

CITY OF ROCKPORT

MINUTES

CITY COUNCIL REGULAR MEETING

6:30 p.m., Tuesday, December 13, 2022

Rockport Service Center, 2751 State Highway 35 Bypass

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

On the 13th day of December 2022, the City Council of the City of Rockport, Aransas County, Texas, convened in a Regular Meeting at 6:30 p.m., at the Training Room of the Rockport Service Center and notice of meeting giving time, place, date, and subject was posted as described in V.T.C.A., Government Code § 551.041.

CITY COUNCIL MEMBERS PRESENT

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

CITY COUNCIL MEMBER(S) ABSENT

STAFF MEMBERS PRESENT

City Manager Vanessa Shrauner
Assistant to City Manager Kimberly Henry
City Secretary Teresa Valdez
City Attorney Allison Bastain-Rodriguez – *Via ZOOM*
Director of Finance Katie Griffin
Director of Public Works and Building & Development Services Mike Donoho
Information Technology Director Bob Argetsinger
Police Chief Greg Stevens
Communications Center Director Lee Brown
Natural Gas Maintenance Technician Rene Contreras
Natural Gas Crew Leader Field Operations Robert Ramos
Natural Gas Meter Service Operator Luis Trujillo Martinez
Natural Gas Maintenance Technician Connor Fitzpatrick
Assistant Building and Development Director/Community Planner Carey Dietrich
Assistant Public Works Director Gene Camargo
Police Captain Patrol Nathan Garcia
Police Captain Criminal Investigation Division Nathan Anderson
Police Lieutenant Patrol David Gerloff

ELECTED OFFICIALS PRESENT

Police Lieutenant Administration Dennis Paine, Jr.
Police Lieutenant Patrol Amous Meissner
Police Detective Jessica Ruiz
Police Investigative Assistant/Property & Evidence Technician Mandy Masch
Police Detective Isaac Leal

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, December 13, 2022, in the Training Room of the Rockport Service Center, 2751 State Highway 35 Bypass, Rockport, Texas.

2. Pledge of Allegiance.

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

3. Presentation: Chief's Direct Commendation Award in Police Department – Isaac Leal.

Police Detective Isaac Leal joined Police Chief Greg Stevens at the front of the room.

Police Chief Greg Stevens explained the Chief's Direct Commendation is awarded to officers by the Chief of Police for specific actions well beyond the normal course of duty and typically under extra ordinary circumstances, including when an officer's timely observation, diligence, perseverance, judgement, or demonstrated leadership results in the protection of life or property, the prevention of a major crime, the apprehension of a dangerous criminal, the solving of a major crime, or the performance of an act clearly exceeding what is normally required or expected. Chief Stevens stated this award has no been given out since its inception in 2020, and Detective Isaac Leal will be the first Rockport Police Department officer to receive this commendation. Chief Stevens read the commendation. Chief Stevens said Detective Leal is receiving the commendation for his work on an investigation involving firearms and illicit drugs.

Chief Stevens presented the award to Detective Leal and attached the award stripe on Detective Leal's uniform.

Detective Leal received a standing ovation.

4. Presentation: Promotion in Police Department – Amos Meissner.

Police Patrol Officer Amous Meissner joined Police Chief Greg Stevens at the front of the room.

Police Chief Greg Stevens stated Patrol Officer Amous Meissner is being promoted to Lieutenant and he will be assigned as a Night Watch Patrol Supervisor. Chief Stevens presented Lieutenant with new credentials.

Police Lieutenant Meissner's spouse attached the new badge on Lieutenant Meissner's uniform.

Lieutenant Meissner received a standing ovation.

5. Citizens to be heard.

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

Jeff Hutt, 2201 Prairie Road, addressed the Council and commented: He is in opposition of Agenda Item 17; how will data be stored; how long will it be stored; who will have access to this data; can you guarantee this system can't be hacked. The Federal government is pushing things that are violating our civil rights. Heaven forbid we make our decisions on whether we are going to get federal funding. This is really crossing the line if you vote for this. You step on being tyrannical.

Kristie Rutledge, 1411 Dana Drive, addressed the Council and commented: Agenda Item 17 blows me away. I have a federal grant and been managing it for seven years; we don't know where this money comes from; nothing from the Federal Government is free. Warning you – please be transparent – hold this off and find out what is tied to this. This is a violation of my civil rights. Begging you to table because you don't know what strings come with it.

