

CITY OF ROCKPORT

MINUTES

CITY COUNCIL REGULAR MEETING 6:30 p.m., Tuesday, January 26, 2016 Rockport City Hall, 622 East Market Street

On the 26th day of January 2016, 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
Finance Director Patty Howard
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 6:30 p.m. on Tuesday, January 26, 2016, in the Council Chambers of the Rockport City Hall, 622 E. Market Street, Rockport, Texas.

2. Pledge of Allegiance.

Council Member Day 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.

Richard Rock addressed the Council. Mr. Rock stated Aransas County will be having an election on May 7, 2016, for creation of a water district. Mr. Rock said he believes this is what is needed to keep our water from being sold. Mr. Rock added that he hoped the City would support Aransas County on this.

Consent Agenda

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

- 4. Deliberate and act on approval of City Council Regular Meeting Minutes of January 12, 2016.**
- 5. Deliberate and act on request from the Fulton Volunteer Fire Department for temporary closure of sections of Traylor Boulevard and South Fulton Beach Road for the Oysterfest parade on March 5, 2016, and authorization to display banners across the 2400 block of Highway 35 Business and across the 1200 block of FM 3036 for the Oysterfest event.**
- 6. Deliberate and act on report from Rockport-Fulton Chamber of Commerce HummerBird Committee for marketing expenditures for 2015 HummerBird Celebration.**
- 7. Deliberate and act on a Resolution of the City Council of the City of Rockport ordering a General Election and establishing procedures for said election to be held on Saturday, May 7, 2016; the General Election shall be for the purpose of electing a Mayor at-large, a Council Member to represent Ward #2 and a Council Member to represent Ward #4; providing other matters relating to the General Election; and finding and determining that the meeting at which this Resolution is passed is open to the public as required by law.**

Deliberar y tomar medidas sobre la Resolución, una resolución del Ayuntamiento de la Ciudad de Rockport en la que se ordena la realización de unas Elecciones Generales y se establecen procedimientos para dichas Elecciones, que se llevarán a cabo el sábado 7 de mayo de 2016; las Elecciones General se relizarán con el propósito de elegir un Alcalde, un Concejal que represnete el Distrito #2; y un Concejal que represente el Distrito #4; se estipulan otros asimtps relacionados con las Elecciones Generales, y se decide y determina que la reunión en la cual se aprueba esta Resolución estará abierta al publico, como lo requiere la ley.

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. Mayor Pro-Tem Rios seconded the motion. Motion carried unanimously.

Regular Agenda

8. Deliberate and act on proposal to replace audio and visual equipment in the Public Safety Center Emergency Operations Center.

Aransas County IT Director Collin Jackson addressed the Council. Mr. Jackson said there had been many instances when equipment is not working properly in the Public Safety Center Emergency Operations Center. Mr. Jackson called the Council's attention to a quote of \$63,317.21 from Whitlock (a video collaboration company) to develop a scope of work using State DIR pricing and to replace the existing audiovisual equipment to the Emergency Operations Center. Mr. Jackson stated this cost would be split between Aransas County and the City of Rockport, for a cost to the City of Rockport in the amount of \$31,658.61.

Mayor Wax asked Mr. Jackson to tell him about the failures. Mayor Wax stated the last time he was in the Emergency Operations Center, the projectors were all working.

Mr. Jackson stated there have been problems with the projectors and they are working, but they have several issues.

Mayor Wax asked Emergency Management Coordinator Rick McLester if he had looked at the system lately.

Emergency Management Coordinator Rick McLester stated an event had been hosted in the Emergency Operations Center when the equipment did not work and it was embarrassing. Mr. McLester said the equipment had worked and then did not work, and it had a daisy-chain effect. Mr. McLester added that when the equipment was first installed, the components could not stand alone; for example, the City could be utilizing one portion of the room and the County utilizing another portion of the room. Mr. McLester said the new module will allow this and that is important.

Mayor Wax asked Mr. Jackson how long it would take to install the new system if approved. Mayor Wax asked if Mr. Jackson could have this information by February 9, 2016, for consideration at the next Council meeting. Mayor Wax stated he wanted to ensure that installation is not in mid-stream during hurricane season.

Mr. Jackson answered that it will take one or two months to plan before installation. Mr. Jackson stated he could have the information requested before the February 9, 2016, Council Meeting.

Discussion was held among Council and Mr. Jackson.

MOTION: Mayor Wax moved to table this item until the February 9, 2016, Council Meeting. Mayor Pro-Tem Rios seconded the motion. Motion carried unanimously.

9. Deliberate and act on second and final reading of an Ordinance amending City of Rockport Code of Ordinances Chapter 50 “Floods.”

Community Planner Kimber Clark addressed the Council. Ms. Clark stated the proposed amendments to the Ordinance incorporate Council’s input, LAN’s recommendations, and comments from a preliminary review by Federal Emergency Management Association. Ms. Clark reviewed the proposed amendments:

Highlights of the revisions compared to the existing Ordinance include:

- FEMA requires that a Statutory Authorization clause be added.
- FEMA requires a Severability Statement.
- We have added an 18” freeboard requirement throughout the Special Flood Hazard Area.
- Additions and modifications were made to Definitions.
- The new Flood Insurance Rate Map (FIRM), dated February 17, 2016, is declared to be adopted as part of the Ordinance.

Highlights of revisions compared to the first reading of the Ordinance on January 12, 2016, include:

- Revision or removal of any unnecessary language in Definitions, as recommended by FEMA and City Engineer.
- Removal of dates for Storm Drainage Master Plan and Storm Drainage Design Manual, as recommended by the City Engineer.

