
CITY COUNCIL SPECIAL MEETING AGENDA

Notice is hereby given that the Rockport City Council will hold a special meeting on Wednesday, December 13, 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.

Regular Agenda

3. Deliberate and act on second & final reading of an Ordinance granting to AEP Texas, Inc., its successors and assigns, a non-exclusive franchise to construct, maintain and operate lines and appurtenances and appliances for conducting electricity in, over, under, and through the streets, avenues, alleys and public places of the City of Rockport, Texas.
4. 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” Section 102.404 “Penalties” relating the consequences of opting out; repealing all prior ordinances in conflict herewith; and providing for an effective date.
5. ***Postponed – November 14, 2023:*** 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
6. Deliberate and act on 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.
7. Deliberate and act on 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.

8. Deliberate and act on 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.
9. Deliberate and act on an Ordinance 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.
10. Deliberate and act on second and final reading of an Ordinance amending the City of Rockport Code of Ordinances Chapter 26 “Businesses” by adding Article III Short Term Rentals; repealing all ordinances to the extent they are in conflict; providing for severability; providing for penalties; and providing an effective date.
11. 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, December 8, 2023, at 8:30 a.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*.



Teresa Valdez, City Secretary

CITY COUNCIL AGENDA
Special Meeting: Wednesday, December 13, 2023

AGENDA ITEM: 3

Deliberate and act on second & final reading of an Ordinance granting to AEP Texas Inc., its successors and assigns, a non-exclusive Franchise to construct, maintain and operate lines and appurtenances and appliances for conducting electricity in, over, under, and through the streets, avenues, alleys and public places of the City of Rockport, Texas.

SUBMITTED BY: City Manager Vanessa Shrauner

APPROVED FOR AGENDA: VRS

BACKGROUND: Council will consider the first reading of this Ordinance at the December 12, 2023 Council meeting.

FISCAL ANALYSIS:

RECOMMENDATION: Staff recommends Council approve the second & final reading of the Ordinance, as presented.

ORDINANCE NO. _____

**AN ORDINANCE GRANTING TO AEP TEXAS INC., ITS SUCCESSORS AND
ASSIGNS, A NON-EXCLUSIVE FRANCHISE TO CONSTRUCT, MAINTAIN AND
OPERATE LINES AND APPURTENANCES AND APPLIANCES FOR
CONDUCTING ELECTRICITY IN, OVER, UNDER, AND THROUGH THE
STREETS, AVENUES, ALLEYS AND PUBLIC PLACES OF THE CITY OF
ROCKPORT, TEXAS**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCKPORT,
TEXAS, AND A MAJORITY OF MEMBERS CONCURRING:**

SECTION 1 That AEP Texas Inc., formerly known as AEP Texas Central Company, a corporation organized under the laws of the State of Delaware, its successors and assigns, (“Company”) is granted the non-exclusive right, privilege, franchise and authority until December 31, 2038, to acquire, construct, maintain, and operate in, above, under, across, over, and along the streets, alleys, thoroughfares, bridges, and public places (“Public Rights-of-Way”), as the same now exist or may hereafter be laid out in the City of Rockport, State of Texas (the “City”), lines for the transmission and distribution of electric energy and services incidental thereto, either by means of overhead or underground conductors, with all necessary or desirable appurtenances and appliances as currently installed or that may be installed in the future including but not limited to electric substations, underground conduits, poles, towers, wires and transmission and distribution lines, and fiber optic cable and telegraph and telephone wires for audio, video and data communications for use in support of transmission and distribution operations and the electric system and grid and matters appurtenant thereto, all for the purpose of transmitting and distributing electrical energy to the City and its inhabitants, and persons and corporations within and beyond the limits thereof for light, heat, power and any other purpose or purposes for which electric energy is now or may hereafter be used, and to

license or lease space on or within Company's poles, conduit, and appurtenant facilities for the attachment of third-party facilities, and for all other facilities Company deems reasonably necessary for the provision of safe, reliable and economical electric service to the City.

SECTION 2 Poles and towers must be erected so as not to interfere unreasonably with traffic over streets and alleys, and the City may make and impose reasonable requirements fixing the location of poles, towers and conduits, provided that no such requirement may be unreasonably burdensome upon Company or unreasonably interfere with the operation or maintenance of its facilities.

