

# CITY OF ROCKPORT

## MINUTES

### CITY COUNCIL REGULAR MEETING 6:30 p.m., Tuesday, December 8, 2015 Rockport City Hall, 622 East Market Street

On the 8<sup>th</sup> day of December 2015, the City Council of the City of Rockport, Aransas County, Texas, convened in Regular Session at 6:30 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 Rusty Day, Ward 1  
Council Member J. D. Villa, Ward 2  
Council Member Barbara Gurtner, Ward 4

#### CITY COUNCIL MEMBER(S) ABSENT

#### STAFF MEMBERS PRESENT

City Manager Kevin Carruth  
City Attorney Terry Baiamonte  
City Secretary Teresa Valdez  
Police Chief Tim Jayroe  
Public Works Director Mike Donoho  
Public Works Department Street Division Team Leader Ryan Picarazzi  
Park & Leisure Services Director Tom Staley  
Community Planner Kimber Clark

#### ELECTED OFFICIALS

#### Opening Agenda

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

With a quorum of the Council Members present, the Regular Meeting of the Rockport City Council was called to order by Mayor Wax at 6:32 p.m. on Tuesday, December 8, 2015, in the Council Chambers of the Rockport City Hall, 622 E. Market Street, Rockport, Texas.

##### **2. Pledge of Allegiance.**

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

##### **3. Citizens to be heard.**

At this time comments will be taken from the audience on any subject matter that is not on the agenda. To address the Council, please sign the speaker's card located on the table outside the Council Chamber and deliver to the City Secretary before the meeting begins. Please limit comments to three (3) minutes. In accordance with the Open Meetings Act, Council may not discuss or take any action on any item that has not been posted on the agenda.

There were no citizen comments.

### **Consent Agenda**

All consent agenda items listed are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member so requests, in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

- 4. Deliberate and act on approval of City Council Workshop Meeting & Regular Meeting Minutes of November 17, 2015.**
- 5. Deliberate and act to appoint member to the Park & Leisure Services Board.**
- 6. Deliberate and act on Report from Rockport Center for the Arts and Rockport Rotary Club for marketing expenditures made for Rockport Film Festival 2015.**

Mayor Wax called for requests to remove any item from the Consent Agenda for separate discussion. There being no requests, Mayor Wax called for a motion.

**MOTION:** Council Member Villa moved to adopt the Consent Agenda Items as presented. Council Member Day seconded the motion. Motion carried unanimously.

### **Public Hearing**

- 7. Call to Order – Rockport Planning & Zoning Commission.**
- 8. Conduct and deliberate a Joint Public Hearing with the Planning & Zoning Commission to consider a request for a zoning change from R-1 (1<sup>st</sup> Single Family Dwelling District) to B-1 (General Business District) on property located at 104 Woodland Drive; also known as .678 acre out of 1.51 acres at the northwest corner of FM 2165 entry road, Rockport Country Club Estates, Unit 2, Rockport, Aransas County, Texas.**
- 9. Adjourn – Rockport Planning & Zoning Commission.**

Mayor Wax announced that a Joint Public Hearing would not be held tonight due to a lack of quorum for the Planning & Zoning Commission. Mayor Wax stated the Joint Public Hearing will be rescheduled for the next Council meeting on January 12, 2016.

### **Regular Agenda**

- 10. Hear and deliberate on a presentation from Voestalpine concerning their Portland, Texas, project.**

Voestalpine Head of Communications and Public Relations Jonas Chupe addressed the Council. Mr. Chupe gave a PowerPoint presentation (below) on the Voestalpine project in Portland.



## gowest Process Welcome to the Future of Iron Making

Key Update – City Council



December 8, 2015

voestalpine Texas LLC

voestalpine THE STEEL GROUP

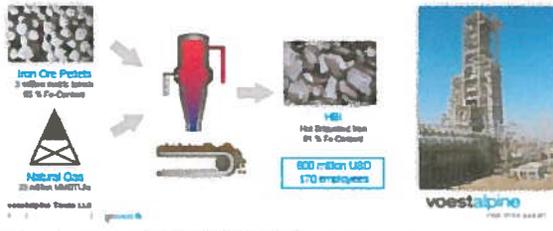
## gowest Process

voestalpine Texas LLC gowest

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## DRI: The Green Alternative to a Coke-Fed Blast Furnace

A direct reduced iron (DRI) plant is using cleaner natural gas instead of petroleum coke



## gowest Commercial Environment

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voestalpine THE STEEL GROUP

## Positive Market Response

- Approx. 60 % of production already under Contract/MOU
- Geographical target market: NAFTA + Europe
- Typical customer profile includes an Electric Arc Furnace operator who seeks:
  - Independency from volatile scrap markets
  - Improved quality predictability and consistency
  - An upgraded product quality



## gowest The Big Picture

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## Teamwork

- Budget: 600 million USD
- Project Procurement: Completed
- Start of Commissioning: End of 2015
- Start of Production: 1st Quarter 2016
- Current Workforce on Site: 2,300
- Expected Workforce at Peak: 2,300
- Hours Worked: 3.0 million

Estimated economic benefit for region  
> 1 billion USD (in addition to construction costs)



## gowest Progress

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voestalpine THE STEEL GROUP



Danke. Servus.