There were only the following few minor modifications from first reading:

- Sec. 50-1 – Addition of the City’s statutory authority for mitigating flood losses, as required by FEMA.
- Sec. 50-2 and Sec. 50-3 – Removed date on Storm Drainage Master Plan & Design Manual, as recommended by the City Engineer.
- Sec. 50-26 – Definitions, as recommended by FEMA and City Engineer:
 - a. – Appurtenant Structure: Changed to Texas Water Development Board (TWDB) template language.
 - b. – Elevated Building: Changed to TWDB template language.
 - c. –Residential Structure: Removed, because not in TWDB template.

Ms. Clark added that the proposed changes to the flood ordinance will count towards the City’s Community Rating System (CRS) score. Ms. Clark said a preliminary review of CRS criteria shows that Rockport’s CRS rating should be a Class 7 or possibly Class 6, resulting in an insurance premium discount for citizens of 15 percent (approximately (\$64,673) or 20 percent (approximately \$86,230), respectively.

Discussion was held among Council and Ms. Clark.

MOTION: Mayor Pro-Tem Rios moved to approve the second and final reading of an Ordinance amending City of Rockport Code of Ordinances Chapter 50 “Floods.” Council Member Gurtner seconded the motion. Motion carried unanimously.

10. Deliberate and act on a Resolution authorizing the Texas Coalition for Affordable Power, Inc. (TCAP), to negotiate an electric supply agreement, authorizing TCAP to act as agent on behalf of the City to enter into a contract for electricity, and authorizing the Mayor or City Manager to negotiate and execute all necessary documents.

City Manager Kevin Carruth showed a brief video presentation of “TCAP Empowers Cities). Mr. Carruth stated the City is a charter member of the Texas Coalition for Affordable Power (formerly South Texas Aggregation Project) and has purchased our electricity through them for many years. Mr. Carruth added that the City’s existing electrical supply agreement expires at the end of 2017 and the process for securing pricing and an agreement for the 2018-2022 period begins with the proposed Resolution authorizing TCAP to act as agent on behalf of the City to enter into a contract for electricity. Mr. Carruth added that because TCAP must execute an agreement with a producer within 24 hours of the decision to lock in a price, two people (the Mayor and City Manager, as proposed) must be authorized to execute the City’s agreement in case one is not available within that timeframe. Mr. Carruth stated staff recommends Option A as the best balance of savings and stability and Option A is estimated to save the City approximately \$175,000 over our current rate. Mr. Carruth recommended approval of the Resolution.

Discussion was held among Council and Mr. Carruth.

MOTION: Mayor Pro-Tem Rios moved to adopt the Resolution authorizing the Texas Coalition for Affordable Power, Inc. (TCAP) to negotiate an electric supply agreement, authorizing TCAP to act as agent on behalf of the City to enter into a contract for electricity, and authorizing the Mayor or City Manager to negotiate and execute all necessary documents. Council Member Villa seconded the motion. Motion carried unanimously.

11. 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 stated that 108 people had attended the Rockport-Fulton Chamber of Commerce Windshield Tour.

Mayor Wax reminded everyone of the Texas Municipal League Region 11 meeting to be held in Edna on Wednesday, January 27, 2016.

Mayor Wax informed the Council that Aransas County had adopted the new floodplain maps on Monday.

Council Member Gurtner informed everyone that the National Estuarine Research Reserve and Texas A&M Agrilife Extension office will be having a rain barrel workshop on February 10, 2016, at 8:30 a.m. and the first 30 people in attendance will receive free rain barrels.

Council Member Villa stated the Aransas County Leadership Class presented a proposal to the Parks & Leisure Services Board in regard to restoring some amenities at Spencer Park.

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:

- 12. Section 551.071(1)(A) Consultation with Attorney on pending or contemplated litigation: a) Templeton, b) Pena/Dack, and c) Bay Education Center.**
- 13. 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.**
- 14. Section 551.072 Deliberation about Real Property: Deliberate the purchase, exchange, lease, or value of real property: a) 1501 and 1505 Broadway, b) Northpointe Drive, c) 901 E. Main, d) 401 S. Magnolia, and e) Project Pinfish.**
- 15. Section 551.074 Personnel Matters: City Manager Evaluation.**
- 16. Section 551.087 Deliberation Regarding Economic Development Negotiations: Project Cardinal.**

At 7:15 p.m., Mayor Wax convened the Rockport City Council into an executive session pursuant to 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) Templeton, b) Pena/Dack, and c) 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: Deliberate the purchase, exchange, lease, or value of real property: a) 1501 and 1505 Broadway, and b) Northpointe Drive, c) 901 E. Main, d) 401 S. Magnolia and e) Project Pinfish; Section 551.074 Personnel Matters: City Manager Evaluation; and Section 551.087 Deliberation Regarding Economic Development Negotiations: Project Cardinal.

Open Session

- 17. 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 8:19 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.

MOTION: Mayor Wax moved to proceed with purchase of right-of-way for future water project at Northpointe Drive, at approximately \$20,000.00. Council Member Villa seconded the motion. Motion carried unanimously.

18. Adjournment

At 8:20 p.m., Council Member Villa moved to adjourn. Motion was seconded by Mayor Pro-Tem Rios and carried unanimously.



APPROVED:


Charles J. Wax, Mayor

ATTEST:


Teresa Valdez, City Secretary