
CITY COUNCIL MEETING AGENDA

Notice is hereby given that the Rockport City Council will hold a regular meeting on Tuesday, November 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 at 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. Proclamation: Geographic Information Systems (GIS) Day – November 15, 2023.
4. Proclamation: I Love Rockport Center for the Arts Day – December 9, 2023.
5. TxDOT Presentation & Proclamation: End The Streak Month – November 2023.
6. Citizens to be heard.

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

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.

7. Deliberate and act on approval of City Council Regular Meeting Minutes of October 24, 2023.
8. Deliberate and act on 4th quarter report from the Texas Maritime Museum for Fiscal Year 2022-2023 marketing expenditures.

9. Deliberate and act on a Resolution of the City of Rockport, Texas, authorizing the Rockport Police Department to apply for and operate a Local Border Security Program (Border Star) administered by the Office of the Governor for Fiscal Year 2024; and authorizing the Mayor to act as the Executive Officer and authorized representative in all matters pertaining to the participation in this grant program.
10. Deliberate and act on a Resolution of the City of Rockport, Texas, authorizing the Rockport Police Department to apply for and operate a State Homeland Security Program grant (SHSP) administered by the Office of the Governor, Homeland Security grants division for Fiscal Year 2024; and authorizing the mayor to act as the Executive Officer and authorized representative in all matters pertaining to the participation in this grant program.
11. Deliberate and act to accept Airplanes & Coffee decline of Hotel Occupancy Tax Agreement for Fiscal Year 2023-2024; to approve reallocation of funding to Wings Over Rockport; and approve Fiscal Year 2023-2024 Hotel Occupancy Tax Agreement with Wings Over Rockport.

Regular Agenda

12. Deliberate and act on first reading of an Ordinance partially repealing Ordinance No. 1909 regarding water rates for ratepayers located out of the city; providing for refunds; providing for the validity of said ordinance; repealing all prior Ordinances in conflict herewith; and providing for an effective date.
13. Deliberate and act on first reading of an Ordinance amending the City of Rockport Code of Ordinances Chapter 102 “Utilities,” Article II. “Water Service.” Division 3. “Service Charges” by amending Water Rates for out of City Customers; providing for the validity of said Ordinance; repealing all prior Ordinances in conflict herewith; and providing for an effective date.
14. Deliberate and act on first reading of an Ordinance partially repealing Ordinance No. 1910 regarding Wastewater rates for ratepayers located out of the city; providing for refunds; providing for the validity of said ordinance; repealing all prior Ordinances in conflict herewith; and providing for an effective date.
15. Deliberate and act on first reading of an Ordinance amending the City of Rockport Code of Ordinances Chapter 102 “Utilities,” Article III. “Wastewater Service.” Division 4. “Service Charges” by amending Water Rates for out of City Customers; providing for the validity of said Ordinance; repealing all prior Ordinances in conflict herewith; and providing for an effective date.
16. Deliberate and act on second and final reading of an Ordinance amending City of Rockport Code of Ordinances Chapter 102, ‘Utilities’, Article IV. ‘Surcharge Revenue Account’, by amending Section 102-401 “Surcharge”, to increase surcharge fee repealing all ordinances in conflict therewith; providing for severability; and providing an effective date.
17. Deliberate and act on second & final reading of an Ordinance amending Rockport Code of Ordinances Chapter 106 entitled “Tree and Landscape Regulations,” Article I entitled “In General,” Section 106-7, entitled “Tree Preservation and Mitigation Account” and Article II,

entitled “Tree Regulations,” Section 106-15, entitled “Tree Preservation and Mitigation”; repealing all ordinances to the extent they are in conflict; providing for severability; providing for penalties provided in Section 1-7 of the City’s Code of Ordinances; finding and determining that the meeting at which this Ordinance is passed is open to the public as required by law; and providing an effective date.

18. Deliberate and act on first 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 1875 State Highway 35 Bypass; also known as Certified Auto Repair, City of Rockport, Aransas County, Texas, to B-1 (General Business District) to comply with current use of property; repealing all ordinances in conflict therewith; providing for severability; and providing an effective date.
19. Discussion of traffic study results from previous Council discussion regarding proposal and possible future action regarding the addition of a four-way stop at the intersection(s) in the area around ABC Learning Center.
20. Discussion regarding a Downtown Information Center location.
21. City Manager Report:
 - A. Projects
22. 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:

23. 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) *Phong Nguyen et.al. v. City of Rockport Building Standards Commission, Docket No. 23-0151, in the 156th Judicial District Court of Aransas County*; and 2) Concho Street & General Land Office (GLO) drainage projects.
24. Section 551.074 Personnel Matters - deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee: A) City Manager

Evaluation; b) Re-appointment of Alternate Municipal Court Judge.

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.

25. Deliberate and act to reappoint Alternate Municipal Court Judge.

26. Deliberate and act on *Phong Nguyen et.al. v. City of Rockport Building Standards Commission, Docket No. 23-0151, in the 156th Judicial District Court of Aransas County.*

27. Adjournment.

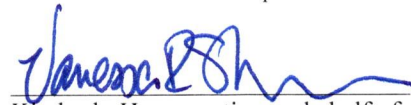
Special Accommodations

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodation 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 tvaldez@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, November 10, 2023, at 5:00 p.m. and on the City's website at www.cityofrockport.com. I further certify that the following News Media were properly notified of this meeting as stated above: *The Rockport Pilot*.

A handwritten signature in blue ink, appearing to read "Kimberly Henry", is written over a horizontal line.

Kimberly Henry, acting on behalf of
Teresa Valdez, City Secretary

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

AGENDA ITEM: 3

Proclamation: Geographic Information Systems (GIS) Day – November 15, 2023.

SUBMITTED BY: Eric Koenig, Quality Control Supervisor (GIS & AMI Coordinator)

APPROVED FOR AGENDA: VRS

BACKGROUND: Please see the accompanying Proclamation.

FISCAL ANALYSIS: N/A

RECOMMENDATION: N/A

PROCLAMATION

WHEREAS, the City of Rockport recognizes that an understanding, use and application of geospatial technology is crucial to operating our infrastructure, sustaining our natural resources, and stimulating economic growth, thus, benefitting the welfare of the general public throughout Coastal Bend; and

WHEREAS, geographic information systems (GIS) technology allows us to see and model complex relationships and patterns to more intelligently respond; and

WHEREAS, there is a need to promote GIS awareness, education and technical training to use this rapidly developing technology to its full potential; and

WHEREAS, the City of Rockport acknowledges those that have chosen GIS as their profession or as part of their discipline to improve the lives of our citizens; and

WHEREAS, to recognize and support the efforts of nonprofits who work on activities to improve conservation, human services, and various humanitarian efforts to better our world; and

WHEREAS, having a day of GIS activities open to students, citizens, and government leaders will help promote STEM education and inspire others to a higher calling to use technology for good; and

WHEREAS, the City of Rockport is committed to utilizing GIS to inform decision making and better serve its residents and make useful geographic information open and easily available to the public, as a platform for innovation;

NOW, THEREFORE, I, Tim Jayroe, Mayor of the City of Rockport, do proclaim November 15, 2023, as

GIS DAY

in the City of Rockport.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Rockport, Texas, to be affixed this 14th day of November 2023.

CITY OF ROCKPORT, TEXAS

Tim Jayroe, Mayor

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

AGENDA ITEM: 4

Proclamation: I Love Rockport Center for the Arts Day – December 9, 2023.

SUBMITTED BY: Luis Purón, Rockport Center for the Arts

APPROVED FOR AGENDA: VRS

BACKGROUND: Please see the accompanying Proclamation.

FISCAL ANALYSIS: N/A

RECOMMENDATION: N/A

PROCLAMATION

WHEREAS, Rockport Center for the Arts was founded on May 20, 1969, by a group of artists as an Art Guild that became the Rockport Art Association Inc.; and

WHEREAS, Rockport Center for the Arts operated in several venues on Austin Street, including Estelle Stair Gallery until 1984 when it opened its maiden facility in the Bruhl O'Connor home near Aransas Bay; and

WHEREAS, Rockport Center for the Arts operated in the Bruhl O'Connor home until 2017 and grew its visual arts and art education programs to become a nationally recognized organization; and

WHEREAS, Rockport Center for the Arts' original home on Aransas Bay was destroyed by Hurricane Harvey on August 25, 2017; this did not deter the organization from forging all its programs and events despite lacking a facility; and

WHEREAS, 99 days after Hurricane Harvey, Rockport Center for the Arts moved into Kline's Cafe, a 2,000 square foot building situated on land acquired in 2016 for a planned expansion; and

WHEREAS, in March 2018, Rockport Center for the Arts launched the Imagine Capital Campaign and raised \$13 million across the State of Texas towards the construction of a new campus dedicated to the arts, including a venue branded as The Rockport Conference Center; and

WHEREAS, construction of the new campus started on April 1, 2021, the day after the successful relocation of Kline's Cafe building; and

WHEREAS, The City of Rockport was a partner in the capital project and, along with Aransas County, provided stewardship of a \$5 million disaster recovery grant from the Economic Development Administration; and

WHEREAS, construction was completed December 9, 2022, and the following day over 700 guests celebrated the grand opening of Rockport Center for the Arts and The Rockport Conference Center facilities; and

WHEREAS, the capital project was completed without incurring debt; and

WHEREAS, Rockport Center for the Arts is a vehicle for tourism and economic development along the Austin Street business corridor. Since the grand opening, tourism visitation has doubled, and Rockport Center for the Arts membership has tripled.

NOW, THEREFORE, I Tim Jayroe, Mayor of the City of Rockport, do hereby proclaim December 9, 2023, as

I Love Rockport Center for the Arts Day

in the City of Rockport and call upon the citizens of the City of Rockport to promote and engage in programs and activities provided by the Rockport Center for the Arts, and to join in this special observance.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Rockport, Texas, to be affixed this 14th day of November 2023.

CITY OF ROCKPORT, TEXAS

Tim Jayroe, Mayor

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

AGENDA ITEM: 5

TxDOT Presentation & Proclamation: End the Streak Month – November 2023.

SUBMITTED BY: Robert Isassi, Texas Department of Transportation Area Engineer

APPROVED FOR AGENDA: VRS

BACKGROUND: Chandler Williams with TxDOT will give a presentation by playing a video and providing local statistics.

With the "End the Streak" anniversary approaching, all TxDOT districts are actively preparing for related events. Having the opportunity to present this initiative at the City meeting would greatly help in amplifying the message and garnering local support. TxDOT believes that together, we can make a difference and hopefully see more deathless days on our roads.

Please see the accompanying Proclamation.

FISCAL ANALYSIS: N/A

RECOMMENDATION: N/A

PROCLAMATION

WHEREAS, the aim of the Texas Department of Transportation’s “End The Streak” safety campaign is to reduce the number of daily deaths on Texas roadways and ultimately end the streak of daily fatalities; and

WHEREAS, Texas Transportation Commissioners, the Texas Department of Transportation, the TxDOT Corpus Christi District, and Rockport are fully committed to supporting TxDOT’s “End The Streak” campaign; and

WHEREAS, the last day without a traffic fatality on Texas roadways occurred on November 7, 2000; and

WHEREAS, in the year 2022 alone, traffic crashes claimed the lives of 118 individuals within our 10-county TxDOT Corpus Christi District; and

WHEREAS, each citizen holds the power to contribute to ending the daily toll of traffic deaths by practicing safe driving habits such as not speeding, refraining from impaired driving, putting away cell phones, buckling up, and obeying all traffic laws; and

WHEREAS, it is the earnest aspiration of Rockport and the Texas Department of Transportation to witness the cessation of fatalities on Texas roadways; and

WHEREAS, we steadfastly believe that, collectively, we can effect meaningful and life-saving changes within our community—one driver at a time;

NOW, THEREFORE pursuant to the powers vested in me as Mayor I, Tim Jayroe do hereby proclaim the month of November 2023 as

End The Streak Month

in Rockport, Texas, and implore all citizens to join in observing November as “End The Streak Month”. I urge all drivers to adopt safe driving practices and affirm together our commitment to working tirelessly to “End The Streak” of daily deaths on Texas roadways.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of Rockport to be affixed this 14th day of November 2023.

CITY OF ROCKPORT

Tim Jayroe, Mayor

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

AGENDA ITEM: 7

Deliberate and act on approval of City Council Regular Meeting Minutes of October 24, 2023.

SUBMITTED BY: City Secretary Teresa Valdez

APPROVED FOR AGENDA: VRS

BACKGROUND: Please see the accompanying City Council meeting minutes.

FISCAL ANALYSIS: N/A

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

CITY OF ROCKPORT

MINUTES

CITY COUNCIL WORKSHOP & REGULAR MEETING

6:00 p.m., Tuesday, October 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 October 2023, the City Council of the City of Rockport, Aransas County, Texas, convened in a Workshop and Regular Meeting at 6:00 p.m., at the Training Room of the Rockport Service Center and notice of meeting giving time, place, date, and subject was posted as described in V.T.C.A., Government Code § 551.041.

CITY COUNCIL MEMBERS PRESENT

Mayor Tim Jayroe

Mayor Pro-Tem Andrea Hattman, Ward 4

Council Member Stephanie Rangel, Ward 1- *arrived at 6:20 p.m.*

Council Member Danielle Hale, Ward 2

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 Attorney Art Rodriguez, Jr.

City Secretary Teresa Valdez

Director of Public Works and Building & Development Services Mike Donoho

Chief of Police Greg Stevens

Parks & Leisure Services Director Gene Camargo

Information Technology Director Bob Argetsinger

Communications Center Director Lee Brown

Parks and Leisure Services Parks Technician 2 Mario Trevino

ELECTED OFFICIALS PRESENT

Opening Agenda

1. Call meeting to order.

With a quorum of the Council Members present, the Workshop & Regular Meeting of the Rockport City Council was called to order by Mayor Jayroe at 6:00 p.m. on Tuesday, October 24, 2023, in the Training Room of the Rockport Service Center, 2751 State Highway 35 Bypass, Rockport, Texas.

Workshop Agenda

2. Deliberation and discussion regarding a draft Ordinance for Short Term Rentals and registration process.

Mayor Jayroe opened the discussion by saying a Short-Term Rental Ordinance has been discussed by Council and citizens. Mayor Jayroe stated town hall meetings were held in each of the Wards to receive citizen input on a proposed Ordinance.

Patrick Kane, 1123 Cedar Street, addressed the Council and commented: The City has had short-term rentals for over 50 years without regulation; The proposed Ordinance reaches far beyond what is needed; is another City grab for money; and provided Council Member Ward 3 with 20 detailed comments.

Lynn Powers, 66 Blue Heron Drive – Council Member Brad Brundrett read comments submitted: Short-Term Rentals in her neighborhood have been a major problem; creates noise, parking, and trash pick-up problems; and urge the Council to approve this legislation.

City Manager Vanessa Shrauner stated one key element of the proposed Ordinance is registration and permitting on how many people are allowed. Ms. Shrauner said verification of zoning and layout of property will happen when registration is taking place. Ms. Shrauner added there are basic elements such as fire and carbon monoxide inspections, and operational requirements like local information posted so people know who to call. Ms. Shrauner said weddings and parties are restricted to B-1 Zoning areas and parking spaces is one of the biggest complaints. Ms. Shrauner proposed the registration fee discussion happen when Council discusses the software.

Council Member Brundrett said it seemed like some of the things in the proposed Ordinance are already in the City's Code of Ordinances and it may be a lack of enforcement issue.

Council Member Hale said the challenge Council has heard is: We have really good operators being responsible, but we have to deal with the ones that are not; HOT taxes do not go to enforcement; and it is a business, and the rules cannot be the same as a normal residence. Council Member Hale added there is an issue out there; and the City needs a special event ordinance for weddings and special events.

Mayor Pro-Tem Hattman stated she has one neighborhood in her Ward that has more problems than the other.

Mayor Jayroe said problems with trash, excessive parking and blocking driveways were items brought up during the town hall meetings. Mayor Jayroe stated it is the City's intent to try and find a way to get compliance.

City Manager Shrauner said there is nothing in the proposed Ordinance that is not regulated by existing ordinances, and we can reference everything back to the existing codes.

Ms. Shrauner stated staff would like to purchase the Rental Scape software and would like a higher registration fee because this is going to be a full-time job and it will need to be funded.

Council Member Hale expressed she thought the proposed Ordinance was on the right path, and this was not an action item tonight. Council Member Hale added she never got a feeling from anybody that this was a money grab. Council Member Hale expressed it is a health and safety issue and this is a way for the City to get a handle on short-term rentals; she does support the registration process.

3. Citizens Comments on proposed short-term rental Ordinance.

The citizen comments were given before Council discussed the proposed Ordinance.

The Workshop ended at 6:30 p.m.

Regular Meeting Agenda

Mayor Jayroe asked Reverend Scott Jones with First Baptist Church to give an Invocation.

Reverend Jones gave the Invocation.

4. Pledge of Allegiance.

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

5. Proclamation: National 4-H Week.

Mayor Jayroe proclaimed the week of October 1-7, 2023, as National 4-H Week in Rockport, Texas.

6. Proclamation: First Baptist Church Sesquicentennial Celebration.

Mayor Jayroe read the Proclamation congratulating the First Baptist Church for its 150 years of service to the community.

7. Proclamation: Arbor Week.

Mayor Jayroe proclaimed the week of November 3-11, 2023, as Arbor Week in Rockport, Texas.

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.

There were no citizens' comments.

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.

- 9. Deliberate and act on approval of City Council Regular Meeting Minutes of September 26, 2023.**
- 10. Deliberate and act on 4th quarter report from the Rockport-Fulton Chamber of Commerce for Fiscal Year 2022-2023 marketing expenditures.**
- 11. Deliberate and act on 4th quarter Report from Rockport Center for the Arts for Fiscal Year 2022-2023 marketing expenditures.**
- 12. Deliberate and act on request from City of Rockport Tree & Landscape Committee for closing of the 1100 Block of East Main Street between South Austin Street and South Water Street on November 11, 2023, from 10:00 a.m. until 6:00 p.m. for the 1st Annual Rockport Arbor Day in the District.**
- 13. Deliberate and act on request from Piecemakers by the Bay Quilt Guild for approval of hanging street banner on Business Highway 35 in front of Walmart from December 26, 2023 to January 27, 2024 to advertise the Cruising the Coast Biennial Quilt Show.**
- 14. Deliberate and act on request from Coastal Bend Fly-In for approval of hanging street banners on Business Highway 35 in front of Walmart and FM 3036 at Palmetto Street from November 1, 2023 to December 12, 2023 to announce the 2023 Fly-In and Exposition.**
- 15. Deliberate and act on approval of City of Rockport holiday observance schedule for 2024.**
- 16. Deliberate and act on a Resolution amending authorized representatives to Texas Local Government Investment Pool (TexPool).**
- 17. Deliberate and act on a Resolution amending authorized representation to the Texas Range Investment Pool.**
- 18. Consideration and possible approval of acceptance of the 2023 FedEx Tree Planting Award from the Arbor Day Foundation.**

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

Mayor Pro-Tem Hattman stated she had filed a Conflict of Interest Affidavit with the City Secretary for Consent Agenda Item 18, so she would abstain from voting on that item.

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

Public Hearings

Mayor Jayroe opened the Public Hearings at 6:47 p.m.

19. Conduct a Public Hearing to consider a request from Brodie Miller for permanent closure/abandonment/vacation of a 16' wide alleyway out of Block No. 13, Bellevue Subdivision, City of Rockport, Aransas County, Texas.

City Secretary Teresa Valdez stated Brodie Miller is requesting the permanent closure, abandonment, and vacating of a 16' wide alleyway. Ms. Valdez said Mr. Miller has provided the survey and an appraisal was ordered. Ms. Valdez informed the Council the alleyway was appraised at \$5,000. Ms. Valdez explained this is a Public Hearing and not an action item.

There were no public comments.

20. Conduct a Public Hearing to consider a request to rezone property located at 1875 State Highway 35 Bypass; also known as S1558 Domasco Subdivision, Block 1, Lot 1 and part of Lot 2, being 1.4965 acres, City of Rockport, Aransas County, Texas, to B-1 (General Business District to comply with current use of property; currently zoned R-1 (1st Single Family Dwelling District)

Property Owner James Cruse addressed the Council. Mr. Cruse stated he is trying to bring his business Certified Auto Repair back to what it needs to be; right now it is legal non-conforming use.

Patrick Kane, 1123 East Cedar Street, commented he is a customer of Mr. Cruse and Mr. Cruse provides excellent service and he supports Mr. Cruse's request to rezone. Mr. Kane stated his concern was that the City annexed Mr. Cruse's property as R-1 and now the City is charging Mr. Cruse to rezone; the City should be looking at waiving fees for properties annexed which have to be brought into conforming use.

Council Member Brundrett stated that was something the City should look at.

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

Regular Agenda

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

Aaron Guerrero, Rockport Volunteer Fire Department, addressed the Council. Mr. Guerrero presented the Rockport Volunteer Fire Department Annual Report.

Mayor Jayroe presented the Rockport Volunteer Fire Department a check in the amount of \$132,327.58.

Carl Stubbs, Lamar Volunteer Fire Department, addressed the Council. Mr. Stubbs presented the Lamar Volunteer Fire Department Annual Report.

Mayor Jayroe presented the Lamar Volunteer Fire Department a check in the amount of \$7,033.23.

Cody Morales, Fulton Volunteer Fire Department, addressed the Council. Mr. Morales presented the Fulton Volunteer Fire Department Annual Report.

Mayor Jayroe presented the Fulton Volunteer Fire Department a check in the amount of \$39,526.42.

Council Member Hale stated she appreciated the work of the Volunteer Fire Departments and the City receives a tremendous value for what they do. Council Member Hale thanked the Departments.

MOTION: Council Member Brundrett moved to accept the Utility Bill Surcharge Fund Disbursement Report, annual reports from Fulton, Lamar, and Rockport Volunteer Fire Departments and authorize disbursement of funds. Mayor Pro-Tem Hattman seconded the motion. Motion carried unanimously.

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

Director of Finance Robbie Sorrell addressed the Council and stated staff followed Council’s instruction to change the existing “surcharge” from \$1.35 to \$2.00 per voluntary connection. Mr. Sorrell said this should result in about \$86,000.

Council Member Brundrett questioned the 5% administrative fee, and stated he would like the City to not take that 5% if it doesn’t hurt us.

City Manager Vanessa Shrauner said it could be cut to 2% and then see how that works.

Discussion was held between Council, Mr. Sorrell and Ms. Shrauner regarding the administrative fee.

MOTION: Council Member Brundrett moved to approve the first reading of an Ordinance amending City of Rockport Code of Ordinances Chapter 102, ‘Utilities’, Article IV. ‘Surcharge Revenue Account’, by amending Section 102-401 “Surcharge”, to increase surcharge fee repealing all ordinances in conflict therewith; providing for severability; and providing an effective date and changing the Administrative Fee from 5% to 2%. Mayor Pro-Tem Hattman seconded the motion. Motion carried unanimously.

23. Deliberate and act on first reading of an Ordinance amending Rockport Code of Ordinances Chapter 106 entitled “Tree and Landscape Regulations,” Article I entitled “In General,” Section 106-7, entitled “Tree Preservation and Mitigation Account” and Article II, entitled “Tree Regulations,” Section 106-15, entitled “Tree Preservation and Mitigation”; repealing all ordinances to the extent they are in conflict; providing for severability; providing for penalties provided in Section 1-7 of the City’s Code of

Ordinances; finding and determining that the meeting at which this Ordinance is passed is open to the public as required by law; and providing an effective date.

Community Planner Carey Dietrich addressed the Council and stated when the Council first approved the Tree & Landscape Ordinance, the “obstruction-pruning of trees” was inadvertently removed, and the Tree and Landscape Committee has requested that the mitigation funds include “advertising and educational purposes related to tree preservation and mitigation. Mr. Dietrich said there was one other amendment inadvertently left out of the proposed amendment and that is the addition of a minimum height of 14’ above public right-of-way (streets and sidewalks).

Discussion was held between Council and Ms. Dietrich.

MOTION: Council Member Hale moved to approve the first reading of an Ordinance amending Rockport Code of Ordinances Chapter 106 entitled “Tree and Landscape Regulations,” Article I entitled “In General,” Section 106-7, entitled “Tree Preservation and Mitigation Account” and Article II, entitled “Tree Regulations,” Section 106-15, entitled “Tree Preservation and Mitigation”; repealing all ordinances to the extent they are in conflict; providing for severability; providing for penalties provided in Section 1-7 of the City’s Code of Ordinances; finding and determining that the meeting at which this Ordinance is passed is open to the public as required by law; and providing an effective date, and with the additional amendment of the minimum height of 14’ above public right-of-way. Mayor Pro-Tem Hattman seconded the motion. Motion carried unanimously.

24. Deliberate and act on approval of Change Order #7 related to the New City Hall Project.

Assistant to the City Manager Kimberly Henry addressed the Council. Ms. Henry stated Change Order #7 totals \$787.73. Ms. Henry said there are some additional delays for the elevator itself along with specific breakers for the HVAC Air Handlers and they are expected to take us into April 2024; this is in addition to the existing delays for the generator and elevator control panel. Ms. Henry added discussions are still being held and options considered. Ms. Henry informed the Council of a recent issue with condensation, and she will be keeping the Council informed.

MOTION: Council Member Brundrett moved to approve Change Order #7 related to the New City Hall Project. Mayor Pro-Tem Hattman seconded the motion. Motion carried unanimously.

25. Hear a presentation on the status of the updated and revised “golf cart” ordinance adopted by Rockport City Council just over 12 months ago and amended again in December 2022, which updated several related ordinances and outsourced golf cart and off-highway vehicle permitting from the police department to private vendors.

Chief of Police Greg Stevens addressed the Council and stated Council had amended the “golf cart” ordinance in 2022 to include “off-highway vehicles,” and the outsourcing of inspections and permitting of golf carts. Chief Stevens stated Rockport began issuing golf cart permits in November 2014 and has issued an average of 262 permits each fiscal year since then until Fiscal Year 2023, when the Ordinance was updated and permitting was outsourced. Chief Stevens informed the Council that a total of 642 permits were issued in Fiscal Year 2023, which was a 145% increase over the average number issued from Fiscal Year 2015 through Fiscal Year 2022. Chief Stevens stated the outsourcing of inspections and permitting is working great and he is not having to call in officers off the street to do inspections. Chief Stevens said the permit fee was

increased from \$10 to \$40 in 2022 and the City splits that fee 50/50 with the outside vendors. Chief Stevens stated the average annual revenue per fiscal year from Fiscal Year 2015 through Fiscal Year 2022 was \$2,623 and after the fee increase the revenue from the permits for Fiscal Year 2023 was \$12,840, which was a 390% increase over the previous 8-year average.

Discussion was held among Council and City Manager Vanessa Shrauner.

Ms. Shrauner stated staff will bring an Ordinance to Council in January 2024 to isolate the revenue fees collected.

26. City Manager Report:

A. Projects.

City Manager Shrauner reported:

- 1) The Wastewater Treatment Plant Improvements is out to bid; keep in mind this will be a two-year process.
- 2) Pearl Street is currently closed at Enterprise for an Aransas County project and the City will be closing it also for the GLO project but appropriate notification will be done.

Mayor Pro-Tem Hattman asked Public Works Director Mike Donoho about the Cedar Ridge Pond.

Mr. Donoho stated it is close to being finished this week; the County had time to do the needed cleaning.

27. 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 Rangel reported the last two weeks have been really busy in Downtown; the Model T Parade was one of the events.

Council Member Hale reported she filled in for Mayor Pro-Tem Hattman and attended the Rockport-Fulton Chamber of Commerce Governmental Affairs Committee meeting. Council Member Hale stated the main deal was to get a head start on the next legislative session for the County entities agendas.

Council Member Brundrett reported it has been a busy couple of weeks including Seafair. Council Member Brundrett thanked the Public Works Department for getting the Council's golf cart prepared for the Seafair Parade; that worked well.

Mayor Pro-Tem Hattman reported the Tree and Landscape Committee is focused on the Arbor Day event.

