

# CITY OF ROCKPORT

## MINUTES

### CITY COUNCIL REGULAR MEETING 6:30 p.m., Tuesday, March 28, 2017 Rockport City Hall, 622 East Market Street

On the 28<sup>th</sup> day of March 2017, 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 Secretary Teresa Valdez  
City Attorney Terry Baiamonte  
Police Lieutenant Steven Reyes  
Public Works Director Mike Donoho  
Parks & Leisure Services Director Rick Martinez  
Finance Director Patty Howard  
Community Planner Amanda Torres

#### ELECTED OFFICIALS PRESENT

#### 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, March 28, 2017, 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.

Linda Bence, 118 Treasure Street, addressed the Council. Ms. Bence stated the City ordinance addressing use of driveways is not particularly clear. Ms. Bence said there are situations where older children are coming back to live with their parents in Rockport and the homes are small so recreational vehicles are put in driveways. Ms. Bence expressed concern over this situation and asked the Council to revise the City Code to address this as well as parking in subdivisions.

### **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 March 14, 2017.**
- 5. Deliberate and act on approval of Interlocal Contract with the Town of Fulton for Assistance in Law Enforcement.**
- 6. Deliberate and act on 2017 Consumer Price Index adjustment to Municipal Telecommunications Right-of-Way Access Line Rates.**

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

**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**

- 7. Deliberate and act on review of conceptual designs for street signs that designate the boundaries of the Rockport Cultural Arts and Heritage Districts.**

Public Works Director Mike Donoho addressed the Council. Mr. Donoho said City staff has been working with Ms. Jennifer Day of the Rockport Cultural Arts District on a project to design street signs that identify the boundaries of the Cultural Arts and Heritage Districts. Mr. Donoho stated that on February 28, 2017, Council reviewed the proposed design of the street signs and requested some minor changes, and asked staff to present life-sized signs for review. Mr. Donoho called the Council's attention to the life-sized signs (see below) at the back of the room.



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

It was the consensus of Council that the green sign be selected, but that the red line be lowered to give more room for the toppers, increase the font size of the Rockport Cultural Arts District, and staff is directed to bring another topper design, with a more pronounced arch, back to Council for review.

8. **Deliberate and act to authorize acceptance of a grant from the Gulf of Mexico Alliance to develop a multi-jurisdictional program for public information and authorize the Mayor to negotiate and execute all necessary documents.**

Community Planner Amanda Torres addressed the Council. Ms. Torres informed the Council the City submitted a grant application to the Gulf of Mexico Alliance Community Small Grants Competition, seeking funds to develop a multi-jurisdictional Program for Public Information, and was selected as a grant recipient. Ms. Torres explained that a Program for Public Information is a strategic plan to identify, prepare, implement, and monitor a range of public information activities that meet specific local needs for floodplain management. Ms. Torres added that it will be an extension of the current floodplain management plan effort, and it is a credited Community Rating System activity that will count toward reducing flood insurance premiums for citizens. Ms. Torres said the grant will fund development of this plan and various outreach projects associated with the plan, such as a floodplain management website, flood information mailers and handouts, flood safety signage and other similar presentations. Ms. Torres stated the grant amount is \$45,000 with a match requirement of \$22,500, which would be provided by labor from the staff involved in the project from the City of Rockport, Aransas County, City of Aransas Pass, and the Town of Fulton. Ms. Torres said the total project amount is \$67,865.

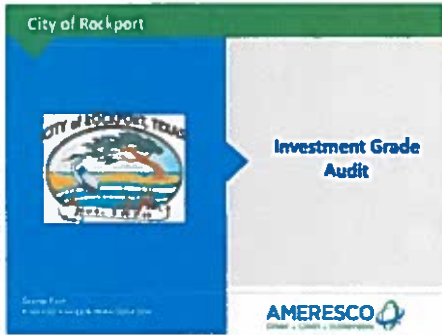
Mayor Wax reiterated that this is another Community Rating System Activity.

**MOTION:** Mayor Wax moved for acceptance of a grant from the Gulf of Mexico Alliance to develop a multi-jurisdictional program for public information and authorize the Mayor to negotiate and execute all necessary documents. Council Member Gurtner seconded the motion. Motion carried unanimously.