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Controlling and Tax Manager  
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Mr. Chupe stated that upon construction, there will be a work force of 170 people. Mr. Chupe informed the Council that the project in Portland is the parent company's largest foreign direct investment, at \$740 million.

Discussion was held among Council and Mr. Chupe.

Mayor Wax asked that Mr. Chupe return to a City Council Meeting in June or July to give the Council an update on the project.

### **11. Hear and deliberate a review of the City of Rockport Floodplain Management Ordinance.**

Public Works Director Mike Donoho informed Council that on February 17, 2016, the new FEMA Flood Insurance Rate Maps will go into effect and an updated Floodplain Management Ordinance must be adopted. Mr. Donoho stated that in preparation for these required changes, on November 17, 2015, Council approved entering into a contract with Lockwood, Andrews, & Newnam, Inc. (LAN) to assist in developing higher floodplain development standards and participation in the

Community Rating System (CRS). Mr. Donoho added that in addition to CRS participation resulting in lower flood insurance premiums for local policy holders, CRS floodplain management activities provide enhanced public safety, reduced damage to property and public infrastructure, and avoidance of economic disruption and loss. Mr. Donoho said LAN Engineering will provide assistance to City staff regarding the CRS application process, community outreach and information initiatives, floodplain management and flood hazard mitigation efforts, elevation certificate documentation, FEMA Community Assistance Visit, as well as recertification. Mr. Donoho called the Council's attention to the proposed changes to Chapter 50 of the Code of Ordinances contained in the Agenda packet. Mr. Donoho stated one of the most contentious points of revision in comparison to Aransas County's floodplain and storm water management regulations is the minimum finished floor elevation (i.e. freeboard). Mr. Donoho explained the City's current requirement is 12 inches while the County has adopted an 18-inch standard. Mr. Donoho suggested that consideration should be given to adopting an 18-inch freeboard in order to make development requirements more uniform across the County and to minimize structural flooding. Mr. Donoho stated they are working on a very tight timeline and hope to get something submitted in the next couple of weeks.

Mayor Wax stated his understanding of the Aransas County rule is 18-inches above elevation and the City's rule is 12-inches above the peak of the road in front of the residence. Mayor Wax said he is not sure how different those two things are, but isn't 12-inches above the peak of the road in front of the residence better defined as 12-inches above basic flood elevation/100-year flood or 25-year flood or something that is not dependent on the vagaries of road construction.

Community Planner Kimber Clark stated the Texas Water Development Board, which is the state coordinator for FEMA, provided the City with a template for a floodplain management ordinance, so she compared the City's Floodplain Management Ordinance with the template and looked for anything that was different. Ms. Clark stated that by February 17, 2016, the City needs to make sure we meet the minimum standards, and last month the Council agreed they wanted to shoot for higher standards, so she wanted to explore some easy options that could be taken advantage of at this phase, but also look at how we could build consistency with Aransas County. Ms. Clark said she worked with James Jackson from Aransas County and the language in the proposed changes to the Ordinance would give the City enough flexibility to be able to use common sense so that our building officials can make the best choice for our homeowners. Ms. Clark added that the terminology used in the flood ordinance is 18-inches above base flood elevation, so that would be if you were in a special flood hazard area, or 18-inches above the highest adjacent natural ground level. Ms. Clark stated that what is in our drainage design manual is currently 12-inches above the crown of street, and we would be proposing 18-inches above the highest adjacent natural ground level.

Mayor Wax asked for the definition of "adjacent ground level."

Ms. Clark said she asked the building official for that definition this morning and he said it really gives you the opportunity to look 360 degrees around the property and assess the drainage to see that you are definitely 18 inches above the fall of the land.

Mayor Wax said he understood that, but his issue is that basic flood elevation is defined by FEMA and anything above that or above the 100-year flood elevation is defined by them, so we don't have to go look at land that may be located in a swale or something like that; you have data that is provided by a federal agency that is irrefutable. Mayor Wax stated the 18-inches is not definitely

established unless you use some data, especially FEMA data that comes to us, that we don't create. Mayor Wax encouraged Ms. Clark to talk to Mr. Jackson about that; the County is using 18-inches above existing property; if it's in a ditch, then what? Mayor Wax declared that BFE (basic flood elevation) is given to us by FEMA and is a known value that is established by them. Mayor Wax expressed that if we go to 18 inches above BFE, then he does not have any issue.

