

CITY OF ROCKPORT

MINUTES

CITY COUNCIL SPECIAL CALLED MEETING

6:30 p.m., Tuesday, November 29, 2016

Rockport City Hall, 622 East Market Street

On the 29th day of November 2016, the City Council of the City of Rockport, Aransas County, Texas, convened in Special Called 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
Council Member Rusty Day, Ward 1
Council Member J. D. Villa, Ward 2
Council Member Barbara Gurtner, Ward 4

CITY COUNCIL MEMBER(S) ABSENT

Mayor Pro-Tem Pat Rios, Ward 3

STAFF MEMBERS PRESENT

City Manager Kevin Carruth
City Attorney Terry Baiamonte
City Secretary Teresa Valdez
Community Planner Amanda Torres
Police Chief Tim Jayroe
Police Commander Jerry Lawing
Public Works Director Mike Donoho
Parks & Leisure Services Director Rick Martinez
Finance Director Patty Howard

ELECTED OFFICIALS PRESENT

Opening Agenda

1. Call to Order.

With a quorum of the Council Members present, the Special Called Meeting of the Rockport City Council was called to order by Mayor Wax at 6:30 p.m. on Tuesday, November 29, 2016, in the Council Chambers of the Rockport City Hall, 622 E. Market Street, Rockport, Texas.

2. Pledge of Allegiance.

Council Member Gurtner 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 Council Workshop Minutes and Regular Meeting Minutes of November 8, 2016.**
- 5. Deliberate and act on report from Aransas County Education Foundation for the 2016 Rockport-Fulton Shopping Tournament marketing expenditures.**
- 6. Deliberate and act on report from Rockport Center for the Arts and Rockport Rotary Club for marketing expenditures made for Rockport Film Festival 2016.**
- 7. Deliberate and act on report from Rockport-Fulton Chamber of Commerce Seafair Committee for marketing expenditures made for 2016 Seafair.**

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

Mayor Wax requested that Item 5 be removed from the Consent Agenda for separate discussion.

MOTION: Council Member Villa moved to adopt the Consent Agenda Items minus Item 5 as presented. Council Member Gurtner seconded the motion. Motion carried unanimously.

Consent Agenda Item 5.

Mayor Wax stated he wanted to make note of the fact that the 2016 Shopping Tournament had 130 shoppers spending \$80,000. Mayor Wax added that 23 stores participated in the Shopping Tournament. Mayor Wax congratulated Sherry Myers, Paula Dean and Karen Mella on the successful Shopping Tournament.

MOTION: Mayor Wax moved to approve Consent Agenda Item 5. Council Member Day seconded the motion. Motion carried unanimously.

Public Hearing

8. Conduct and deliberate a Public Hearing on water rate pass-through increase.

At 6:41 p.m., Mayor Wax opened the public hearing.

City Manager Kevin Carruth informed the Council that the City received notice from its water supplier, San Patricio Municipal Water District of a \$0.04 per 1,000-gallon increase in its rate effective January 1, 2017. Mr. Carruth stated a pass-through of the \$0.04/1,000-gallon increase is proposed.

An unidentified woman in the audience asked when that rate will take effect.

Mr. Carruth said the rate is effective January 1, 2017, which will actually be the March 2017 utility bill.

At 6:43 p.m., Mayor Wax closed the public hearing.

Regular Agenda

9. Hear, deliberate and act to accept the Annual Report from Lamar Volunteer Fire Department, and authorize disbursement of funds.

Mayor Wax presented a check in the amount of \$4,066.99 to Chief Carl Stubbs of the Lamar Volunteer Fire Department.

10. Deliberate and act on report from the Rockport Yacht Club for marketing expenditures made for 2016 Nautical Flea Market.

Mayor Wax stated that as explained in the Agenda packet, the Agreement signed by the Rockport Yacht Club stipulates that a financial report of marketing expenditures made for an event shall be filed with the City Secretary no later than 30 days after the event. Mayor Wax said the Rockport Yacht Club submitted a letter explaining the reason for the 30-day missed timeline. Mayor Wax added that in this case, the 2015-2016 Fiscal Year monies can still be expended because the 2015-2016 budget has not yet been closed out.

Council Member Gurtner stated that in the past the Council had received a financial report of marketing expenditures that was not within the 30-day timeline and the Council did not authorize disbursement of funds. Council Member Gurtner asked if this depends on whether the Fiscal Year Budget has been closed out.

Discussion was held among Council.

It was the consensus of Council that the Agreements for Fiscal Year 2017-2018 contain a 60-day requirement instead of a 30-day requirement.

MOTION: Council Member Villa moved to approve the report from Rockport Yacht Club for marketing expenditures made for 2016 Nautical Flea Market and authorize disbursement of funds in the amount of \$1,775.00 from the Hotel Occupancy Tax Fund for Fiscal Year 2015-2016. Council Member Day seconded the motion. Motion carried unanimously.

11. Deliberate and act on report from Rockport-Fulton Chamber of Commerce HummerBird Committee for marketing expenditures made for 2016 HummerBird Celebration.