Nancy Bolting, 201 Spanish Woods Drive, addressed the Council and commented: Apologize for not attending the Charter Review Commission meetings, and only because she was entrusting the people that are part of the Charter Review Commission and I know we will have an opportunity to give our input as public when you get things settled. Thank Council Member Hale and Charter Review Commission Member Amaya who met with our Ward; only two other people there who were Mr. Hutt and his wife. Have had an opportunity to print out the minutes from the Charter Review Commission Meetings and all I'm asking is that when you have the public review meeting that it is well advertised and well put out. Appreciate the time that has been put into this.

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 and Charter Review Commission Joint Meeting Minutes of November 8, 2022, and City Council Regular Meeting Minutes of November 8, 2022.**
- 7. Deliberate and act on 4th quarter report from the Mission-Aransas National Estuarine Research Reserve & The University of Texas Marine Science Institute for Fiscal Year 2021-2022 Bay Education expenditures.**
- 8. Deliberate and act on report from Rockport-Fulton Chamber of Commerce for marketing expenditures made for 2022 Seafair.**
- 9. Deliberate and act on Resolution declaring certain City of Rockport Police Department firearms surplus out-of-service property and authorizing the disposition and transfer of said property to the Town of Fulton Police Department to further a public purpose; and establishing an effective date.**
- 10. Deliberate and act on awarding a contract to J.M. Davidson, Inc. to replace a failed bulkhead on Nassau Drive that was damaged by Hurricane Harvey.**
- 11. Deliberate and act on awarding contract to JE Construction Services LLC for pavement repairs along Traylor Street.**
- 12. Deliberate and act on approval of document titled “Action Approving Contract with Linebarger Goggan Blair & Sampson, LLP.”**
- 13. Deliberate and act on approval of Contract with Linebarger Goggan Blair & Sampson, LLP, for the Collection of Delinquent Special Assessment Accounts.**
- 14. Deliberate and act on adoption of a Resolution authorizing the City Manager to enter into a contract for the collection of delinquent special assessments between the City of Rockport and Linebarger Goggan Blair & Sampson, LLP; repealing all conflicting resolutions and providing for an effective date.**
- 15. Deliberate and act on approval of an Interlocal Cooperation Agreement between Aransas County, Texas, the City of Rockport, Texas, the Town of Fulton, Texas, and the Aransas County Independent School District for Juvenile Case Management Services.**
- 16. Deliberate and act on approval of an Interlocal Cooperation Agreement between Aransas County, Texas, and the City of Rockport, Texas for the Rockport Center for the Arts public parking facility.**
- 17. Deliberate and act on a Resolution authorizing the Chief of Police to execute an agreement with Flock Safety, Inc. for six (6) fixed pole-mounted Automatic License Plate cameras in and around the City.**

Mayor Jayroe removed Items 10 and 17 from the Consent Agenda for separate discussion.

MOTION: Council Member Brundrett moved to approve the Consent Agenda Items, as presented, minus Item 10 and Item 17. Council Member Jackson seconded the motion. Motion carried unanimously.

Item 10.

Public Works Director Mike Donoho addressed the Council. Mr. Donoho said staff is requesting approval of a contract with J.M. Davidson, Inc. in the amount of \$586,195.90 for the General Land Office (GLO) project Contract Number 20-065-090-C252, contingent upon GLO approval of State Contract Amendment #1.

Brief discussion was held among Council and Mr. Donoho.

MOTION: Council Member Brundrett moved to approve Consent Agenda Item 10 – awarding a contract to J.M. Davidson, Inc. in the amount of \$586,195.90 for the General Land Office (GLO) project Contract Number 20-065-090-C252, contingent upon GLO approval of State Contract Amendment #1. Council Member Jackson seconded the motion. Motion carried unanimously.

Item 17.