Mayor Jayroe reported there were 74 Model-Ts in town and this parade was really enjoyable and the people that came to town thought we have a great town. Mayor Jayroe reminded everyone to watch out for the children on Halloween.

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

- 28. Section 551.072 Deliberations about Real Property to deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person: 16-foot alleyway out of Block No. 13, Bellevue Subdivision, City of Rockport, Aransas County, Texas.**
- 29. 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) *Phong Nguyen et.al. v. City of Rockport Building Standards Commission, Docket No. 23-0151, in the 156th Judicial District Court of Aransas County*; and 2) Concho Street & General Land Office (GLO) drainage projects.**
- 30. Section 551.074 Personnel Matters to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee: A) City Secretary Evaluation; and B) City Manager Evaluation.**

At 7:35 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 551.072 Deliberation about Real Property to deliberate the purchase, exchange, lease, or value of real property: 16-foot alleyway out of Block No. 13, Bellevue Subdivision, City of Rockport, Aransas County, Texas; 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) *Phong Nguyen et.al. v. City of Rockport Building Standards Commission, Docket No. 23-0151, in the 156th Judicial District Court of Aransas County*; and 2) Concho Street & General Land Office (GLO) drainage projects; 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) City Manager Evaluation.

Open Session

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

At 9:24 p.m., Mayor Jayroe reconvened the Rockport City Council into open session pursuant to the provisions of Chapter 551 of the Texas Government Code.

- 31. Deliberate and act on first reading of an Ordinance authorizing the closing, vacating and abandonment of a 0.167 acre of land being a 16-foot wide alley way out of Block No. 13, Bellevue Subdivision, City of Rockport, Aransas County, Texas, according to the map recorded in Volume 1, Page 12, Plat Records Aransas County, Texas; providing for the terms and conditions of such vacation and abandonment, authorizing the Mayor to execute a Quitclaim Deed for the 0.167 acre to be closed, vacated and abandoned; and providing for an effective date.**

MOTION: Council Member Brundrett moved to approve the first reading of an Ordinance authorizing the closing, vacating and abandonment of a 0.167 acre of land being a 16-foot wide alley way out of Block No. 13, Bellevue Subdivision, City of Rockport, Aransas County, Texas, according to the map recorded in Volume 1, Page 12, Plat Records Aransas County, Texas; providing for the terms and conditions of such vacation and abandonment, authorizing the Mayor to execute a Quitclaim Deed for the 0.167 acre to be closed, vacated and abandoned; and providing for an effective date; with the amount not to exceed \$5,000. Mayor Pro-Tem Hattman seconded the motion. Motion carried unanimously.

32. Adjournment.

At 9:24 p.m., Council Member Brundrett moved to adjourn. Motion was seconded by Mayor Pro-Tem Hattman and carried unanimously.

APPROVED:

Tim Jayroe, Mayor

ATTEST:

Teresa Valdez, City Secretary

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

AGENDA ITEM: 8

Deliberate and act on 4th quarter report from the Texas Maritime Museum for Fiscal Year 2022-2023 marketing expenditures.

SUBMITTED BY: City Secretary Teresa Valdez

APPROVED FOR AGENDA: VRS

BACKGROUND: The Texas Maritime Museum has been allocated \$75,000.00 in FY 2022-2023 Hotel Occupancy Tax (HOT) funds. According to our agreement with the Museum, fiscal quarterly financial reports are required to be submitted to the City Council for approval. See the accompanying 4th quarter HOT expenditure report for additional information.

FISCAL ANALYSIS: Charged to account 6602002. The budgeted amount is \$75,000.00 and YTD expenses are \$76,344.00, and they only received the budgeted amount as per the Hotel Occupancy Tax Agreement with the Texas Maritime Museum.

STAFF RECOMMENDATION: Staff recommends Council approve the Texas Maritime Museum's FY 2022-2023 Hotel Occupancy Tax funds 4th quarter expenditures, as presented.

EXHIBIT "B"

HOT FUNDING EXPENSE REPORT FY 2022-2023							
Description of Expense	Approved Budget	1 st Quarter Expenses	2 nd Quarter Expenses	3 rd Quarter Expenses	4 th Quarter Expenses	TOTAL	* Number of Heads in Beds
Advertising Expenses	\$25,000.00	\$4,979.50	-----	\$7,365.00	\$12,655.50	\$25,000.00	
Curatorial/Exhibits	\$9,000.00	\$801.00	\$1,258.00	\$938.00	\$6,003.00	\$9,000.00	
Educational	\$5,000.00	\$2,763.41	\$1,500.00	\$1,500.00	-----	\$5,763.41	
Office & Supplies	\$4,000.00	\$1,580.59	\$1,500.00	\$1,500.00	-----	\$4,580.59	
Website & Maintenance	\$5,000.00	\$1,312.50	\$1,312.50	\$1,312.50	\$1,062.50	\$5,000.00	
Salaries	\$27,000.00	\$7,313.00	\$7,313.00	\$7,313.00	\$5,061.00	\$27,000.00	
TOTAL REQUESTED	\$75,000.00	\$18,750.00	\$12,883.50	\$19,928.50	\$23,852.00	\$76,344.00	4,105

***Must attach supporting documentation.**

Description of Administrative Expenses	Current Fiscal Year Administrative Expenses Projection	Fiscal Year Administrative Actual Expenses	Percentage of Fiscal Year Projections
Salary Expenses	\$27,000.00	\$27,000.00	100%
TOTALS	\$27,000.00	\$27,000.00	100%

Total Attendance for July, August, and September 2023

Month	July	August	September	Totals
No Didn't stay/Answer	489	296	239	1024
Yes- 1 Night	38	12	44	94
Yes- 2 Nights	200	119	85	404
Yes- 3 Nights	181	122	74	377
Yes- 4 or more Nights	253	173	92	518

1 night: $94 \times 1 = 94$

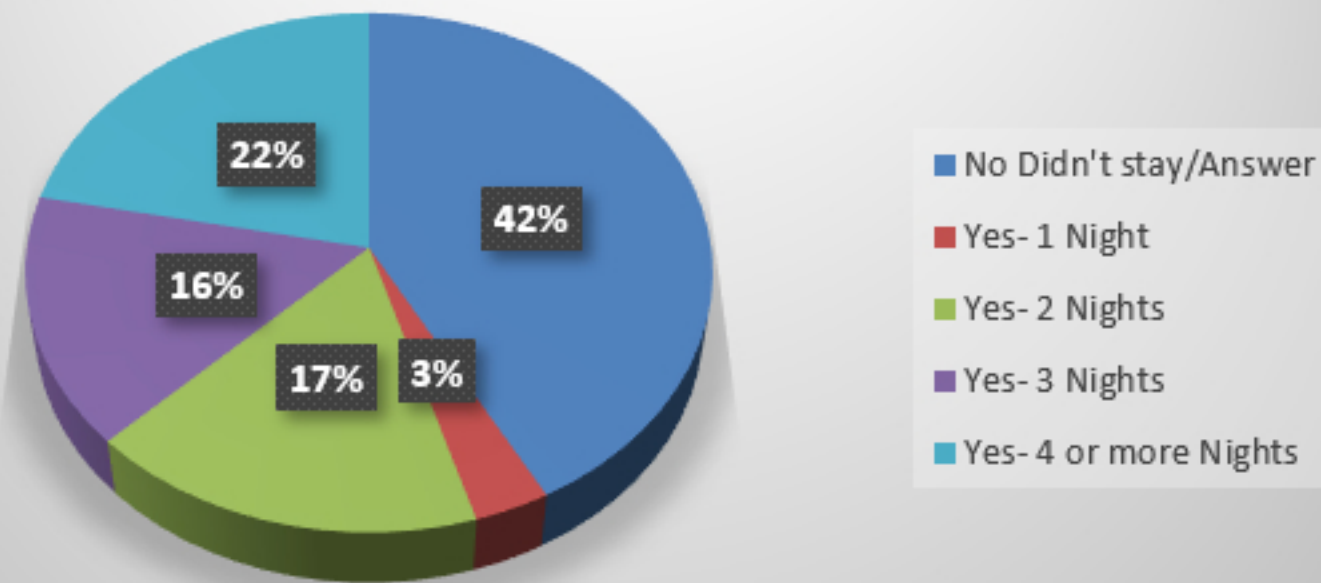
2 nights: $404 \times 2 = 808$

3 nights: $377 \times 3 = 1,131$

4 nights: $518 \times 4 = 2,072$

4,105 nights total

Total Attendance for 3rd Quarter 2023



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

AGENDA ITEM: 9

Deliberate and act on a Resolution of the City of Rockport, Texas, authorizing the Rockport Police Department to apply for and operate a Local Border Security Program (Border Star) administered by the Office of the Governor for Fiscal Year 2024; and authorizing the Mayor to act as the Executive Officer and authorized representative in all matters pertaining to the participation in this grant program.

SUBMITTED BY: Chief of Police Greg Stevens

APPROVED FOR AGENDA: VRS

BACKGROUND: The objective of the Local Border Security Program (Border Star) is to disrupt, deter, interdict, and dominate criminal activity associated with the northbound and southbound movement of illicit traffic through the Texas border region in order to reduce border-related crime, reduce potential acts of terror, and increase the security and quality of life of Texans. As detailed in the accompanying \$15,000 application, this is a reimbursement program that will primarily allow the Rockport Police Department to pay overtime to officers to increase visible patrol and engage in enhanced traffic enforcement. Department received and successfully implemented a similar grant for FY 2022 and FY 2023. A requirement of the grant is a resolution from the City authorizing the operation of the Local Border Security Program FY 2024.

FISCAL ANALYSIS: Border Star is in Fund 18 with revenue is credited to account 40420 and overtime and fuel expenses charged to accounts 6181008 and 6187044, respectively. No cash or in-kind match is required.

STAFF RECOMMENDATION: Staff recommends City Council approve the Resolution authorizing the Rockport Police Department to apply for and operate a FY 2024 Local Border Security Program administered by the Office of the Governor, as presented.

RESOLUTION NO. 2023 - __

A RESOLUTION OF THE CITY OF ROCKPORT, TEXAS, AUTHORIZING THE ROCKPORT POLICE DEPARTMENT TO APPLY FOR AND OPERATE A LOCAL BORDER SECURITY PROGRAM(BORDER STAR) GRANT ADMINISTERED BY THE OFFICE OF THE GOVERNOR, FOR FISCAL YEAR 2024; AND AUTHORIZING THE MAYOR TO ACT AS THE EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE PARTICIPATION IN THIS GRANT PROGRAM.

WHEREAS, Operation Border Star was launched in 2007 to provide local and state agencies funds to pay officers overtime to beef up border patrol sand to coordinate intelligence gathering about crime on the border. The local and state agencies also coordinate and share information with federal agencies: and

WHEREAS, the City of Rockport finds it is the best interest of our citizens that the City of Rockport participate in the Local Border Star Security Program joining together with local, state and federal partners, to support the men and women of the U. S. Border Patrol, and protect our community by securing our international borders; and

WHEREAS, the City of Rockport agrees that in the event of loss or misuse of the Office of the Governor funds, the City of Rockport assures that the funds will be returned to the Office of the Governor in full.

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

Section 1. That a Local Border Star Security Program application is hereby authorized to be filed for funding consideration.

Section 2. That the Mayor is designated as the Chief Executive Officer and Authorized Representative in connection with this application and participation in the Local Border Security Program. The authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the agency.

PASSED and APPROVED this the 14th day of November 2023.

CITY OF ROCKPORT, TEXAS

Mayor Lowell T. Jayroe, Mayor

ATTEST:

Teresa Valdez, City Secretary

[Print This Page](#)

Agency Name: Rockport, City of
Grant/App: 3136408 **Start Date:** 9/1/2023 **End Date:** 8/31/2024

Project Title: Local Border Security Program
Status: Active Grant

Eligibility Information

Your organization's Texas Payee/Taxpayer ID Number:
17460020005000

Application Eligibility Certify:

Created on:3/15/2023 4:06:12 PM By:Meredith Yarnall

Profile Information

Applicant Agency Name: Rockport, City of
Project Title: Local Border Security Program
Division or Unit to Administer the Project: Rockport Police Department
Address Line 1: 714 E Concho
Address Line 2:
City/State/Zip: Rockport Texas 78382-2530
Start Date: 9/1/2023
End Date: 8/31/2024

Regional Council of Governments(COG) within the Project's Impact Area: Coastal Bend Council of Governments
Headquarter County: Aransas
Counties within Project's Impact Area: Aransas

Grant Officials:

Authorized Official

Name: Tim Jayroe
Email: mayor@cityofrockport.com
Address 1: 714 East Concho Street
Address 1:
City: Rockport , Texas 78382
Phone: 361-729-2213 Other Phone: 361-729-1111
Fax: 361-729-3461
Title: Mr.
Salutation: Mayor
Position: Mayor

Financial Official

Name: Kimberly Henry
Email: khenry@rockporttx.gov
Address 1: 2751 S.H. 35 Bypass
Address 1:
City: Rockport, Texas 78382
Phone: 361-729-2213 Other Phone: 361-463-8561
Fax: 361-790-5966
Title: Ms.
Salutation: Ms.
Position: Interim Finance Director

Project Director

Name: Nathan Anderson
Email: nanderson@cityofrockport.com
Address 1: 714 E Concho St
Address 1:
City: Rockport, Texas 78374
Phone: 361-729-1111 Other Phone: 806-239-4022
Fax: 361-729-3461
Title: Mr.
Salutation: Captain
Position: CID Commander

Grant Writer

Name: Meredith Yarnall
Email: nyarnall@cityofrockport.com
Address 1: 714 E Concho
Address 1:
City: Rockport, Texas 78382

Phone: 361-790-1101 Other Phone:

Fax: 361-729-3461

Title: Ms.

Salutation: Ms.

Position: Administrative Assistant

Grant Vendor Information

Organization Type: Unit of Local Government (City, Town, or Village)

Organization Option: applying to provide homeland security services

Applicant Agency's State Payee Identification Number (e.g., Federal Employer's Identification (FEI) Number or Vendor ID):
17460020005000

Unique Entity Identifier (UEI): D33QE53A2V54

Narrative Information

Introduction

The purpose of the program is to sustain interagency law enforcement operations and enhance local law enforcement patrols to facilitate directed actions to deter and interdict criminal activity. Program participants shall assist in the execution of coordinated border security operations in an effort to:

- Increase the effectiveness and impact of Steady State and Surge Operations.
- Reduce border-related criminal activity in Texas.
- Implement and increase the effectiveness of operational methods, measures, and techniques for outbound/southbound operations.
- Decrease the supply of drugs smuggled into and through Texas from Mexico.
- Disrupt and deter operations of gang and cartel criminal organizations.
- Decrease specifically targeted tactics (such as conveyance methods) for drugs in the Texas border region.
- Decrease use of specific areas for crime as targeted in directed action missions.
- Increase the effectiveness of air operations mission planning and prioritization.
- Increase the coordination and integration of air-ground team operations to include Texas Military Forces (TMF) aviation, United States Customs and Border Patrol (USCBP) Air and Marine, Texas Department of Public Safety (DPS) Aircraft Division, and United States Coast Guard (USCG) aviation support.
- Increase the effectiveness of directed action missions based upon intelligence and analysis to ensure they target the most serious threats and are conducted in high pay off areas.
- Increase the number and quality of analytical intelligence products developed at the Unified Command and state levels. Increase intelligence based operations at the Unified Command level through integration of TxMap, sector specific information, and intelligence analysis.
- Aid in the humane retrieval and processing of the remains of undocumented migrants.

The funding announcement, located on the [eGrants Calendar](#) page, describes the organization types, activities, and costs that are eligible under the announcement. The PSO's [eGrants User Guide to Creating an Application](#) guides applicants through the process of creating and submitting an application in eGrants. Information and guidance related to the management and use of grant funds can be found in the PSO's Guide to Grants, located on the [PSO Resource for Applicants and Grantees webpage](#).

Program Requirements

Coordination with Regional Joint Operations Intelligence Center (JOIC)

Grantees must agree to perform the following activities:

- Participate in operational planning and coordination meetings, information/intelligence sharing meetings, and After Action Reviews (AARs) established by the Texas Department of Public Safety's (DPS) Joint Operations and Intelligence Centers (JOIC).
- Participate weekly on the JOIC Unified Command conference calls or meetings as required by the JOIC.
- Report significant border-related events that occur during each 24-hour period.
- Conduct enhanced law enforcement patrolling activities.
- Recognize and react to information/intelligence to adjust times and locations of enhanced patrol activities.
- Identify significant border-related trends or areas of interest that may be developed into focus areas for future operations.
- Conduct surveillance, interdictions, investigations, and collect and disseminate information within its jurisdiction or cross-jurisdiction lines as required.
- Conduct Steady State operations and respond to calls for service.
- Integrate air, ground, marine, and remote operations.

Grantees must agree to submit BIAR reports to the JOIC:

The grantee shall report all border-related events to the JOIC using the BIAR. BIAR reporting shall include events that occur during Enhanced Operation activities AND events that occur during Steady State activities.

Enhanced (Surge) Operations originate out of the use of LBSP funds when the local agency chooses to increase the hours of patrol or the number of investigative bodies. Steady State activities are defined as normal patrol or investigative duties that do not use grant funds, but directly impact the overall LBSP mission, such as organized crime arrests, terroristic activities, weapons trafficking arrests, kidnappings, human trafficking, human smuggling, home invasions with a border or organized crime nexus, illegal immigration, border-related murders, gang-related murders, vehicle thefts, or drug trafficking.

The BIAR is the primary incident and information-reporting tool for the grantee in local border security operations. The grantee shall ensure all BIARs conform to the respective standards outlined by the JOIC and are submitted within 24 hours of the end of shift and/or the timeframes established by the JOIC.

Certifications

In addition to the requirements found in existing statute, regulation, and the funding announcement, this program requires applicant organizations to certify compliance with the following:

Cybersecurity Training Requirement

Local units of governments must comply with the Cybersecurity Training requirements described in Section 772.012 and Section 2054.5191 of the Texas Government Code. Local governments determined to not be in compliance with the cybersecurity requirements required by Section 2054.5191 of the Texas Government Code are ineligible for OOG grant funds until the second anniversary of the date the local government is determined ineligible. Government entities must annually certify their compliance with the training requirements using the Cybersecurity Training Certification for State and Local Governments. A copy of the Training Certification must be uploaded to your eGrants application. For more information or to access available training programs, visit the Texas Department of Information Resources Statewide Cybersecurity Awareness Training page.

Criminal History Reporting

Entities receiving funds from PSO must be located in a county that has an average of 90% or above on both adult and juvenile dispositions entered into the computerized criminal history database maintained by the Texas Department of Public Safety (DPS) as directed in the *Texas Code of Criminal Procedure, Chapter 66*. The disposition completeness percentage is defined as the percentage of arrest charges a county reports to DPS for which a disposition has been subsequently reported and entered into the computerized criminal history system.

Counties applying for grant awards from the Office of the Governor must commit that the county will report at least 90% of convictions within five business days to the Criminal Justice Information System at the Department of Public Safety.

Uniform Crime Reporting (UCR)

Eligible applicants operating a law enforcement agency must be current on reporting complete UCR data and the Texas specific reporting mandated by 411.042 TGC, to the Texas Department of Public Safety (DPS) for inclusion in the annual Crime in Texas (CIT) publication. To be considered eligible for funding, applicants must have submitted a full twelve months of accurate data to DPS for the most recent calendar year by the deadline(s) established by DPS. Due to the importance of timely reporting, applicants are required to submit complete and accurate UCR data, as well as the Texas-mandated reporting, on a no less than monthly basis and respond promptly to requests from DPS related to the data submitted.

Program Income

Applicant agrees to comply with all federal and state rules and regulations for program income and agrees to report all program income that is generated as a result of the project's activities. Applicant agrees to report program income through a formal grant adjustment and to secure PSO approval prior to use of the program income. Applicant agrees to use program income for allowable costs and agrees to expend program income immediately after PSO's approval of a grant adjustment and prior to requesting reimbursement of funds.

Deduction Method - Program income shall be deducted from total allowable costs to determine the net allowable costs. Program income shall be used for current costs unless PSO authorizes otherwise. Program income which the grantee did not anticipate at the time of the award shall be used to reduce the PSO award and grantee match rather than to increase the funds committed to the project.

Asset Seizures and Forfeitures - Program income from asset seizures and forfeitures is considered earned when the property has been adjudicated to the benefit of the plaintiff (e.g., law enforcement entity).

Compliance with State and Federal Laws, Programs and Procedures

Local units of government, including cities, counties and other general purpose political subdivisions, as appropriate, and institutions of higher education that operate a law enforcement agency, must comply with all aspects of the programs and procedures utilized by the U.S. Department of Homeland Security ("DHS") to: (1) notify DHS of all information requested by DHS related to illegal aliens in Agency's custody; and (2) detain such illegal aliens in accordance with requests by DHS. Additionally, counties and municipalities may NOT have in effect, purport to have in effect, or make themselves subject to or bound by, any law, rule, policy, or practice (written or unwritten) that would: (1) require or authorize the public disclosure of federal law enforcement information in order to conceal, harbor, or shield from detection fugitives from justice or aliens illegally in the United States; or (2) impede federal officers from exercising authority under 8 U.S.C. § 1226(a), § 1226(c), § 1231(a), § 1357(a), § 1366(1), or § 1366(3). Lastly, eligible applicants must comply with all provisions, policies, and penalties found in Chapter 752, Subchapter C of the Texas Government Code.

Each local unit of government, and institution of higher education that operates a law enforcement agency, must download, complete and then upload into eGrants the [CEO/Law Enforcement Certifications and Assurances Form](#) certifying compliance with federal and state immigration enforcement requirements. This Form is required for each application submitted to PSO and is active until August 31, 2023 or the end of the grant period, whichever is later.

Overall Certification

Each applicant agency must certify to the specific requirements detailed above as well as to comply with all requirements within the PSO Funding Announcement, the *Guide to Grants*, the *Grantee Conditions and Responsibilities*, any authorizing or applicable state and federal statutes and regulations to be eligible for this program.

X I certify to all of the application content and requirements.

Project Summary :

Briefly summarize the project, including proposed activities and intended impact.

Utilize sworn officers to increase visible patrol and conduct surveillance and interdiction along 15 miles of Texas Highway 35 and Texas Business Highway 35 in an effort to confuse, disrupt, arrest and prosecute offenders of illegal human trafficking, illegal narcotic smuggling and other border related crimes. Operate a marine unit for surveillance, documentation and interdiction of illegal smuggling operations in the adjacent waterways; working with Texas Game Wardens, United States Coast Guard, United States Customs, and Department of Public Safety marine units to ensure analytical intelligence and apprehension of suspected violators.

Problem Statement :

Provide a detailed account of the issues, threats or hazards that your project will target. For federal Homeland Security Grants, include specific references to the regional or state *Threat and Hazard Identification and Risk Assessment (THIRA)*, as applicable.

Local concerns about increasing border-related crime including home burglaries, human and drug smuggling, and cross border violence from gangs and drug cartels.

Existing Capability Levels :

Describe the existing capability levels, including resources that are currently in place to support this project prior to the use of grant funds.

27 sworn peace officers and 16 marked, fully equipped police vehicles. One 33ft shallow marine patrol vessel equipped with radar and navigation that is capable of day and night operation in a littoral environment.

Capability Gaps:

Describe the capability gaps which will be addressed by the project. For federal Homeland Security Grants, include specific references to the regional or statewide State Preparedness Report (SPR).

Manpower is the capability that we currently lack. The grant will provide the department the funds to pay officers to work in an overtime capacity. This will allow officers working the grant to focus on interdiction activities on the highways and waterways. The equipment and accessories will be under 1.1 Prevent terrorist attacks and organized criminal activity in Texas. The purchase of the laptop equipment will allow officers to communicate effectively with one another, dispatch communications, NLETS, TLETS, and other investigative databases in order to gather and disseminate Intelligence Information more effectively. The purchase of the vehicles will allow additional patrol officers on the streets to delay, divert, intercept, halt, apprehend, or secure threats and/or hazards.

Impact Statement :

Describe the project goals/objectives and how this project will maintain capabilities or reduce capability gaps.

The project will reduce the capability gap by providing the funds to put officers on the street and waterways tasked with performing interdiction and surveillance activities. These activities will focus on curtailing human trafficking, narcotic smuggling and to prevent criminal and terrorist organizations from exploiting the borders of our state.

Homeland Security Priority Actions:

Identify the Texas Homeland Security Priority Action most closely aligned with this project. Each Priority Action is linked with an *Objective from the Texas Homeland Security Strategic Plan (HSSP)*. List the Priority Action by number and text (e.g. 1.2.3 *Expand and enhance the network of human sources that can provide detailed and relevant information on known or suspected terrorist and criminal enterprises.*)

1.3.1 In conjunction with federal agencies, conduct unified state and local law enforcement operations to deny the use of the Texas border region to terrorists and criminal organizations, particularly between the ports of entry.

Target Group :

Identify the target group and population expected to benefit from this project.

This project will provide an immediate benefit to the citizens of Aransas County. However, through this grant the Rockport Police Department, will be able to provide benefits to the citizens and visitors of the State of Texas. By targeting human trafficking and narcotics smuggling in our area, we are able to stem the tide of criminal activity before it reaches other areas throughout our state.

Long-Term Approach:

Describe how the applicant agency will maintain the capabilities supported by this project without additional federal or state funds. If sustainment is dependent upon federal or state grants, describe the ongoing need for future grants, as applicable.

Without funds to provide overtime for the officers, it will difficult for the department to maintain the capabilities to target human trafficking and narcotic smuggling. Officers while working regular duty will have other responsibilities that will prevent them from being able to focus on interdiction, and surveillance activities.

Project Activities Information

Introduction

This section contains questions about your project. It is very important for applicants to review their funding announcement for guidance on how to fill out this section. Unless otherwise specified, answers should be about the EXPECTED activities to occur during the project period.

Selected Project Activities:

ACTIVITY	PERCENTAGE:	DESCRIPTION
Enhanced Patrol	100.00	Put officers on the streets, highways and waterways to perform interdiction and surveillance activities. The increased waterway patrol activities and continued highway interdiction will impact on and focus on curtailing human trafficking, narcotic smuggling and to prevent criminal and terrorist organizations from exploiting the borders of our state.

Measures Information

Objective Output Measures

OUTPUT MEASURE	TARGET LEVEL
Number of gang members arrested for felony offenses.	0
Number of miles patrolled by grant-funded officers.	4000
Number of reports submitted - BIARs to a Regional DPS-JOIC (for LBSP) or DARs to US Border Patrol (for OPSG).	10
Number of traffic stops conducted by grant-funded officers supporting the border initiative.	500
Number of weapons seized by grant-funded officers supporting the border initiative.	1

Objective Outcome Measures

OUTCOME MEASURE	TARGET LEVEL
Number of adult apprehensions (transferred to USBP custody) made by grant-funded peace officers	5
Number of arrests (felony) made by grant-funded officers supporting the border initiative.	5
Number of arrests (misdemeanor) made by grant-funded officers supporting the border initiative.	15
Number of minor apprehensions (transferred to USBP custody) made by grant-funded peace officers	1
Value of all forfeitures (cash and other assets) attributed to grant-funded officers supporting the border initiative.	2500

Custom Output Measures

CUSTOM OUTPUT MEASURE	TARGET LEVEL
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Custom Outcome Measures

CUSTOM OUTCOME MEASURE	TARGET LEVEL
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Resolution from Governing Body

Applications from nonprofit corporations, local units of governments, and other political subdivisions must include a [resolution](#) that contains the following:

1. Authorization by your governing body for the submission of the application to the Public Safety Office (PSO) that clearly identifies the name of the project for which funding is requested;
2. A commitment to provide all applicable matching funds;
3. A designation of the name and/or title of an authorized official who is given the authority to apply for, accept, reject, alter, or terminate a grant (Note: If a name is provided, you must update the PSO should the official change during the grant period.); and
4. A written assurance that, in the event of loss or misuse of grant funds, the governing body will return all funds to PSO.