SECTION 3 The City grants to Company permission to cut down, trim, remove and otherwise control using herbicides or tree growth regulators, any trees, branches, vegetation or brush upon and overhanging the Public Rights-of-Way of the City in the vicinity of Company's electric facilities where such trees and other vegetation, in Company's reasonable opinion, may endanger the safety of Company's personnel or interfere with the construction, operation or maintenance of Company's facilities or ingress or egress to, from, or along the Public Rights-of-Way.

SECTION 4 Company shall fully indemnify and save the City harmless from any and all damage, loss, action or cause of action arising in whole or in part from Company's exercise of any of its rights, privileges, franchises and obligations hereunder except to the extent arising out of the City's negligence or willful misconduct.

SECTION 5 For and as full consideration and compensation for this franchise and the rights, privileges and easements granted and conferred thereby and as rental for the use of the Public Rights-of-Way within or that may in the future be within the City, Company must pay the City an amount calculated in accordance with the methodology prescribed by applicable

law, as it exists today in the form and substance of the Texas Public Utilities Regulatory Act (PURA) Section 33.008(b), Texas Utilities Code, currently the product of a factor of \$0.002815 per kilowatt hour multiplied times the number of kilowatt hours delivered by Company to retail customers within the City's boundaries as such charge may be revised from time to time in accordance with Section 33.008(b) of the Texas Utilities Code or any other applicable provision of law regarding franchise fee payments. A payment made based on the foregoing applicable law or any change, modification, or replacement thereof will be made each month throughout the term provided for in this ordinance, with each such payment to be made on the first business day of the second month following the month in which the deliveries occurred, for the billing cycle for that month.

The City must notify the Company in writing of newly annexed and de-annexed areas. The notice must include the ordinance number authorizing the action, an appropriate map identifying the areas and documentation of the notice to the State of Texas regarding the annexation or de-annexation. The Company will have no responsibility for commencing payments to the City for kilowatt hours delivered in newly annexed areas until it has received the City's notification. Upon the City's notification and beginning the 91st day after receipt of such notice, Company will commence payments to the City for kilowatt hours delivered in each newly annexed area and will make any appropriate adjustments in payments reflecting over deliveries of kilowatt hours in any prior month resulting from inclusion of kilowatt hours from de-annexed areas in the calculation of the monthly charge. Payments for deliveries in newly annexed areas and adjustments for over deliveries in de-annexed areas must be made back to the effective date of the ordinance.

SECTION 6 References made in this ordinance to the City or Company will include the respective successor or assign of either the City or Company, and all rights, privileges, franchises and obligations contained in this ordinance will bind and benefit each successor or assign, in which event the predecessor of each successor or assign is divested of all such rights, privileges, franchises, or obligations, whether or not so expressed.

SECTION 7 The terms and provisions of this franchise are joint and several, and the invalidity of any part will not affect the validity of the remainder of the franchise.

SECTION 8 This ordinance will take effect from and after the earliest period allowed by law, provided that Company must file its written acceptance of this ordinance within ninety days after its adoption. Once this ordinance takes effect, the electric franchise under which the City has been operating until this time will stand surrendered.

INTRODUCED, READ FOR THE FIRST TIME, APPROVED AND PASSED to the second reading at a regular meeting duly and regularly called and held on the ____ day of December 2023, by the following vote:

AYES:

NAYES:

CITY OF ROCKPORT, TEXAS

Tim Jayroe, Mayor

ATTEST:

Teresa Valdez, City Secretary

INTRODUCED, READ FOR THE SECOND TIME AND ADOPTED in written form at a regular meeting duly and regularly called and held on the _____ day of _____ 2023, by the following vote:

AYES:

NAYES:

CITY OF ROCKPORT, TEXAS

Tim Jayroe, Mayor

ATTEST:

Teresa Valdez, City Secretary

ACKNOWLEDGMENT

STATE OF TEXAS §

COUNTY OF ARANSAS §

I, the undersigned, City Secretary of the City of Rockport, Texas, certify that the above and foregoing is a true and correct copy of a franchise ordinance passed, adopted, and approved by the City Council of the City of Rockport, Texas, at a meeting duly and regularly called and held on the ____ day of _____ 2023.

IN TESTIMONY WHEREOF, witness my hand and seal of office, this ____ day of

2023.