Mayor Jayroe stated Citizen Participation Forms had been received and Council Members will read them:

- 1) Beva Lippe, 126 Sun Harbor Street: Oppose any plan to implement traffic surveillance cameras in the Rockport area.
- 2) Patrick Kane, 1123 East Cedar Street: Listed several concerns regarding Item 17. This item should not be approved until local policies on license plate readers have been developed.
- 3) Rhonda Allam, 1602 South Church Street #114: Completely against this proposal. It is an invasion of privacy. Do not adopt Communistic ideologies.
- 4) Debi West, 732 Steart Street: I see no reason for license plate cameras. We don't need or want spy equipment surveilling our community.
- 5) Ed Lippe, 126 Sun Harbor Street: I oppose any plan to implement traffic surveillance cameras in the Rockport area.
- 6) Jack Lawrence, 30 Flamingo Road: I am very much opposed to automatic license plate cameras. Do not turn Rockport into a police surveillance city.
- 7) David Roberts, 106 S. Sierra Woods Drive: I don't support the idea of traffic cams in Rockport or anywhere else. We must not allow tech to destroy our rights.
- 8) Tom Rodino, 183 Heron Oaks: Opposed to installation of license plate cameras in Rockport. They collect a huge amount of data at a substantial cost with little if any proven return of value.

MOTION: Council Member Jackson moved to postpone indefinitely the adoption of a

Resolution authorizing the Chief of Police to execute an agreement with Flock Safety, Inc. for six (6) fixed pole-mounted Automatic License Plate cameras in and around the City. Council Member Brundrett seconded the motion.

Council Member Hale stated she would like to hear Police Chief Steven's presentation. Council Member Hale said Chief Steven's has done a good job of answering questions.

Police Chief Greg Stevens addressed the Council. Chief Stevens stated there have been a lot of questions. Chief Stevens explained these are not traffic cameras, per say – nothing like red light cameras, does not generate citations. Chief Stevens said automatic license plate readers are already used throughout Aransas County, the Sheriff's Department and the Police Department. Chief Stevens added they have an agreement with the Texas Department of Transportation and the information collected is registered by SEAJUS and is very secure. Chief Stevens informed everyone with Flock we are not storing any data and for the devices we have it is only for 30 days. Chief Stevens said it helps us when crime occurs to stay focused on who the perpetrator might be. Chief Stevens expressed there is no facial recognition, and we choose the locations for the cameras. Chief Stevens stated another big reason to utilize these cameras is because we are on the corridor from the Valley to other places – human smuggling. Chief Stevens added if we decide we don't like it, we tell them, and it goes away.

Discussion was held among Council and Chief Stevens.

MOTION: Council Member Jackson moved to amend her motion to remove "indefinitely" and insert "on or after February 23, 2023, when information can be presented to the public; have the vendor come to Council and make a presentation". Council Member Hattman seconded the motion. Motion carried unanimously.

MAIN MOTION: Council Member Jackson moved to approve the Main Motion of postponing the adoption of a Resolution authorizing the Chief of Police to execute an agreement with Flock Safety, Inc. for six (6) fixed pole-mounted Automatic License Plate cameras in and around the City. Council Member Brundrett seconded the motion. Motion carried unanimously.

Council took a recess from 7:42 p.m. until 7:52 p.m.

Public Hearings

Mayor Jayroe opened the Public Hearings at 7:52 p.m.

- 18. Conduct a Public Hearing to consider a request for a Conditional Use Permit to allow fifteen (15) RV Sites along with related structures incidental to the RV Park use, located at 1030 Airport Road; also known as Fulton Out Lots, Lot 38, being 14.70 acres, Rockport, Aransas County, Texas; currently zoned R-1 (1st Single Family Dwelling District) The original request was to allow the use of a campground with 83 sites for RVs, 20 sites for tents and a public bathhouse and laundry room.**

Mike Raines, 1030 Airport Road, addressed the Council. Mr. Raines said he purchased the property and was under the impression it was zoned for an RV park. Mr. Raines stated it had been an RV park, but it had reverted back to the original zoning of R-1.

Mayor Jayroe said two Citizen Participation Forms had been received and he read them:

- 1) Jared McCulloch, 1040 Airport Road: I oppose rezoning to allow a trailer park. This generally quiet and tranquil area would be severely hurt by an RV park. Property values would be hurt.
- 2) Robert McCulloch, 344 Big Oak Drive, Adkins, Texas: I am against the permit. Airport Road is a very narrow road in poor shape, and hazardous enough without more trailer traffic. RV Parks tend to have bad reputations for a reason; they bring a bad element to the area, create noise and heavy traffic. This will hurt the value of the property we just bought as well as our neighbor's properties in the area.