Upon approval from your agency's governing body, upload the [approved](#) resolution to eGrants by clicking on the **Upload Files** tab and following the instructions on *Uploading eGrants Files*.

Contract Compliance

Will PSO grant funds be used to support any contracts for professional services?

Select the appropriate response:

☐ Yes
☒ No

For applicant agencies that selected **Yes** above, describe how you will monitor the activities of the sub-contractor(s) for compliance with the contract provisions (including equipment purchases), deliverables, and all applicable statutes, rules, regulations, and guidelines governing this project.

Enter a description for monitoring contract compliance:

Lobbying

For applicant agencies requesting grant funds in excess of \$100,000, have any federally appropriated funds been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant loan, or cooperative agreement?

Select the appropriate response:

☐ Yes
☒ No
☐ N/A

For applicant agencies that selected either **No** or **N/A** above, have any non-federal funds been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress in connection with this federal contract, loan, or cooperative agreement?

Select the appropriate response:

☐ Yes
☒ No
☐ N/A

Fiscal Year

Provide the begin and end date for the applicant agency's fiscal year (e.g., 09/01/20xx to 08/31/20xx).

Enter the Begin Date [mm/dd/yyyy]:

10/1/2023

Enter the End Date [mm/dd/yyyy]:

9/30/2023

Sources of Financial Support

Each applicant must provide the amount of grant funds expended during the most recently completed fiscal year for the following sources:

Enter the amount (in Whole Dollars \$) of Federal Grant Funds expended:

1197328

Enter the amount (in Whole Dollars \$) of State Grant Funds expended:

409127

Single Audit

Applicants who expend less than \$750,000 in federal grant funding or less than \$750,000 in state grant funding are exempt from the Single Audit Act and cannot charge audit costs to a PSO grant. However, PSO may require a limited scope audit as defined in 2 CFR Part 200, Subpart F - Audit Requirements.

Has the applicant agency expended federal grant funding of \$750,000 or more, or state grant funding of \$750,000 or more during the most recently completed fiscal year?

Select the appropriate response:

☒ Yes
☐ No

Applicant agencies that selected **Yes** above, provide the date of your organization's last annual single audit, performed by an independent auditor in accordance with the State of Texas Single Audit Circular; or CFR Part 200, Subpart F - Audit Requirements.

Enter the date of your last annual single audit:

9/30/2022

Debarment

Each applicant agency will certify that it and its principals (as defined in 2 CFR Part 180.995):

- Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal Court, or voluntarily excluded from participation in this transaction by any federal department or agency;
- Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) transaction or contract under a public transaction; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property; or
- Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state, or local) with commission of any of the offenses enumerated in the above bullet; and have not within a three-year period preceding this application had one or more public transactions (federal, state, or local) terminated for cause or default.

Select the appropriate response:

☒ I Certify
☐ Unable to Certify

If you selected **Unable to Certify** above, please provide an explanation as to why the applicant agency cannot certify the statements.

General Assessment Information

Fiscal Capability Information

Section 1: Organizational Information

*** FOR PROFIT CORPORATIONS ONLY ***

Enter the following values in order to submit the application

Enter the Year in which the Corporation was Founded: 0

Enter the Date that the IRS Letter Granted 501(c)(3) Tax Exemption Status: 01/01/1900

Enter the Employer Identification Number Assigned by the IRS: 0

Enter the Charter Number assigned by the Texas Secretary of State: 0

Enter the Year in which the Corporation was Founded:

Enter the Date that the IRS Letter Granted 501(c)(3) Tax Exemption Status:

Enter the Employer Identification Number Assigned by the IRS:

Enter the Charter Number assigned by the Texas Secretary of State:

Section 2: Accounting System

The grantee organization must incorporate an accounting system that will track direct and indirect costs for the organization (general ledger) as well as direct and indirect costs by project (project ledger). The grantee must establish a time and effort system to track personnel costs by project. This should be reported on an hourly basis, or in increments of an hour.

Is there a list of your organization's accounts identified by a specific number (i.e., a general ledger of accounts)?

Select the appropriate response:

☐ Yes
☐ No

Does the accounting system include a project ledger to record expenditures for each Program by required budget cost categories?

Select the appropriate response:

- ☐ Yes
☐ No

Is there a timekeeping system that allows for grant personnel to identify activity and requires signatures by the employee and his or her supervisor?

Select the appropriate response:

- ☐ Yes
☐ No

If you answered 'No' to any question above in the Accounting System section, in the space provided below explain what action will be taken to ensure accountability.

Enter your explanation:

Section 3: Financial Capability

Grant agencies should prepare annual financial statements. At a minimum, current internal balance sheet and income statements are required. A balance sheet is a statement of financial position for a grant agency disclosing assets, liabilities, and retained earnings at a given point in time. An income statement is a summary of revenue and expenses for a grant agency during a fiscal year.

Has the grant agency undergone an independent audit?

Select the appropriate response:

- ☐ Yes
☐ No

Does the organization prepare financial statements at least annually?

Select the appropriate response:

- ☐ Yes
☐ No

According to the organization's most recent Audit or Balance Sheet, are the current total assets greater than the liabilities?

Select the appropriate response:

- ☐ Yes
☐ No

If you selected 'No' to any question above under the Financial Capability section, in the space provided below explain what action will be taken to ensure accountability.

Enter your explanation:

Section 4: Budgetary Controls

Grant agencies should establish a system to track expenditures against budget and / or funded amounts. Are there budgetary controls in effect (e.g., comparison of budget with actual expenditures on a monthly basis) to include drawing down grant funds in excess of:

a) Total funds authorized on the Statement of Grant Award?

- ☐ Yes
☐ No

b) Total funds available for any budget category as stipulated on the Statement of Grant Award?

- ☐ Yes
☐ No

If you selected 'No' to any question above under the Budgetary Controls section, in the space provided below please explain what action will be taken to ensure accountability.

Enter your explanation:

Section 5: Internal Controls

Grant agencies must safeguard cash receipts, disbursements, and ensure a segregation of duties exist. For example, one person should not have authorization to sign checks and make deposits.

Are accounting entries supported by appropriate documentation (e.g., purchase orders, vouchers, receipts, invoices)?

Select the appropriate response:

- ☐ Yes
☐ No

Is there separation of responsibility in the receipt, payment, and recording of costs?

Select the appropriate response:

☐ Yes

☐ No

If you selected 'No' to any question above under the Internal Controls section, in the space provided below please explain what action will be taken to ensure accountability.

Enter your explanation:

Budget Details Information

Budget Information by Budget Line Item:

CATEGORY	SUB CATEGORY	DESCRIPTION	OOG	CASH MATCH	IN-KIND MATCH	GPI	TOTAL	UNIT/%
Personnel	Overtime for All Peace Officers	Enhanced patrol overtime according to local OT policy estimate 2500 hours at an average OT rate including fringe benefits, of \$48.447/hr up to a total of \$121,117.50	\$13,000.00	\$0.00	\$0.00	\$0.00	\$13,000.00	100
Supplies and Direct Operating Expenses	Vehicle Operating Cost (e.g., fuel, lubricants, maintenance, storage)	Actual vehicle operating costs prorated for the hours officers work on grant paid overtime for an estimated value of \$15,900	\$2,000.00	\$0.00	\$0.00	\$0.00	\$2,000.00	0

Source of Match Information

Detail Source of Match/GPI:

DESCRIPTION	MATCH TYPE	AMOUNT
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Summary Source of Match/GPI:

Total Report	Cash Match	In Kind	GPI Federal Share	GPI State Share
\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

Budget Summary Information

Budget Summary Information by Budget Category:

CATEGORY	OOG	CASH MATCH	IN-KIND MATCH	GPI	TOTAL
Personnel	\$13,000.00	\$0.00	\$0.00	\$0.00	\$13,000.00
Supplies and Direct Operating Expenses	\$2,000.00	\$0.00	\$0.00	\$0.00	\$2,000.00

Budget Grand Total Information:

OOG	CASH MATCH	IN-KIND MATCH	GPI	TOTAL
\$15,000.00	\$0.00	\$0.00	\$0.00	\$15,000.00

Condition Of Fundings Information

Condition of Funding / Project Requirement	Date Created	Date Met	Hold Funds	Hold Line Item Funds
Compliance with State and Federal Laws, Programs and Procedures: Local units of government, including cities, counties and other general purpose political subdivisions, as appropriate, and institutions of higher education that operate a law enforcement agency, must comply with all aspects of the programs and procedures utilized by the U.S. Department of Homeland Security ("DHS") to: (1) notify DHS of all information requested by DHS related to illegal aliens in Agency's custody; and (2) detain such illegal aliens in accordance with requests by DHS. Additionally, counties and municipalities may NOT have in effect, purport to have in effect, or make themselves subject to or bound by, any law, rule, policy, or practice (written or unwritten) that would: (1) require or authorize the public disclosure of federal law enforcement information in order to conceal, harbor, or shield from detection fugitives from justice or aliens illegally in the United States; or (2) impede federal officers from exercising authority under 8 U.S.C. § 1226(a), § 1226(c), § 1231(a), § 1357(a), § 1366(1), or § 1366(3). Lastly, eligible grantees/applicants must comply with all provisions, policies, and penalties found in Chapter 752, Subchapter C of the Texas Government Code. Each local unit of government and institution of higher education that operates a law enforcement agency must download, complete and then upload the CEO/Law Enforcement Certifications and Assurances Form certifying compliance with federal and state immigration enforcement requirements.	5/31/2023 10:36:46 AM		Yes	No
Costs for fuel (vehicle or boat) are allowable only for the hours officers are working on grant-paid overtime. Vehicle and boat maintenance costs must be prorated to show the use of vehicles/boats for regular law enforcement duties and the use of vehicles/boats while officers are working grant-paid overtime patrols. Only actual vehicle/boat expenses supported by invoiced gas, oil, and maintenance expenses may be reimbursed under this grant. Please retain all receipts and be prepared to make available upon request.	5/31/2023 10:37:17 AM		No	No
Cybersecurity Training: Local units of governments must comply with the Cybersecurity Training requirements described in Section 772.012 and Section 2054.5191 of the Texas Government Code. Local governments determined to not be in compliance with the cybersecurity requirements required by Section 2054.5191 of the Texas Government Code are ineligible for OOG grant funds until the second anniversary of the date the local government is determined ineligible. Government entities must annually certify their compliance with the training requirements using the Cybersecurity Training Certification for State and Local Governments . A copy of the Training Certification must be uploaded to your eGrants application/grant. For more information or to access available training programs, visit the Texas Department of Information Resources Statewide Cybersecurity Awareness Training page.	5/31/2023 10:37:35 AM		Yes	No
Elected/Appointed Officials: As of March 1, 2021, no portion of the salary of, or any other compensation for, an elected or appointed government official shall be paid with grant funds that are administered by the Office of the Governor, Public Safety Office. Elected or appointed officials include but are not limited to the following: County Judge, County Sheriff, County Constable, City Mayor, Chief of Police, and City Marshal.	5/31/2023 10:38:22 AM		No	No
Overtime: Grantees must upload a copy of the overtime policy approved by its governing board. This policy will be considered the official policy for grant purposes and must be used throughout the grant period. The policy must: 1) clearly describe how overtime will be calculated; 2) be consistent with the agency's overtime policy; and 3) treat grant-paid personnel the same as non-grant paid personnel. OOG will monitor overtime expenditures based on this policy. OOG will release the Condition of Funding once OOG approves the overtime policy.	5/31/2023 10:38:44 AM		Yes	No
Resolution: Applications from nonprofit corporations, local units of governments, and other political subdivisions must submit a resolution electronically using the 'Upload' function in the eGrants system. The resolution must contain the following: • Authorization by your governing body for the submission of the application to OOG that clearly identifies the name of the project for which funding is requested; • A commitment to provide all applicable matching funds; • A designation of the name and/or title of an authorized official who is given the authority to apply for, accept, reject, alter, or terminate a grant (Note: If a name is provided, you must update OOG should the official change during the grant period.); and • A written assurance that, in the event of loss or misuse of grant funds, the governing body will return all funds to OOG.	5/31/2023 10:39:15 AM		Yes	No
This grant must be administered by the Police Department, Sheriff's Office, Constable Precinct, or other Law Enforcement Division/Department within the grantee organization as submitted in the original application. Deviation from the approved budget or project scope requires prior authorization from the Public Safety Office. Failure to comply with this requirement could result in the termination of your grant.	5/31/2023 10:40:26 AM		No	No

Other Condition of Funding. Grantee agrees to submit information on incidents using the Border Incident Assessment Report (BIAR) and participate in weekly Unified Command Teleconferences hosted by the respective Joint Operations Intelligence Center (JOIC). The grantee shall report all border-related events to the JOIC using the BIAR. BIAR reporting shall include events that occur during Enhanced Operation activities AND events that occur during Steady State activities. Enhanced (Surge) Operations originate out of the use of funds when the local agency chooses to increase the hours of patrol or the number of investigative bodies. Steady State activities are defined as normal patrol or investigative duties that do not use grant funds, but directly impact the overall border mission, such as organized crime arrests, terroristic activities, weapons trafficking arrests, kidnappings, human trafficking, human smuggling, home invasions with a border or organized crime nexus, illegal immigration, border-related murders, gang-related murders, vehicle thefts, or drug trafficking. The BIAR is the primary incident and information-reporting tool for the grantee in local border security operations. The grantee shall ensure all BIARs conform to the respective standards outlined by the JOIC and are submitted within 24 hours of the end of shift and/or the timeframes established by the JOIC. Please contact your grant manager if you need assistance in identifying your agency's respective JOIC.	8/3/2023 12:58:45 PM		No	No
Other Condition of Funding. PSO has determined that the maximum amount available for consideration of this application (3136408) is \$15,000.00. PSO administratively modified the budget and placed necessary Budget Line Items Holds that require an update/revision to match the final budget post-award.	9/29/2023 8:15:02 AM		Yes	No

You are logged in as **User Name:** nikki44y

CITY COUNCIL AGENDA
Regular Meeting: November 14, 2023

AGENDA ITEM: 10

Deliberate and act on a Resolution of the City of Rockport, Texas, authorizing the Rockport Police Department to apply for and operate a State Homeland Security Program grant (SHSP) administered by the Office of the Governor, Homeland Security grants division for Fiscal Year 2024; and authorizing the mayor to act as the Executive Officer and authorized representative in all matters pertaining to the participation in this grant program.

SUBMITTED BY: Chief of Police Greg Stevens

APPROVED FOR AGENDA: VRS

BACKGROUND: The objective of the State Homeland Security Program (SHSP) is to address high-priority preparedness gaps across all core capabilities where a nexus to terrorism exists and to support the achievement of target capabilities related to terrorism and simultaneously support enhanced preparedness for other hazards. As detailed in the accompanying application, this is a reimbursement program that will primarily allow the Rockport Police Department to purchase equipment to update and outfit the Emergency Operations Center with a functioning audio/visual system. A requirement of the grant is a resolution from the City authorizing the operation of the State Homeland Security Program (SHSP) FY 2024.

FISCAL ANALYSIS: SHSP is in Fund 14 and expenses charged to accounts 6582060. No cash or in-kind match is required.

STAFF RECOMMENDATION: Staff recommends City Council approve the Resolution authorizing the Rockport Police Department to apply for and operate a FY 2024 State Homeland Security Program administered by the Office of the Governor, as presented.

RESOLUTION NO. 2023 - __

A RESOLUTION OF THE CITY OF ROCKPORT, TEXAS, AUTHORIZING THE ROCKPORT POLICE DEPARTMENT TO APPLY FOR AND OPERATE A STATE HOMELAND SECURITY PROGRAM (SHSP) ADMINISTERED BY THE OFFICE OF THE GOVERNOR, HOMELAND SECURITY GRANTS DIVISION FOR FISCAL YEAR 2024; AND AUTHORIZING THE MAYOR TO ACT AS THE EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE PARTICIPATION IN THIS GRANT PROGRAM.

WHEREAS, the objective of the State Homeland Security Program (SHSP) is to address high-priority preparedness gaps across all core capabilities where a nexus to terrorism exists. The local and state agencies also coordinate and share information with federal agencies; and

WHEREAS, the City of Rockport finds it is the best interest of our citizens that the City of Rockport participate in the State Homeland Security Program (SHSP) to support the achievement of target capabilities related to terrorism preparedness and simultaneously support enhanced preparedness for other hazards; and

WHEREAS, the City of Rockport agrees that in the event of loss or misuse of the Office of the Governor funds, the City of Rockport assures that the funds will be returned to the Office of the Governor in full.

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

Section 1. That a State Homeland Security Program (SHSP) application is hereby authorized to be filed for funding consideration.

Section 2. That the Mayor is designated as the Chief Executive Officer and Authorized Representative in connection with this application and participation in the State Homeland Security Program. The authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the agency.

PASSED and APPROVED this the 14th day of November 2023.

CITY OF ROCKPORT, TEXAS

Mayor Lowell T. Jayroe

ATTEST:

Teresa Valdez, City Secretary

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

AGENDA ITEM: 11

Deliberate and act to accept Airplanes & Coffee decline of Hotel Occupancy Tax Agreement for Fiscal Year 2023-2024; to approve reallocation of funding to Wings Over Rockport; and approve Fiscal Year 2023-2024 Hotel Occupancy Tax Agreement with Wings Over Rockport.

SUBMITTED BY: City Secretary Teresa Valdez

APPROVED FOR AGENDA: VRS

BACKGROUND: Council allocated \$25,000 from Fiscal Year 2023-2024 Hotel Occupancy Tax funds to Airplanes & Coffee, which was acting as a conduit for Wings Over Rockport because Wings Over Rockport had not yet received their 501(c)3 designation. Wings Over Rockport has received their 501(c)3 designation and is requesting the funding be reallocated to them.

See accompanying letter from Airplanes & Coffee declining the Hotel Occupancy Tax Agreement for the \$25,000.

FISCAL ANALYSIS: Reallocation would be budget neutral.

RECOMMENDATION: Staff recommends Council accept Airplanes & Coffee decline of Hotel Occupancy Tax Agreement for Fiscal Year 2023-2024; to approve reallocation of funding to Wings Over Rockport; and approve Fiscal Year 2023-2024 Hotel Occupancy Tax Agreement with Wings Over Rockport, as presented.



30 October 2023

THE HONORABLE LOWELL TIMOTHY JAROE, MAYOR, & THE CITY
COUNCIL OF ROCKPORT, TEXAS

2751 SH35 BYPASS, ROCKPORT, TEXAS, 78382

Your Honor,

After careful consideration, Airplanes & Coffee must decline the funding agreement offered by the City of Rockport in its 27 September 2023 letter. We defer this opportunity in favor of the funding opportunity being assumed directly by Wings Over Rockport. Thank you for your support for aerial events in South Texas. Airplanes & Coffee looks forward to supporting Wings Over Rockport in the future.

SINCERELY,

A handwritten signature in blue ink, appearing to read "Russ K", followed by a long horizontal flourish.

RUSS KEITH

AIRPLANES AND COFFEE

**CITY OF ROCKPORT
AND
WINGS OVER ROCKPORT**

**An Agreement Concerning the Use of
Funds from the Hotel Occupancy Tax
Single-Sum Payment
Coastal Bend Holiday Fly-In 2023**

**STATE OF TEXAS §
 §
COUNTY OF ARANSAS §**

This Agreement is made by and between the City of Rockport, a Texas home rule municipal corporation, hereinafter called “City,” and Wings Over Rockport, hereinafter called “Recipient”.

SECTION 1. LEGAL AUTHORITY

The City collects a local hotel occupancy tax as authorized by Chapter 351 of the Texas Tax Code (“Act”). Pursuant to the Act, the City expends funds collected for the purpose of advertising with any media outlet that is outside 75 miles of the City of Rockport (Resolution No. 09-15) and encouraging the growth of tourism and convention and hotel activity in the City as codified in Chapter 94, Article IV, Hotel Occupancy Tax of the City of Rockport Code of Ordinances (“Code”). The City may, by contract, allow Recipient to expend hotel occupancy taxes for such purposes.

SECTION 2. TERM OF AGREEMENT

Conditioned upon City Council approval, this Agreement shall become effective on the date signed by Recipient. This Agreement shall continue until Recipient has fulfilled all obligations to account for proper expenditure of hotel occupancy tax funds.

SECTION 3. SERVICES TO BE PROVIDED

The City hereby agrees to pay to Recipient, from money actually received by the City from local hotel occupancy tax, the sum of ***TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00)***. Subject to the terms and conditions hereof, Recipient agrees to expend such funds received for advertising and promoting tourism for the out-of-town visitor market from which the hotel industry within the City derives direct tourist income benefits from the Warbirds Over South Texas Airshow.

SECTION 4. INDEPENDENT CONTRACTOR

It is expressly understood and agreed by and between the parties that Recipient is engaged as an independent contractor and is not an officer, agent or employee of the City.

SECTION 5. MANAGEMENT OF FUNDS

- 5.1 It is understood and agreed by and between the parties that a fiduciary duty is created in the Recipient with respect to expenditure of the revenue provided.
- 5.2 The Recipient shall maintain complete and accurate financial records of each receipt and expenditure of the hotel occupancy funds and, upon request of the City Council or other person, shall make the records available for inspection and review during normal business hours, in accordance with the provisions of the Texas Public Information Act (Texas Government Code, Chapter 552).
- 5.3 Hotel occupancy funds may be spent by the Recipient for only those expenditures shown on the Hotel Occupancy Tax Application (See Exhibit "C") and approved by the City Council and shown to be directly related to the promotion of tourism and the hotel industry. (See Exhibit "A".)
- 5.4 Recipient shall prepare and file with the City Secretary a post event financial report, on a form prescribed by the City (See Exhibit "B"), no later than 60 days after the event for which hotel occupancy tax funds were spent by the Recipient. This report shall identify a budget comparison of the hotel occupancy funds received by contract and the uses thereof as defined in the overall budget. It shall show the amount budgeted by category item and the actual expenditures of such. It shall compare the projected attendance and heads in beds from the application submitted prior to the event with the actual attendance and number of heads in beds generated by the event.
- 5.5 The City may request an annual audited financial statement reflecting the financial position of the Recipient for the period of time this Agreement is in effect. The Recipient agrees to provide a current audit (current defined as no later than the last calendar year), such copy to be delivered within twenty (20) days upon receiving a request from the City Manager or Mayor.

SECTION 6. TRANSFER OF FUNDS

Upon compliance with all conditions precedent, the City Secretary shall remit to the Recipient hotel occupancy tax receipts as follows: **Lump-sum payment - \$25,000.00.**

SECTION 7. FORCE MAJEURE – SUFFICIENT FUNDS NOT AVAILABLE

The City's obligation to make payment to Recipient pursuant to this Agreement is contingent upon anticipated receipt of a minimal amount of hotel occupancy tax from the collecting entities within the City. The dollar figure to be paid to the Recipient was based in part upon this anticipated, budgeted income. Recipient understands that other agreements have also been made by the City, providing for disbursement by third parties of a portion of hotel occupancy tax funds collected. Should it happen, by act of nature or other means outside the control of the City, that the actual hotel occupancy tax funds received are less than the anticipated and budgeted

funds, the City may, after notice to the Recipient, reduce the total obligated payment should the governing body determine that such action is necessary to fund any other third-party agreement(s).

SECTION 8. RETURN OF FUNDS UPON TERMINATION OF CONTRACT

Should this Agreement be terminated, the Recipient shall remit and return to the City, with a final accounting thereof, all unused and unspent hotel occupancy tax funds in its possession, within thirty (30) days from the date of such termination.

SECTION 9. INDEMNIFICATION

The Recipient agrees to indemnify the City, its officers, agents, and employees, from any and all claims, losses, causes of action and damages, suits and liability of every kind, including all expenses of litigation, courts costs and attorney fees, for injury to or death or any person, or for damage to any property arising from or in connection with the operations or actions of the Recipient, its officers, agents and employees carried out in furtherance of this Agreement.

SECTION 10. TERMINATION

If Recipient is in breach of this Agreement, the City may terminate the Agreement by providing ten (10) days' written notice to Recipient to cure the breach. If the breach is not cured within the time provided, the City Manager or Mayor may immediately declare Agreement terminated.

SECTION 11. NON-RENEWAL

It is understood and agreed that the Recipient is not entitled to any right of automatic renewal of this Agreement for the ensuing year, or years, since such option under the Act rests exclusively with the City Council.

SECTION 12. NOTICE

All communications required by this Agreement between the City and the Recipient shall be in writing and addressed to the attention of the City Manager, 2751 State Highway 35 Bypass, Rockport, TX 78382 or to the Recipient, Attn: Jay Seffern, 241 John Wendell Road, Rockport, TX 78382.

SECTION 13. COMPLIANCE WITH LAWS

In performing its duties under this Agreement, the Recipient shall at all times comply with the City of Rockport Code and all the State of Texas Acts. (See Section 1.)

SECTION 14. PROHIBITION AGAINST DISCRIMINATION

In the performance of this Agreement, the Recipient shall not discriminate against any employee or applicant for employment because of an individual's race, color, religion, national

origin, sex, or mental or physical disability. Violation of this provision may be regarded as a material breach of this Agreement.

It is understood and agreed that in the event any provision of this Agreement is inconsistent with the requirements of the Act, or any other applicable state law, the requirements of the law will control and supersede the terms set forth herein.

SECTION 16. ENTIRE AGREEMENT

This Agreement constitutes the entire agreement between the parties, relative to the hotel occupancy tax funds made the basis hereof.

IN WITNESS WHEREOF, the parties have herein unto set their hands on duplicate originals, in the City of Rockport, Aransas County, Texas on this ____ day of _____ 2023.

CITY OF ROCKPORT

WINGS OVER ROCKPORT

Tim Jayroe, Mayor

_____, President
(Print Name)

ATTEST:

ATTEST:

Teresa Valdez, City Secretary

_____, Secretary
(Print Name)

EXHIBIT "A"

CATEGORY Convention Center or Visitor Information Center; Advertising, Solicitations and Promotions that directly promote tourism and the Hotel & Convention Industry; Funding transportation systems...; Signage	GRANT AMOUNT
Convention Center or Visitor Information Center; Advertising, Solicitations and Promotions that directly promote tourism and the Hotel & Convention Industry; Funding transportation systems...; Signage	\$25,000.00
TOTAL	\$25,000.00

EXHIBIT "B"

HOT FUNDING EXPENSE REPORT FY 2023-2024			
Description of Expense	Approved Budget	Amount of Expense	*Number of Heads in Beds
Total Reimbursement Request			

***Must attach supporting documentation.**

Hotel Occupancy Tax Funding Application 2023-2024

Date: _____

Organization InformationName of Organization: Wings Over Rockport (501c3 Organization)Address: 241 John Wendell Road, Rockport, Tx 78382City, State, Zip: Rockport, Tx 78382Contact Name: Jay Seffern Contact Phone Number: (916) 837-7422HOT Contract Email: jseffern@yahoo.com

Web Site Address for Event or Sponsoring Organization: _____

Type of Organization: _____ Governmental ☒ Non-Profit _____ Private/ For-ProfitTax ID #: 93-3953962 Organization's Creation Date: 24 AUGUST 2023Purpose of Organization: Develop interest in Rockport as
a tourist destination and a investment opportunity.
Support local youth in pursuing Aerospace education.**Event Information**Name of Event or Project: Coastal Bend Holiday Fly-In (2023)Date of Event or Project: 08-10 DEC 2023Primary Location of Event or Project: Aransas County AirportAmount Requested: \$ 25,000.00How will the funds be used: Media advertising, Print
advertising, Signage (Billboards) Internet
Web Site Development, St Safety crews and
event essentials.

Primary Purpose of Funded Activity/Facility:

To bring tourist and investment activities
to Rockport.

To inform local youth of the opportunities
in the aerospace sector of industry. Promote
Science Technology Engineering and Math in our schools.