City Secretary of the
City of Rockport, Texas

ACCEPTANCE OF FRANCHISE

WHEREAS, the City of Rockport, Texas, by Ordinance/Resolution # _____ passed, adopted and approved at a meeting of the City held on the ____ of _____, 2023, granted to AEP Texas Inc., (formerly known as AEP Texas Central Company) a franchise in accordance with applicable law to supply electricity to the City of Rockport, Texas, until December____, 20__ (the “Franchise Ordinance”); and

WHEREAS, in compliance with the terms of the Franchise Ordinance, AEP Texas Inc. desires to file its written acceptance thereof.

NOW THEREFORE, AEP Texas Inc., a Texas corporation, acting by its duly authorized officer, accepts the Franchise Ordinance and files this acceptance and agrees that it and its successors and assigns, are and shall be entitled to all of the rights, privileges, authority and franchise thereby granted and are and shall be bound by and will comply with all of the duties, liabilities, terms, and provisions of the Franchise Ordinance.

IN WITNESS WHEREOF, AEP Texas Inc. has caused this Acceptance of Franchise to be executed by its duly authorized officer this the ____ day of _____, 2023.

AEP Texas, Inc.

By: _____
 Gilbert Hughes
 VP Texas External Affairs

CITY COUNCIL AGENDA

Special Meeting: Wednesday, December 13, 2023

AGENDA ITEM: 4

Deliberate and act on second & final reading of an Ordinance amending the City of Rockport Code of Ordinances Chapter 102, “Utilities”, Article IV, “Surcharge Revenue Account” Section 102-404 “Penalties”, relating to the consequences of opting out; repealing all prior ordinances in conflict herewith; and providing for an effective date.

SUBMITTED BY: Robbie Sorrell, Director of Finance

APPROVED FOR AGENDA: VRS

BACKGROUND: The City of Rockport has operated the surcharge revenue account (a/k/a Fire Fund as defined on the utility bill) as an opt-out program; however, per the Code of Ordinances, the surcharge is mandated under penalty of “suspension or loss of municipal utility service” per below:

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

ARTICLE IV SURCHARGE REVENUE ACCOUNT ^[1]

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

☐ § 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.

At the November 14, 2023, Council meeting, Council was informed of the disconnect and ask staff to prepare an ordinance supporting the practice of voluntary participation and in accordance with PUC Chapter 24, Subchapter F.

Council will take action on the first reading of the Ordinance at the December 12, 2023, City Council Meeting.

FISCAL ANALYSIS: Administrative action, no fiscal impact expected.

RECOMMENDATION: Staff recommends Council approve the second & final reading of the Ordinance, as presented.

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKPORT, TEXAS AMENDING CITY OF ROCKPORT CODE OF ORDINANCES CHAPTER 102 “UTILITIES”, ARTICLE IV “SURCHARGE REVENUE ACCOUNT” SECTION 102-404 “PENALTIES” RELATING TO THE CONSEQUENCES OF OPTING OUT; REPEALING ALL PRIOR ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council learned on November 14, 2023 that the Code of Ordinances mandated collection of the surcharge: “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.”

WHEREAS, the City Council asked staff to amend the language to make the ordinance voluntary and in accordance with PUC Chapter 24, Subchapter F.

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

SECTION 1. Chapter 102 “Utilities”, Article IV “Surcharge Revenue Account”, Section 102-404 “Penalties” of the Rockport Code of Ordinances are hereby amended to wit:

§ 102-404Penalties.

(a) *Failure to pay.* Municipal utility customers who ~~fail_opt out of to pay~~ the municipal utility bill surcharge under this article will not be subject to the suspension or loss of municipal utility service ~~until the delinquent bills and all appropriate reconnect fees are paid in full.~~

(b) *Failure to expend properly.* Should any fire department misuse the funds allocated to them under this article the council shall have the option of:

- (1) Requiring a repayment of a like amount to the municipal utility bill surcharge revenue account;
- (2) Deducting a like amount from the next annual disbursement, with the funds remaining in the municipal utility bill surcharge revenue account; or
- (3) Deducting a like amount from the next annual disbursement and adding that amount to the disbursement to the other volunteer fire department.

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.

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 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 4.

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

APPROVED on first reading the 12th day of December 2023.

CITY OF ROCKPORT, TEXAS

Tim Jayroe,
Mayor

ATTEST:

Teresa Valdez, City Secretary

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

CITY OF ROCKPORT, TEXAS

Tim Jayroe,
Mayor

ATTEST:

Teresa Valdez, City Secretary

CITY COUNCIL AGENDA

Special Meeting: Wednesday, December 13, 2023

AGENDA ITEM: 5

Postponed – November 14, 2023: 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
Next Result

ARTICLE IV SURCHARGE REVENUE ACCOUNT ^[1]

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

☐ § 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.