Matt Anderson, 220 Wishert Road, addressed the Council and commented: Recently purchased property, as a family, to move to. Putting a business in there is a completely different use of what we thought when we purchased our property. Traffic concerns on Airport Road. Will double the amount of people that currently live there.

19. Conduct a Public Hearing to consider a request from Manuel Angel Estrada for permanent closure/abandonment/vacation of a 20' wide alleyway lying between Lots 1-3 and Lots 9-11, Block 108, Manning Addition, City of Rockport, Aransas County, Texas.

City Secretary Teresa Valdez stated Mr. Estrada is requesting permanent closure of a 20' wide alleyway. Ms. Valdez said the Public Works and Building and Development Departments have evaluated the request and state that granting the petition will have no negative impact on current or expected future utilities, transportation needs, or development. Ms. Valdez stated the City Code of Ordinances requires a Public Hearing be conducted.

There were no public comments.

20. Conduct a Public Hearing to consider a request from Don Buttrum for permanent closure/abandonment/vacation of a 40' 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.

City Secretary Teresa Valdez stated Mr. Buttrum is requesting permanent closure of a 40' wide platted, unimproved right-of-way being 0.893 acre. Ms. Valdez said the Public Works and Building and Development Departments have evaluated the request and state that granting the petition will have no negative impact on current or expected future utilities, transportation needs, or development. Ms. Valdez stated the City Code of Ordinances requires a Public Hearing be conducted.

There were no public comments.

- 21. Conduct a Public Hearing to consider a request from Don Buttrum for permanent closure/abandonment/vacation of a 40' 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.**

City Secretary Teresa Valdez stated Mr. Buttrum is requesting permanent closure of a 40' wide platted, unimproved right-of-way being 2.277 acres. Ms. Valdez said the Public Works and Building and Development Departments have evaluated the request and state that granting the petition will have no negative impact on current or expected future utilities, transportation needs, or development. Ms. Valdez stated the City Code of Ordinances requires a Public Hearing be conducted.

There were no public comments.

Mayor Jayroe closed the Public Hearings at 8:02 p.m.

Regular Agenda

- 22. Deliberate and act on the first 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 the appraisal on the 20-foot alleyway has not been received so staff is recommending Council postpone this until the appraisal is received.

MOTION: Council Member Jackson moved to postpone until the appraisal is received the first 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. Council Member seconded the motion. Motion carried unanimously.

- 23. Deliberate and act on first 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 the appraisal on the 40-foot right-of-way has not been received so staff is recommending Council postpone this until the appraisal is received.

MOTION: Council Member Hale moved to postpone until the appraisal is received the first 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.

- 24. Deliberate and act on first 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 the appraisal on the 40-foot right-of-way has not been received so staff is recommending Council postpone this until the appraisal is received.

MOTION: Council Member Brundrett moved to postpone until the appraisal is received the first 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.

- 25. Deliberate and act on first reading of an Ordinance granting a Conditional Use Permit for fifteen (15) RV sites along with related structures incidental to the RV Park use on the property located at 1030 Airport Road; also known as Fulton Out Lots, Lot 38, being 14.70 acres, Rockport, Aransas County, Texas; subject to compliance with the conditions stated within this Ordinance, as well as those stipulated in the City of Rockport Code of Ordinances; repealing all ordinances in conflict therewith; providing for severability; and providing an effective date.**

Carey Dietrich, Assistant Director Building & Development Services/Community Planner addressed the Council. Ms. Dietrich stated Mr. Raines originally filed an application for 83 RV sites, but then modified it to 15 sites. Ms. Dietrich said the Planning & Zoning Commission held a Public Hearing on Monday, November 14, 2022, and by a unanimous vote of approval recommends Council approve the first reading of the Ordinance granting the Conditional Use Permit. Ms. Dietrich explained opposition to this Conditional Use Permit request creates the need for a Super Majority Vote of Rockport City Council.

Discussion was held among Council and Ms. Dietrich.

Michael Rains addressed the Council and said he has had an opportunity to speak to some of the other property owners tonight and he has spoken to some on the phone. Mr. Rains stated a 6' fence is required but he would be happy to put an 8' fence and he plans on it being a gated park. Mr. Rains added he did not want to create any problems.