Percentage of Hotel Tax Support of Related Costs

10% Percentage of Total **Event Costs** Covered by Hotel Occupancy Tax

10% Percentage of Total **Facility Costs** Covered by Hotel Occupancy Tax for the Funded Event

5% Percentage of **Staff Costs** Covered by Hotel Occupancy Tax for the Funded Event

If staff costs are covered, estimate percentage of time staff spends annually on the funded event(s)
compared to other activities _____%

Which Category or Categories Apply to Funding Request, and Amount Requested Under Each Category:

- ☒ **1) Convention Center or Visitor Information Center:** the acquisition of sites for and the construction, improvement, enlarging, equipping, repairing, operation, and maintenance of convention center facilities or visitor information centers, or both. Amount requested under this category: \$ 6,500.00
- ☐ **2) Registration of Convention Delegates:** the furnishing of facilities, personnel, and materials for the registration of convention delegates or registrants. Amount requested under this category: \$ _____
- ☒ **3) Advertising, Solicitations and Promotions that directly promote tourism and the Hotel & Convention Industry:** to attract tourists and convention delegates or registrants to the municipality or its vicinity. Amount requested under this category: \$ 12,000.00
- ☐ **4) Promotion of the Arts that Directly Enhance Tourism and the Hotel & Convention Industry:** the encouragement, promotion, improvement, and application of the arts including instrumental and vocal music, dance, drama, folk art, creative writing, architecture, design and allied fields, painting, sculpture photography, graphic and craft arts, motion picture, radio, television, tape and sound recording, and other arts related to the presentation, performance, execution, and exhibition of these major art forms: Amount requested under this category: \$ _____

- ☐ **5) Historical Restoration and Preservation Activities that Directly Promote Tourism and the Hotel and Convention Industry:** historical restoration and preservation projects or activities or advertising and conducting solicitation and promotional programs to encourage tourists and convention delegates to visit preserved historic sites or museums. Amount requested under this category: \$ _____

- ☐ **6) Sporting Event Expenses that Substantially Increase Economic Activity at Hotels:** Expenses including promotional expenses, directly related to a sporting event in which the majority of participants are tourists. The event must substantially increase economic activity at hotels within the municipality or its vicinity. Amount requested under this category: \$ _____

How many individuals are expected to participate in the sporting related event? _____

How many of the participants at the sporting related event are expected to be from another city or county? _____

Quantify how the sporting related event will substantially increase economic activity at hotels within the city or its vicinity?

- ☒ **7) Funding transportation systems for transporting tourists from hotels to and near the city to any of the following destinations:** a) the commercial center of the city; b) a convention center in the city; c) other hotels in or near the city; and d) tourist attractions in or near the city. Amount requested under this category: \$ 2,000

What sites or attractions will tourists be taken to by this transportation? _____

Will members of the general public (non-tourists) be riding on this transportation? _____

What percentage of the ridership will be local citizens? _____

- ☒ **8) Signage directing tourists to sights and attractions that are visited frequently by hotel guests in the municipality.** Amount requested under this category: \$ 2,000

What tourist attractions will be the subject of the signs?

Questions for All Funding Request Categories:

1. How many years have you held this Event or Project: 4
2. Expected Attendance: 3,500 Prior year's attendance: 3,000
3. How many people attending the Event or Project will use City of Rockport hotels? 50%

Number of nights will they stay: 1-2 nights

Do you reserve a room block for this event at an area hotel and if so, for how many rooms and at which hotels:

We work with 3 hotels to receive block rates for the event weekend

4. List other years (over the last three years) that you have hosted your Event or Project with amount of assistance given from and the number of hotel rooms used:

Event Date	Assistance Amount		Number of Hotel Rooms Used
	City HOT Funds	Others	
May 17-18 2023	\$ <u>0</u>	\$ <u>25,500</u>	<u>1,100 viz survey</u>
Dec 10-11 2022	\$ <u>0</u>	\$ <u>20,000</u>	<u>est. 850 hotel nights</u>
DEC 10-12 2020	\$ <u>0</u>	\$ <u>15,000</u>	<u>UNKNOWN</u>

5. How will you measure the impact of your event on area hotel activity (e.g.: room block usage information, survey of hoteliers, etc.)?

At the entry point visitors will be asked to provide:
ZIP Code, nights booked, and number of people in party

6. Please list other organization, government entities, and grants that have offered financial support to your project:

Aransas County and other business
sponsorships

7. Will the event charge admission? Do you anticipate a net profit from the event? If there is a net profit, what is the anticipated amount and how will it be used?

No.

8. Please list all promotion efforts your organization is coordinating, and the amount financially committed to each media outlet:

Newspaper: \$ _____
Radio: \$ _____
~~TV~~ Social Media \$ 1,000.00
Other Paid Advertising: \$ BILLBOARDS - \$500
BANNERS - \$5,000.00
Number of Press Releases to Media _____
Number Direct Mailings to out-of-town recipients _____

Other Promotions Full social media campaign + billboards and banners

9. Will you include a link to local hotels on your website for booking during this event?

Yes, with promotional codes

10. Will you negotiate a special rate or hotel/event package to attract overnight stays?

Yes, with promotional codes.

11. What new marketing initiatives will you utilize to promote hotel and convention activity for this event?

1. Engage Persona Digital Marketing to provide internet acc.
2. Build and Install Banner over Hwy 35 in 3 locations.
3. Buy advertising in aerospace publications.

12. What geographic areas does your advertising and promotion reach?

TBD, Aimed at Dallas - Ft Worth, Houston, and San Antonio.

13. How many individuals will your proposed marketing reach who are located in another city or county? A LOT! - TBD

14. If the funding requested is related to a permanent facility (e.g., museum, visitor center): Airport

Expected Attendance Monthly/Annually: 25,000 + Annually

Percentage of those in attendance that are staying at area hotels/lodging facilities: 50 %

Please Submit before May 31, 2023 to:

City of Rockport

City Secretary

tvaldez@cityofrockport.com

CITY COUNCIL AGENDA Regular
Meeting: November 14, 2023

AGENDA ITEM: 12

Deliberate and act on first reading of an Ordinance partially repealing Ordinance No. 1909 regarding water rates for ratepayers located out of the city; providing for refunds; providing for the validity of said ordinance; repealing all prior Ordinances in conflict herewith; and providing for an effective date.

SUBMITTED BY: Vanessa Shrauner

APPROVED FOR AGENDA:

BACKGROUND: In September of this year, City Council approved an increase in water rates for out of city customers. As per the requirements of the Public Utility Commission (PUC), notification to ratepayers is mandatory whenever there is a change in rates. The City duly submitted the necessary notification to our third-party bill processor, with the expectation that it would be included in the bills.

It has come to our attention that an entire paragraph was omitted from the notification that was sent with the bills. Attached is the PDF originally submitted to the processor as well as the version that was distributed to the rate payers.

An investigation is currently underway to identify the root cause of this process failure. At this juncture, we have not determined how such an omission has occurred.

As a result, this council needs to repeal the rate increase as it is not valid. Additionally, we need refund the amount of the increase to the out of district rate payers.

FISCAL ANALYSIS: Refund to ratepayers of the increase for the time since the new rate became effective. The dollar amount is unknown as it will go through the time of second reading of this ordinance.

RECOMMENDATION: Staff recommends approval.

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKPORT, TEXAS PARTIALLY REPEALING ORDINANCE NO. 1909 REGARDING WATER RATES FOR RATEPAYERS LOCATED OUT OF THE CITY; PROVIDING FOR REFUNDS; PROVIDING FOR THE VALIDITY OF SAID ORDINANCE; REPEALING ALL PRIOR ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council considered on second reading Ordinance No. 1909 (“Rate Ordinance”) that, among other things, approved water rates for out of city customers; and

WHEREAS, the City, as required by law, attempted to notify the out of city ratepayers of the water rate increase; and

WHEREAS, the City has discovered that ratepayers receiving paper notices did not receive sufficient notice of the rate increase, as required by law; and

WHEREAS, the City now seeks to repeal said rate increase and refund the affected ratepayers of the differential related thereto.

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

SECTION 1. Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2. Repealer. The Amendment and changes made in the Rate Ordinance to Chapter 102 “Utilities,” Article II. “Water Service,” Division 3 “Service Charges,” Sec. 102-58 “Water rates outside city limits” are hereby repealed and the outside city water rates in effect immediately prior to the adoption of the Rate Ordinance pursuant to Chapter 102 “Utilities,” Article II. “Water Service,” Division 3 “Service Charges,” Sec. 102-58 “Water rates outside city limits” remain in effect as of the date the Rate Order became effective. Thus, Sec. 102-58 “Water rates outside city limits” is returned to read as follows:

Sec. 102-58. - Water rates outside city limits.

(a) There shall be charged and collected by the city from all customers of water supplied by the city outside its city limits, including customers residing within the Town of Fulton city limits, the amount of money based upon the size of the customer's tap and the customer's usage (in gallons of water), as set forth in the following schedule of rates and charges:

(1) For the first 1,500 gallons, or fractional part thereof, used in any one regular billing cycle by any one user, the following sum per cycle:

Tap Size	MINIMUM	~~NEW~~
$\frac{3}{4}$	\$29.95	~~\$33.06~~
1	\$36.21	~~\$39.84~~
1½	\$67.62	~~\$73.41~~
2	\$104.68	~~\$113.73~~
3	\$204.36	~~\$221.27~~
4	\$316.45	~~\$342.26~~
6	\$316.45	~~\$342.26~~

(2) If applicable, for all additional gallons used over 1,501 to 10,000 gallons, the sum of \$8.16 ~~\$9.05~~ per month for each 1,000 gallons, or fractional part thereof, used in any one regular billing cycle.

(3) Conservation billing. If applicable, for all gallons used over 10,001 to 15,000 the sum of \$9.59 ~~\$10.55~~ per 1,000 gallons or fractional part thereof, used in any one regular billing cycle.

(4) Conservation billing. If applicable for all gallons used over 15,001 and up, the sum of \$10.90 ~~\$11.94~~ for each 1,000 gallons or fractional part thereof, used in any one regular billing cycle.

(b) There shall be charged and collected by the city, for all commercial customers of water supplied by the city outside its city limits, as now or hereafter established, the amount of money based upon the size of the customers tap and the customer's usage (in gallons of water), as set forth in the following schedule of rates and charges, used in any one regular billing cycle by any one user, the following sum per cycle:

(1) For the first 1,500 gallons, or fractional part thereof, used in any one regular billing cycle by any one user, the following sum per cycle:

Tap Size	MINIMUM	~~NEW~~
$\frac{3}{4}$	\$29.95	~~\$33.06~~
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4	\$316.45	~~\$342.26~~
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- (3) Conservation billing. If applicable, for all gallons used over 10,001 to 15,000 the sum of \$9.59-~~\$10.55~~ per 1,000 gallons or fractional part thereof, used in any one regular billing cycle.
- (4) Conservation billing. If applicable for all gallons used over 15,001 and up, the sum of \$10.90-~~\$11.94~~ for each 1,000 gallons or fractional part thereof, used in any one regular billing cycle.

SECTION 3. Refunds. The City shall refund to the affected ratepayers of the repealer contained in Section 2 hereof a refund of the differential between the amounts collected pursuant to the Rate Order and the amount of the applicable rate just prior to the adoption of the Rate Order. Said refunds shall appear on the affected ratepayers next applicable water bill or in any other manner adequate in law as determined by the City Manager.

SECTION 4. Repealer Clause.

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

SECTION 5. 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 6. Effective Date.

This ordinance shall become effective upon adoption on second reading by the Rockport City Council.

APPROVED on first reading the 14th day of November 2023.

CITY OF ROCKPORT, TEXAS

Tim Jayroe,
Mayor

ATTEST:

Teresa Valdez, City Secretary

APPROVED, PASSED and ADOPTED on second and final reading the 12th day of December 12, 2023.

CITY OF ROCKPORT, TEXAS

Tim Jayroe,
Mayor

ATTEST:

Teresa Valdez, City Secretary

From: [Jamie Gonzales](#)
To: [Vanessa Shrauner](#)
Cc: [Robbie Sorrell](#)
Subject: FW: Insert for Rockport
Date: Wednesday, November 8, 2023 4:20:34 PM
Attachments: [Utility Rate Notice.pdf](#)

Hi Vanessa!

This is the original email I sent to Data Prose with the attached PDF insert.

From: Jamie Gonzales
Sent: Thursday, September 14, 2023 9:20 AM
To: Craig Wewerka <cwewerka@dataprose.com>
Subject: Insert for Rockport

Good morning, Craig!

We will need an insert with this month's billing statement. I am sending the attached pdf. Will you send me the form to sign to confirm?

My Finance Director also wanted me to ask if you all send a proof?

Please let me know if you have any questions or concerns.

Also, I did have another question, when I send over the file for our billing statements, the information on the back of the bill, do you have the ability to update information or does that have to come through in the file we send to you?

Thank you!

Jamie Gonzales

City of Rockport
Utility Billing Supervisor
402 E Laurel St
Rockport, Tx 78382
(361)729-2213 ext:235
utility3@cityofrockport.com



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Greetings, per Texas Water Code, this insert provides written notice of rate changes (effectively dated 9.15.2023) specifically as they apply to ratepayers located outside city limits:

Gas

Sec. 102-532. - Natural gas rates for Town of Fulton.

From: Jamie Gonzales
Sent: Thursday, September 14, 2023 9:20 AM
To: Craig Wewerka <cwewerka@dataprose.com>
Subject: Insert for Rockport

Good morning, Craig!

We will need an insert with this month's billing statement. I am sending the attached pdf. Will you send me the form to sign to confirm?

My Finance Director also wanted me to ask if you all send a proof?

Please let me know if you have any questions or concerns.

Also, I did have another question, when I send over the file for our billing statements, the information on the back of the bill, do you have the ability to update information or does that have to come through in the file we send to you?

Thank you!

Jamie Gonzales

City of Rockport
Utility Billing Supervisor
402 E Laurel St
Rockport, Tx 78382
(361)729-2213 ext:235
utility3@cityofrockport.com



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Greetings, per Texas Water Code, this insert provides written notice of rate changes (effectively dated 9.15.2023) specifically as they apply to ratepayers located outside city limits:

Gas

Sec. 102-532. - Natural gas rates for Town of Fulton.

There shall be charged and collected by the city from all residential and commercial customers of natural gas supplied by the city to customers within the corporate city limits of the Town of Fulton, as now or hereafter established, the amount of money based on customers usage (in cubic centimeters), as set forth in the following schedule of rates and charges:

Demand Rate	~~\$30.08~~	\$35.08
Per 1,000 CF	~~\$3.34~~	\$3.76

Note: Rates do not include purchased gas adjustment and sales tax, where applicable.

Sec. 102-533. - Natural gas rates for unincorporated areas of Aransas County.

There shall be charged and collected by the city from all residential and commercial customers of natural gas supplied by the city to the unincorporated areas of Aransas County, as now or hereafter established, the amount of money based on customers usage (in cubic centimeters), as set forth in the following schedule of rates and charges:

Demand Rate	~~\$30.08~~	\$35.08
Per 1,000 CF	~~\$3.34~~	\$3.76

Note: Rates do not include purchased gas adjustment and sales tax, where applicable.

Water

Sec. 102-57. - Wholesale water rates.

There shall be charged and collected by the city from all contracted resale customers, the sum of ~~\$6.30~~ **\$6.93** per month for each 1,000 gallons, or fractional part thereof, used in any one regular billing cycle.

Sec. 102-58. - Water rates outside city limits.

(a) There shall be charged and collected by the city from all customers of water supplied by the city outside its city limits, including customers residing within the Town of Fulton city limits, the amount of money based upon the size of the customer's tap and the customer's usage (in gallons of water), as set forth in the following schedule of rates and charges:

- (1) For the first 1,500 gallons, or fractional part thereof, used in any one regular billing cycle by any one user, the following sum per cycle:

Tap Size (In Inches)	MINIMUM CHARGES	NEW CHARGES
¾	\$29.95	\$33.06
1	\$36.21	\$39.84
1½	\$67.62	\$73.41
2	\$104.68	\$113.73
3	\$204.36	\$221.27
4	\$316.45	\$342.26
6	\$316.45	\$342.26

- (2) If applicable, for all additional gallons used over 1,501 to 10,000 gallons, the sum of ~~\$8.16~~ **\$9.05** per month for each 1,000 gallons, or fractional part thereof, used in any one regular billing cycle.

- (3) Conservation billing. If applicable, for all gallons used over 10,001 to 15,000 the sum of ~~\$9.59~~ **\$10.55** per 1,000 gallons or fractional part thereof, used in any one regular billing cycle.

- (4) Conservation billing. If applicable for all gallons used over 15,001 and up, the sum of ~~\$10.90~~ **\$11.94** for each 1,000 gallons or fractional part thereof, used in any one regular billing cycle.

(b) There shall be charged and collected by the city, for all commercial customers of water supplied by the city outside its city limits, as now or hereafter established, the amount of money based upon the size of the customers tap and the customer's usage (in gallons of water), as set forth in the following schedule of rates and charges, used in any one regular billing cycle by any one user, the following sum per cycle:

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Wastewater

Sec. 102-267. Wastewater rates outside city limits.

a) *Residential/single-family*. There shall be charged and collected by the city from all residential/single-family customers connected to wastewater utility system outside its city limits, as now or hereafter established, the amount of money based upon the customer's water tap and the customer's water usage (in gallons of water), set forth in the following schedule of rates and charges:

1. For the first 0 to 1,500 gallons, or fractional part thereof, used in any one billing calendar month by any one user the following sum per month:

TABLE INSET:

Water Tap Size (Inches)	Minimum Charge	New Charges
3/4	~~\$32.70~~	\$36.62
1 or larger	~~\$40.84~~	\$45.74

2. For all additional gallons used over 1,500 gallons the sum of ~~\$5.97~~ **\$6.69** for each 1,000 gallons up to 5,000 gallons or fractional part thereof, used in any one billing cycle.
3. For all additional gallons used over 5,000 gallons the sum of ~~\$7.05~~ **\$7.90** for each 1,000 gallons up to 15,000 gallons or fractional part thereof, used in any one calendar month.

b) *Nonresidential/non-single-family*. There shall be charged and collected by the city from all nonresidential/non-single-family customers connected to wastewater utility system outside its city limits, as now or hereafter established, the amount of money based upon the customer's water tap and the customer's water usage (in gallons of water), as set forth in the following schedule of rates and charges:

1. For the first 0 to 1,500 gallons, or fractional part thereof, used in any one billing calendar month by any one user, the following sum per month:

TABLE INSET:

Water Tap Size (<u>Inches</u>)	Minimum Charge	New Charges
3/4	~~\$32.69~~	\$41.52
1	~~\$40.84~~	\$51.87
1 1/2	~~\$49.03~~	\$62.27
2	~~\$65.35~~	\$82.99
3	~~\$130.70~~	\$165.99
4 or larger	~~\$204.22~~	\$259.36

2. For all additional gallons used over 1,500 the sum of ~~\$5.95~~ **\$7.56** for each 1,000 gallons up to 5,000 or fractional part thereof.
3. For all additional gallons used over 5,000 the sum of ~~\$7.05~~ **\$8.95** for each 1,000 gallons or fractional part thereof.

Sec. 102-268. Contracted wastewater rates.

Wastewater rates charged to contracted wastewater customers shall not be affected by this division.

Sec. 102-269. Rates if not on city water.

Any person using the city wastewater utility system, and not connected full-time to its municipal water system shall pay the following monthly charges:

TABLE INSET:

Account Type	Inside the City Limits	NEW – Inside City Limits	Outside the City Limits	NEW – Outside City Limits
Residential/Single-family	~~\$41.41~~	\$46.38	~~\$55.89~~	\$70.98
Nonresidential/non-single family	~~\$47.13~~	\$52.79	~~\$63.58~~	\$80.75
Commercial operations (car washes/laundry), minimum*	~~\$205.23~~	\$229.86	~~\$272.96~~	\$346.66

*Rate will be determined by the director of public works or his designee by comparing like services to other nonresidential users.

Additional information about rates may be found at <https://www.cityofrockport.com>.



Sec. 102-532. - Natural gas rates for Town of Fulton.

There shall be charged and collected by the city from all residential and commercial customers of natural gas supplied by the city to customers within the corporate city limits of the Town of Fulton, as now or hereafter established, the amount of money based on customers usage (in cubic centimeters), as set forth in the following schedule of rates and charges:

Demand Rate	~~\$30.08~~	\$35.08
Per 1,000 CF	~~\$3.34~~	\$3.76

Note: Rates do not include purchased gas adjustment and sales tax, where applicable.

Sec. 102-533. - Natural gas rates for unincorporated areas of Aransas County.

There shall be charged and collected by the city from all residential and commercial customers of natural gas supplied by the city to the unincorporated areas of Aransas County, as now or hereafter established, the amount of money based on customers usage (in cubic centimeters), as set forth in the following schedule of rates and charges:

Demand Rate	~~\$30.08~~	\$35.08
Per 1,000 CF	~~\$3.34~~	\$3.76

Note: Rates do not include purchased gas adjustment and sales tax, where applicable.

Sec. 102-57. - Wholesale water rates.

There shall be charged and collected by the city from all contracted resale customers, the sum of ~~\$6.30~~ **\$6.93** per month for each 1,000 gallons, or fractional part thereof, used in any one regular billing cycle.

Sec. 102-58. - Water rates outside city limits.

(a) There shall be charged and collected by the city from all customers of water supplied by the city outside its city limits, including customers residing within the Town of Fulton city limits, the amount of money based upon the size of the customer's tap and the customer's usage (in gallons of water), as set forth in the following schedule of rates and charges:

(1) For the first 1,500 gallons, or fractional part thereof, used in any one regular billing cycle by any one user, the following sum per cycle:

Tap Size (In Inches)	MINIMUM CHARGES	NEW CHARGES
¾	\$29.95	\$33.06
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(2) If applicable, for all additional gallons used over 1,501 to 10,000 gallons, the sum of ~~\$8.16~~ **\$9.05** per month for each 1,000 gallons, or fractional part thereof, used in any one regular billing cycle.

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(4) Conservation billing. If applicable for all gallons used over 15,001 and up, the sum of ~~\$10.90~~ **\$11.94** for each 1,000 gallons or fractional part thereof, used in any one regular billing cycle.

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2	\$104.68	\$113.73
3	\$204.36	\$221.27
4	\$316.45	\$342.26
6	\$316.45	\$342.26

(2) If applicable, for all additional gallons used over 1,501 to 10,000 gallons, the sum of ~~\$8.16~~ **\$9.05** per month for each 1,000 gallons, or fractional part thereof, used in any one regular billing cycle.

(3) Conservation billing. If applicable, for all gallons used over 10,001 to 15,000 the sum of ~~\$9.59~~ **\$10.55** per 1,000 gallons or fractional part thereof, used in any one regular billing cycle.

(4) Conservation billing. If applicable for all gallons used over 15,001 and up, the sum of ~~\$10.90~~ **\$11.94** for each 1,000 gallons or fractional part thereof, used in any one regular billing cycle.

Sec. 102-267. Wastewater rates outside city limits.

a) *Residential/single-family.* There shall be charged and collected by the city from all residential/single-family customers connected to wastewater utility system outside its city limits, as now or hereafter established, the amount of money based upon the customer's water tap and the customer's water usage (in gallons of water), set forth in the following schedule of rates and charges:

1. For the first 0 to 1,500 gallons, or fractional part thereof, used in any one billing calendar month by any one user the following sum per month:

TABLE INSET:

Water Tap Size (Inches)	Minimum Charge	New Charges
¾	\$32.70	\$36.62
1 or larger	\$40.84	\$45.74

2. For all additional gallons used over 1,500 gallons the sum of ~~\$5.97~~ **\$6.69** for each 1,000 gallons up to 5,000 gallons or fractional part thereof, used in any one billing cycle.

3. For all additional gallons used over 5,000 gallons the sum of ~~\$7.05~~ **\$7.90** for each 1,000 gallons up to 15,000 gallons or fractional part thereof, used in any one calendar month.

b) *Nonresidential/non-single-family.* There shall be charged and collected by the city from all nonresidential/non-single-family customers connected to wastewater utility system outside its city limits, as now or hereafter established, the amount of money based upon the customer's water tap and the customer's water usage (in gallons of water), as set forth in the following schedule of rates and charges:

1. For the first 0 to 1,500 gallons, or fractional part thereof, used in any one billing calendar month by any one user, the following sum per month:

TABLE INSET:

Water Tap Size (Inches)	Minimum Charge	New Charges
¾	\$32.69	\$41.52
1	\$40.84	\$51.87
1 1/2	\$49.03	\$62.27
2	\$65.35	\$82.99
3	\$130.70	\$165.99
4 or larger	\$204.22	\$259.36

2. For all additional gallons used over 1,500 the sum of ~~\$5.95~~ **\$7.56** for each 1,000 gallons up to 5,000 or fractional part thereof.

3. For all additional gallons used over 5,000 the sum of ~~\$7.05~~ **\$8.95** for each 1,000 gallons or fractional part thereof.

Sec. 102-268. Contracted wastewater rates.

Wastewater rates charged to contracted wastewater customers shall not be affected by this division.

Sec. 102-269. Rates if not on city water.

Any person using the city wastewater utility system, and not connected full-time to its municipal water system shall pay the following monthly charges:

TABLE INSET:

Account Type	Inside the City Limits	NEW - Inside City Limits	Outside the City Limits	NEW - Outside City Limits
Residential/Single-family	\$41.41	\$46.38	\$55.89	\$70.98
Nonresidential/non-single family	\$47.13	\$52.79	\$63.58	\$80.75
Commercial operations (car washes/laundry), minimum*	\$205.23	\$229.86	\$272.96	\$346.66

*Rate will be determined by the director of public works or his designee by comparing like services to other nonresidential users.

Rockport reserves the right to archive and monitor all e-mail communications through its networks. If you have received this e-mail in error, please immediately notify the sender by replying to this e-mail and delete the message and any attachment(s) from your system.

From: [Jamie Gonzales](#)
To: [Vanessa Shrauner](#)
Cc: [Robbie Sorrell](#)
Subject: FW: Insert for Rockport
Date: Thursday, November 9, 2023 3:20:04 PM

This was the response email sent by Data Prose.

From: Craig Wewerka <cwewerka@dataprose.com>
Sent: Thursday, November 9, 2023 10:33 AM
To: Jamie Gonzales <utility3@cityofrockport.com>
Subject: RE: Insert for Rockport

WARNING: This email is from an external source. Do not click links or open attachments without positive sender verification of purpose. Never enter Username, Password or sensitive information on linked pages from this email. If you are unsure about the message, please forward to itstaff@cityofrockport.com for assistance.

Hi Jamie,

It would have been a problem when printed and wasn't caught. The issue happened with our art and if there is an issue it will be caught and corrected in production. In this case it was missed. I spoke with the production supervisor and confirmed it was a mistake by the printer and corrected.

Craig Wewerka

Account Manager
Matrix Imaging Solutions
[Direct](#) (972) 462-5437
[Toll Free](#) (800) 876-5015

While our company structure is still the same, our email addresses are changing – PLEASE NOTE: my email address is now cwewerka@matriximaging.com

From: Jamie Gonzales <utility3@cityofrockport.com>
Sent: Wednesday, November 8, 2023 4:46 PM
To: Craig Wewerka <cwewerka@dataprose.com>
Subject: FW: Insert for Rockport

Hello Craig!

Sorry to bother you so late in the day.

I have a question regarding this insert notification that was sent a couple of months ago.

It looks like the printed copy that went out to our customers was missing some information.

It was missing the whole Greetings paragraph. Do we know what may have happened during the printing process?

Management is needing this information.

Thank you for any information and help you can provide.

to this e-mail and delete the message and any attachment(s) from your system.

CITY COUNCIL AGENDA Regular
Meeting: November 14, 2023

AGENDA ITEM: 13

Deliberate and act on first reading of an Ordinance amending the City of Rockport Code of Ordinances Chapter 102 “Utilities,” Article II. “Water Service.” Division 3. “Service Charges” by amending Water Rates for out of City Customers; providing for the validity of said Ordinance; repealing all prior Ordinances in conflict herewith; and providing for an effective date.