At the November 14, 2023, City Council Meeting, Council voted to postpone the second reading of this Ordinance until Council could take action on a possible revision to the “mandatory surcharge. On December 12, 2023, Council approved the Ordinance changing “mandatory surcharge” to

“voluntary surcharge”. The second & final reading of that Ordinance will take place at the December 13, 2023, Special Council meeting.

The Council approved the first reading of the Ordinance on October 24, 2023, with an amendment to reduce the City’s administrative fees from five percent to two percent.

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 13th day of December 2023.

CITY OF ROCKPORT, TEXAS

Tim Jayroe, Mayor

ATTEST:

Teresa Valdez, City Secretary

CITY COUNCIL AGENDA
Special Meeting: Wednesday, December 13, 2023

AGENDA ITEM: 6

Deliberate and act on 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.

SUBMITTED BY: City Manager Vanessa Shrauner

APPROVED FOR AGENDA: VRS

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 came 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 was held to identify the root cause of this process failure. It was determined that the omission was made by the third-party processor.

As a result, staff presented a proposed Ordinance to Council to repeal the rate increase as it is not valid and additionally, we need to refund the amount of the increase to the out of City rate payers. Council voted to postpone the first reading of the proposed Ordinance until the December 12, 2023 City Council meeting.

This may be the first reading of the Ordinance or the second & final reading of the Ordinance; it all depends on the Council decision on the first reading of this Ordinance at the December 12, 2023, Council Meeting.

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 the second reading of this Ordinance.

RECOMMENDATION: Staff recommends approval.

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

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 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:

- (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.

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
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 (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.

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.

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
$1\frac{1}{2}$	\$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 ~~\$9.05~~ 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
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 ~~\$9.05~~ 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 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 _____ day of December 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
December 2023.

CITY OF ROCKPORT, TEXAS

Tim Jayroe, Mayor

ATTEST:

Teresa Valdez, City Secretary

CITY COUNCIL AGENDA
Special Meeting: Wednesday, December 13, 2023

AGENDA ITEM: 7

Deliberate and act on 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.

SUBMITTED BY: City Manager 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 came 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 was held to identify the root cause of this process failure. It was determined that the omission was made by the third-party processor.

As a result, staff presented a proposed Ordinance to Council to readopt the water rates. Additionally, I had lowered the base rate increase and increased the conservation rate to provide relief to the aggrieved and fixed income out of district rate payers.

Council voted to postpone the first reading of the proposed Ordinance until the December 12, 2023, City Council meeting.

This may be the first or second & final reading of this Ordinance depending on Council action on December 12, 2023.

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 December 2023.

CITY OF ROCKPORT, TEXAS

Tim Jayroe, Mayor

ATTEST:

Teresa Valdez, City Secretary

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

CITY OF ROCKPORT, TEXAS

Tim Jayroe, Mayor

ATTEST:

Teresa Valdez, City Secretary

CITY COUNCIL AGENDA
Special Meeting: Wednesday, December 13, 2023

AGENDA ITEM: 8

Deliberate and act on 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.

SUBMITTED BY: City Manager 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 came 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 was held to identify the root cause of this process failure. It was determined that the omission was made by the third-party processor.

As a result, staff presented a proposed Ordinance to Council to repeal the rate increase as it is not valid and additionally, we need to refund the amount of the increase to the out of City rate payers. Council voted to postpone the first reading of the proposed Ordinance until the December 12, 2023 City Council meeting.

This may be the first reading of the Ordinance or the second & final reading of the Ordinance; it all depends on the Council decision on the first reading of this Ordinance at the December 12, 2023, Council Meeting.

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.

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

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 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:

- (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.

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
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 customer's 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 (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.

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.

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:

Water Tap Size (Inches)	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. 102-269. 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 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 ____ day of December 2023.

CITY OF ROCKPORT, TEXAS

Tim Jayroe, Mayor

ATTEST:

Teresa Valdez, City Secretary

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

CITY OF ROCKPORT, TEXAS

Tim Jayroe, Mayor

ATTEST:

Teresa Valdez, City Secretary

CITY COUNCIL AGENDA
Special Meeting: Wednesday, December 13, 2023

AGENDA ITEM: 9

Deliberate and act on 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.

SUBMITTED BY: City Manager 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 came 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 was held to identify the root cause of this process failure. It was determined that the omission was made by the third-party processor.