MOTON: Council Member Jackson moved to approve the first reading of an Ordinance granting a Conditional Use Permit for fifteen (15) RV sites along with related structures incidental to the RV Park use on the property located at 1030 Airport Road; also known as Fulton Out Lots, Lot 38, being 14.70 acres, Rockport, Aransas County, Texas; subject to compliance with the conditions stated within this Ordinance, as well as those stipulated in the City of Rockport Code of Ordinances; repealing all ordinances in conflict therewith; providing for severability; and providing an effective date. Council Member Hale seconded the motion. Motion carried 4-1.

FOR MOTION: Council Member Jackson, Council Member Hale, Council Member Brundrett, and Mayor Jayroe.

AGAINST MOTION: Mayor Pro-Tem Hattman.

- 26. Deliberate and act on first reading of an Ordinance revising and amending Chapter 98 of the Code of Ordinances, City of Rockport, Article I "In General" Section 98-2 "Definitions" and Article VI "Golf Carts, Neighborhood Electric Vehicles"; repealing all ordinances to the extent they are in conflict; providing for severability; and providing an effective date.**

Police Chief Stevens said this section of the Code of Ordinances was updated in the Summer and after a few months, staff realized there were more revisions necessary, as well as updated definitions. Chief Stevens stated this Ordinance is drafted to allow for mobile operator inspections.

Discussion was held among Council and Chief Stevens.

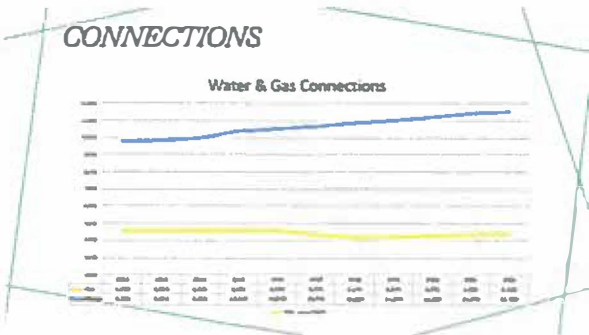
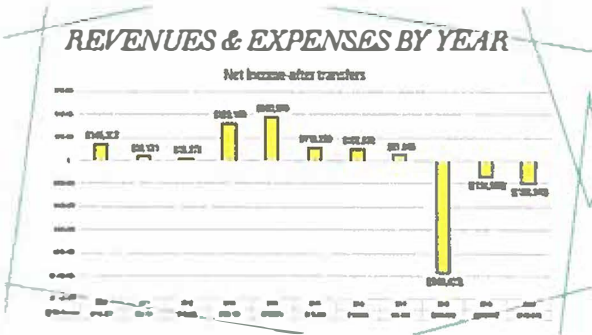
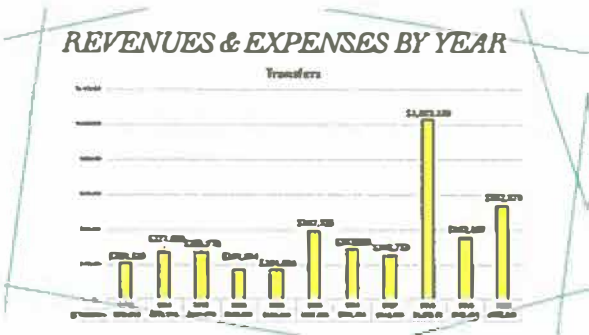
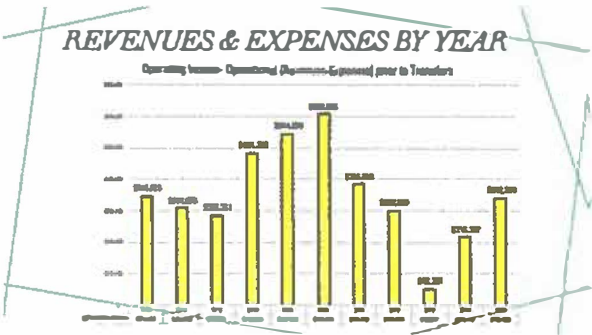
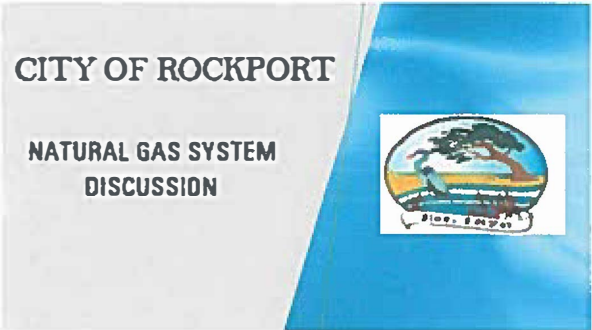
MOTION: Mayor Pro-Tem Hattman moved to approve the first reading of an Ordinance revising and amending Chapter 98 of the Code of Ordinances, City of Rockport, Article I "In General" Section 98-2 "Definitions" and Article VI "Golf Carts, Neighborhood Electric Vehicles"; repealing all ordinances to the extent they are in conflict; providing for severability; and providing an effective date. Council Member Hale seconded the motion. Motion carried unanimously.