SUBMITTED BY: Vanessa Shrauner

APPROVED FOR AGENDA: VRS

BACKGROUND: In September of this year, City Council approved an increase in waste rates for out of city customers. As per the requirements of the Public Utility Commission (PUC), notification to ratepayers is mandatory whenever there is a change in rates. The City duly submitted the necessary notification to our third-party bill processor, with the expectation that it would be included in the bills.

It has come to our attention that an entire paragraph was omitted from the notification that was sent with the bills. Attached is the PDF originally submitted to the processor as well as the version that was distributed to the rate payers.

An investigation is currently underway to identify the root cause of this process failure. At this juncture, we have not determined how such an omission has occurred.

As a result, this council needs to readopt the water rates. Additionally, I have lowered the base rate increase and increased the conservation rate to provide relief to the aggrieved and fixed income out of district rate payers.

FISCAL ANALYSIS: Rates reflect cost of service.

RECOMMENDATION: Staff recommends approval.

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKPORT, TEXAS AMENDING THE CITY OF ROCKPORT CODE OF ORDINANCES CHAPTER 102 "UTILITIES," ARTICLE II. "WATER SERVICE," DIVISION 3. "SERVICE CHARGES" BY AMENDING WATER RATES FOR OUT OF CITY CUSTOMERS; PROVIDING FOR THE VALIDITY OF SAID ORDINANCE; REPEALING ALL PRIOR ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. Water Rates. Chapter 102 "Utilities," Article II. "Water Service," Division 3 "Service Charges," Sec. 102-58 "Water rates outside city limits" is hereby amended to wit:

Sec. 102-58. - Water rates outside city limits.

- (a) There shall be charged and collected by the city from all customers of water supplied by the city outside its city limits, including customers residing within the Town of Fulton city limits, the amount of money based upon the size of the customer's tap and the customer's usage (in gallons of water), as set forth in the following schedule of rates and charges:

- (1) For the first 1,500 gallons, or fractional part thereof, used in any one regular billing cycle by any one user, the following sum per cycle:

Tap Size	MINIMUM	NEW
$\frac{3}{4}$	~~\$29.95~~	\$32.86
1	~~\$36.21~~	\$39.84
$1\frac{1}{2}$	~~\$67.62~~	\$73.41
2	~~\$104.68~~	\$113.73
3	~~\$204.36~~	\$221.27
4	~~\$316.45~~	\$342.26
6	~~\$316.45~~	\$342.26

- (2) If applicable, for all additional gallons used over 1,501 to 10,000 gallons, the sum of ~~\$8.16~~ **\$9.10** per month for each 1,000 gallons, or fractional part thereof, used in any one regular billing cycle.

- (3) Conservation billing. If applicable, for all gallons used over 10,001 to 15,000 the sum of ~~\$9.59~~ **\$10.60** per 1,000 gallons or fractional part thereof, used in any one regular billing cycle.

- (4) Conservation billing. If applicable for all gallons used over 15,001 and up, the sum of ~~\$10.90~~ **\$12.04** for each 1,000 gallons or fractional part thereof, used in any one regular billing cycle.

(b) There shall be charged and collected by the city, for all commercial customers of water supplied by the city outside its city limits, as now or hereafter established, the amount of money based upon the size of the customers tap and the customer's usage (in gallons of water), as set forth in the following schedule of rates and charges, used in any one regular billing cycle by any one user, the following sum per cycle:

(1) For the first 1,500 gallons, or fractional part thereof, used in any one regular billing cycle by any one user, the following sum per cycle:

Tap Size	MINIMUM	NEW
$\frac{3}{4}$	~~\$29.95~~	\$33.06
1	~~\$36.21~~	\$39.84
1½	~~\$67.62~~	\$73.41
2	~~\$104.68~~	
3	~~\$204.36~~	\$221.27
4	~~\$316.45~~	\$342.26
6	~~\$316.45~~	\$342.26

(2) If applicable, for all additional gallons used over 1,501 to 10,000 gallons, the sum of ~~\$8.16~~ **\$9.05** per month for each 1,000 gallons, or fractional part thereof, used in any one regular billing cycle.

(3) Conservation billing. If applicable, for all gallons used over 10,001 to 15,000 the sum of ~~\$9.59~~ **\$10.55** per 1,000 gallons or fractional part thereof, used in any one regular billing cycle.

(4) Conservation billing. If applicable for all gallons used over 15,001 and up, the sum of ~~\$10.90~~ **\$11.94** for each 1,000 gallons or fractional part thereof, used in any one regular billing cycle.

SECTION 2. Repealer Clause.

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

SECTION 3. 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 4. 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. Rates will become effective on December 15, 2023 and reflected on the February 1, 2024 billing.

APPROVED on first reading the _____ day of November 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

From: [Jamie Gonzales](#)
To: [Vanessa Shrauner](#)
Cc: [Robbie Sorrell](#)
Subject: FW: Insert for Rockport
Date: Wednesday, November 8, 2023 4:20:34 PM
Attachments: [Utility Rate Notice.pdf](#)

Hi Vanessa!

This is the original email I sent to Data Prose with the attached PDF insert.

From: Jamie Gonzales
Sent: Thursday, September 14, 2023 9:20 AM
To: Craig Wewerka <cwewerka@dataprose.com>
Subject: Insert for Rockport

Good morning, Craig!

We will need an insert with this month's billing statement. I am sending the attached pdf. Will you send me the form to sign to confirm?

My Finance Director also wanted me to ask if you all send a proof?

Please let me know if you have any questions or concerns.

Also, I did have another question, when I send over the file for our billing statements, the information on the back of the bill, do you have the ability to update information or does that have to come through in the file we send to you?

Thank you!

Jamie Gonzales

City of Rockport
Utility Billing Supervisor
402 E Laurel St
Rockport, Tx 78382
(361)729-2213 ext:235
utility3@cityofrockport.com



This e-mail message is intended only for the named recipient(s) above. It may contain confidential information. If you are not the intended recipient, you are hereby notified that any use, dissemination, distribution or copying of this e-mail and any attachment(s) is strictly prohibited. The City of



Greetings, per Texas Water Code, this insert provides written notice of rate changes (effectively dated 9.15.2023) specifically as they apply to ratepayers located outside city limits:

Gas

Sec. 102-532. - Natural gas rates for Town of Fulton.

From: Jamie Gonzales
Sent: Thursday, September 14, 2023 9:20 AM
To: Craig Wewerka <cwewerka@dataprose.com>
Subject: Insert for Rockport

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Also, I did have another question, when I send over the file for our billing statements, the information on the back of the bill, do you have the ability to update information or does that have to come through in the file we send to you?

Thank you!

Jamie Gonzales

City of Rockport
Utility Billing Supervisor
402 E Laurel St
Rockport, Tx 78382
(361)729-2213 ext:235
utility3@cityofrockport.com



This e-mail message is intended only for the named recipient(s) above. It may contain confidential information. If you are not the intended recipient, you are hereby notified that any use, dissemination, distribution or copying of this e-mail and any attachment(s) is strictly prohibited. The City of Rockport reserves the right to archive and monitor all e-mail communications through its networks. If you have received this e-mail in error, please immediately notify the sender by replying



Greetings, per Texas Water Code, this insert provides written notice of rate changes (effectively dated 9.15.2023) specifically as they apply to ratepayers located outside city limits:

Gas

Sec. 102-532. - Natural gas rates for Town of Fulton.

There shall be charged and collected by the city from all residential and commercial customers of natural gas supplied by the city to customers within the corporate city limits of the Town of Fulton, as now or hereafter established, the amount of money based on customers usage (in cubic centimeters), as set forth in the following schedule of rates and charges:

Demand Rate	~~\$30.08~~	\$35.08
Per 1,000 CF	~~\$3.34~~	\$3.76

Note: Rates do not include purchased gas adjustment and sales tax, where applicable.

Sec. 102-533. - Natural gas rates for unincorporated areas of Aransas County.

There shall be charged and collected by the city from all residential and commercial customers of natural gas supplied by the city to the unincorporated areas of Aransas County, as now or hereafter established, the amount of money based on customers usage (in cubic centimeters), as set forth in the following schedule of rates and charges:

Demand Rate	~~\$30.08~~	\$35.08
Per 1,000 CF	~~\$3.34~~	\$3.76

Note: Rates do not include purchased gas adjustment and sales tax, where applicable.

Water

Sec. 102-57. - Wholesale water rates.

There shall be charged and collected by the city from all contracted resale customers, the sum of ~~\$6.30~~ **\$6.93** per month for each 1,000 gallons, or fractional part thereof, used in any one regular billing cycle.

Sec. 102-58. - Water rates outside city limits.

(a) There shall be charged and collected by the city from all customers of water supplied by the city outside its city limits, including customers residing within the Town of Fulton city limits, the amount of money based upon the size of the customer's tap and the customer's usage (in gallons of water), as set forth in the following schedule of rates and charges:

- (1) For the first 1,500 gallons, or fractional part thereof, used in any one regular billing cycle by any one user, the following sum per cycle:

Tap Size (In Inches)	MINIMUM CHARGES	NEW CHARGES
¾	\$29.95	\$33.06
1	\$36.21	\$39.84
1½	\$67.62	\$73.41
2	\$104.68	\$113.73
3	\$204.36	\$221.27
4	\$316.45	\$342.26
6	\$316.45	\$342.26

- (2) If applicable, for all additional gallons used over 1,501 to 10,000 gallons, the sum of ~~\$8.16~~ **\$9.05** per month for each 1,000 gallons, or fractional part thereof, used in any one regular billing cycle.

- (3) Conservation billing. If applicable, for all gallons used over 10,001 to 15,000 the sum of ~~\$9.59~~ **\$10.55** per 1,000 gallons or fractional part thereof, used in any one regular billing cycle.

- (4) Conservation billing. If applicable for all gallons used over 15,001 and up, the sum of ~~\$10.90~~ **\$11.94** for each 1,000 gallons or fractional part thereof, used in any one regular billing cycle.

(b) There shall be charged and collected by the city, for all commercial customers of water supplied by the city outside its city limits, as now or hereafter established, the amount of money based upon the size of the customers tap and the customer's usage (in gallons of water), as set forth in the following schedule of rates and charges, used in any one regular billing cycle by any one user, the following sum per cycle:

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Tap Size (In Inches)	MINIMUM CHARGES	NEW CHARGES
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- (4) Conservation billing. If applicable for all gallons used over 15,001 and up, the sum of ~~\$10.90~~ **\$11.94** for each 1,000 gallons or fractional part thereof, used in any one regular billing cycle.

Wastewater

Sec. 102-267. Wastewater rates outside city limits.

a) *Residential/single-family*. There shall be charged and collected by the city from all residential/single-family customers connected to wastewater utility system outside its city limits, as now or hereafter established, the amount of money based upon the customer's water tap and the customer's water usage (in gallons of water), set forth in the following schedule of rates and charges:

1. For the first 0 to 1,500 gallons, or fractional part thereof, used in any one billing calendar month by any one user the following sum per month:

TABLE INSET:

Water Tap Size (Inches)	Minimum Charge	New Charges
3/4	~~\$32.70~~	\$36.62
1 or larger	~~\$40.84~~	\$45.74

2. For all additional gallons used over 1,500 gallons the sum of ~~\$5.97~~ **\$6.69** for each 1,000 gallons up to 5,000 gallons or fractional part thereof, used in any one billing cycle.
3. For all additional gallons used over 5,000 gallons the sum of ~~\$7.05~~ **\$7.90** for each 1,000 gallons up to 15,000 gallons or fractional part thereof, used in any one calendar month.

b) *Nonresidential/non-single-family*. There shall be charged and collected by the city from all nonresidential/non-single-family customers connected to wastewater utility system outside its city limits, as now or hereafter established, the amount of money based upon the customer's water tap and the customer's water usage (in gallons of water), as set forth in the following schedule of rates and charges:

1. For the first 0 to 1,500 gallons, or fractional part thereof, used in any one billing calendar month by any one user, the following sum per month:

TABLE INSET:

Water Tap Size (<u>Inches</u>)	Minimum Charge	New Charges
3/4	~~\$32.69~~	\$41.52
1	~~\$40.84~~	\$51.87
1 1/2	~~\$49.03~~	\$62.27
2	~~\$65.35~~	\$82.99
3	~~\$130.70~~	\$165.99
4 or larger	~~\$204.22~~	\$259.36

2. For all additional gallons used over 1,500 the sum of ~~\$5.95~~ **\$7.56** for each 1,000 gallons up to 5,000 or fractional part thereof.
3. For all additional gallons used over 5,000 the sum of ~~\$7.05~~ **\$8.95** for each 1,000 gallons or fractional part thereof.

Sec. 102-268. Contracted wastewater rates.

Wastewater rates charged to contracted wastewater customers shall not be affected by this division.

Sec. 102-269. Rates if not on city water.

Any person using the city wastewater utility system, and not connected full-time to its municipal water system shall pay the following monthly charges:

TABLE INSET:

Account Type	Inside the City Limits	NEW – Inside City Limits	Outside the City Limits	NEW – Outside City Limits
Residential/Single-family	~~\$41.41~~	\$46.38	~~\$55.89~~	\$70.98
Nonresidential/non-single family	~~\$47.13~~	\$52.79	~~\$63.58~~	\$80.75
Commercial operations (car washes/laundry), minimum*	~~\$205.23~~	\$229.86	~~\$272.96~~	\$346.66

*Rate will be determined by the director of public works or his designee by comparing like services to other nonresidential users.

Additional information about rates may be found at <https://www.cityofrockport.com>.



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There shall be charged and collected by the city from all residential and commercial customers of natural gas supplied by the city to customers within the corporate city limits of the Town of Fulton, as now or hereafter established, the amount of money based on customers usage (in cubic centimeters), as set forth in the following schedule of rates and charges:

Demand Rate	~~\$30.08~~	\$35.08
Per 1,000 CF	~~\$3.34~~	\$3.76

Note: Rates do not include purchased gas adjustment and sales tax, where applicable.

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There shall be charged and collected by the city from all residential and commercial customers of natural gas supplied by the city to the unincorporated areas of Aransas County, as now or hereafter established, the amount of money based on customers usage (in cubic centimeters), as set forth in the following schedule of rates and charges:

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(2) If applicable, for all additional gallons used over 1,501 to 10,000 gallons, the sum of ~~\$8.16~~ **\$9.05** per month for each 1,000 gallons, or fractional part thereof, used in any one regular billing cycle.

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(4) Conservation billing. If applicable for all gallons used over 15,001 and up, the sum of ~~\$10.90~~ **\$11.94** for each 1,000 gallons or fractional part thereof, used in any one regular billing cycle.

(b) There shall be charged and collected by the city, for all commercial customers of water supplied by the city outside its city limits, as now or hereafter established, the amount of money based upon the size of the customers tap and the customer's usage (in gallons of water), as set forth in the following schedule of rates and charges, used in any one regular billing cycle by any one user, the following sum per cycle:

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1. For the first 0 to 1,500 gallons, or fractional part thereof, used in any one billing calendar month by any one user the following sum per month:

TABLE INSET:

Water Tap Size (Inches)	Minimum Charge	New Charges
¾	\$32.70	\$36.62
1 or larger	\$40.84	\$45.74

2. For all additional gallons used over 1,500 gallons the sum of ~~\$5.97~~ **\$6.69** for each 1,000 gallons up to 5,000 gallons or fractional part thereof, used in any one billing cycle.

3. For all additional gallons used over 5,000 gallons the sum of ~~\$7.05~~ **\$7.90** for each 1,000 gallons up to 15,000 gallons or fractional part thereof, used in any one calendar month.

b) *Nonresidential/non-single-family.* There shall be charged and collected by the city from all nonresidential/non-single-family customers connected to wastewater utility system outside its city limits, as now or hereafter established, the amount of money based upon the customer's water tap and the customer's water usage (in gallons of water), as set forth in the following schedule of rates and charges:

1. For the first 0 to 1,500 gallons, or fractional part thereof, used in any one billing calendar month by any one user, the following sum per month:

TABLE INSET:

Water Tap Size (Inches)	Minimum Charge	New Charges
¾	\$32.69	\$41.52
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1 1/2	\$49.03	\$62.27
2	\$65.35	\$82.99
3	\$130.70	\$165.99
4 or larger	\$204.22	\$259.36

2. For all additional gallons used over 1,500 the sum of ~~\$5.95~~ **\$7.56** for each 1,000 gallons up to 5,000 or fractional part thereof.

3. For all additional gallons used over 5,000 the sum of ~~\$7.05~~ **\$8.95** for each 1,000 gallons or fractional part thereof.

Sec. 102-268. Contracted wastewater rates.

Wastewater rates charged to contracted wastewater customers shall not be affected by this division.

Sec. 102-269. Rates if not on city water.

Any person using the city wastewater utility system, and not connected full-time to its municipal water system shall pay the following monthly charges:

TABLE INSET:

Account Type	Inside the City Limits	NEW - Inside City Limits	Outside the City Limits	NEW - Outside City Limits
Residential/Single-family	\$41.41	\$46.38	\$55.89	\$70.98
Nonresidential/non-single family	\$47.13	\$52.79	\$63.58	\$80.75
Commercial operations (car washes/laundry), minimum*	\$205.23	\$229.86	\$272.96	\$346.66

*Rate will be determined by the director of public works or his designee by comparing like services to other nonresidential users.

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From: [Jamie Gonzales](#)
To: [Vanessa Shrauner](#)
Cc: [Robbie Sorrell](#)
Subject: FW: Insert for Rockport
Date: Thursday, November 9, 2023 3:20:04 PM

This was the response email sent by Data Prose.

From: Craig Wewerka <cwewerka@dataprose.com>
Sent: Thursday, November 9, 2023 10:33 AM
To: Jamie Gonzales <utility3@cityofrockport.com>
Subject: RE: Insert for Rockport

WARNING: This email is from an external source. Do not click links or open attachments without positive sender verification of purpose. Never enter Username, Password or sensitive information on linked pages from this email. If you are unsure about the message, please forward to itstaff@cityofrockport.com for assistance.

Hi Jamie,

It would have been a problem when printed and wasn't caught. The issue happened with our art and if there is an issue it will be caught and corrected in production. In this case it was missed. I spoke with the production supervisor and confirmed it was a mistake by the printer and corrected.

Craig Wewerka

Account Manager
Matrix Imaging Solutions
[Direct](#) (972) 462-5437
[Toll Free](#) (800) 876-5015

While our company structure is still the same, our email addresses are changing – PLEASE NOTE: my email address is now cwewerka@matriximaging.com

From: Jamie Gonzales <utility3@cityofrockport.com>
Sent: Wednesday, November 8, 2023 4:46 PM
To: Craig Wewerka <cwewerka@dataprose.com>
Subject: FW: Insert for Rockport

Hello Craig!

Sorry to bother you so late in the day.

I have a question regarding this insert notification that was sent a couple of months ago.

It looks like the printed copy that went out to our customers was missing some information.

It was missing the whole Greetings paragraph. Do we know what may have happened during the printing process?

Management is needing this information.

Thank you for any information and help you can provide.

to this e-mail and delete the message and any attachment(s) from your system.

CITY COUNCIL AGENDA Regular
Meeting: November 14, 2023

AGENDA ITEM: 14

Deliberate and act on first reading of an Ordinance partially repealing Ordinance No. 1910 regarding Wastewater rates for ratepayers located out of the city; providing for refunds; providing for the validity of said ordinance; repealing all prior Ordinances in conflict herewith; and providing for an effective date.

SUBMITTED BY: Vanessa Shrauner

APPROVED FOR AGENDA: VRS

BACKGROUND: In September of this year, City Council approved an increase in wastewater rates for out of city customers. As per the requirements of the Public Utility Commission (PUC), notification to ratepayers is mandatory whenever there is a change in rates. The City duly submitted the necessary notification to our third-party bill processor, with the expectation that it would be included in the bills.

It has come to our attention that an entire paragraph was omitted from the notification that was sent with the bills. Attached is the PDF originally submitted to the processor as well as the version that was distributed to the rate payers.

An investigation is currently underway to identify the root cause of this process failure. At this juncture, we have not determined how such an omission has occurred.

As a result, this council needs to repeal the rate increase as it is not valid. Additionally, we need refund the amount of the increase to the out of district rate payers.

FISCAL ANALYSIS: Refund to ratepayers of the increase for the time since the new rate became effective. The dollar amount is unknown as it will go through the time of second reading of this ordinance.

RECOMMENDATION: Staff recommends approval.

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKPORT, TEXAS PARTIALLY REPEALING ORDINANCE NO. 1910 REGARDING WASTEWATER RATES FOR RATEPAYERS LOCATED OUT OF THE CITY; PROVIDING FOR REFUNDS; PROVIDING FOR THE VALIDITY OF SAID ORDINANCE; REPEALING ALL PRIOR ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council considered on second reading Ordinance No. 1910 (“Rate Ordinance”) that, among other things, approved wastewater rates for out of city customers; and

WHEREAS, the City, as required by law, attempted to notify the out of city ratepayers of the wastewater rate increase; and

WHEREAS, the City has discovered that ratepayers receiving paper notices did not receive sufficient notice of the rate increase, as required by law; and

WHEREAS, the City now seeks to repeal said rate increase and refund the affected ratepayers of the differential related thereto.

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

SECTION 1. Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2. Repealer. The Amendment and changes made in the Rate Ordinance to Chapter 102 “Utilities,” Article III. “Wastewater Service,” Division 4 “Service Charges,” Sec. 102-267 “Wastewater rates outside city limits” and Sec. 102.269 “Rates if not on city water” are hereby repealed and the outside city wastewater rates in effect immediately prior to the adoption of the Rate Ordinance pursuant to Chapter 102 “Utilities,” Article III. “Wastewater Service,” Division 4 “Service Charges,” Sec. 102-267 “Wastewater rates outside city limits” and Sec. 102-269 remain in effect as of the date the Rate Order became effective. Thus, Sec. 102-267 “Wastewater rates outside city limits” and Sec. 102.269 “Rates if not on city water” are returned to read as follows:

Sec. 102-267. - Wastewater rates outside city limits.

a) *Residential/single-family.* There shall be charged and collected by the city from all residential/single-family customers connected to wastewater utility system outside its city limits, as now or hereafter established, the amount of money based upon the customer's water tap and the customer's water usage (in gallons of water), set forth in the following schedule of rates and charges:

1. For the first 0 to 1,500 gallons, or fractional part thereof, used in any one billing calendar month by any one user the following sum per month:

TABLE INSET:

Water Tap Size (Inches)	Minimum Charge	New Charges
3/4	\$32.70	~~\$36.62~~
1 or larger	\$40.84	~~\$45.74~~

2. For all additional gallons used over 1,500 gallons the sum of ~~\$5.97~~ ~~\$6.69~~ for each 1,000 gallons up to 5,000 gallons or fractional part thereof, used in any one billing cycle.
3. For all additional gallons used over 5,000 gallons the sum of ~~\$7.05~~ ~~\$7.90~~ for each 1,000 gallons up to 15,000 gallons or fractional part thereof, used in any one calendar month.

b) *Nonresidential/non-single-family.* There shall be charged and collected by the city from all nonresidential/non-single-family customers connected to wastewater utility system outside its city limits, as now or hereafter established, the amount of money based upon the customer's water tap and the customer's water usage (in gallons of water), as set forth in the following schedule of rates and charges:

1. For the first 0 to 1,500 gallons, or fractional part thereof, used in any one billing calendar month by any one user, the following sum per month:

TABLE INSET:

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2	\$65.35	~~\$82.99~~
3	\$130.70	~~\$165.99~~
4 or larger	\$204.22	~~\$259.36~~

2. For all additional gallons used over 1,500 the sum of ~~\$5.95~~ ~~\$7.56~~ for each 1,000 gallons up to 5,000 or fractional part thereof.
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Sec. 102-269. Rates if not on city water.

Any person using the city wastewater utility system, and not connected full-time to its municipal water system shall pay the following monthly charges:

TABLE INSET:

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Nonresidential/non-single family	\$52.79	~~\$63.58~~	~~\$80.75~~
Commercial operations (car washes/laundry), minimum*	\$229.86	~~\$272.96~~	~~\$346.66~~

*Rate will be determined by the director of public works or his designee by comparing like services to other nonresidential users.

SECTION 3. Refunds. The City shall refund to the affected ratepayers of the repealer contained in Section 2 hereof a refund of the differential between the amounts collected pursuant to the Rate Order and the amount of the applicable rate just prior to the adoption of the Rate Order. Said refunds shall appear on the affected ratepayers next applicable bill or in any other manner adequate in law as determined by the City Manager.

SECTION 4. Repealer Clause.

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

SECTION 5. 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 6. Effective Date.

This ordinance shall become effective upon adoption on second reading by the Rockport City Council.

APPROVED on first reading the 14th day of November 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

From: [Jamie Gonzales](#)
To: [Vanessa Shrauner](#)
Cc: [Robbie Sorrell](#)
Subject: FW: Insert for Rockport
Date: Wednesday, November 8, 2023 4:20:34 PM
Attachments: [Utility Rate Notice.pdf](#)

Hi Vanessa!

This is the original email I sent to Data Prose with the attached PDF insert.

From: Jamie Gonzales
Sent: Thursday, September 14, 2023 9:20 AM
To: Craig Wewerka <cwewerka@dataprose.com>
Subject: Insert for Rockport

Good morning, Craig!

We will need an insert with this month's billing statement. I am sending the attached pdf. Will you send me the form to sign to confirm?

My Finance Director also wanted me to ask if you all send a proof?

Please let me know if you have any questions or concerns.

Also, I did have another question, when I send over the file for our billing statements, the information on the back of the bill, do you have the ability to update information or does that have to come through in the file we send to you?

Thank you!

Jamie Gonzales

City of Rockport
Utility Billing Supervisor
402 E Laurel St
Rockport, Tx 78382
(361)729-2213 ext:235
utility3@cityofrockport.com



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Greetings, per Texas Water Code, this insert provides written notice of rate changes (effectively dated 9.15.2023) specifically as they apply to ratepayers located outside city limits:

Gas

Sec. 102-532. - Natural gas rates for Town of Fulton.

From: Jamie Gonzales
Sent: Thursday, September 14, 2023 9:20 AM
To: Craig Wewerka <cwewerka@dataprose.com>
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Thank you!

Jamie Gonzales

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Utility Billing Supervisor
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utility3@cityofrockport.com



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Greetings, per Texas Water Code, this insert provides written notice of rate changes (effectively dated 9.15.2023) specifically as they apply to ratepayers located outside city limits:

Gas

Sec. 102-532. - Natural gas rates for Town of Fulton.

There shall be charged and collected by the city from all residential and commercial customers of natural gas supplied by the city to customers within the corporate city limits of the Town of Fulton, as now or hereafter established, the amount of money based on customers usage (in cubic centimeters), as set forth in the following schedule of rates and charges:

Demand Rate	~~\$30.08~~	\$35.08
Per 1,000 CF	~~\$3.34~~	\$3.76

Note: Rates do not include purchased gas adjustment and sales tax, where applicable.

Sec. 102-533. - Natural gas rates for unincorporated areas of Aransas County.

There shall be charged and collected by the city from all residential and commercial customers of natural gas supplied by the city to the unincorporated areas of Aransas County, as now or hereafter established, the amount of money based on customers usage (in cubic centimeters), as set forth in the following schedule of rates and charges:

Demand Rate	~~\$30.08~~	\$35.08
Per 1,000 CF	~~\$3.34~~	\$3.76

Note: Rates do not include purchased gas adjustment and sales tax, where applicable.

Water

Sec. 102-57. - Wholesale water rates.

There shall be charged and collected by the city from all contracted resale customers, the sum of ~~\$6.30~~ **\$6.93** per month for each 1,000 gallons, or fractional part thereof, used in any one regular billing cycle.

Sec. 102-58. - Water rates outside city limits.