As a result, staff presented a proposed Ordinance to Council to readopt the wastewater rates.

Council voted to postpone the first reading of the proposed Ordinance until the December 12, 2023, City Council meeting.

This may be the first reading of the Ordinance or the second & final reading of the Ordinance; it all depends on the Council decision on the first reading of this Ordinance at the December 12, 2023, Council Meeting.

FISCAL ANALYSIS: Rates reflect cost of service.

RECOMMENDATION: Staff recommends approval.

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

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 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:

- (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.

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
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 customer's 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 (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.

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.

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 _____ day of December 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 December 2023.

CITY OF ROCKPORT, TEXAS

Tim Jayroe, Mayor

ATTEST:

Teresa Valdez, City Secretary

CITY COUNCIL AGENDA
Special Meeting: Wednesday, December 13, 2023

AGENDA ITEM: 10

Deliberate and act on second and final reading of an Ordinance amending the City of Rockport Code of Ordinances Chapter 26 “Businesses” by adding Article III Short Term Rentals; repealing all ordinances to the extent they are in conflict; providing for severability; providing for penalties; and providing an effective date.

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

APPROVED FOR AGENDA: VRS

BACKGROUND: The discussion regarding the registration of short-term rentals has been ongoing for many months. The Building and Development Department conducted workshops with each Ward to discuss the amendment and receive recommendations from the public. Public input was received and City Council discussed the proposed Ordinance at a Workshop on October 24, 2023. The final draft is presented here for review by City Council.

It is believed that we can address most of the issues arising with Short Term Rentals through our existing ordinances, so we have made Appendix A point back to the ordinances in place.

The fee for registration should be adequate to cover the cost of the Rentalscape Short Term Rental ID & Monitoring Program, which is essential to the success of our STR Program, and staff’s time to do site inspections at initial registration as well as any renewal registrations. Looking forward, this fee should also cover a code officer to handle increased complaints.

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

Council will consider the first reading of this Ordinance at the December 12, 2023 Council meeting.

FISCAL ANALYSIS: N/A

RECOMMENDED ACTION: Staff recommends approval of the second and final reading of an Ordinance amending the City of Rockport Code of Ordinances Chapter 26 “Businesses” by adding Article III Short Term Rentals; repealing all ordinances to the extent they are in conflict; providing for severability; providing for penalties; and providing an effective date.

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CITY OF ROCKPORT CODE OF ORDINANCES CHAPTER 26 “BUSINESSES” BY ADDING ARTICLE III SHORT TERM RENTALS; REPEALING ALL ORDINANCES TO THE EXTENT THEY ARE IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR PENALTIES; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, on January 9, 2023, the Building & Development Department conducted a workshop for citizens of Ward 2 to review and make recommendations regarding the amendment to Chapter 26;

WHEREAS, on January 12, 2023, the Building & Development Department conducted a workshop for citizens of Ward 3 to review and make recommendations regarding the amendment to Chapter 26;

WHEREAS, on January 17, 2023, the Building & Development Department conducted a workshop for citizens of Ward 4 to review and make recommendations regarding the amendment to Chapter 26;

WHEREAS, on January 26, 2023, the Building & Development Department conducted a workshop for citizens of Ward 1 to review and make recommendations regarding the amendment to Chapter 26;

WHEREAS, on Tuesday, December 12, 2023, at a regular City Council meeting, the City Council conducted a Public workshop to allow citizens to review and make recommendations regarding the amendment to Chapter 26;

WHEREAS, on Tuesday, December 12, 2023, the City Council, after consideration and recommendation by City Staff, determined that the ordinance amendment be approved as provided herein.

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

Section 1. Chapter 26 of the Code of Ordinances of the City of Rockport, Texas is hereby amended as set forth in the attached Exhibit A, incorporated herein.

Section 2. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

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

Section 4. 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

Ordinance No. _____

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.

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.

Section 8. This Ordinance shall become effective upon adoption by second and final reading.

APPROVED and **PASSED** on first reading the 12th day of December, 2023.

CITY OF ROCKPORT:

Tim Jayroe, Mayor

ATTEST:

Teresa Valdez, City Secretary

APPROVED, PASSED and ADOPTED on second reading the _____day of _____ 2023.