9. **Deliberate and act to authorize an energy service performance contract with Ameresco, obtaining financing for the project, and authorizing the Mayor to negotiate and execute all necessary documents.**

George Rash and Vince Drieling representing Ameresco gave a presentation (see below) on the Investment Grade Audit that had been conducted by Ameresco. Mr. Rash stated Section 302 of the Local Government Code authorizes local governments to enter energy savings performance

contracts (ESPC). Mr. Rash explained that ESPC is a construction method that allows an entity to complete energy-saving improvements within an existing budget by financing them with money saved through reduced utility expenditures. Mr. Rash said local governments make no up-front investments and instead finance projects through guaranteed annual energy savings. Mr. Rash stated the Council had received a binder containing details of the project.



### Executive Summary

Ameresco, Inc. (Ameresco) pleased to present this Investment Grade Audit (IGA) report to the City of Rockport, Texas (City). This audit reviewed the following City assets to identify potential energy improvement measures or energy and water resources that would improve or restore degraded water resources; improve revenue potential; reduce operational cost, or reduce energy consumption:

- City operated water and wastewater treatment infrastructure
- City operated gas existing infrastructure
- City operated utility communication data acquisition infrastructure
- City owned and operated water distribution infrastructure
- City owned and operated water treatment infrastructure
- City owned and repaired buildings
- City owned and operated street lighting
- City owned and operated sports facility lighting

The Ameresco Team would like to recognize and thank Mr. Kevin Cornish, Mr. Mike Daniels, Mr. Art Smith, and all other City personnel who provided assistance throughout the audit.

### Executive Summary (continued)

*(Note: The text in this section is extremely small and largely illegible in the provided image.)*

### Project Overview

Based on Ameresco's analysis, implementing this project will provide the following year one benefits to the City of Rockport:

- Increase water revenue by \$261,708 from motor efficiency derivation
- Increase water revenue by \$201,812 from motor efficiency derivation
- Increase gas motor revenue by \$11,528 from motor reading accuracy improvements
- Reduce existing motor replacement and repair cost by \$110,000
- Reduce electrical energy consumption by 452,213 kWh per year
- Reduce annual electrical demand assessments by 491 kW
- Reduce annual electrical operating by an expected \$41,151, with a 90 percent guaranteed savings of \$37,556
- Total year one benefits projected to be \$364,601
- The net annual benefits projected to be \$2,670 annually, accounting for debt repayment, measurement and verification costs and AMR service costs

### Project Overview (continued)

In addition to the preceding monetary benefits, the project will also help the City address outstanding operational issues:

- Installing the wireless AMR system will provide automation to the City's billing system and will greatly reduce the burden on City staff
- Automated meter reading by an AMR system will eliminate erroneous meter reading, meter accessibility issues and reduce billing errors
- The AMR system will allow City staff to access the meter data through a web portal from anywhere with an internet connection
- The AMR system will provide a customer web portal that the customer can visit to see their historical utility consumption data
- Replacing the water meters will reduce failure rate and result in fewer service calls from the customers
- Installing lighting retrofits will improve efficiency of facility operations, reducing bills and addressing life cycle concerns. Facilities served by generators will benefit from extended operations without increasing the capacity of the fuel storage system

### Project Overview (continued)

- Installing sports field lighting will address light level and distribution concerns, improve system efficiency and address life cycle concerns
- Installing VMC systems will allow the City to enforce scheduled and set point guidelines separately
- Installing HVAC retrofits will improve efficiency and address life cycle concerns
- Installing variable speed projection blowers will improve efficiency and address life cycle concerns and curbed deferred maintenance at the unit currently out of operation

### Environmental Benefits

Reducing energy use also reduces energy production at the source. A green plan of the energy that is consumed at the facility is produced by power plants burning fossil fuels. The burning of these fuels contributes to environmental contamination. In terms of carbon emissions, the environmental benefits associated with the measures included in the energy and water proposal are equivalent to the:

- annual greenhouse gas emissions from reducing over 6.7 passenger cars from the road, or
- City emissions from over 15,000 gallons of gasoline consumed annually, or
- CO<sub>2</sub> emissions from the energy use of over 20 typical hours on laptops for 1 year, or
- 1,000 trees available grown for 20 years, or
- greenhouse gas emissions avoided by not burning 118 tons of waste



