

# CITY OF ROCKPORT

## MINUTES

### CITY COUNCIL WORKSHOP MEETING 1:30 p.m., Tuesday, March 24, 2015 Rockport City Hall, 622 East Market Street

On the 24<sup>th</sup> day of March 2015, the City Council of the City of Rockport, Aransas County, Texas, convened in Workshop Session at 1:30 p.m., at the regular meeting place in City Hall, and notice of meeting giving time, place, date and subject was posted as described in V.T.C.A., Government Code § 551.041.

#### CITY COUNCIL MEMBERS PRESENT

Mayor Charles J. Wax  
Mayor Pro-Tem Pat Rios, Ward 3  
Council Member J. D. Villa, Ward 2  
Council Member Barbara Gurtner, Ward 4

#### CITY COUNCIL MEMBER(S) ABSENT

Council Member Rusty Day, Ward 1

#### STAFF MEMBERS PRESENT

City Manager Kevin Carruth  
City Secretary Teresa Valdez  
City Attorney Terry Baiamonte  
Police Chief Tim Jayroe  
Public Works Director Mike Donoho  
Finance Director Patty Howard  
Parks & Leisure Services Director Tom Staley  
Assistant Public Works Director Art Smith  
Code Enforcement Officer Angie West

#### ELECTED OFFICIALS

#### Opening Agenda

##### **1. Call to Order.**

With a quorum of the Council Members present, the Workshop Session of the Rockport City Council was called to order by Mayor Wax at 1:30 p.m. on Tuesday, March 24, 2015, in the Council Chambers of the Rockport City Hall, 622 E. Market Street, Rockport, Texas.

##### **4. Hear and deliberate on proposal for water service for Coastal Paradise RV Resort.**

Assistant Public Works Director Art Smith addressed the Council. Mr. Smith informed the Council that about two months ago, the City was approached in regard to providing water to a new development, the Coastal Paradise RV Resort. Mr. Smith stated that five years ago, the City had talked to engineers about getting water across Highway 35 and the engineers had stated that if water

were to be routed to the west side of Highway 35, the water line should be a minimum of 12 inches. Mr. Smith said this was discussed with the developers of the Coastal Paradise RV Resort, Tom and Barbara Smith and Jeff Smith. Art Smith added that the Smiths asked what options they have because typically they would need to put in only a six inch water line to service their development. Art Smith stated Tom and Jeff Smith are present to present their proposed development.

JKS Engineering Company Sr. Project Engineer Jeff Smith addressed the Council. Mr. Smith stated Tom Smith is his father, they are developing a RV resort in a natural habit for residents, and they would like the City to participate in the cost of bringing the water to the west side of Highway 35.

Discussion was held among Council, Mr. Tom Smith, Mr. Jeff Smith and Mr. Art Smith in regard to development and costs for a 12 inch or 18 inch water line.

Mayor Wax asked that the Smiths work with Art Smith on breaking down the costs associated with the proposed development, showing the Smiths' costs and the cost for consideration by the City. Mayor Wax stated this could be placed on the next regularly scheduled Council meeting for consideration.

City Manager Kevin Carruth added that if the City decides to participate in cost-sharing, the Council will need to discuss policy issues and how the City will participate.

### **Regular Agenda**

- 2. Hear and deliberate on proposed Ordinance amending the City of Rockport, Texas, Code of Ordinances Chapter 54 "Health and Sanitation," changing Article I. "In General" to Article I. "Regulation of Single-Use Plastic (checkout) Bags"; setting out definitions, prohibitions and requirements, scope and applicability, and exemptions; establishing implementation of a voluntary ban and setting date of mandatory compliance.**

Skip the Plastic member Phil Wildfang addressed the Council. Mr. Wildfang thanked the Council for providing the Skip the Plastic group an opportunity to address the Council. Mr. Wildfang said a 35 page document on Skip the Plastic had been provided for the Agenda packet and he thought the time tonight would be best spent answering questions or clarifying issues.

Gayly Opem addressed the Council. Ms. Opem stated she thought the Skip the Plastic group had answered questions raised at the Council Workshop in December but there may be additional questions. Ms. Opem informed the Council the Skip the Plastic is an educational group, they have presented the information to many groups, and there has been very little controversy with their presentations. Ms. Opem added that the City of Port Aransas adopted an ordinance in December and the ordinance the Skip the Plastic group is proposing the City of Rockport adopt is based on the Port Aransas ordinance.