CITY OF ROCKPORT:

Tim Jayroe, Mayor

ATTEST:

Teresa Valdez, City Secretary

“EXHIBIT A”

CHAPTER 26 BUSINESSES

ARTICLE III - SHORT TERM RENTALS

Sec. 26-32 Purpose

The purpose of this Article is to establish regulations for the registration and use of privately owned dwellings as Short Term Rentals, to minimize negative ancillary impact on surrounding properties, to ensure the timely collection and payment of Hotel Occupancy Tax, and to provide for the general welfare of residents and visitors.

Sec. 26-33 Definitions.

The following words, terms and phrases when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

City. The City of Rockport, Texas.

Local Contact Person. The Owner, Operator, or person designated by the Owner or the Operator, who shall be available for the purpose of responding to concerns or requests for assistance related to the Owner's Short Term Rental.

Occupant(s) shall mean the person or persons who have rented the short term rental for a specified period and the daytime visitors of the overnight occupants.

Operator. The Owner or the Owner's authorized representative who is responsible for compliance with this Article while advertising and/or operating a Short Term Rental.

Owner. The person or entity that holds legal or equitable title to the Short Term Rental property.

Short Term Rental (STR). A privately owned dwelling, including but not limited to, a single family dwelling, condominium, duplex, townhouse, mobile home, **recreational vehicle (RV)** or any portion of such dwellings, rented by the public for consideration, and used for dwelling, lodging or sleeping purposes for any period less than 30 consecutive days. The term applies regardless of whether the dwelling was originally constructed or zoned as a residential dwelling. The term short term rental does not include:

- (1) Multi-family dwelling(s), apartment complex, hotel, motel, dormitory, public or private club, recreational vehicle park, hospital and medical clinic, nursing home or convalescent home, foster home, transitional housing facility, any housing operated or used exclusively for religious, charitable or educational purposes, and any housing owned by a governmental agency and used to house its employees or for governmental purposes.
- (2) Rental of a property pending closing of a real estate purchase contract.

Short Term Rental Permit. A permit issued by the City authorizing the use of a privately owned dwelling as a Short Term Rental.

Short Term Rental Unit. One or more habitable rooms forming a single habitable division within a Short Term Rental, or an entire undivided Short Term Rental, which is advertised to be occupied, is occupied, or is intended to be occupied by a single party of Guests under a single reservation and/or single rental payment.

Sec. 26-34 Applicability

- (a) The property owner shall designate themselves or an agent to comply with the requirements of this Article on behalf of the owner. The owner or designated agent is sometimes referred to as "operator" herein.
- (b) The owner shall not be relieved from any personal responsibility or personal liability for noncompliance with any applicable law, rule or regulation pertaining to the use and occupancy of the residential dwelling unit as a short term rental unit, regardless of whether such noncompliance was committed by the owner, operator, authorized agent or representative or the occupants or guests of the occupants.
- (c) This article is not intended to provide any owner/operator of residential property with the right or privilege to violate any city zoning (Chapter 118; City of Rockport Code), private conditions, covenants or restrictions applicable to the owner's property that may prohibit the use of such owner's residential property for short term rental purposes as defined in this section or to repeal, arrogate, or impair any existing easements, covenants, or deed restrictions.
- (d) Abrogation and greater restrictions. Where this article and another ordinance conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- (e) An advertisement promoting the availability of short-term rental property in violation of any provision of this ordinance is prima facie evidence of a violation.
- (f) The provisions of this article pertaining to short term rentals shall be reviewed by the city council within one year of the adoption of Ordinance No. _____. Those provisions are subject to amendment or repeal upon such review or at any other time. The adoption of the short term rental provisions of this article shall not be construed to create any enforceable right to the continuation of short term rentals or any right to compensation for loss, damages, costs, or expenses alleged to have been incurred in reliance upon its adoption or suffered as a result of its repeal.

Sec. 26-35 Registration and Permit

a) *Registration Required:* Prior to using a dwelling unit as a short term rental or advertising in any manner the availability of the dwelling unit for short term rental use, the operator must submit the following information on a form and in the manner prescribed by the City Manager or his/her designee:

(1) The name, address, email and telephone number of the Owner and Operator of the subject short term rental unit;

(2) The name, address, email and telephone number of a designated Local Contact Person;

(3) The Local Contact Person is the Operator or person designated by the Operator who is available for the purpose of:

i. Responding to complaints **presented by the Rockport Police Department** regarding the condition, operation, or conduct of occupants of the short term rental unit; and

ii. Responding in person or by phone within twenty four (24) hours to all other complaints; and

iii. Taking remedial action in a timely manner to resolve any such complaints;