### Energy Conservation Savings

Measure	Present (\$)			Total
	Revenue	Cost	Capacity	
Measure 1: Utility and Meter Infrastructure Modernization	\$4,172,065	\$189,020	\$0	\$3,983,045
Measure 2: LED Lighting and Controls	\$0	\$0	\$30,470	\$30,470
Measure 3: City HVAC System	\$0	\$0	\$4,888	\$4,888
Measure 4: Water System Control Modernization	\$0	\$0	\$4,338	\$4,338
<b>Total</b>	<b>\$4,172,065</b>	<b>\$189,020</b>	<b>\$43,686</b>	<b>\$3,983,045</b>



### Energy Conservation Measures by Location

Measure	Location	Area	Capacity	Cost	Revenue
Measure 1: Utility and Meter Infrastructure Modernization	Citywide	Citywide	0	\$4,172,065	\$0
Measure 2: LED Lighting and Controls	Citywide	Citywide	\$30,470	\$0	\$0
Measure 3: City HVAC System	Citywide	Citywide	\$4,888	\$0	\$0
Measure 4: Water System Control Modernization	Citywide	Citywide	\$4,338	\$0	\$0



### Financial Cash Flow

Year	Revenue	Cost	Capacity	Net Cash Flow
Year 1	\$4,172,065	\$189,020	\$0	\$3,983,045
Year 2	\$0	\$0	\$30,470	\$30,470
Year 3	\$0	\$0	\$4,888	\$4,888
Year 4	\$0	\$0	\$4,338	\$4,338
Year 5	\$0	\$0	\$0	\$0
Year 6	\$0	\$0	\$0	\$0
Year 7	\$0	\$0	\$0	\$0
Year 8	\$0	\$0	\$0	\$0
Year 9	\$0	\$0	\$0	\$0
Year 10	\$0	\$0	\$0	\$0
Year 11	\$0	\$0	\$0	\$0
Year 12	\$0	\$0	\$0	\$0
Year 13	\$0	\$0	\$0	\$0
Year 14	\$0	\$0	\$0	\$0
Year 15	\$0	\$0	\$0	\$0
Year 16	\$0	\$0	\$0	\$0
Year 17	\$0	\$0	\$0	\$0
Year 18	\$0	\$0	\$0	\$0
Year 19	\$0	\$0	\$0	\$0
Year 20	\$0	\$0	\$0	\$0
Year 21	\$0	\$0	\$0	\$0
Year 22	\$0	\$0	\$0	\$0
Year 23	\$0	\$0	\$0	\$0
Year 24	\$0	\$0	\$0	\$0
Year 25	\$0	\$0	\$0	\$0
Year 26	\$0	\$0	\$0	\$0
Year 27	\$0	\$0	\$0	\$0
Year 28	\$0	\$0	\$0	\$0
Year 29	\$0	\$0	\$0	\$0
Year 30	\$0	\$0	\$0	\$0



### Conclusions

By implementing a performance contract based on this ISA, the City of Rockport will reduce the total accuracy of the meter reading infrastructure, improve accuracy of meter reading and billing, reduce meter reading costs, reduce energy consumption, address existing operation and maintenance (O&M) issues and appropriate aging infrastructure.

Upon completion of the construction project, Ameresco will monitor the performance of the measures for the duration of the contract – or for a reduced term if as desired by the City.

Ameresco recognizes that the City is staffed with some exceptional operators and maintenance personnel. This being the case, we do not recommend that Ameresco assume full O&M of the equipment installed as a part of the measures. Instead, Ameresco will provide training on the new systems during construction and video recordings of the training that can be used for additional training during the project term.



### Next Steps

- Authorize City Manager to sign Energy Service Agreement (ESA) pending approval by City Attorney, 3<sup>rd</sup> party engineering review, and obtaining financing for the project.
- Inaugurate the project.



Discussion was held among Council, Mr. Rash and Mr. Drieling.

**MOTION:** Mayor Wax moved to table action on the energy service performance contract but authorize the Mayor to negotiate and execute an application for funding through the Texas Qualified Energy Conservation Bond. Council Member Villa seconded the motion.

Mr. Rash asked if the Council would include in the motion approval of the third-party engineering review.