Mayor Pro-Tem Rios asked if there was any update on what the current Legislative session was going to do in regard to local regulation of matters like this.

Mayor Wax stated Senate Bill 343 will take away home rule authority that would apply to regulation of single-use plastic bags. Mayor Wax stated there is another bill filled with a broader issue but neither bill has come out of committee.

City Attorney Terry Baiamonte stated she researched bills specific to banning plastics and there is a Senate Bill 1806 that has not been referred to committee yet, but prohibits cities from banning plastics.

Council Member Villa stated the Council should probably wait until after the Legislative session is complete to see what bills are adopted.

Council Member Gurtner stated the Agenda packet is posted on the City's website and contains the information provided by the Skip the Plastic group. Ms. Gurtner recommended citizens review the information provided.

Discussion was held among Council, Ms. Opem and Mr. Wildfang in regard to the information provided.

Vice Chair of the Coastal Bend Chapter of the Surfrider Foundation Neil McQueen addressed the Council. Mr. McQueen stated the Skip the Plastic group was successful in getting an Ordinance adopted in Port Aransas and they are still working with the City of Corpus Christi on this. Mr. McQueen said this is a regional effort.

Mayor Wax stated that the Council should know what is coming out of the Legislative committees by the regularly scheduled second meeting of the month in April. Mayor Wax suggested April 28<sup>th</sup> be set as the target date for the first reading of a proposed ordinance regulating single-use plastic bags.

### **3. Hear and deliberate on Public Funds Investment Policy and recommended changes.**

Finance Director Patty Howard stated the Public Funds Investment Act Government Code §2256.001 required that the governing body must annually review and adopt an Investment Policy. Ms. Howard said the City has worked with Ms. Linda Patterson, President of Patterson & Associates, for several weeks to review and update the City's Public Funds Investment Policy. Ms. Howard added that the proposed changes and reporting will allow the City to maximize its return on investments. Ms. Howard reviewed the proposed changes. Ms. Howard called the Council's attention to the summary of policy revisions recommended and the red-lined version of the Public Investment Policy.

City Manager Kevin Carruth stated that Ms. Patterson had done a very thorough review and he agreed with her suggestions and recommended changes. Mr. Carruth added that Ms. Patterson also reviewed the City's reporting process, and the investment report was revised and is easier to understand both by the Council and the public.

### **5. Hear and deliberate on staff reports to Council process.**

City Manager Kevin Carruth stated that during the staff reports portion of the regular meetings, particularly with Building and Development Department reports, there is the potential for discussion to veer away from the posting and create an opportunity for an Open Meetings Act violation. Mr. Carruth said that additionally, there have been instances where: 1) Discussion of cases on the pending development report become speculative and negatively impact the business environment; 2) Council Members wait for the meeting to bring up new code enforcement violations, potentially delaying action on an issue; 3) Discussion revealing potential or pending litigation of enforcement action can compromise the City's position; and 4) Direction is given to staff. Mr. Carruth added that discussion of pending code enforcement cases every two weeks can also give the impression to observers that no action is being taken, when actually the statutorily mandated due process procedure is very long and drawn out by design. Mr. Carruth indicated that preparation of the Building and Development reports every two weeks consumes labor that can be utilized elsewhere. Mr. Carruth expressed that staff would like Council to consider receiving reports via email on a regular schedule and forwarding any questions to the City Manager because this would not impede access to the information for Council or the public as *The Rockport Pilot* would also be included in the emailing of the reports and the reports would continue to be available on the City website.

Mayor Wax stated that on the surface this sounds good, but his concern is that the Council will have to be very careful as how they respond to the emailed reports. Mayor Wax said the Council will have to respond directly to Mr. Carruth or Mr. Donoho.

## 6. Adjournment.

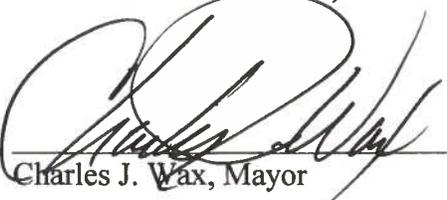
At 2:46 p.m., Council Member Villa moved to adjourn. Motion was seconded by Mayor Pro-Tem Rios and carried unanimously.



ATTEST:

  
Teresa Valdez, City Secretary

CITY OF ROCKPORT, TEXAS

  
Charles J. Wax, Mayor