(4) The name, mailing and physical address of the proposed short term rental unit;

(5) The number of sleeping rooms and applicable occupancy limit of the proposed short term rental unit. For purposes of this section a sleeping room is any enclosed habitable space within a dwelling unit which complies with the minimum room dimension and egress requirements of the adopted International Residential Code (insert section). This shall not be interpreted to include living rooms, family rooms and other similar rooms in which furniture such as fold-down beds or convertible couches are provided on a permanent basis for regular accommodation of residents, temporary or otherwise;

i. Maximum occupancy is two (2) adults per sleeping room, plus an additional **two (2)** per dwelling unit. Children shall not be counted in the occupancy calculation. For purposes of this section an adult is an individual twelve (12) years or older at the time of rental.

ii. The maximum occupancy of a short term rental shall be determined at the time a short term rental permit is issued or renewed. That capacity shall not be increased by subsequent construction of any addition to the structure covered by the permit or by construction of any other structure located on the property without an inspection and approval by the Building Official and submission of an amended registration form;

(6) If the applicant does not own the property where the rental unit is located, the applicant must provide written documentation, signed by the property owner before a notary public, authorizing the registrant to operate a short term rental on the premises;

(7) The zoning district classification of the property, to be verified by the Building and Development Services Department;

(8) A diagram showing the proposed layout of the property use and any on-site parking available for the Short Term Rental;

(9) Payment of all fees, established by this article or the City Council and, for registration renewals, proof of collection and payment of Hotel Occupancy Tax due during the preceding registration periods; and

(10) Incomplete applications will not be processed and, as a result, any premises associated with an incomplete application will not be registered in compliance with or as required by this division; and

(11) Any additional information the City Manager or his/her designee determines necessary for the administration of this section.

(b) Prior to issuance of a Short Term Rental Permit, the Operator shall allow an on-site inspection of the Short Term Rental Unit by the Building Official or his/her designee to ensure compliance with the following:

(1) The requirements set forth in Section 26-36(a)(1) through (9) of this Article; and

(2) The requirements set forth in Sections 26-36(b)(1) through (9) of this Article.

Subsequent year registrations must include an affidavit that there are no changes since the last inspection. A live inspection must occur every 5 years.

(c) Any existing short term rental shall have ninety (90) days from adoption of the ordinance from which this article derives to complete the required registration and obtain their short term rental permit.

(d) Transferability. A short term rental permit is not transferable to a new property owner. a new owner must apply for a short term rental permit within sixty (60) days from the closing date of the purchase or any other conveyance of ownership. Failure of a new property owner to apply for permit within sixty (60) days from the closing date may result in the revocation or non- renewal of an existing short term rental permit or the denial of a new short term rental registration.

(e) Any property owner delinquent and/or owing city fees to include but not limited to property taxes, sanitation or utility service fees, and property maintenance fees will be prohibited from registering a short term rental until such time as payment or acceptable resolution is approved by the **City Manager or his/her designee**.

(f) Registration fee; renewal fee.

(1)The short term rental registration form shall be accompanied by an initial non-refundable per unit registration fee as established by City Council.

(2) The initial registration of the short term rental is valid for twenty four (24) months from the date the completed registration is filed with the city and payment of the

registration fee has been made unless ownership of the short term rental changes at which time a new registration will be required and new permit issued. Subsequent renewal of a short term rental will be on an annual calendar year basis beginning January 1 of each year..

(g) Each short term rental, once properly registered, shall be issued a permit with a unique registration number. The registration number must be included in any and all advertisement for the short term rental including internet booking sites.

Sec. 26-36. Short Term Rental operational requirements.

(a) The Operator shall post the following information in a prominent location within the Short Term Rental Unit, using a form promulgated by the City:

- (1) The unique Short Term Rental Permit number assigned to the Short Term Rental Unit;
- (2) Operator name and number;
- (3) Local Contact Person name and number;
- (4) The location of any on-site and off-site parking spaces available for Guests;
- (5) The occupancy limits;
- (6) Instructions to Guests concerning disposal of garbage and handling of garbage containers;
- (7) Depiction of floor plan identifying evacuation routes, including the dwelling's exits, primary evacuation routes and secondary evacuation routes near the front door of the dwelling;
- (8) Information to assist guests in the case of emergencies posing threats to personal safety or damage to property, including emergency and non-emergency telephone numbers for police, fire and emergency medical services providers and instructions for obtaining severe weather, natural or manmade disaster alerts and updates;
- (9) Notification that the Guests are responsible for compliance with all applicable laws, rules and regulations pertaining to the use and occupancy of the Short Term Rental, and that Guests may be fined by the City for violations of this Article; and