**MOTION:** Mayor Wax amended his motion to table action on the energy service performance contract but authorize the Mayor to negotiate and execute an application for funding through the Texas Qualified Energy Conservation Bond, and approve third-party engineering review. Council Member Villa seconded the motion. Motion carried unanimously.

- 10. Deliberate and act on first reading of an Ordinance amending Chapter 66 of the Code of Ordinances entitled “Offenses and Miscellaneous Provisions” by the addition of a new Article IV. ‘Sex Offender Resident Location Restrictions,” making it unlawful for certain sex offenders to reside within 1,000 feet of premises where children gather, providing penalties for violations of the Ordinance, including but not limited to a fine not to exceed \$500.00 for each offense and each and every day such violation shall continue or exist shall be deemed a separate offense; providing for the validity of said Ordinance; repealing all prior ordinances in conflict herewith; and providing for an effective date.**

Mayor Wax said the Council had discussed adoption of a Sex Offender Resident Location Restrictions ordinance at the Strategic Planning Workshop in January and had asked staff to draft an ordinance.

Discussion was held among Council and City Manager Carruth.

**MOTION:** Council Member Villa moved to approve the first reading of an Ordinance amending Chapter 66 of the Code of Ordinances entitled “Offenses and Miscellaneous Provisions” by the addition of a new Article IV. “Sex Offender Resident Location Restrictions,” making it unlawful for certain sexual offenders to reside within 1,000 feet of premises where children gather, providing penalties for offense and each and every day such violation shall continue or exist shall be deemed a separate offense; providing for the validity of said Ordinance; repealing all prior ordinances in conflict herewith; and providing for an effective date. Mayor Pro-Tem Rios 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; 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 informed the Council that there had been an article published in the *Columbus Dispatch*, Columbus, Ohio, entitled “The Other Gulf Coast,” on May 22, 2017. Mayor Wax said this article talked about Rockport, Texas.

Mayor Wax said he had executed the ACCESS Lease Agreement for 54 weeks.

Council Member Villa stated he attended the Parks and Leisure Services Advisory Board Meeting. Council Member Villa said the Board had received updates on birds at the Bent Oaks property and the Little League Park.

Mayor Pro-Tem Rios said he had a conversation with Navigation District Commissioner Malcolm Dieckow regarding the City providing a letter of support or proclamation/resolution for the Navigation District's Little Bay Restoration Master Plan. Mayor Pro-Tem stated Commissioner Dieckow asked to do a presentation on this at the next Council meeting.

### **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: Pending or contemplated litigation: (A) Bay Education Center; (B) Texaz Construction and AZ Southwest Properties.**
- 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 Deliberations about Real Property: 901 E. Main.**
- 15. Section 551.074 Personnel Matters: City Attorney and Municipal Court Judges.**

At 7:34 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: Pending or contemplated litigation: (A) Bay Education Center; (B) Texaz Construction and AZ Southwest Properties; 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; Section 551.072 Deliberations about Real Property: 901 E. Main; and Section 551.074 Personnel Matters: City Attorney and Municipal Court Judges.

### **Open Session**

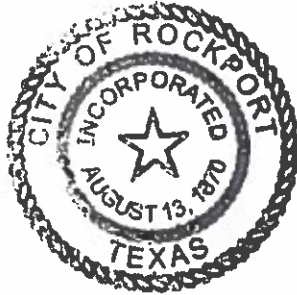
**City Council will reconvene into open session pursuant to the provisions of Chapter 551 of the Texas Government Code to take any actions necessary related to the executive sessions noted herein, or regular agenda items, noted above, and/or related items.**

At 8:28 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.

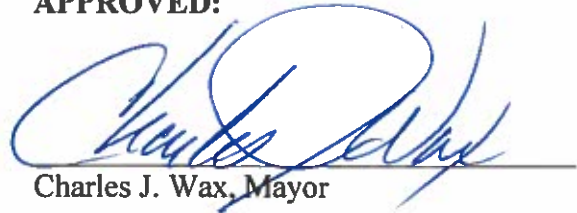
No action was taken.

**16. Adjournment**

At 8:28 p.m., Council Member Villa moved to adjourn. Motion was seconded by Mayor Pro-Tem Rios. Motion carried unanimously.



**APPROVED:**

  
Charles J. Wax, Mayor

**ATTEST:**

  
Teresa Valdez, City Secretary