(a) There shall be charged and collected by the city from all customers of water supplied by the city outside its city limits, including customers residing within the Town of Fulton city limits, the amount of money based upon the size of the customer's tap and the customer's usage (in gallons of water), as set forth in the following schedule of rates and charges:

- (1) For the first 1,500 gallons, or fractional part thereof, used in any one regular billing cycle by any one user, the following sum per cycle:

Tap Size (In Inches)	MINIMUM CHARGES	NEW CHARGES
¾	\$29.95	\$33.06
1	\$36.21	\$39.84
1½	\$67.62	\$73.41
2	\$104.68	\$113.73
3	\$204.36	\$221.27
4	\$316.45	\$342.26
6	\$316.45	\$342.26

- (2) If applicable, for all additional gallons used over 1,501 to 10,000 gallons, the sum of ~~\$8.16~~ **\$9.05** per month for each 1,000 gallons, or fractional part thereof, used in any one regular billing cycle.

- (3) Conservation billing. If applicable, for all gallons used over 10,001 to 15,000 the sum of ~~\$9.59~~ **\$10.55** per 1,000 gallons or fractional part thereof, used in any one regular billing cycle.

- (4) Conservation billing. If applicable for all gallons used over 15,001 and up, the sum of ~~\$10.90~~ **\$11.94** for each 1,000 gallons or fractional part thereof, used in any one regular billing cycle.

(b) There shall be charged and collected by the city, for all commercial customers of water supplied by the city outside its city limits, as now or hereafter established, the amount of money based upon the size of the customers tap and the customer's usage (in gallons of water), as set forth in the following schedule of rates and charges, used in any one regular billing cycle by any one user, the following sum per cycle:

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Wastewater

Sec. 102-267. Wastewater rates outside city limits.

a) *Residential/single-family*. There shall be charged and collected by the city from all residential/single-family customers connected to wastewater utility system outside its city limits, as now or hereafter established, the amount of money based upon the customer's water tap and the customer's water usage (in gallons of water), set forth in the following schedule of rates and charges:

1. For the first 0 to 1,500 gallons, or fractional part thereof, used in any one billing calendar month by any one user the following sum per month:

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Water Tap Size (Inches)	Minimum Charge	New Charges
3/4	~~\$32.70~~	\$36.62
1 or larger	~~\$40.84~~	\$45.74

2. For all additional gallons used over 1,500 gallons the sum of ~~\$5.97~~ **\$6.69** for each 1,000 gallons up to 5,000 gallons or fractional part thereof, used in any one billing cycle.
3. For all additional gallons used over 5,000 gallons the sum of ~~\$7.05~~ **\$7.90** for each 1,000 gallons up to 15,000 gallons or fractional part thereof, used in any one calendar month.

b) *Nonresidential/non-single-family*. There shall be charged and collected by the city from all nonresidential/non-single-family customers connected to wastewater utility system outside its city limits, as now or hereafter established, the amount of money based upon the customer's water tap and the customer's water usage (in gallons of water), as set forth in the following schedule of rates and charges:

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2. For all additional gallons used over 1,500 the sum of ~~\$5.95~~ **\$7.56** for each 1,000 gallons up to 5,000 or fractional part thereof.
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Sec. 102-268. Contracted wastewater rates.

Wastewater rates charged to contracted wastewater customers shall not be affected by this division.

Sec. 102-269. Rates if not on city water.

Any person using the city wastewater utility system, and not connected full-time to its municipal water system shall pay the following monthly charges:

TABLE INSET:

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*Rate will be determined by the director of public works or his designee by comparing like services to other nonresidential users.

Additional information about rates may be found at <https://www.cityofrockport.com>.



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To: [Vanessa Shrauner](#)
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Subject: FW: Insert for Rockport
Date: Thursday, November 9, 2023 3:20:04 PM

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To: Jamie Gonzales <utility3@cityofrockport.com>
Subject: RE: Insert for Rockport

WARNING: This email is from an external source. Do not click links or open attachments without positive sender verification of purpose. Never enter Username, Password or sensitive information on linked pages from this email. If you are unsure about the message, please forward to itstaff@cityofrockport.com for assistance.

Hi Jamie,

It would have been a problem when printed and wasn't caught. The issue happened with our art and if there is an issue it will be caught and corrected in production. In this case it was missed. I spoke with the production supervisor and confirmed it was a mistake by the printer and corrected.

Craig Wewerka

Account Manager
Matrix Imaging Solutions
[Direct](#) (972) 462-5437
[Toll Free](#) (800) 876-5015

While our company structure is still the same, our email addresses are changing – PLEASE NOTE: my email address is now cwewerka@matriximaging.com

From: Jamie Gonzales <utility3@cityofrockport.com>
Sent: Wednesday, November 8, 2023 4:46 PM
To: Craig Wewerka <cwewerka@dataprose.com>
Subject: FW: Insert for Rockport

Hello Craig!

Sorry to bother you so late in the day.

I have a question regarding this insert notification that was sent a couple of months ago.

It looks like the printed copy that went out to our customers was missing some information.

It was missing the whole Greetings paragraph. Do we know what may have happened during the printing process?

Management is needing this information.

Thank you for any information and help you can provide.

to this e-mail and delete the message and any attachment(s) from your system.

CITY COUNCIL AGENDA Regular
Meeting: November 14, 2023

AGENDA ITEM: 15

Deliberate and act on first reading of an Ordinance amending the City of Rockport Code of Ordinances Chapter 102 “Utilities,” Article III. “Wastewater Service.” Division 4. “Service Charges” by amending Water Rates for out of City Customers; providing for the validity of said Ordinance; repealing all prior Ordinances in conflict herewith; and providing for an effective date.

SUBMITTED BY: Vanessa Shrauner

APPROVED FOR AGENDA: VRS

BACKGROUND: In September of this year, City Council approved an increase in wastewater rates for out of city customers. As per the requirements of the Public Utility Commission (PUC), notification to ratepayers is mandatory whenever there is a change in rates. The City duly submitted the necessary notification to our third-party bill processor, with the expectation that it would be included in the bills.

It has come to our attention that an entire paragraph was omitted from the notification that was sent with the bills. Attached is the PDF originally submitted to the processor as well as the version that was distributed to the rate payers.

An investigation is currently underway to identify the root cause of this process failure. At this juncture, we have not determined how such an omission has occurred.

As a result, this council needs to readopt the wastewater rates.

FISCAL ANALYSIS: Rates reflect cost of service.

RECOMMENDATION: Staff recommends approval.

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKPORT, TEXAS AMENDING THE CITY OF ROCKPORT CODE OF ORDINANCES CHAPTER 102 "UTILITIES", ARTICLE III. "WASTEWATER SERVICE", DIVISION 4. "SERVICE CHARGES" BY AMENDING WASTEWATER RATES FOR OUT OF CITY CUSTOMERS; PROVIDING FOR THE VALIDITY OF SAID ORDINANCE; REPEALING ALL PRIOR ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. Wastewater Rates. Chapter 102 "Utilities", Article II. "Wastewater Service", Division 4 "Service Charges," Sec. 102-267 "Wastewater rates outside city limits" and Sec. 102-269 "Rates if not on City Water" are hereby amended to reflect new wastewater rates for out of City ratepayers to wit:

Sec. 102-267. Wastewater rates outside city limits.

a) *Residential/single-family.* There shall be charged and collected by the city from all residential/single-family customers connected to wastewater utility system outside its city limits, as now or hereafter established, the amount of money based upon the customer's water tap and the customer's water usage (in gallons of water), set forth in the following schedule of rates and charges:

1. For the first 0 to 1,500 gallons, or fractional part thereof, used in any one billing calendar month by any one user the following sum per month:

TABLE INSET:

Water Tap Size (Inches)	Minimum Charge	New Charges
3/4	~~\$32.70~~	\$36.62
1 or larger	~~\$40.84~~	\$45.74

2. For all additional gallons used over 1,500 gallons the sum of ~~__\$5.97~~ **\$6.69** for each 1,000 gallons up to 5,000 gallons or fractional part thereof, used in any one billing cycle.
 3. For all additional gallons used over 5,000 gallons the sum of ~~__\$7.05~~ **\$7.90** for each 1,000 gallons up to 15,000 gallons or fractional part thereof, used in any one calendar month.
- b) *Nonresidential/non-single-family.* There shall be charged and collected by the city from all nonresidential/non-single-family customers connected to wastewater utility system outside its city limits, as now or hereafter established, the amount of money based upon the customer's

water tap and the customer's water usage (in gallons of water), as set forth in the following schedule of rates and charges:

1. For the first 0 to 1,500 gallons, or fractional part thereof, used in any one billing calendar month by any one user, the following sum per month:

TABLE INSET:

Water Tap Size (Inches)	Minimum Charge	New Charges
3/4		\$41.52
1		\$51.87
1 1/2		\$62.27
2		\$82.99
3		\$165.99
4 or larger		\$259.36

2. For all additional gallons used over 1,500 the sum of ~~\$5.95~~ **\$7.56** for each 1,000 gallons up to 5,000 or fractional part thereof.
3. For all additional gallons used over 5,000 the sum of ~~\$7.05~~ **\$8.95** for each 1,000 gallons or fractional part thereof.

Sec. 102-269. Rates if not on city water.

Any person using the city wastewater utility system, and not connected full-time to its municipal water system shall pay the following monthly charges:

TABLE INSET:

Account Type	Inside City Limits	Outside the City Limits	NEW – Outside City Limits
Residential/Single-family	\$46.38	~~\$55.89~~	\$70.98
Nonresidential/non-single family	\$52.79	~~\$63.58~~	\$80.75
Commercial operations (car washes/laundry), minimum*	\$229.86	~~\$272.96~~	\$346.66

*Rate will be determined by the director of public works or his designee by comparing like services to other nonresidential users.

SECTION 2. Repealer Clause.

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

SECTION 3. 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 4. 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. Rates will become effective on December 15, 2023 and reflected on the February 1, 2024 billing.

APPROVED on first reading the 14th day of November 2023.

CITY OF ROCKPORT, TEXAS

Tim Jayroe,
Mayor

ATTEST:

Teresa Valdez, City Secretary

APPROVED, PASSED and ADOPTED on second and final reading the 12th day of December, 2023.

CITY OF ROCKPORT, TEXAS

Tim Jayroe,
Mayor

ATTEST:

Teresa Valdez, City Secretary

From: [Jamie Gonzales](#)
To: [Vanessa Shrauner](#)
Cc: [Robbie Sorrell](#)
Subject: FW: Insert for Rockport
Date: Wednesday, November 8, 2023 4:20:34 PM
Attachments: [Utility Rate Notice.pdf](#)

Hi Vanessa!

This is the original email I sent to Data Prose with the attached PDF insert.

From: Jamie Gonzales
Sent: Thursday, September 14, 2023 9:20 AM
To: Craig Wewerka <cwewerka@dataprose.com>
Subject: Insert for Rockport

Good morning, Craig!

We will need an insert with this month's billing statement. I am sending the attached pdf. Will you send me the form to sign to confirm?

My Finance Director also wanted me to ask if you all send a proof?

Please let me know if you have any questions or concerns.

Also, I did have another question, when I send over the file for our billing statements, the information on the back of the bill, do you have the ability to update information or does that have to come through in the file we send to you?

Thank you!

Jamie Gonzales

City of Rockport
Utility Billing Supervisor
402 E Laurel St
Rockport, Tx 78382
(361)729-2213 ext:235
utility3@cityofrockport.com



This e-mail message is intended only for the named recipient(s) above. It may contain confidential information. If you are not the intended recipient, you are hereby notified that any use, dissemination, distribution or copying of this e-mail and any attachment(s) is strictly prohibited. The City of



Greetings, per Texas Water Code, this insert provides written notice of rate changes (effectively dated 9.15.2023) specifically as they apply to ratepayers located outside city limits:

Gas

Sec. 102-532. - Natural gas rates for Town of Fulton.

From: Jamie Gonzales
Sent: Thursday, September 14, 2023 9:20 AM
To: Craig Wewerka <cwewerka@dataprose.com>
Subject: Insert for Rockport

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Thank you!

Jamie Gonzales

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Utility Billing Supervisor
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utility3@cityofrockport.com



This e-mail message is intended only for the named recipient(s) above. It may contain confidential information. If you are not the intended recipient, you are hereby notified that any use, dissemination, distribution or copying of this e-mail and any attachment(s) is strictly prohibited. The City of Rockport reserves the right to archive and monitor all e-mail communications through its networks. If you have received this e-mail in error, please immediately notify the sender by replying



Greetings, per Texas Water Code, this insert provides written notice of rate changes (effectively dated 9.15.2023) specifically as they apply to ratepayers located outside city limits:

Gas

Sec. 102-532. - Natural gas rates for Town of Fulton.

There shall be charged and collected by the city from all residential and commercial customers of natural gas supplied by the city to customers within the corporate city limits of the Town of Fulton, as now or hereafter established, the amount of money based on customers usage (in cubic centimeters), as set forth in the following schedule of rates and charges:

Demand Rate	~~\$30.08~~	\$35.08
Per 1,000 CF	~~\$3.34~~	\$3.76

Note: Rates do not include purchased gas adjustment and sales tax, where applicable.

Sec. 102-533. - Natural gas rates for unincorporated areas of Aransas County.

There shall be charged and collected by the city from all residential and commercial customers of natural gas supplied by the city to the unincorporated areas of Aransas County, as now or hereafter established, the amount of money based on customers usage (in cubic centimeters), as set forth in the following schedule of rates and charges:

Demand Rate	~~\$30.08~~	\$35.08
Per 1,000 CF	~~\$3.34~~	\$3.76

Note: Rates do not include purchased gas adjustment and sales tax, where applicable.

Water

Sec. 102-57. - Wholesale water rates.

There shall be charged and collected by the city from all contracted resale customers, the sum of ~~\$6.30~~ **\$6.93** per month for each 1,000 gallons, or fractional part thereof, used in any one regular billing cycle.

Sec. 102-58. - Water rates outside city limits.

(a) There shall be charged and collected by the city from all customers of water supplied by the city outside its city limits, including customers residing within the Town of Fulton city limits, the amount of money based upon the size of the customer's tap and the customer's usage (in gallons of water), as set forth in the following schedule of rates and charges:

- (1) For the first 1,500 gallons, or fractional part thereof, used in any one regular billing cycle by any one user, the following sum per cycle:

Tap Size (In Inches)	MINIMUM CHARGES	NEW CHARGES
¾	\$29.95	\$33.06
1	\$36.21	\$39.84
1½	\$67.62	\$73.41
2	\$104.68	\$113.73
3	\$204.36	\$221.27
4	\$316.45	\$342.26
6	\$316.45	\$342.26

- (2) If applicable, for all additional gallons used over 1,501 to 10,000 gallons, the sum of ~~\$8.16~~ **\$9.05** per month for each 1,000 gallons, or fractional part thereof, used in any one regular billing cycle.

- (3) Conservation billing. If applicable, for all gallons used over 10,001 to 15,000 the sum of ~~\$9.59~~ **\$10.55** per 1,000 gallons or fractional part thereof, used in any one regular billing cycle.

- (4) Conservation billing. If applicable for all gallons used over 15,001 and up, the sum of ~~\$10.90~~ **\$11.94** for each 1,000 gallons or fractional part thereof, used in any one regular billing cycle.

(b) There shall be charged and collected by the city, for all commercial customers of water supplied by the city outside its city limits, as now or hereafter established, the amount of money based upon the size of the customers tap and the customer's usage (in gallons of water), as set forth in the following schedule of rates and charges, used in any one regular billing cycle by any one user, the following sum per cycle:

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Wastewater

Sec. 102-267. Wastewater rates outside city limits.

a) *Residential/single-family*. There shall be charged and collected by the city from all residential/single-family customers connected to wastewater utility system outside its city limits, as now or hereafter established, the amount of money based upon the customer's water tap and the customer's water usage (in gallons of water), set forth in the following schedule of rates and charges:

1. For the first 0 to 1,500 gallons, or fractional part thereof, used in any one billing calendar month by any one user the following sum per month:

TABLE INSET:

Water Tap Size (Inches)	Minimum Charge	New Charges
3/4	~~\$32.70~~	\$36.62
1 or larger	~~\$40.84~~	\$45.74

2. For all additional gallons used over 1,500 gallons the sum of ~~\$5.97~~ **\$6.69** for each 1,000 gallons up to 5,000 gallons or fractional part thereof, used in any one billing cycle.
3. For all additional gallons used over 5,000 gallons the sum of ~~\$7.05~~ **\$7.90** for each 1,000 gallons up to 15,000 gallons or fractional part thereof, used in any one calendar month.

b) *Nonresidential/non-single-family*. There shall be charged and collected by the city from all nonresidential/non-single-family customers connected to wastewater utility system outside its city limits, as now or hereafter established, the amount of money based upon the customer's water tap and the customer's water usage (in gallons of water), as set forth in the following schedule of rates and charges:

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2. For all additional gallons used over 1,500 the sum of ~~\$5.95~~ **\$7.56** for each 1,000 gallons up to 5,000 or fractional part thereof.
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Sec. 102-268. Contracted wastewater rates.

Wastewater rates charged to contracted wastewater customers shall not be affected by this division.

Sec. 102-269. Rates if not on city water.

Any person using the city wastewater utility system, and not connected full-time to its municipal water system shall pay the following monthly charges:

TABLE INSET:

Account Type	Inside the City Limits	NEW – Inside City Limits	Outside the City Limits	NEW – Outside City Limits
Residential/Single-family	~~\$41.41~~	\$46.38	~~\$55.89~~	\$70.98
Nonresidential/non-single family	~~\$47.13~~	\$52.79	~~\$63.58~~	\$80.75
Commercial operations (car washes/laundry), minimum*	~~\$205.23~~	\$229.86	~~\$272.96~~	\$346.66

*Rate will be determined by the director of public works or his designee by comparing like services to other nonresidential users.

Additional information about rates may be found at <https://www.cityofrockport.com>.



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Rockport reserves the right to archive and monitor all e-mail communications through its networks. If you have received this e-mail in error, please immediately notify the sender by replying to this e-mail and delete the message and any attachment(s) from your system.

From: [Jamie Gonzales](#)
To: [Vanessa Shrauner](#)
Cc: [Robbie Sorrell](#)
Subject: FW: Insert for Rockport
Date: Thursday, November 9, 2023 3:20:04 PM

This was the response email sent by Data Prose.

From: Craig Wewerka <cwewerka@dataprose.com>
Sent: Thursday, November 9, 2023 10:33 AM
To: Jamie Gonzales <utility3@cityofrockport.com>
Subject: RE: Insert for Rockport

WARNING: This email is from an external source. Do not click links or open attachments without positive sender verification of purpose. Never enter Username, Password or sensitive information on linked pages from this email. If you are unsure about the message, please forward to itstaff@cityofrockport.com for assistance.

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Craig Wewerka

Account Manager
Matrix Imaging Solutions
[Direct](#) (972) 462-5437
[Toll Free](#) (800) 876-5015

While our company structure is still the same, our email addresses are changing – PLEASE NOTE: my email address is now cwewerka@matriximaging.com

From: Jamie Gonzales <utility3@cityofrockport.com>
Sent: Wednesday, November 8, 2023 4:46 PM
To: Craig Wewerka <cwewerka@dataprose.com>
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CITY COUNCIL AGENDA

Regular Meeting: Tuesday, November 14, 2023

AGENDA ITEM: 16

Deliberate and act on second reading of an Ordinance of the City of Rockport Code of Ordinances Chapter 102, 'Utilities', Article IV. 'Surcharge Revenue Account' and by amending Sections 102-401 "Surcharge" and 102-403 "Administration; date of allocation of revenues; date of annual reporting", to both increase surcharge fee and reduce administrative fees repealing all ordinances in conflict therewith; providing for severability; and providing an effective date.

SUBMITTED BY: Robbie Sorrell, Director of Finance

APPROVED FOR AGENDA: VRS

BACKGROUND: Utility Bill Surcharge funds are collected from utility customers and distributed to the three Aransas County volunteer fire departments after the end of each fiscal year. The Chapter 102, Article IV of the Code of Ordinances prescribes that Rockport Volunteer Fire Department (RVFD) and Fulton Volunteer Fire Department (FVFD) receive 77 and 23 percent, respectively, of the surcharge and that Lamar Volunteer Fire Department (LVFD) receive the amount collected from customers (who are gas only) in Lamar. The City of Rockport, Texas retains a 5 percent fee to help offset collection and disbursement costs.

Following the September 26, 2023, Council meeting discussion, Council instructed staff to compile an ordinance increasing the Utility Bill Surcharge from \$1.35 per utility bill, to \$2.00 per utility bill. The increase would be effective November 15, 2023, and reflect on January 1, 2024, bills.

On October 24, 2023, when the first reading of the ordinance was approved, it was also amended on the floor to include reducing the city's administrative fees from five percent to two percent – as reflected in this second reading.

Finally, upon further research of the Code of Ordinances, it was revealed (snippet below) that the Surcharge is not voluntary as originally described and operated as by the City, but mandatory as failure to pay would result in "suspension or loss of municipal utility service".

City of Rockport, TX / Part II: Code of Ordinances / Utilities

ARTICLE IV SURCHARGE REVENUE ACCOUNT ^[1]

Result 1 of 8 surcharge (Return to Results) (Clear Search)

Next Result

☐ § 102-403 Administration; date of allocation of revenues; date of annual reporting.

☐ § 102-404 Penalties.

- (a) Failure to pay. Municipal utility customers who fail to pay the municipal utility bill surcharge under this article will be subject to the suspension or loss of municipal utility service until the delinquent bills and all appropriate reconnect fees are paid in full.

FISCAL ANALYSIS: With all things held constant at the end of 2022-2023, this increase should result in an additional \$86,000 for our area Volunteer Fire Departments.

RECOMMENDED ACTION: Staff recommends approval of this ordinance on this second reading.

ORDINANCE NO.

AN ORDINANCE AMENDING CODE OF ORDINANCES, CITY OF ROCKPORT, TEXAS, CHAPTER 102 'UTILITIES,' ARTICLE IV. 'SURCHARGE REVENUE ACCOUNT' AND BY AMENDING SECTION 102-401 "SURCHARGE" AND SECTION 102-403 "ADMINISTRATION; DATE OF ALLOCATION OF REVENUES; DATE OF ANNUAL REPORTING", TO BOTH INCREASE SURCHARGE FEES AND REDUCE ADMINISTRATIVE FEES; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Chapter 102 "Utilities" Article IV. "Surcharge Revenue Account", Sections 102-401 and 102-403 of the Rockport Code of Ordinances are hereby amended to wit:

Sec. 102-401. Surcharge.

- (a) *Single unit customer.* A surcharge in the amount of \$~~1.35~~ **\$2.00** per municipal utility bill per month is hereby established for each **non-wholesale /non-multi-unit** single unit customer.
- (b) *Multi-unit customer.* A surcharge in the amount of \$~~1.35~~ **\$2.00** for each meter connection, plus \$~~0.27~~ **\$0.27** for each space, room, apartment, condo or like multiple units, per municipal utility bill per month, is hereby established for each **non-single unit/non-wholesale** multi-unit customer. Multi-unit customers shall include but **are** not limited to R.V. parks, apartments, condominiums, hotels/motels and shopping centers.
- (c) *Wholesale customer.* A surcharge per municipal utility bill per month is hereby established for each wholesale customer in an amount equal to the sum of \$~~1.35~~ **\$2.00** per each single unit served, plus \$~~0.27~~ **\$0.27** for each space, room, apartment, condo or like multiple units served by the wholesale customer. Wholesale customers shall include all contracted resale customers being charged **the** wholesale water rate.

And

Sec. 102-403. Administration; date of allocation of revenues; date of annual reporting.

- (a) Allocation of revenues. The city shall retain ~~five~~ **two** percent of all surcharge revenues collected for the purpose of administration of the surcharge. On or before October 15, of each year the city shall disburse the fund balance to the Rockport, Fulton and Lamar Volunteer Fire Departments as follows:
 - (1) Fulton Volunteer Fire Department, 23 percent;
 - (2) Rockport Volunteer Fire Department, 77 percent; and
 - (3) Lamar Volunteer Fire Department will receive funds generated from the municipal utility service accounts (natural gas) on the Lamar Peninsula.

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

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

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

Section 5. This Ordinance shall become effective upon adoption by second and final reading. Rates to become effective December 15, 2023, and reflected on the January 1, 2024 billing.

APPROVED and **PASSED** on first reading the 24th day of October 2023.

CITY OF ROCKPORT, TEXAS

Tim Jayroe, Mayor

ATTEST:

Teresa Valdez, City Secretary

APPROVED, PASSED and ADOPTED on second reading the 14th day of November 2023.

CITY OF ROCKPORT, TEXAS

Tim Jayroe, Mayor

ATTEST:

Teresa Valdez, City Secretary

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

AGENDA ITEM: 17

Deliberate and act on second and final reading of an Ordinance amending Rockport Code of Ordinances Chapter 106 entitled “Tree and Landscape Regulations,” Article I entitled “In General,” Section 106-7, entitled “Tree Preservation and Mitigation Account” and Article II, entitled “Tree Regulations,” Section 106-15, entitled “Tree Preservation and Mitigation”; repealing all ordinances to the extent they are in conflict; providing for severability; providing for penalties provided in Section 1-7 of the City’s Code of Ordinances; finding and determining that the meeting at which this Ordinance is passed is open to the public as required by law; and providing an effective date.

SUBMITTED BY: Carey Dietrich - Asst Dir of Building & Development / Community Planner

APPROVED FOR AGENDA: VRS

BACKGROUND: The Tree & Landscape Ordinance was approved by Council on August 23, 2022. Upon review of the approved Ordinance it was discovered that the “Obstruction-pruning of trees” was inadvertently removed. This amendment replaces that section giving Code Enforcement the tools to regulate trees overhanging public sidewalks and rights-of-way. Also, the Tree & Landscape Committee has requested to include “for advertising and educational purposes related to tree preservation and mitigation” as an approved expense of mitigation funds in order to purchase educational materials and advertise the tree ordinance to educate the Public.

Please see the accompanying “Exhibit A” proposed ordinance revision for more information.

There have been no changes in format or content since Council approved the first reading of the Ordinance on October 24, 2023.

FISCAL ANALYSIS: N/A

RECOMMENDATION: Staff recommends approval of the second and final reading of an Ordinance Deliberate and act on first reading of an Ordinance amending Rockport Code of Ordinances Chapter 106 entitled “Tree and Landscape Regulations,” Article I entitled “In General,” Section 106-7, entitled “Tree Preservation and Mitigation Account” and Article II, entitled “Tree Regulations,” Section 106-15, entitled “Tree Preservation and Mitigation”; repealing all ordinances to the extent they are in conflict; providing for severability; providing for penalties provided in Section 1-7 of the City’s Code of Ordinances; finding and determining that the meeting at which this Ordinance is passed is open to the public as required by law; and providing an effective date.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKPORT, TEXAS AMENDING THE CITY OF ROCKPORT CODE OF ORDINANCES CHAPTER 106, ENTITLED "TREE AND LANDSCAPE REGULATIONS," ARTICLE I "IN GENERAL," SECTION 106-7, ENTITLED "TREE PRESERVATION AND MITIGATION ACCOUNT" AND ARTICLE II, ENTITLED "TREE REGULATIONS," SECTION 106-15, ENTITLED "TREE PRESERVATION AND MITIGATION"; REPEALING ALL ORDINANCES TO THE EXTENT THEY ARE IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR PENALTIES AS PROVIDED IN SECTION 1-7 OF THE CITY'S CODE OF ORDINANCES; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, on August 23, 2022, the City Council, after consideration and recommendation by City Staff, determined that the ordinance amendment be approved; and

WHEREAS, the Rockport Tree & Landscape Committee now recommend to add educational items to the allowable expenditures of the mitigation fund and add back in the Obstructions, Pruning of Trees section that was inadvertently left out of the August 9, 2022 revision.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCKPORT, 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. Chapter 106 of the Code of Ordinances of the City of Rockport, Texas, section 106-7 and 106-15 are hereby amended as set forth in the attached Exhibit A, incorporated herein.

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

Section 4. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Ordinance would have been enacted without such invalid provision.

Section 5. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

Section 6. Failure to comply with any provision of this Ordinance constitutes a class C misdemeanor punishable as provided by the general penalty provisions of Section 1-7 of the Rockport Code of Ordinances. Removal of undocumented trees constitutes a class C misdemeanor punishable as provided by the general penalty provisions of Section 1-7 of the Rockport Code of Ordinances. Each individual tree on each day the violation of this chapter exists shall constitute separate violations.