Discussion was held among Council and Ms. Clark.

It was the consensus of Council to use the language of "18 inches above BFE."

City Manager Kevin Carruth asked that if the Council had any other ideas or questions, please email them to him.

**12. Hear and deliberate on a presentation concerning HB 910 and changes to concealed carry/open carry of firearms regulations effective January 1, 2016.**

Police Chief Tim Jayroe addressed the Council. Chief Jayroe stated the Texas Legislature adopted House Bill 910 earlier this year that modifies the current law relating to concealed handgun licenses. Chief Jayroe said beginning January 1, 2016, H.B. 910 will allow a person with a current concealed handgun license, or a person who obtains the new "license to carry a handgun," to carry a handgun in a concealed manner or openly in a belt or shoulder holster. Chief Jayroe added that the rules related to where and when a license holder may openly carry are essentially identical to where and when a concealed handgun license holder can carry under current law. Chief Jayroe expressed that a lot of what will occur will not be decided until case law happens. Chief Jayroe informed the Council that you can restrict concealed/open carry of firearms in certain places – places where a meeting is being conducted that is subject to the Open Meetings Act. Chief Jayroe said signs could not be put up in front of City Hall. Chief Jayroe added that the Police Department had paid for some signs, which have to be in both English and Spanish.

Discussion was held among Council and Chief Jayroe.

**13. Deliberate and act on a resolution authorizing publication of notice of intention to issue certificates of obligation to purchase land primarily for parks purposes.**

The City's financial advisor, Bob Henderson, addressed the Council. Mr. Henderson stated the proceeds from these certificates of obligation will be used for purchase of the 8.856 acres of land located near the intersection of Business Highway 35 North and East Maple Street. Mr. Henderson called the Council's attention to revisions that had been made to the proposed Resolution. Mr. Henderson said the amount has been changed to \$3,400,000.00.

Discussion was held among Council, Mr. Henderson and City Manager Kevin Carruth.

**MOTION:** Mayor Wax moved to adopt the revised proposed Resolution authorizing publication of notice of intention to issue certificates of obligation to purchase land at 1501 and 1505 Broadway primarily for parks purposes in an amount not to exceed an aggregate of \$3,400,000.00. Mayor Pro-Tem Rios seconded the motion. Motion carried unanimously.

**14. Deliberate and act on approval of Intergovernmental Cooperation Agreement with Aransas County and Town of Fulton for a Juvenile Case Manager.**

City Manager Kevin Carruth stated this agreement is the same as the Fiscal Year 2014-2105 agreement. Mr. Carruth recommended the agreement be revised to clarify and ease the lines of communication, with the following additions:

4. All notices, communications, and reports under this Contract must be mailed or delivered to the respective parties at the addresses shown below, unless either party is otherwise notified in writing by the other party.

**CITY:** City Manager  
622 E. Market Street  
Rockport, TX 78382

**COUNTY:** County Judge  
301 N. Live Oak Street  
Rockport, TX 78382

It shall be the duty of each entity's representative to disseminate within their respective entity all notices, communications, and reports received from the other party.

5. Requests from one party to another party for information concerning the agreement and the Juvenile Case Manager project shall be honored in a timely manner and shall not require the submission of a formal Public Information Act request for open records.

Mayor Wax suggested the Agreement also be amended to provide for monthly payments instead of quarterly.

**MOTION:** Mayor Pro-Tem Rios moved to approve the Intergovernmental Cooperation Agreement with Aransas County and Town of Fulton for a Juvenile Case Manager, with the additions as recommended by City Manager Carruth, and the change to monthly payments as suggested by Mayor Wax. Council Member Villa seconded the motion. Motion carried unanimously.

**15. Deliberate and act on approval of Intergovernmental Cooperation Agreement with Aransas County for Restaurant Health Inspection Services.**

City Manager Kevin Carruth stated the proposed Agreement is the same in content as the 2014 Agreement, except that Commissioners Court removed the automatic renewal clause, specifically "This Agreement shall automatically renew each year unless either party herein provides written notice of termination to the other party 30 days in advance of the expiration of the Agreement therein effect." Mr. Carruth said to clarify and ease the line of communication, he recommended the following additions:

4. All notices, communications, and reports under this Contract must be mailed or delivered to the respective parties at the addresses shown below, unless either party is otherwise notified in writing by the other party.

**CITY:** City Manager  
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It shall be the duty of each entity's representative to disseminate within their respective entity all notices, communications, and reports received from the other party.