Rockport-Fulton Chamber of Commerce President Diane Probst stated people from 188 cities and 26 countries attended the HummerBird Celebration. Ms. Probst said the Committee is planning for next year and they are looking at adding another day to the event.

MOTION: Council Member Villa moved to approve the report from Rockport-Fulton Chamber of Commerce HummerBird Committee for marketing expenditures made for 2016 HummerBird Celebration and authorize disbursement of funds in the amount of \$1,500 from the Hotel

Occupancy Tax Fund for the event. Council Member Gurtner seconded the motion. Motion carried unanimously.

- 12. Deliberate and act on first reading of an Ordinance amending the City of Rockport Code of Ordinances Chapter 102 "Utilities", Article II, "Water Service", Division 3, "Service Charges" by amending water rates for all customers; providing for the validity of said Ordinance; repealing all prior ordinances in conflict herewith; and providing for an effective date.**

MOTION: Council Member Villa moved to approve the first reading of an Ordinance amending the City of Rockport Code of Ordinances Chapter 102 "Utilities", Article II, "Water Service", Division 3, "Service Charges" by amending water rates for all customers; providing for the validity of said Ordinance; repealing all prior ordinances in conflict herewith; and providing for an effective date. Council Member Day seconded the motion. Motion carried unanimously.

- 13. Deliberate and act on first reading of an Ordinance of the City of Rockport, Texas, providing for the annexation into the City of Rockport, Aransas County, Texas, of the hereinafter described territory, located adjacent to the City's corporate limits within the extraterritorial jurisdiction of the City and not being a part of any incorporated area; extending the boundary limits of the City so as to include the territory consisting of approximately 92 acres of land, more or less, along Market Street between Warbler Lane and Kelly Lane, out of a portion of the John Smith Survey A-187, into the City's municipal limits, for all purposes; providing for related annexation service plans; repealing conflicting ordinances and resolutions; including a severability clause; granting to all the inhabitants of the annexed territory all the rights and privileges of other citizens and binding the inhabitants by all of the acts, ordinances, resolutions, and regulations of the City; and establishing an effective date.**

City Manager Kevin Carruth stated there had been one change to the Service Plan; the Parks and Library Services were now separated.

MOTION: Mayor Wax moved to approve the first reading of an Ordinance of the City of Rockport, Texas, providing for the annexation into the City of Rockport, Aransas County, Texas, of the hereinafter described territory, located adjacent to the City's corporate limits within the extraterritorial jurisdiction of the City and not being a part of any incorporated area; extending the boundary limits of the City so as to include the territory consisting of approximately 92 acres of land, more or less, along Market Street between Warbler Lane and Kelly Lane, out of a portion of the John Smith Survey A-187, into the City's municipal limits, for all purposes; providing for related annexation service plans; repealing conflicting ordinances and resolutions; including a severability clause; granting to all the inhabitants of the annexed territory all the rights and privileges of other citizens and binding the inhabitants by all of the acts, ordinances, resolutions, and regulations of the City; and establishing an effective date. Council Member Day seconded the motion. Motion carried 3:1.

FOR MOTION: Mayor Wax, Council Member Day and Council Member Gurtner.

AGAINST MOTION: Council Member Villa.

- 14. Deliberate and act on first reading of an Ordinance of the City of Rockport, Texas, providing for the annexation into the City of Rockport, Aransas County, Texas, of the hereinafter described territory, located adjacent to the City's corporate limits within**

the extraterritorial jurisdiction of the City and not being a part of any incorporated area; extending the boundary limits of the City so as to include the territory consisting of approximately 990 acres of land, more or less, along Highway 35 Bypass between Mundine Road and approximately 1,000 feet south of 18th Street, out of a portion of the Charles Zenn Survey A-226, and the James McKay Survey A-160, into the City's municipal limits, for all purposes; providing for related annexation service plans; repealing conflicting ordinances and resolutions; including a severability clause; granting to all the inhabitants of the annexed territory all the rights and privileges of other citizens and binding the inhabitants by all of the acts, ordinances, resolutions, and regulations of the City; and establishing an effective date.

Connie Johnson addressed the Council. Ms. Johnson said she had some questions about the area that was referred to as the "donut hole" and the Colonia in that area. Ms. Johnson said she would like a map of the Colonia area and information on the Burton & Danforth Subdivision Colonia.

Mayor Wax explained the boundaries of the area referred to as the "donut hole." Mayor Wax stated that a Colonia is an area defined by the State and there are three north of Market Street and East of Oak Terrace. Mayor Wax asked the City Secretary to send Ms. Johnson a copy of the annexation map that outlines those areas.