Section 7. This Ordinance shall be effective upon the date of final adoption hereof, and publication of the caption and penalties as required by law.

APPROVED and **PASSED** on first reading the 24th day of October 2023.

CITY OF ROCKPORT:

Tim Jayroe, Mayor

ATTEST:

Teresa Valdez, City Secretary

APPROVED, PASSED and ADOPTED on second reading the 14th day of November 2023.

CITY OF ROCKPORT:

Tim Jayroe, Mayor

ATTEST:

Teresa Valdez, City Secretary

EXHIBIT A

CHAPTER 106

TREE LANDSCAPE REGULATIONS

ARTICLE I. IN GENERAL

Sec. 106-7. Tree preservation and mitigation account.

The city shall reserve all fee-in-lieu of payments and any accrued interest from the fee-in-lieu of tree mitigation in a separate account from the general funds of the city. This fund shall be known as the tree preservation and mitigation account. The city shall deposit sums collected as cash payments-in-lieu of tree mitigation in the tree preservation and mitigation account. The city shall maintain records detailing the receipts and expenditures for the tree preservation and mitigation account. All funds deposited as credit for fee-in-lieu of tree mitigation may be used to place trees at public parks, schools, or other approved public facilities throughout the city. The tree preservation and mitigation account funds may also be utilized to install irrigation, to repair or remove damaged or destroyed trees, to preserve and protect existing trees, for advertising and educational purposes related to tree preservation and mitigation, and to purchase equipment for the preservation or protection of existing trees.

Article II. Tree Regulations

Sec. 106-15 - Tree Preservation and Mitigation.

(a) Purpose and Intent.

- (1) The purpose of this section is to conserve, protect and enhance existing healthy trees and natural landscape. It is recognized that the preservation of existing trees contributes to the overall quality and environment of the City. Trees can and do contribute to the processes of purification, oxygenation, regeneration, groundwater recharge, reduction of pollution and contaminants in aquifers, erosion and dust control, abatement of noise, provision of wildlife habitat and enhancement property values. Indiscriminate clearing or stripping of natural vegetation on any parcel is prohibited.
- (2) It is hereby declared the intent of the City to encourage the preservation of all trees within the City limits. While the layout of a property with respect to the placement of buildings, parking facilities and other site requirements is at the discretion of the developer of the property, it is the policy of the City to promote site layout and design in a manner which preserves the maximum amount of Protected Class, Century Class, Heritage Class, and Windswept Live Oak trees possible.

(b) Applicability and Exemptions.

- (1) The provisions of this section are applicable to the following:

- a. all new residential and nonresidential development within the City;
- b. redevelopment of any residential or nonresidential property within the City that results in an increase in the building footprint or the total destruction and reconstruction;
- c. any grading, filling or clearing of land in the City limits; and
- d. any selective or individual removal of any Protected Class Trees, Century Class Trees, Heritage Class Trees, and Windswept Oak Trees in the City limits.

(2) The following definitions shall be applicable to the provisions of this section:

- a. Protected Class Trees. Trees having a DBH (diameter at breast height measured four-and one-half feet above existing ground level) between eight inches (8") and less than twenty-four inches (24") are designated as "Protected Class Trees".
- b. Century Class Trees. Trees having a DBH greater than or equal to twenty-four inches (24") and less than forty-eight inches (48") are designated as "Century Class Trees".
- c. Heritage Class Trees. Trees having a DBH greater than or equal to forty-eight inches (48") are designated as "Heritage Class Trees".
- d. Windswept Oak Trees. Any Live Oak tree whose crown shows a definite south-east to north-west influence as a result of Rockport's prevailing southeasterly wind

(3) The following are exempt from the preservation and mitigation requirements of this section:

- a. Protected Class Trees located within the area of a proposed on-site sewage facility (OSSF). A waiver to mitigation for Century Class Trees and Heritage Class Trees may be requested;
- b. Protected Class, Century Class Trees and Heritage Class Trees located within a right-of-way to be dedicated to and maintained by the City and shown on the City's Master Thoroughfare Plan;
- c. Protected Class Trees located within any utility easement. Protected Class Trees located within any utility easement are exempt from preservation requirements only. A waiver to mitigation for Century Class Trees and Heritage Class Trees may be requested;
- d. Protected Class, Century Class, Heritage Class, and Windswept Oak trees damaged or destroyed by floods, fire, wind or other natural causes;
- e. Dangerous, diseased, damaged, dead or dying Protected Class, Century Class, Heritage Class, and Windswept Oak trees as determined by a certified Texas Arborist;
- f. Protected Class, Century Class, Heritage Class, and Windswept Oak trees that are less than 10" in diameter at the point on the trunk 4.5' above the ground located on property that has an existing one family or two-family dwelling that is occupied;

- g. Protected Class trees of a species listed in Table 106-D.8 *Plant Species list- Invasive Species*. A waiver to mitigation for Century Class, and Heritage Class trees may be requested;
 - h. Protected Class, Century Class, and Heritage Class trees of the following tree species are exempt:
 - 1. Hackberry (*Celtis occidentalis*)
 - 2. Eastern Red Cedar (*Juniperus virginiana*)
 - 3. Common Ashe Juniper (*Juniperis ashei*)
 - 4. Chinaberry (*Melia azedarach*)
 - 5. Mesquite (*Prosopis* spp.)
 - 6. Ligustrum (*Ligustrum* spp.)
- (c) Tree Preservation. The existing natural landscape character shall be preserved to the maximum extent reasonable and feasible. Except as otherwise exempted in section 106-15.b.3 above, a Tree Removal Permit is required for the removal of any tree with a DBH of eight inches (8”) or greater.
- (1) Protected Trees. Any Protected Trees not exempt from preservation in section 106-15.b.3 above may be removed upon approval of a Tree Removal Permit by the City Manager or his/her designee.
 - (2) Century Trees. Any Century Trees not exempt from preservation in section 106-15.b.3 above may be removed upon approval of a Tree Removal Permit by the City Manager or his/her designee.
 - (3) Heritage Trees. Any Heritage Trees not exempt from preservation in section 106-15.b.3 above may be removed upon approval of a Tree Removal Permit by the City Manager or his/her designee.
 - (4) Minimum Preservation. In the development of any site, at least twenty-five percent (25%) of all non-exempt Protected Class, Century Class, and Heritage Class trees must be preserved. A waiver to the 25% preservation requirement may be requested.
- (d) Tree Mitigation. Any non-exempt Protected Class, Century Class, or Heritage Class trees that are removed or damaged, shall be mitigated for on the same site as the proposed development. All trees planted for mitigation purposes must be a species of shade tree identified in table 106-15.d.7: *Plant species list – Shade Trees*. In the event that mitigation is not feasible on the same site as the proposed development, an applicant may request to donate trees, meeting the mitigation requirements of this section, to be planted at public parks, schools, or other approved public facilities throughout the City or pay a fee-in-lieu. Approval of requests to donate trees or

pay a fee-in-lieu are at the discretion of the City Manager or his/her designee. Mitigation requirements are:

- (1) Protected Class Trees. Protected trees shall be mitigated at a one-to-one (1:1) DBH inch ratio for every tree removed. Replacement trees shall have a minimum DBH of two- and one-half inches (2.5").
- (2) Century Class Trees. Century Class trees shall be mitigated at a three-to-one (3:1) DBH inch ratio for every tree removed. Replacement trees shall have a minimum DBH of two- and one-half inches (2.5").
- (3) Heritage Class Trees. Heritage Oak trees shall be mitigated at a five-to-one (5:1) DBH inch ratio for every tree removed. Replacement trees shall have a minimum DBH of two- and one-half inches (2.5").
- (4) Windswept Oak Trees shall be mitigated at a five-to-one (5:1) DBH inch ratio for every tree removed. Replacement trees shall have a minimum DBH of two- and one-half inches (2.5").
- (5) Damaged Trees. Any trees that are designated for preservation and are damaged during the construction process or that die within two (2) years of issuance of a certificate of occupancy shall be mitigated for in accordance with subsection 106-15.d.1, d.2, d.3, and d.4 above.
- (6) Mitigated Trees. Trees planted and counted towards the necessary mitigation requirements that are damaged after planting or that die within two (2) years of issuance of a certificate of occupancy shall be mitigated for at a one-to-one (1:1) DBH inch ratio for every tree damaged or that dies.

Table 106-15.d.7: Plant species list—SHADE TREES

SCIENTIFIC NAME	COMMON NAME
<i>Quercus macrocarpa</i>	Bur Oak (H, N)
<i>Quercus virginiana</i>	Live Oak (H, N)
<i>Quercus laceyi</i>	Lacey Oak
<i>Taxodium distichum</i>	Bald Cypress (W)
<i>Taxodium mucronatum</i>	Montezuma Bald Cypress (W)
<i>Ulmus americana</i>	American Elm

<i>Ulmus crassifolia</i>	Cedar Elm (N)
<i>Pithecellobium flexicaule</i>	Texas Ebony (F, H, N)
<i>Araucaria heterophylla</i>	Norfolk Island Pine (F)
<i>Pinus thunbergia</i>	Japanese Black Pine
<i>Ehretia anacua</i>	Anaqua (N, H)
<i>Parkinsonia aculeate</i>	Retama (H, N)

(e) Tree Protection Standards.

(1) All trees to be preserved on site shall be protected from damage caused by site excavation or construction in accordance with the following:

- a. All trees shall be protected by a fence, frame or box constructed around the drip line of the preserved tree. Protection measures may not be removed until construction is complete.
- b. A minimum of three inches (3") of mulch or compost shall be spread beneath the drip line of the preserved tree.
- c. No person shall excavate any ditches, tunnels, or trenches, place any paving material or place any drive or parking area within the drip line of any Protected Class, Century Class, Heritage Class, and Windswept Oak Tree without prior written approval of the City Manager or his/her designee.
- d. No person shall attach any rope, wire, nails, advertising posters or other contrivance to any Protected Class, Century Class, Heritage Class, and Windswept Oak Tree.

(2) Windswept Live Oak Tree Protection.

- a. Windswept Live Oak trees are considered a special natural resource unique to this area, shaped and created by forces of nature, and are irreplaceable. Windswept Live Oak trees provide character and beauty to the community, and special preservation of such trees benefits the community. Windswept Live Oak trees not exempted by section 106-15.b.3 above may only be removed if:
 1. It is demonstrated by clear and convincing evidence that the applicant's stated reasons for removal exist in fact and the removal is imminently necessary to accomplish the applicant's stated reason(s).

2. A reasonable effort to preserve the tree/s has been made and reasonable alternatives have been evaluated and determined to not be feasible.

(f) Obstruction; pruning of trees.

(1) Maintenance pruning allows for the healthy uniform growth of trees. Tree pruning should be accomplished in accordance with the procedures set forth in the latest ANSI A300 standard. The use of unnatural pruning techniques will be considered an unauthorized removal of a tree unless the tree is designated on an approved landscape plan to be shaped or formed in an unnatural pattern or to be maintained at a certain height.

(2) It shall be the duty of any person or persons owning or occupying real property bordering on any street or public way upon which property there may be trees or other vegetation, to prune such trees or other vegetation on their property in such a manner that they will not obstruct or shade streetlights, obstruct the passage of pedestrians, obstruct vision or traffic signs, obstruct flow of vehicular traffic, or obstruct view of any street or alley intersection. Minimum clearance of any overhanging portion thereof shall be no less than 14-feet above the street and sidewalk surfaces such that no portion of any tree is located within said 14-foot clear space area.

(a) Notice to prune. Should any person or persons owning real property bordering on any street fail to prune trees as herein above provided, the landscape official, or his/her designee, shall order such person, or persons, within ten days after receipt of written notice, to prune such trees.

(b) Order required. The order required herein shall be served in accordance with notification procedures as outlined in section 106-11, of this article.

(c) Failure to comply. When a person to whom an order is directed fails to comply within the specified time, the landscape official, or his/her designee, may have such trees pruned in the interest of public safety.

(3) On any corner lot, no vegetation shall be permitted or maintained higher than three feet above ground level or average street level within a vision triangle formed by a straight line from the points of the two intersecting right-of-way lines 20 feet back from their common intersection. This restriction shall not apply to permanent structures authorized by other sections of this article nor by other local, state, or federal laws. This restriction shall not apply to the trunks of trees as long as said trees are not clustered in a way so as to impede vision and are pruned so that all overhanging limbs will not impede vision.

(f)(g) Tree Preservation Credits—Nonresidential and Multifamily Developments.

- (1) To encourage the preservation of existing Protected Class, Century Class, Heritage Class, and Windswept Oak Trees contained within a proposed development, tree preservation credits may be requested to reduce the amount of new landscaping trees required on nonresidential and multifamily sites. Tree preservation credits can be issued to offset landscape buffer requirements when the tree being preserved is located within the buffer.

Tree preservation credits can also be issued to satisfy total trees per acre requirements. The following minimum tree preservation credits may be requested:

- a. Protected Class Trees shall receive a credit against the minimum required landscaping or mitigation standards at a one-to-one (1:1) caliper inch ratio;
 - b. Century Class Trees shall receive a credit against the minimum required landscaping or mitigation standards at a three-to-one (3:1) caliper inch ratio;
 - c. Heritage Class Trees shall receive a credit against the minimum required landscaping or mitigation standards at a three-to-one (3:1) caliper inch ratio;
 - d. Windswept Oak Trees shall receive a credit against the minimum required landscaping or mitigation standards at a five-to-one (5:1) caliper inch ratio;
- (2) Tree preservation credits may only be applied to the site where the trees are being preserved and only to offset new tree planting requirements. Credits may only be used to offset required new landscaping and must be requested at time of building permit.

~~(g)~~(h) Tree Removal Permit.

- (3) Permit Required. A tree removal permit is required for the removal of any Protected Class, Century Class, and Heritage Class, tree/s not exempt in section 106-15.b.3 above and any Windswept Live Oak Tree regardless of size, classification, or exemption status. Application for a Tree Removal Permit must be accompanied by an appropriate application as identified in the City's Development Manual.

~~(h)~~(i) Violations.

- (4) Work without a Tree Removal Permit. It shall be a violation of this chapter for any person or corporation to remove without a Tree Removal Permit, any non-exempt Protected Class, Century Class, and Heritage Class tree or any Windswept Live Oak Tree regardless of size, classification, or exemption status.
- (5) It shall be unlawful for any person or corporation to develop and/or maintain property in violation of this chapter.
- (6) Penalties and appeals shall be in accordance with the provisions laid out in Article I of this chapter.

~~(i)~~(j) Waiver.

- (7) General. The City Manager or his/her designee may authorize waivers from the provisions of this Article when, in their opinion, undue hardship will result from requiring strict compliance. Waivers may be granted only to items specifically stated in this section. Waivers must meet one of the following eligibility requirements:

- a. The tree is proposed for removal in order for the property to achieve compliance with other applicable City requirements and standards (i.e. site design or storm water management); or
- b. The tree is proposed for removal because it is within a future public utility location; or
- c. Minimum preservation requirements cannot be met due to too few trees or an excessive abundance of trees on site.

(8) Criteria for approval. Waivers shall be evaluated using the following criteria:

- a. Removal of the tree will not have a significant negative impact on erosion, soil stability, flow of surface waters, protection of adjacent trees or windbreaks;
- b. The requested waiver does not violate the intent of this section or the Rockport Code of Ordinances;
- c. Strict interpretation of the provisions of the section would deprive the applicant of rights commonly enjoyed by other nearby properties in the same zoning district or with the same land use that would comply with the same provisions;
- d. A reasonable effort to preserve the tree has been made and reasonable alternatives have been evaluated and determined to not be feasible.

~~(k)~~ Tree Mitigation Fee-in-lieu.

(1) The tree mitigation fee-in-lieu of replanting shall be \$50 per inch of mitigation.

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

AGENDA ITEM: 18

Deliberate and act on first 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 1875 State Highway 35 Bypass; also known as Certified Auto Repair, City of Rockport, Aransas County, Texas, to B-1 (General Business District) to comply with current use of property; repealing all ordinances in conflict therewith; providing for severability; and providing an effective date.

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

APPROVED FOR AGENDA: VRS

BACKGROUND: Property owner James Cruse wishes to rezone his property located at 1875 State Highway 35 Bypass to B-1 (General Business District) to comply with current use of property; currently zoned R-1 (1st Single Family Dwelling District).

A public notice regarding this item was published in The Rockport Pilot in the Saturday, September 30, 2023, edition and mailed out to eleven (11) property owners within a 200-foot radius of the property. Two letters For and none Against the request have been received at this time.

Please see the accompanying zoning change request application and Section 118-15 of the Code of Ordinances for detail information.

RECOMMENDATION: The Planning & Zoning Commission, by a unanimous vote, recommends approval of the first 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 1875 State Highway 35 Bypass; also known as Certified Auto Repair, City of Rockport, Aransas County, Texas, to B-1 (General Business District) to comply with current use of property; 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 AT 1875 STATE HIGHWAY 35 BYPASS; ALSO KNOWN AS CERTIFIED AUTO REPAIR, CITY OF ROCKPORT, ARANSAS COUNTY, TEXAS, TO B-1 (GENERAL BUSINESS DISTRICT) TO COMPLY WITH CURRENT USE OF PROPERTY; 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 September 26, 2023, notice was posted on the bulletin boards at the City of Rockport Service Center, 2751 State Highway 35 Bypass, and on the City's webpage www.cityofrockport.com; and

WHEREAS, on October 5, 2023, notice was mailed to affected property owners within 200' of subject property; and

WHEREAS, on September 30, 2023, the City caused to be published "Notice of Public Hearing" in the official newspaper of the City notifying area residents and the public in general to participate and make their views known regarding this request; and

WHEREAS, on October 16, 2023, at 5:30 p.m., the Planning & Zoning Commission did hold a Public Hearing; and

WHEREAS, on October 16, 2023, the Planning & Zoning Commission did meet and said Commission voted to recommend to the City Council to Approve this request to re-zone property, located at 1875 State Highway 35 Bypass, from R-1 (1st Single Family Dwelling District) to B-1 (General Business District) to comply with current use of property; and

WHEREAS, on October 24, 2023, at 6:30 p.m., the Rockport City Council did hold a Public Hearing; and

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 1875 State Highway 35 Bypass; also known as Certified Auto Repair, 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 this the 14th day of November 2023.

CITY OF ROCKPORT, TEXAS

Tim Jayroe, Mayor

ATTEST:

Teresa Valdez, City Secretary

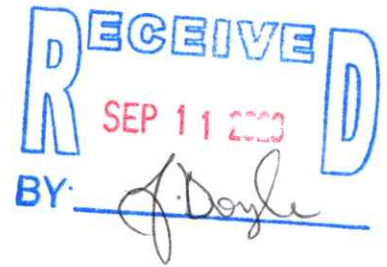
APPROVED, PASSED and ADOPTED on second and final reading, this ____day of _____2023.

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 [X] Conditional Permit []

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

B. ADDRESS AND LOCATION OF PROPERTY 1875 State Highway
35 Bypass Rockport TX 78382

C. CURRENT ZONING OF PROPERTY: RI

D. PRESENT USE OF PROPERTY: BI

E. ZONING DISTRICT REQUESTED: BI

F. CONDITIONAL USE REQUESTED: _____

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

• Lot or Tract 1 Block 1

• Tract _____ of the _____
Survey as per metes and bounds (field notes attached)

• If other, attach copy of survey or legal description from the Records of Aransas County or Appraisal District.

H. NAME OF PROPOSED DEVELOPMENT (if applicable) _____

I. TOTAL ACREAGE OR SQ. FT. OF SITE(S): 65,149

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

Operating Business Need to get back
to what it was before Annex

K. OWNER'S NAME: (Please print) James Cruse
ADDRESS: 121 Rattlesnake Pt Rd
CITY, STATE, ZIP CODE: Rockport TX 78382
PHONE NO 361 386-0285

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

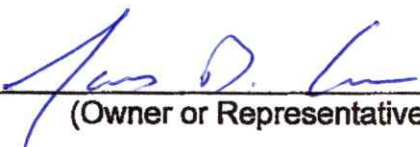
NOTE: Do you have property owner's permission for this request?
YES X NO _____

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:  Date: 9/11/23 Fees Paid: \$ 165.⁰⁰/_{xx}
Submitted Information (____ accepted) (____ rejected) by: _____
If rejected, reasons why: _____

Receipt No. _____

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**

1875 SH 35 Bypass

APPLICANT/PROPERTY OWNER

James Cruse, Owner

PUBLIC HEARING DATE

P&Z - Monday, Monday, October 16, 2023
 CC - Tuesday, October 24, 2023

P&Z DATE

Monday, October 16, 2023

CITY COUNCIL DATE(S)

1st Reading - Tuesday, November 14, 2023
 2nd Reading - Tuesday, December 12, 2023

BRIEF SUMMARY OF REQUEST

Property owner James Cruse wishes to rezone his property located at 1875 SH 35 Bypass, to B-1 (General Business District) to comply with current use of property; currently zoned R-1 (1st Single Family Dwelling District).

A public notice regarding this item was published in The Rockport Pilot in the Saturday, September 30, 2023, edition and mailed out to eleven (11) property owners within a 200-foot radius of the property. Two letters For and none Against the request have been received at this time.



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	Certified Auto Repair Shop	N – R-1 (1st Single Family Dwelling District) S – R-1 (1st Single Family Dwelling District) E – Hwy 35 Bypass W – R-1 (1st Single Family Dwelling District)	Auto Repair Shop Building and parking lot	1.4965 acres

STAFF RECOMMENDATION

APPROVE

APPROVE WITH CONDITIONS

DENY

COMPATIBILITY with the ZONING ORDINANCE

The Current Future Land Use Map suggests Commercial Use

PROPERTY HISTORY

Certified Auto Repair was in full operation prior to annexation and remains in full operation.

ATTACHMENTS
(CIRCLE)

SUBMITTED PLANS

**PUBLIC HEARING PETITION/
APPLICATION FORM**

LEGAL NOTICE

LEGAL DESCRIPTION

PUBLIC COMMENTS

AGENCY COMMENTS

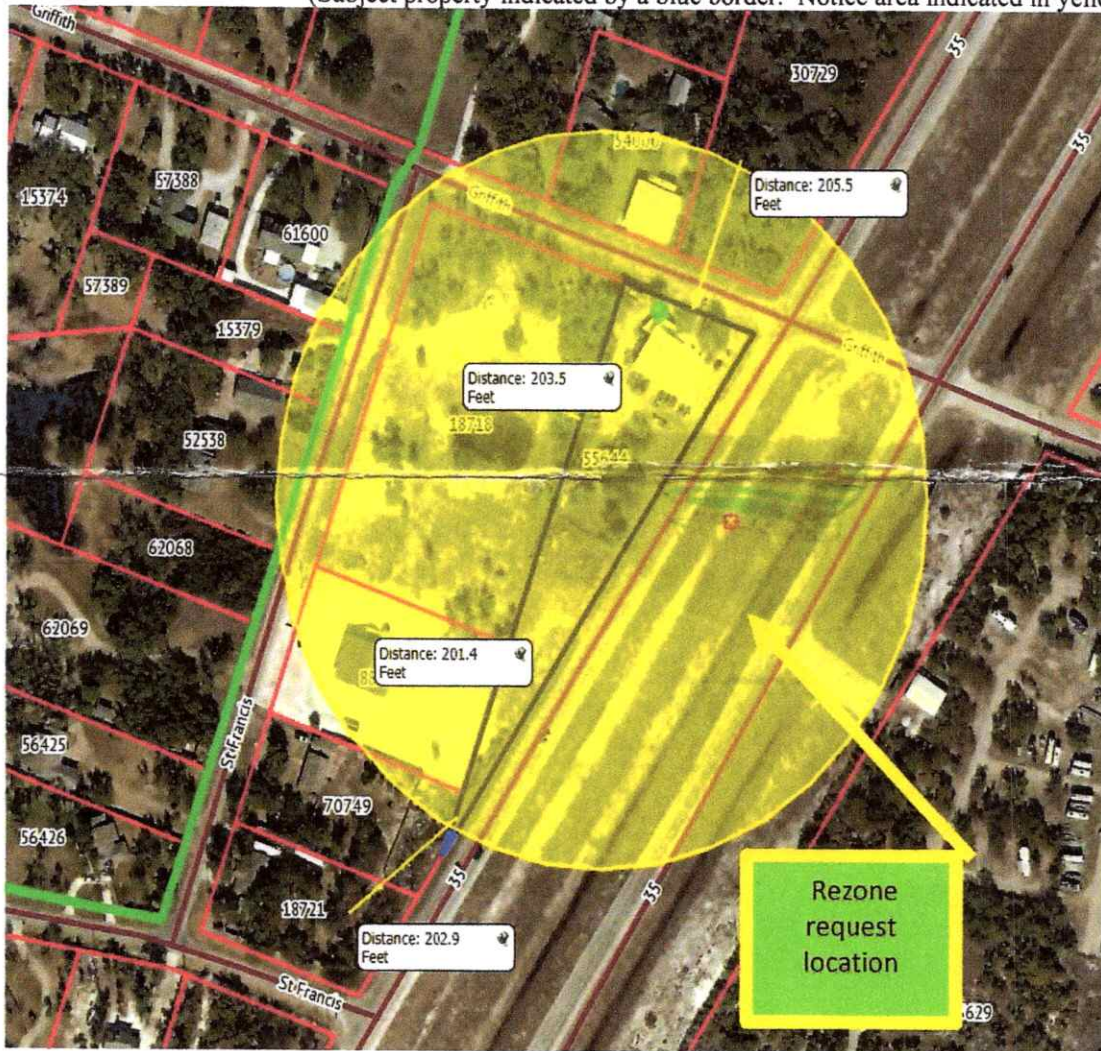
RESPONSE TO STANDARDS

OTHER (DESCRIBE)

Property ID	Property Owner	Situs Address	Mailing Address	City	State	ZIP
30729	Chen Jingqiu	1901-1939 SH 35 Bypass	7948 Greenhollow Ln	Dallas	Tx	75240
54000	Jon Lucas	344 Griffith Dr	344 Griffith Dr	Rockport	Tx	78382
64916	James & Amy Riley	340 Griffith DR	340 Griffith Dr	Rockport	Tx	78382
18718	Brian Phillips & Tami Domasco	102 St Francis Cir	325 Griffith Dr	Rockport	Tx	78382
70749	Suzanne Campbell	208 St Francis Cir	1919 Hwy 35 N PMB 631	Rockport	Tx	78382
18721	COFIDENTIAL					
52538	Michael & Darla Williams	111 St Francis Cir	P.O. Box 567	Rockport	Tx	78381
61600	Brian Phillips	325 Griffith Dr	325 Griffith Dr	Rockport	Tx	78382
15379	Michael & Darla Williams	107 St Francis Cir	P.O. Box 567	Rockport	Tx	78381
62068	Danny Mitchell	201 St Francis Cir	P.O. Box 1791	Orange Grove	Tx	78372
8821912	Chris & Cindy Anderson	202 St Francis Cir	P.O. Box 1895	Aransas Pass	Tx	78335
55644	James Cruse - C A R Certified	1875 SH 35 Bypass	1875 SH 35 Bypass	Rockport	Tx	78382
	Ruth Davis	Planning and Zoning Commi	Po Box 706	Fulton	TX	78358
	Ric Young	Planning and Zoning Commi	123 Royal Oaks Dr	Rockport	Tx	78382
	Kim Hesley	Planning and Zoning Commi	2003 Tule Park Drive	Rockport	TX	78382
	Warren Hassinger	Planning and Zoning Commi	2517 Turkey Neck Circle	Rockport	TX	78382
	Thomas Blazek	Planning and Zoning Commi	102 St Andrews St	Rockport	Tx	78382
	Patricia A Impens	Planning and Zoning Commi	1401 Smokehouse Rd	Rockport	Tx	78382

Location Map of Proposed Change of Zoning Request

(Subject property indicated by a blue border. Notice area indicated in yellow.)



FAQ

Why am I receiving this notice?

Texas law requires that property owners within 200 feet of a zoning request be notified of the possible change to the property.