(b) The Operator shall operate a Short Term Rental in compliance with the following:

- (1) Zoning regulations prescribed for the zoning district in which such Short Term Rental is located, set forth in Chapter 118 of the Code of Ordinances.
- (2) City of Rockport Sign Ordinance, as applicable, set forth in Chapter 6 Article II of the Code of Ordinances.
- (3) Maximum occupancy limits prescribed by the Building Official, pursuant to the International Fire Code as adopted in Chapter 46 Article III of the Code of Ordinances.
- (4) Parking shall comply with Chapter 98, Article IV of the City's Code of Ordinances
- (5) Each Short-Term Rental owner shall provide in the Short-Term Rental working smoke/carbon monoxide detectors in accordance with adopted codes, and at least one working type A fire extinguisher. The premises shall otherwise comply with the applicable Code of Ordinance requirements, including but not limited to all building and fire codes.
- (6) City of Rockport Hotel Occupancy Tax Ordinance, set forth in Chapter 94 Article IV of the Code of Ordinances.
- (7) City of Rockport Noise and Sound Level Regulation Ordinance, set forth in Chapter 42 Article III of the Code of Ordinances.
- (8) City of Rockport Garbage Collection Ordinance, set forth in Chapter 82 Article II of the Code of Ordinances. Accumulation of trash per Chapter 42 Article II division 2.
- (9) During any period when a Short Term Rental is occupied or intended to be occupied by Guests, the Local Contact Person shall be available for the purpose of responding to concerns or requests for assistance related to the condition, operation, or conduct of Guests of the Short Term Rental.

Sec. 26-37. Notification of complaints.

Complaints related to the operation of a Short Term Rental, including but not limited to complaints concerning noise, garbage, parking, and disorderly conduct by Guests, shall be reported to the City Code Enforcement office for daytime hours and the Police Department after hours.

Sec. 26-38. Compliance with other laws.

The Owner, Operator, Local Contact Person, and Guests shall comply with all applicable laws, rules and regulations pertaining to the operation, use, and occupancy of a Short Term Rental. The Owner shall not be relieved from any civil or criminal liability for a violation of this Article,

regardless of whether such violation is committed by the Owner, Operator, Local Contact Person, or Guest of the Owner's Short Term Rental.

Nothing in this Article shall be construed to relieve any person or Owner of any other applicable requirements of federal, state, or local law, rules, or regulations. Nothing in this Article shall be construed to provide any property owner with the right or privilege to violate any private conditions, covenants, and restrictions applicable to the Owner's property that may prohibit the use of such Owner's property as a Short Term Rental as defined in this Article.

Sec. 26-39. Compliance and Penalty provision.

- (a) It shall be unlawful for any person or entity to violate any provision of this Article. Proof that a violation of this Article occurred at a Short Term Rental shall create a rebuttable presumption that the Owner of said Short Term Rental committed the violation.
- (b) Any violation of this Article is a Class C misdemeanor offense, and upon conviction, shall be punished by a fine as set forth in Section 1-7 of the Code of Ordinances.
- (c) Prosecution under this Article shall not require the pleading or proving of any culpable mental state.
- (d) Penalties provided for in this Article are in addition to any other criminal or civil remedies that the City may pursue under federal, state, or local law.

Sec. 26-40. Permit suspension or revocation; appeal.

Upon conviction of a violation of this Article, the City Manager may suspend or revoke any Short Term Rental Permit issued for the same Short Term Rental where the violation occurred. The City Manager shall notify an Owner of a suspension or revocation under this Section in writing, delivered by Certified Mail, Return Receipt Requested, and mailed to the address of the Owner as set forth on the most recent Short Term Rental Permit application submitted to the City.

An Owner may appeal a notice of suspension or revocation under this Section by filing a written appeal with the City Manager within ten business days following the date said notice was deposited in the U.S. Mail. Following a timely filing of an appeal hereunder, the Owner may present evidence to the City Manager related to the suspension or revocation under this Section. Following the City Manager's final decision on appeal, the Owner may appeal an adverse decision of the City Manager by filing a written appeal with the City Council within five business days following the date of the City Manager's final decision.