- 27. Hear and deliberate on a presentation from our gas consultant (Simon Pena), on the status of the City of Rockport Gas Utility System and the potential sale of the gas utility.**

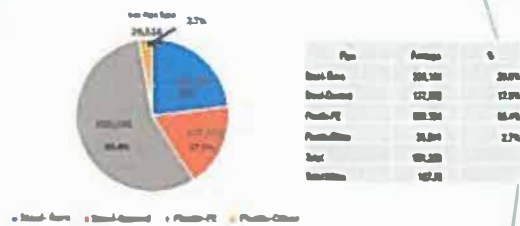
Public Works and Building & Development Services Director Mike Donoho said the Council discussed funding a consultant to assist with the potential sale of the City's natural gas utility.

Mr. Donoho stated Simon Pena, the City’s gas consultant has prepared a presentation for the City Council.

Assistant Public Works Director Gene Camargo addressed the Council. Mr. Camargo commended the City Natural Gas Department employees who were in attendance tonight. Mr. Camargo and Simon Pena presented a PowerPoint presentation (below) on the status of the City of Rockport Gas Utility System and the potential sale of the gas utility system.



GAS PIPE BY TYPE



CHALLENGES

- Maintain compliance with U.S. DOT's Pipeline Hazardous Material Safety Administration's (PHMSA) and the Texas Railroad Commission's Pipeline Safety's rules and regulations, which includes periodic safety inspections of the distribution system and an annual audit of the system.
- Distribution Integrity Management Plan (DIMP): Replacements mandated and associated costs
- System Modeling: South Gate Closure
- Cathodic Protection Workload & Leak Repair
- 7 Full-time employees- Operator Qualifications
- Maintenance of CNG facilities and replacement cost of facilities

CHALLENGES

- Gas Rates will have to be raised in order to meet the regulatory burden of steel line replacements. All this in terms of material and contractor shortages.
- Failure to comply could lead to costly fines from the PHC.
- Line replacement costs: Old and difficult, older steel lines tend to be in more congested areas (Johnson Road)
- Port Aransas has a similar gas line replacement project where they will spend approximately \$27,000,000 for 51 miles of gas line replacement, roughly \$400,000/mile.
- Other examples are costs associated with gas line replacements for Darden St & other GLO drainage projects.

ADVANTAGES OF A SALE

- Infrastructure Upgrades
- Line/Distribution Safety
- Economics of Scale
- Qualified Personnel for various OQs
- Bargaining Power
- Regulatory Burden

LEGAL AUTHORITY TO SELL A MUNICIPAL GAS UTILITY IN TEXAS

- Sec. 152.055, ELECTION. (a) Unless authorized by a majority vote of the qualified voters of the municipality, a municipality may not sell a utility system, part, or pool.
 - Sec 152.055 Election (d) This section does not apply to the sale of an unincorporated natural gas system owned by a municipality with a population of more than 100,000.
- Hofstad & Knight - memorandum regarding the legal authorities for privatization of a municipal-owned gas utility.
- 2014 Certificate of Obligation included \$3,259,570 for construction of the CNG fueling station.