What do I do now?

It is your right to either object or support the proposed request. If you wish to do so, simply fill out this letter and return it to the City of Rockport by mail:

ATTN:

**Building Department
City of Rockport
2751 SH 35 Bypass
Rockport, TX 78382**

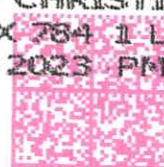
If you have any questions regarding this notice, please contact Carey Dietrich, Community Planner, at 361-790-1125, ext. 226.



City of Rockport
Building & Development Department
2751 S.H. 35 Bypass
Rockport, TX 78382

CORPUS CHRISTI
TX 784 1 L
10 OCT 2023 PM

FIRST CLASS

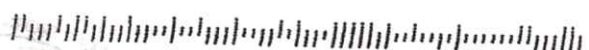


ZIP 78382
02 7H
0006090064 \$000.63⁰
OCT 05 2023

Brian Phillips & Tami Domasco
325 Griffith Dr
Rockport, Tx78382

SITUS ADDRESS: 102 St Francis Cir

78382\$7120 H006





PUBLIC HEARING
Planning & Zoning Commission
and City Council

NOTICE is hereby given that the Planning & Zoning Commission will hold a Public Hearing on Monday October 16, 2023, at 5:30 p.m. and the Rockport City Council will hold a Public Hearing on Tuesday, October 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 1875 SH 35 Bypass; also known as S1558 Domasco Subdivision, Block 1, Lot 1 & PT of Lot 2, being 1.4965 acres, City of Rockport, Aransas County, Texas, to B-1 (General Business District) to comply with current use of property; currently zoned R-1 (1st Single Family Dwelling District).

Members of the public can view the meeting remotely via live stream at the address that will be provided on the Planning & Zoning Commission Agenda of October 16, 2023, and the City Council Agenda of October 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:

Tami Domasco

Address: 325 Griffith Drive

City/State: Rockport, TX

(☒) IN FAVOR () IN OPPOSITION

Phone: 361.463.6989

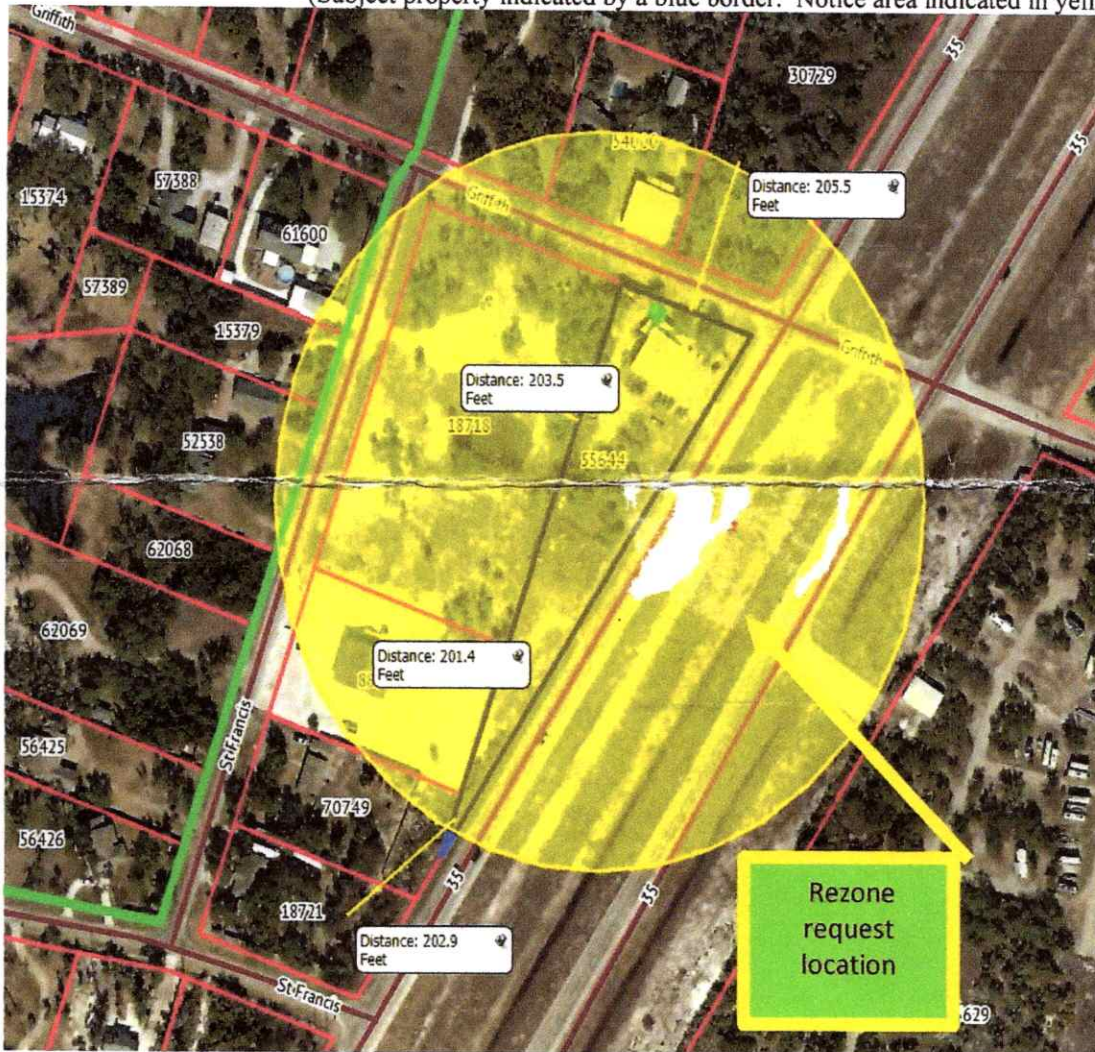
REASON:

Tami Domasco
 Signature

See map on reverse side.

Location Map of Proposed Change of Zoning Request

(Subject property indicated by a blue border. Notice area indicated in yellow.)



FAQ

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**Building Department
City of Rockport
2751 SH 35 Bypass
Rockport, TX 78382**

If you have any questions regarding this notice, please contact Carey Dietrich, Community Planner, at 361-790-1125, ext. 226.



City of Rockport
Building & Development Department
2751 S.H. 35 Bypass
Rockport, TX 78382

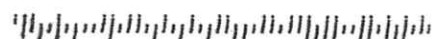
CORPUS CHRISTI
TX 784 1 1
10 OCT 2023 PM

FIRST CLASS



Brian Phillips
325 Griffith Dr
Rockport, Tx 78382

SITUS ADDRESS: 325 Griffith Dr





PUBLIC HEARING
Planning & Zoning Commission
and City Council

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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: Brian Phillips
 Address: 325 Griffith Drive

City/State: Rockport, TX 78382

Phone: 361.548.5319

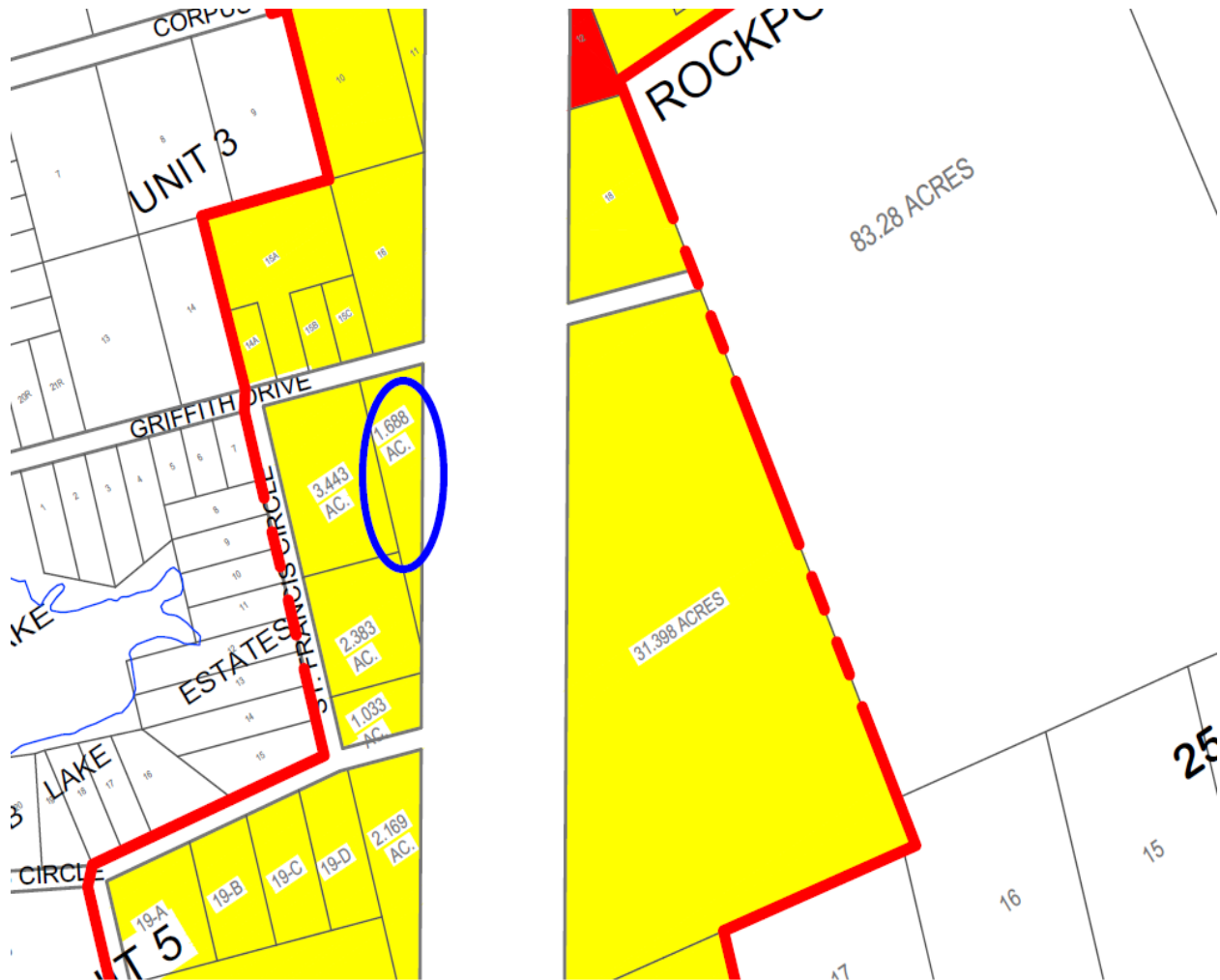
☒ IN FAVOR () IN OPPOSITION

REASON:

B.P.
 Signature

See map on reverse side.

Zoning Map



Future Land Use



CITY COUNCIL AGENDA

Regular Meeting: November 14, 2023

AGENDA ITEM: 19

Discussion of traffic study results from previous Council discussion regarding proposal and possible future action regarding the addition of a four-way stop at the intersection(s) in the area around ABC Learning Center.

SUBMITTED BY: Police Chief Greg Stevens

APPROVED FOR AGENDA: VRS

BACKGROUND: At its regular meeting on August 22, 2023, City Council held a discussion regarding complaints to Council Member Brad Brundrett of heavy traffic driving at excessive speeds near the ABC Learning Center, located at 1422 East Cedar Street. The discussion covered the possibility of creating a school speed zone with reduced speed limits on the streets around the facility and/or the addition of four-stop signs at one or more of the intersections near the facility.

Because the ABC learning center is not a qualified primary or secondary educational facility, creating a school zone is not possible. Since the August 22nd Council meeting, the police department has conducted a traffic study over a two-week period to determine the impact of adding four-way stop signs. The study used covert equipment to observe traffic volume and the actual speeds of vehicles traveling on Lady Claire Street near the facility. During the study period, traffic was monitored 24 hours each day.

The study showed that a total of 15,649 vehicles traveled on Lady Claire Street in the study area and that the average speed of all vehicles detected was 21.72 miles per hour. The average speed of the 2,248 (14.37%) vehicles traveling over the posted speed limit of 30 MPH was 35.35 miles per hour. The traffic study indicated that 85% of vehicles traveled at or below 30 miles per hour and that most of the vehicles detected traveled in the “10 MPH pace” of 17-26 miles per hour. These factors support the current posted speed limit of 30 MPH and do not support additional speed control measures such as four-way stop signs.

FISCAL ANALYSIS: No physical impact.

RECOMMENDATION: Not an action item.

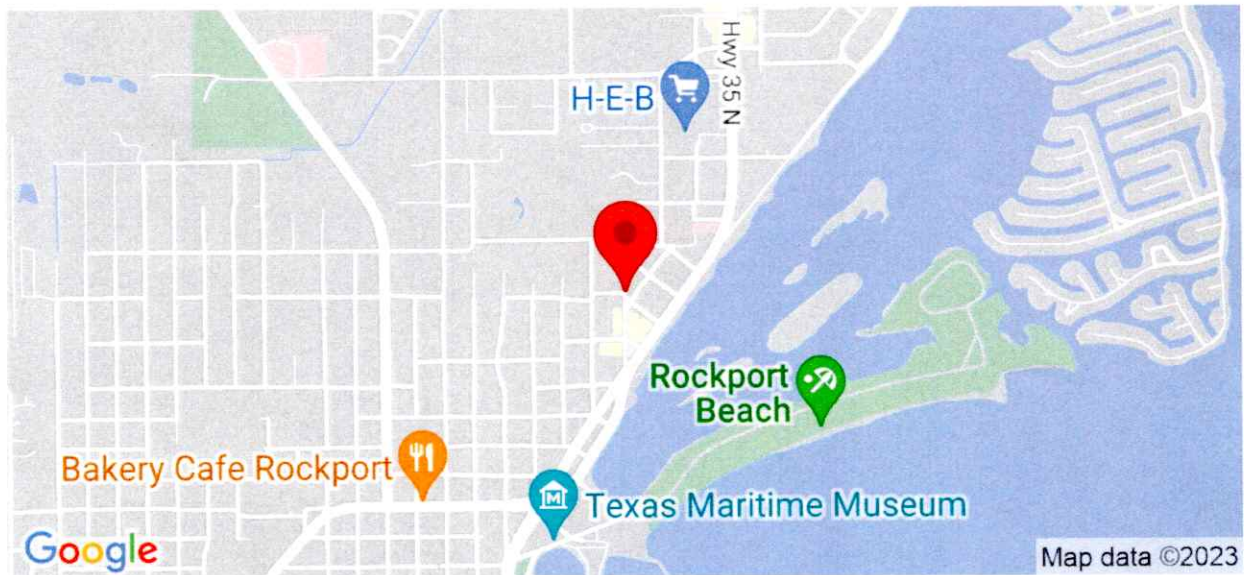
Survey Description

Survey Details

Survey Location	1100 Lady Claire St., Rockport, TX	
Survey GPS Coordinates		
Survey Dates	Start	Stop
	Monday, 10/2/2023 7:13 AM	Wednesday, 10/11/2023 8:57 AM
Posted Speed Limit	30 (mph)	
Traffic Zone	Residential	
File Name	ABC School @2023-10-19_14-17-08.xml	
Device Type	000	
Device Serial Number	SNAA000000	
Survey Note		

Total Vehicle Count	15649	
Traffic Direction	Undefined (Closing)	Undefined (Away)
Vehicle Count	6112	9537

Survey Map



Survey Summary

Survey Description

Survey Location	1100 Lady Claire St.,Rockport, TX	
Survey GPS Coordinates		
Survey Dates	Start	Stop
	Monday, 10/2/2023 7:13 AM	Wednesday, 10/11/2023 8:57 AM
Posted Speed Limit	30 (mph)	
Traffic Zone	Residential	

Survey Result

Total Vehicle Count		15649		
	Traffic Direction	Closing	Away	Combined
		Undefined	Undefined	
	Vehicle Count	6112	9537	15649
Posted Speed Limit		30 (mph)		
	Vehicles Under the Speed Limit Count	5640	7761	13401
	Vehicles Under the Speed Limit Percentage	92.28%	81.38%	85.63%
	Vehicles Over the Speed Limit Count	472	1776	2248
	Vehicles Over the Speed Limit Percentage	7.72%	18.62%	14.37%
Excessive Speed Threshold		55 (mph)		
	Vehicles Over the Excessive Speed Count	0	1	1
	Vehicles Over the Excessive Speed Percentage	0	0.01%	0.01%
	Average Speed Over Limit	34.58 (mph)	35.56 (mph)	35.35 (mph)
Speed Profile				
	Average Speed	20.02 (mph)	22.8 (mph)	21.72 (mph)
	Minimum Speed	3 (mph)	2 (mph)	2 (mph)
	Maximum Speed	53 (mph)	56 (mph)	56 (mph)
	85th Percentile Speed	27 (mph)	32 (mph)	30 (mph)
	Standard Deviation	6 (mph)	8 (mph)	7 (mph)
	10 mph Pace	16-25 (mph)	18-27 (mph)	17-26 (mph)
	In Pace Count	3054	3623	6587
Data Recording Limits				
	Highest Speed Allowed	120 (mph)		
	Lowest Speed Allowed	15 (mph)		
	Minimum Following Time	2 Second(s)		

Survey Description**Survey Location** 1100 Lady Claire St., Rockport, TX**Survey GPS Coordinates****Survey Dates****Start**

Monday, 10/2/2023 7:13 AM

Stop

Wednesday, 10/11/2023 8:57 AM

Posted Speed Limit

30 (mph)

Traffic Zone

Residential

Speed - Volume Matrix**Date Range:** 2023-10-02 - 2023-10-11**Direction:** Both

Date Span	Total	6-10	11-15	16-20	21-25	26-30	31-35	36-40	41-45	46-50	51-55	56-60	61-65	66-70	71-75	76-80	81-85	86+
00:00 - 00:59	31	1	6	8	6	4	4	1	1									
01:00 - 01:59	29	1	3	10	7	3	2	2	1									
02:00 - 02:59	73	7	30	14	3	7	8	4										
03:00 - 03:59	288	21	123	116	20	5	3											
04:00 - 04:59	23	1	2	7	7	5	1											
05:00 - 05:59	149	7	20	30	33	33	13	5	6	2								
06:00 - 06:59	358	32	98	61	77	38	30	13	6	3								
07:00 - 07:59	1054	65	259	289	173	120	86	48	12	2								
08:00 - 08:59	1083	35	146	283	242	157	125	66	22	7								
09:00 - 09:59	829	27	123	223	199	134	76	22	16	8	1							
10:00 - 10:59	1379	116	314	413	250	141	97	31	8	5	4							
11:00 - 11:59	997	38	134	273	263	155	103	24	5	2								
12:00 - 12:59	1005	28	128	290	244	159	108	36	9	3								
13:00 - 13:59	978	26	127	267	230	163	94	52	17	1		1						
14:00 - 14:59	1441	58	262	487	296	178	104	43	8	4	1							
15:00 - 15:59	1065	41	175	322	250	157	73	33	10	4								
16:00 - 16:59	1146	51	160	320	285	147	107	48	21	6	1							
17:00 - 17:59	923	36	129	262	219	143	79	38	14	3								
18:00 - 18:59	821	34	122	229	192	110	85	34	14	1								
19:00 - 19:59	742	17	118	221	160	117	66	30	11	1	1							
20:00 - 20:59	522	22	76	133	111	74	69	26	6	5								
21:00 - 21:59	291	10	50	86	57	49	19	16	4									
22:00 - 22:59	279	9	37	85	64	37	25	15	4	3								
23:00 - 23:59	143	7	19	49	28	20	14	5		1								

Survey Description**Survey Location** 1100 Lady Claire St., Rockport, TX**Survey GPS Coordinates****Survey Dates****Start**

Monday, 10/2/2023 7:13 AM

Stop

Wednesday, 10/11/2023 8:57 AM

Posted Speed Limit

30 (mph)

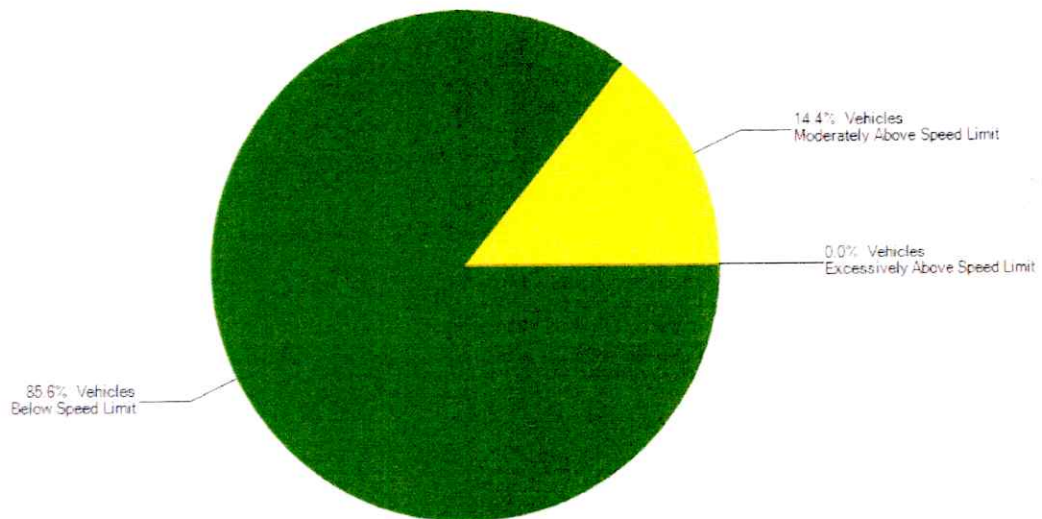
Traffic Zone

Residential

Speed Pie Chart

Date Range: 2023-10-02 - 2023-10-11

Direction: Both



	Traffic Direction	Closing	Away	Combined
Posted Speed Limit			30 (mph)	
<i>Vehicles Under the Speed Limit Count</i>		5640	7761	13401
<i>Vehicles Under the Speed Limit Percentage</i>		92.28%	81.38%	85.63%
<i>Vehicles Over the Speed Limit Count</i>		472	1776	2248
<i>Vehicles Over the Speed Limit Percentage</i>		7.72%	18.62%	14.37%
Excessive Speed Threshold			55 (mph)	
<i>Vehicles Over the Excessive Speed Count</i>		0	1	1
<i>Vehicles Over the Excessive Speed Percentage</i>		0	0.01%	0.01%
<i>Average Speed Over Limit</i>		34.58 (mph)	35.56 (mph)	35.35 (mph)

Survey Description**Survey Location** 1100 Lady Claire St., Rockport, TX**Survey GPS Coordinates****Survey Dates****Start**

Monday, 10/2/2023 7:13 AM

Stop

Wednesday, 10/11/2023 8:57 AM

Posted Speed Limit

30 (mph)

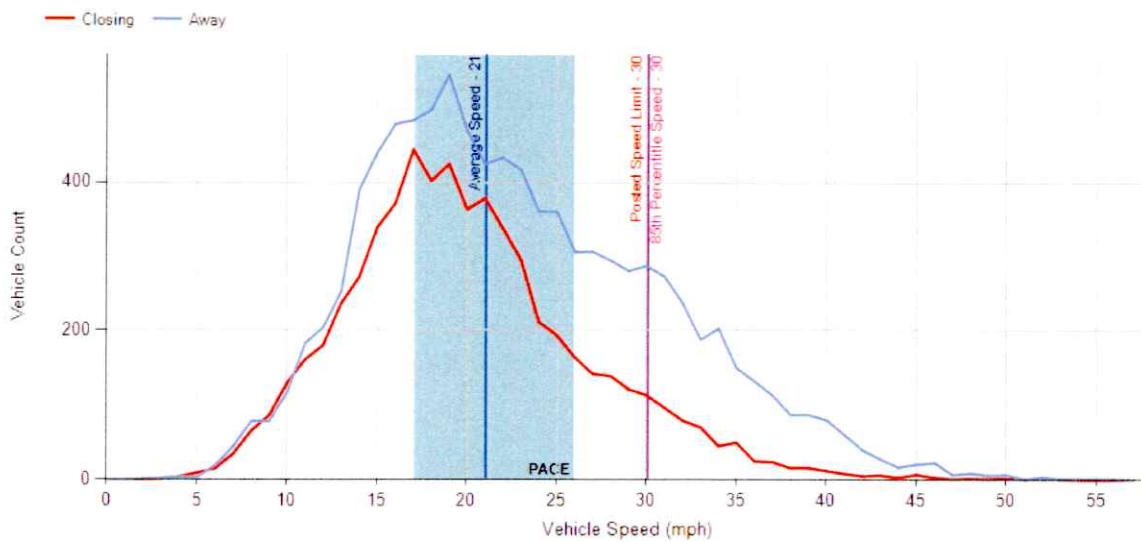
Traffic Zone

Residential

Count vs Speed - Line Chart

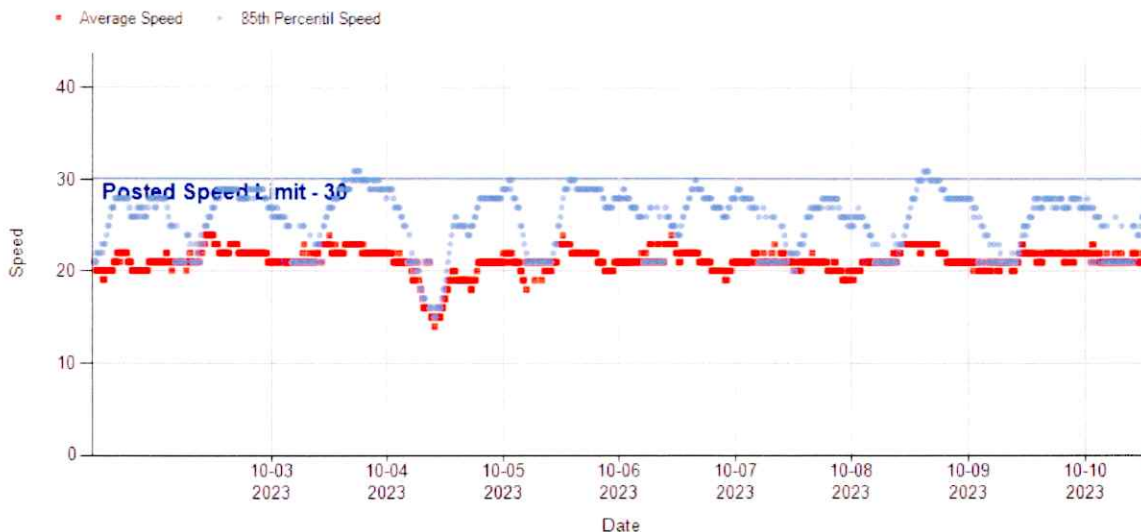
Date Range: 2023-10-02 - 2023-10-11

Direction: Both

**Average Speed vs Time - Point Chart**

Date Range: 2023-10-02 - 2023-10-11

Direction: Both



CITY COUNCIL AGENDA
Regular Meeting: Tuesday, November 24, 2023

AGENDA ITEM: 20

Discussion regarding a Downtown Information Center

SUBMITTED BY: City Manager Vanessa Shrauner

APPROVED FOR AGENDA:

BACKGROUND

Since the Strategic Planning session with the City Council in March 2022 and the July 2022 Budget presentation and subsequent approval of use of Hotel Tax Funds, the staff have been working with engineers to close the one block of Main Street between Austin Street and Water Street for the purpose of an Information Center and Restroom Facilities.

Recently the City has received opposition to the closing of the portion of street.

FISCAL ANALYSIS:

RECOMMENDED ACTION: Discussion purposes only.

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

AGENDA ITEM: 25

Deliberate and act to reappoint Alternate Municipal Court Judge.

SUBMITTED BY: City Secretary Teresa Valdez

APPROVED FOR AGENDA: VRS

BACKGROUND: City Council reappointed Diane Dupnik as Alternate Municipal Court Judge for a term of two years beginning June 26, 2021, and ending June 25, 2023. The reappointment of Judge Dupnik was inadvertently missed in June 2023.

FISCAL ANALYSIS: N/A

RECOMMENDATION: Council reappoint Judge Dupnik as Alternate Municipal Court Judge retroactive to June 26, 2023 with a two-year term ending June 25, 2025.