting the rights of adjacent property owners.

The specific language change may be viewed here: [\[insert link\]](#).

CHARTER AMENDMENT GOVERNING THE STORAGE OF DATA IN THE CHARTER:

#9 Shall the Charter be amended to provide for electronic means of storing and publication of ordinances and resolutions?

Why this amendment was placed on the ballot:

This amendment would allow for the electronic storage of data, as allowed by law, and make such data available on the City's website for at least one year. Further, this amendment will bring our Charter into alignment with customary current best practices for transparency and accessibility.

The specific language change may be viewed here: [\[insert link\]](#).

CHARTER AMENDMENT GOVERNING CITY MANAGER IN THE CHARTER:

#10 Shall the Charter be amended to eliminate the cap on severance or termination compensation of the City Manager?

Why this amendment was placed on the ballot:

This item is to allow for negotiations that are in line with the industry norms.

The specific language change may be viewed here: [\[insert link\]](#).

CHARTER AMENDMENT GOVERNING THE CITY SECRETARY IN THE CHARTER:

#11 Shall the Charter be amended to provide updated duties of the City Secretary

Why this amendment was placed on the ballot:

The duties of the City Secretary have changed since the last update. This would conform the City Secretary's job duties to the job duties needed today.

The specific language change may be viewed here: [\[insert link\]](#).

CHARTER AMENDMENT GOVERNING THE CITY ATTORNEY IN THE CHARTER:

#12 Shall the Charter be amended to provide for the ability of the City to employ a person or firm as City Attorney?

Why this amendment was placed on the ballot:

Employing a firm as a City Attorney allows the City to receive more specialized legal advice as well as greater availability to counsel. This would give Council the ability to engage an attorney or a law firm. The current Charter intends this position to be a paid City employee.

The specific language change may be viewed here: [\[insert link\]](#).

CHARTER AMENDMENT GOVERNING THE CITY ENGINEER IN THE CHARTER:

#13 Shall the Charter be amended to delete the provisions related to the City Engineer?

Why this amendment was placed on the ballot:

Removing this provision in the Charter will allow for the hiring of specialized engineers depending on project needs. This does not mean that City projects will not be properly engineered, as needed or required by law.

The specific language change may be viewed here: [\[insert link\]](#).

CHARTER AMENDMENT GOVERNING CITY ELECTIONS IN THE CHARTER:

#14 Shall the Charter be amended to provide for movement of the City's general election date if made possible by the general laws of the State of Texas?

Why this amendment was placed on the ballot:

This provision would allow the City Council to move City Elections to the November uniform election date by ordinance, if state law changes. If a change were to occur, it is anticipated election costs would be reduced with increase voter participation in City Elections.

The specific language change may be viewed here: [\[insert link\]](#).

CHARTER AMENDMENT GOVERNING FILING FOR OFFICE IN THE CHARTER:

#15 Shall the Charter be amended to provide for petitions of offices to meet certain signature numerical requirements?

Why this amendment was placed on the ballot:

In order to run for Mayor or City Council, a potential candidate must present a petition with a certain amount of valid signatures in order to be placed on the ballot. The proposed amendment provides clarity on the number of signatures needed in certain circumstances.

The specific language change may be viewed here: [\[insert link\]](#).

CHARTER AMENDMENT GOVERNING FILING FOR OFFICE IN THE CHARTER:

#16 Shall the Charter be amended to disqualify a person to serve on the City Council if the person is in arrears of taxes or other liabilities to the City.

Why this amendment was placed on the ballot:

This amendment is intended to require anyone running for office to not be in debt to the City.

The specific language change may be viewed here: [\[insert link\]](#).

CHARTER AMENDMENT GOVERNING THE GENERAL AUTHORITY IN THE CHARTER:

#17 Shall the Charter be amended to clarify the meaning of Qualified Voter?

Why this amendment was placed on the ballot:

This provides clarification that a registered voter must be registered in the City of Rockport.

The specific language change may be viewed here: [\[insert link\]](#).

CHARTER AMENDMENT GOVERNING THE CALLING OF A RECALL ELECTION IN THE CHARTER:

#18 Shall the Charter be amended to provide for cancellation of a recall election in certain circumstances?

Why this amendment was placed on the ballot:

This allows the City Council to cancel a recall election if the person being recalled resigns or if the election extends beyond the term of the person being recalled. The intent of the provision is to save the City the cost of an unnecessary recall election.

The specific language change may be viewed here: [\[insert link\]](#).

CHARTER AMENDMENT GOVERNING THE FORM OF BALLOTS IN THE CHARTER:

#19 Shall the Charter be amended to update the form of ballot for initiatives and recall elections?

Why this amendment was placed on the ballot:

The Charter is written for paper ballots which are no longer in use. This change will be in line with the electronic ballots currently in use.

The specific language change may be viewed here: [\[insert link\]](#).

CHARTER AMENDMENT GOVERNING THE FAILURE OF THE CITY TO CALL AN ELECTION IN THE CHARTER:

#20 Shall the Charter be amended to clarify the duties regarding initiative, referendum or recall elections?

Why this amendment was placed on the ballot:

The City Charter currently provides the public the right to seek judicial relief if City Council does not call an initiative, referendum or recall election. The proposed change provides clarity on this position and removes the possibility of a conflicting jurisdictional disputes.

The specific language change may be viewed here: [\[insert link\]](#).

CHARTER AMENDMENT GOVERNING FINANCES IN THE CHARTER:

#21 Shall the Charter be amended to provide for changes to municipal finance provisions related to the City's fiscal year, budget, capital programs, borrowing, purchasing, depository, financial reporting and audit?

Why this amendment was placed on the ballot:

The amendments in this section of the Charter are intended to bring the wording of the Charter in line with current practices. It extends the Capital Program requirement from two years to five years. Additionally, it references appropriate state and financial laws that are required.

The specific language change may be viewed here: [\[insert link\]](#).

CHARTER AMENDMENT GOVERNING PLANNING AND ZONING COMMISSION IN THE CHARTER:

#22 Shall the Charter be amended to eliminate Article X. Planning and Zoning Commission

Why this amendment was placed on the ballot:

This amendment is intended to remove the Planning and Zoning Commission from the Charter and replace it with an ordinance. An ordinance allows for additional flexibility to the board, including operating procedures, should it be necessary. The State requires the Planning and Zoning Commission in all communities, therefore, it cannot and will not be eliminated. This amendment only moves the Planning and Zone Commission from the Charter to Code of Ordinances. Further, this provision does not repeal the City's current Comprehensive Plan nor removes requirements for future Plan revisions or updates required by state law.

The specific language change may be viewed here: [\[insert link\]](#).

CHARTER AMENDMENT GOVERNING FRANCHISES IN THE CHARTER:

#23 Shall the Charter be amended to allow for the exclusivity of franchises?

Why this amendment was placed on the ballot:

This amendment is a recognition that there may be a reason for a specific franchise to be exclusive and gives an opportunity for securing best value for the public through customary procurement and contract negotiations as allowed by state law.

The specific language change may be viewed here: [\[insert link\]](#).