SIMON PEÑA- SRP & ASSOC LLP

- Simon Peña serves as the city's gas system regulatory consultant. Simon Peña has a wealth of experience from a regulatory background, manager and owner of gas utilities and experience in working with municipalities in the sale of their gas operations.
- Devine
- Three Rivers
- Stockdale

SIMON PEÑA- SRP & ASSOC LLP

Elements of the Gas System Sale

- Council approves to place the Sale of the Gas System on the ballot for the 2023 May Election
- Vote to approve the sale of the Gas System
- RFP Criteria & Design
- Anticipation letter for "Locking the Ties"
- Council Selection of a Buyer - City Council can deny any and all offers to accept a bid made for the Gas System and a local negotiated agreement.
- Transfer Agreement- operational rules & books
- Final Compliance

ESTIMATED TIMELINE

Date Started	Date Completed	Duration	Task
1/18/23	1/18/23	1 day	Council takes action to place the sale of the gas system on the May 2023 ballot
2/27/23	2/27/23	1 day	Public Meeting
4/12/23	4/12/23	1 day	Votes held
4/27/23	4/27/23	1 day	Council approves the RFP
5/2/23	5/2/23	1 day	RFP into the streets
6/29/23	7/28/23	68 days	RFP closing for submittals
8/7/23	8/7/23	1 day	Council releases and awards the sale of the gas utility
8/15/23	8/15/23	20 days	Check & Finalize the Transfer Agreement
8/23/23	8/23/23	1 day	Council Approves the Final Transfer Agreement
8/23/23	12/1/23	17 days	Execution of Transfer Agreement- State Compliance

*DISCUSSION &
QUESTIONS*

It was the consensus of Council for staff to proceed with the potential sale of the gas utility system.

28. Deliberate and act on reallocation of budget line items in order to fund the relocation of drainage boxes on Orleans Street to Magnolia Park in association with the GLO Drainage project.

This item was pulled from the Agenda. No discussion or action was taken.

29. Deliberate and act on Amendment No. 1 to the Standard Professional Services Agreement with Broaddus & Associates regarding the project oversight of the new city hall facility.

Assistant to the City Manager Kimberly Henry addressed the Council. Ms. Henry stated Broaddus & Associates is the City's project oversight of the new city hall facility. Ms. Henry said there have been some unexpected developments and delays that are detailed in the Agenda Packet. Ms. Henry explained Broaddus & Associates is asking for an additional \$100,000.00 and with a contingency of \$365,527 still available staff is recommending approval of the Amendment No. 1.

MOTION: Mayor Pro-Tem Hattman moved to approve Amendment No. 1 to the Standard Professional Services Agreement with Broaddus & Associates regarding the project oversight of the new city hall facility. Council Member Jackson seconded the motion. Motion carried unanimously.

30. Deliberate and act on an Amendment to the Standard Professional Services Agreement with PGAL regarding the architect and engineering of the new city hall facility.

Assistant to the City Manager Kimberly Henry addressed the Council. Ms. Henry stated as we progress with the new city hall facility, there have been a few things that have been brought to our attention. Ms. Henry said one of those items is the need for additional contractual services for architect/engineering. Ms. Henry explained PGAL has been providing these services since February 2019 and since that time there have been some unexpected developments and delays that are detailed in the Agenda Packet. Ms. Henry stated with the additional \$250,000 this is

only 5.29% of contracted construction amount, which is within range of the 5% estimated for project engineer/architectural services.

MOTION: Council Member Jackson moved to approve the Amendment to the Standard Professional Services Agreement with PGAL regarding the architect and engineering of the new city hall facility. Mayor Pro-Tem Hattman seconded the motion. Motion carried unanimously.

31. Deliberate and act on a quote/invoice with Alliance for Community Solutions regarding the security, audio/visual, and networking systems of the new city hall facility.

Assistant to the City Manager Kimberly Henry addressed the Council. Ms. Henry stated the City has been working with the Alliance for Community Solutions since June 2020 to prepare this quote/invoice for equipment, installation, warranties, and software costs associated with the new city hall project. Ms. Henry explained the original estimate was \$1,100,000 but was lowered to \$1,000,000 during value engineering. Ms. Henry said since that time there have been some estimated costs increases and other decreases and the current quote is again \$1,100,000 and there are sufficient funds within the budget for this approved quote/invoice. Ms. Henry stated staff recommends approval of the Quote/Invoice with Alliance for Community Solutions.

MOTION: Council Member Brundrett moved to approve the quote/invoice with Alliance for Community Solutions regarding the security, audio/visual, and networking systems of the new city hall facility. Council Member Jackson seconded the motion. Motion carried unanimously.