5. Requests from one party to another party for information concerning the agreement and the Restaurant Health Inspection Services project shall be honored in a timely manner and shall not require the submission of a formal Public Information Act request for open records.

Mayor Wax stated that the recommended changes would be useful and recommended the automatic renewal clause be put back into the agreement.

**MOTION:** Council Member Day moved to approve the Intergovernmental Cooperation Agreement with Aransas County for Restaurant Health Inspection Services, with the additions as recommended by City Manager Carruth and the addition of the automatic renewal clause. Council Member Gurtner seconded the motion. Motion carried unanimously.

## **16. Reports from Council.**

At this time, the City Council will report/update on all committee assignments, which may include the following: Aransas Pathways Steering Committee, Building and Standards Commission; Coastal Bend Bays and Estuaries Program; Coastal Bend Council of Government; Environmental Committee for Water Issues; Keep Rockport Beautiful Advisory Board; Parks & Leisure Services Advisory Board; Planning Zoning Commission; Rockport Heritage Board; Rockport-Fulton Chamber of Commerce; Aransas County Storm Water Management Advisory Committee; Swimming Pool Operations Advisory Committee; Tourism Development Council; Tree & Landscape Committee; YMCA Project Committee; Texas Maritime Museum; Fulton Mansion; Rockport Center for the Arts; Aransas County; Aransas County Independent School District; Aransas County Navigation District; Town of Fulton; and Texas Municipal League. No formal action can be taken on these items at this time.

Mayor Wax expressed compliments to Park & Leisure Services Director Tom Staley and his staff, Public Works staff and Police Department staff for a job well done for the Tropical Christmas event.

Mayor Wax asked if anyone had any comments in regard to the route change for the Christmas Parade.

City Attorney Terry Baiamonte suggested this be scheduled for discussion as an agenda item in the future.

City Manager Kevin Carruth stated it could be placed on the agenda for the workshop scheduled in January.

Mayor Wax informed everyone that Mayor Todd Pearson is in the hospital due to a light stroke.

Mayor Pro-Tem Rios reported that the YMCA Development Committee met for their second meeting on Monday night and received a presentation from Rob Wiggins of the Coastal Bend YMCA. Mayor Pro-Tem Rios stated the next YMCA Development Committee meeting is scheduled for December 21, 2015.

### **Executive Session**

**City Council will hold an executive session pursuant to the provisions of Chapter 551 of the Texas Government Code, in accordance with the authority contained in:**

- 17. Section 551.071(1)(A) Consultation with Attorney on pending or contemplated litigation: a) Aumada, b) Templeton, c) Pena/Dack, and d) Bay Education Center.**
- 18. Section 551.071(2) Consultation with Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter.**
- 19. Section 551.072 Deliberation about Real Property: Acquisition of property for public purpose: a) 1501 and 1505 Broadway, b) Project Barn Owl, and c) Project Painted Bunting.**
- 20. Section 551.076 Deliberation Regarding Security Devices or Security Audits: Closed Meeting.**

At 7:55 p.m., Mayor Wax convened the Rockport City Council into an executive session pursuant to the provisions of Chapter 551 of the Texas Government Code, in accordance with the authority contained in Section 551.071910(A) Consultation with Attorney on pending or contemplated litigation: a) Aumada, b) Templeton, c) Pena/Dack, and d) Bay Education Center; Section 551.071(2) Consultation with Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rule of Professional Conduct of the State Bar of Texas clearly conflicts with the chapter; Section 551.072 Deliberation about Real Property: Acquisition of property for public purpose: a) 1501 and 1505 Broadway, b) Project Barn Owl, and c) Project Painted Bunting; and Section 551.076 Deliberation Regarding Security Devices or Security Audits: Closed Meeting.

*Council Member Villa left the Executive Session at approximately 8:30 p.m.*

### **Open Session**

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

At 8:52 p.m., Mayor Wax reconvened the Rockport City Council into open session pursuant to the provisions of Chapter 551 of the Texas Government Code to take any necessary actions related to the executive sessions noted herein, or regular agenda items, noted above, and/or related items.

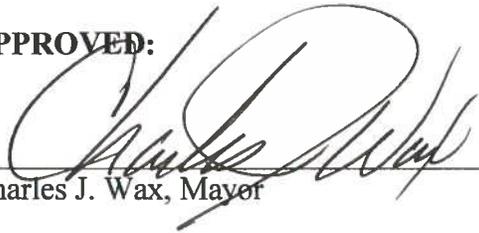
No action was taken.

**22. Adjournment**

At 8:53 p.m., Council Member Day moved to adjourn. Motion was seconded by Mayor Pro-Tem Rios and carried unanimously.



**APPROVED:**

  
\_\_\_\_\_  
Charles J. Wax, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Teresa Valdez, City Secretary