MOTION: Mayor Wax moved to approve the first reading of an Ordinance of the City of Rockport, Texas, providing for the annexation into the City of Rockport, Aransas County, Texas, of the hereinafter described territory, located adjacent to the City's corporate limits within the extraterritorial jurisdiction of the City and not being a part of any incorporated area; extending the boundary limits of the City so as to include the territory consisting of approximately 990 acres of land, more or less, along Highway 35 Bypass between Mundine Road and approximately 1,000 feet south of 18th Street, out of a portion of the Charles Zenn Survey A-226, and the James McKay Survey A-160, into the City's municipal limits, for all purposes; providing for related annexation service plans; repealing conflicting ordinances and resolutions; including a severability clause; granting to all the inhabitants of the annexed territory all the rights and privileges of other citizens and binding the inhabitants by all of the acts, ordinances, resolutions, and regulations of the City; and establishing an effective date. Council Member Day seconded the motion. Motion carried 3:1.

FOR MOTION: Mayor Wax, Council Member Day and Council Member Gurtner.

AGAINST MOTION: Council Member Villa.

- 15. Deliberate and act on first reading of an Ordinance of the City of Rockport, Texas, providing for the annexation into the City of Rockport, Aransas County, Texas, of the hereinafter described territory, located adjacent to the City's corporate limits within the extraterritorial jurisdiction of the City and not being a part of any incorporated area; extending the boundary limits of the City so as to include the territory consisting of approximately 212 acres of land, more or less, along Highway 35 Bypass between 12th Street and approximately 545 feet north of Griffith Drive, out of portions of the Joseph F. Smith Survey A-198, R.J. Towns Survey A-206, Paul McCombs Survey A-317, and the C.W. Egery Survey A-62, into the City's municipal limits, for all purposes; providing for related annexation service plans; repealing conflicting ordinances and resolutions; including a severability clause; granting to all the inhabitants of the annexed territory all the rights and privileges of other citizens and binding the**

inhabitants by all of the acts, ordinances, resolutions, and regulations of the City; and establishing an effective date.

MOTION: Mayor Wax moved to approve the first reading of an Ordinance of the City of Rockport, Texas, providing for the annexation into the City of Rockport, Aransas County, Texas, of the hereinafter described territory, located adjacent to the City's corporate limits within the extraterritorial jurisdiction of the City and not being a part of any incorporated area; extending the boundary limits of the City so as to include the territory consisting of approximately 212 acres of land, more or less, along Highway 35 Bypass between 12th Street and approximately 545 feet north of Griffith Drive, out of portions of the Joseph F. Smith Survey A-198, R.J. Towns Survey A-206, Paul McCombs Survey A-317, and the C.W. Egery Survey A-62, into the City's municipal limits, for all purposes; providing for related annexation service plans; repealing conflicting ordinances and resolutions; including a severability clause; granting to all the inhabitants of the annexed territory all the rights and privileges of other citizens and binding the inhabitants by all of the acts, ordinances, resolutions, and regulations of the City; and establishing an effective date. Council Member Gurtner seconded the motion. Motion carried 3:1.

FOR MOTION: Mayor Wax, Council Member Day and Council Member Gurtner.

AGAINST MOTION: Council Member Villa.

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; 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 Development Committee; Texas Maritime Museum; Fulton Mansion; Rockport Center for the Arts; Aransas County; Aransas County Independent School District; Aransas County Navigation District; Town of Fulton; and Texas Municipal League. No formal action can be taken on these items at this time.

Mayor Wax stated that Parks & Leisure Services Director Rick Martinez, City Manager Kevin Carruth and he are keeping a close eye on the weather forecast for this weekend. Mayor Wax said the Tropical Christmas festivities have not been cancelled but a decision will be made within the next 24-36 hours.

City Manager Kevin Carruth reminded the Council that the Employee Christmas Luncheon is scheduled for next Wednesday at 11:00 a.m.

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) Bay Education Center, (B) Texaz Construction and AZ Southwest Properties, and (C) Manning.**
- 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 551.074 Personnel Matters: (A) City Manager evaluation, and (B) Municipal Court Judge.

At 7:16 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 551.071(1)(A) Consultation with Attorney on pending or contemplated litigation: (A) Bay Education Center, (B) Texaz Construction and AZ Southwest Properties, and (C) Manning; 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; and Section 551.074 Personnel Matters: (A) City Manager evaluation, and (B) Municipal Court Judge.

Open Session

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

At 7:37 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.

20. Deliberate and act on re-appointment of Municipal Court Judge.

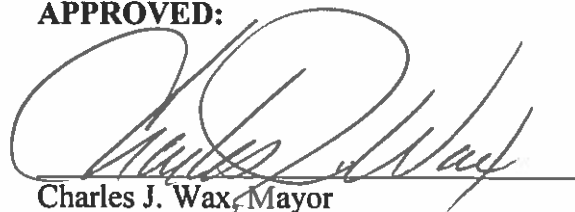
MOTION: Mayor Wax moved to re-appoint Diana McGinnis as the Municipal Court Judge with the term to follow with the existing contract. Council Member Villa seconded the motion. Motion carried unanimously.

21. Adjournment

At 7:38 p.m., Council Member Villa moved to adjourn. Motion was seconded by Council Member Day. Motion carried unanimously.



APPROVED:


Charles J. Wax, Mayor

ATTEST:


Teresa Valdez, City Secretary