32. Deliberate and act on prioritization of projects to be considered for the Coastal Bend Council of Government's Community Development Block Grant- Mitigation with Method of Distribution projects.

Assistant to the City Manager Kimberly Henry addressed the Council. Ms. Henry explained the General Land Office (GLO) is providing funding through the local Coastal Bend Council of Government for a Community Development Block Grant – Mitigation (CDBG-MIT) with Method of Distribution (MOD) process. Ms. Henry stated the City of Rockport is designated to receive \$3.4 million of which 41% is required to be spent on low to moderate income. Ms. Henry said staff has prepared a list of possible projects that is included and explained in the Agenda Packet. Ms. Henry added staff will be working with grant administrator and engineer to vet these projects and provide plans, estimates, and any other required quotes to support submission of these projects.

Discussion was held among Council and City Manager Shrauner in regard to the list of possible projects.

It was the consensus of Council to move forward with the list of projects provided by staff.

33. Deliberate and act on authorization to explore options of purchasing a small utility vehicle/golf cart for event transportation and Council event transportation and

Unspent Bond Projects

MOTION: Council Member Brundrett moved to authorize staff to explore options of purchasing an equipped for special events small utility vehicle/golf cart for event transportation and Council event transportation and authorize sale of existing “float.” Council Member Jackson seconded the motion. Motion carried unanimously.

City Manager Vanessa Shrauner distributed a handout to the Council. Ms. Shrauner explained it identifies projects for use of Unspent Bond Proceeds and ARPA Funds. Ms. Shrauner said there is a \$119,000 remaining in the 2007 Bonds that has not been allocated to any project but it is being depleted as Parks projects come in over budget.

City of Rockport, Texas
December 13, 2022, City Council Meeting Minutes

Page 15 of 18 Pages

35. 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 Ward 1 was hopping for Christmas and the Tropical Christmas event was fabulous. Council Member Jackson stated Christmas in the District was successful. Council Member Jackson asked everyone to please support local vendors. Council Member Jackson expressed the Rockport Cultural Arts District lights are up downtown and they look great.

Council Member Hale said she attended the Stormwater meeting, and they discussed the County grant application for Tule Creek and there was discussion about expanding the scope of the project. Council Member Hale stated she hoped everyone enjoys the next couple of weeks with family and friends but please be safe.

Council Member Brundrett said Ward 1 is very busy and things have been well attended. Council Member Brundrett stated the Parks Department did a great job on Tropical Christmas and it was well attended. Council Member Brundrett said he attended the Fly-In at the Aransas County airport, and he commended the County and Airport on the event. Council Member Brundrett wished everyone a Merry Christmas.

Mayor Pro-Tem Hattman said she had attended the opening of the Art Center on Saturday. Mayor Pro-Tem Hattman stated the drainage pipe in the Rockport Country Club was laid and is on schedule. Mayor Pro-Tem Hattman added she attended the Governmental Affairs meeting and asked everyone to remember March 24, 2023, is Aransas County Day at the Capitol. Mayor Pro-Tem Hattman wished everyone a Merry Christmas and a Happy New Year.

Mayor Jayroe said he also attended the opening of the Art Center, and it is a beautiful place which does not change the ambience of the City. Mayor Jayroe stated he spent several hours downtown judging decorations. Mayor Jayroe asked everyone to remember that this time of the year is difficult for people who have lost someone or others that are just having a difficult time and it is important to hear something positive. Mayor Jayroe stated he appreciated all of Council and staff and thanked them for all they do.

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:

- 36. Section 551.072 Deliberation Regarding Real Property - To deliberate the purchase, exchange, lease, or value of real property: A) 20-foot wide alleyway lying between Lots 1-3 and Lots 9-11, Block 108, Manning Addition, City of Rockport, Aransas County, Texas; B) 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; and C) 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.**
- 37. 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.**
- 38. Section 551.074 Personnel Matters - deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee: A) City Secretary Evaluation; B) Municipal Court Judge Evaluation; C) Municipal Court Administrator Evaluation; and D) City Attorney.**

At 9:33 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; and Section 551.074 Personnel Matters - deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee: A) City Secretary Evaluation; B) Municipal Court Judge Evaluation; C) Municipal Court Administrator Evaluation; and D) City Attorney.

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 10:16 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 action was taken.

17. Adjournment.

At 10:16 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