

CITY OF ROCKPORT

MINUTES

CITY COUNCIL REGULAR MEETING 6:30 p.m., Tuesday, February 24, 2015 Rockport City Hall, 622 East Market Street

On the 24th day of February 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
Finance Director Patty Howard
Parks & Leisure Services Director Tom Staley

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, February 24, 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.

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 Regular Meeting Minutes of February 10, 2015.**
- 5. Deliberate and act on Intergovernmental Cooperation Agreement between the City of Rockport and the County of Aransas for Roads.**

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

- 6. Deliberate and act on Resolution opposing Senate Bill 343 and any other legislation which would erode the authority of a home rule municipality.**

Mayor Wax informed the Council that freshman Senator Don Huffines from the Dallas area filed Senate Bill 343 that would have the effect of turning home rule cities into general law cities. Mayor Wax added that this bill erodes the powers of a home rule municipality to adopt ordinances affecting the City's ability to govern its citizens and under this bill, city voters and locally-elected officials would have to get the state legislature's permission to enact any local ordinance, rule or regulation. Mayor Wax stated that if this bill passes, the City of Houston and the City of Rockport would have the same rules and he objects to that. Mayor Wax said that the Texas Municipal League has written to Senator Huffines and also published a white paper regarding this bill.

Discussion was held among Council.

MOTION: Mayor Pro-Tem Rios moved to adopt a Resolution opposing Senate Bill 343 and any other legislation that would erode the authority of a home rule municipality. Council Member Gurtner seconded the motion. Motion carried unanimously.

- 7. Deliberate and act on a Resolution opposing a revenue cap and legislative interference with local services.**

Mayor Wax stated Senator Paul Bettencourt from the Houston area filed Senate Bill 182 and Representative Gary Elkins from the Houston area filed House Bill 365. Mayor Wax informed the Council that these bills would cap the amount of property tax revenue cities can collect each year as a way to reduce the property tax burden on homeowners and businesses. Mayor Wax said that currently, if a Texas city increases property tax collections by more than eight percent over the previous year, voters can petition for an election to rollback the increase, but these bills would reduce that cap or rollback rate from eight percent to four percent and require mandatory elections on an increase over four percent. Mayor Wax added that it is not for the legislature to determine what the citizens of Rockport need or want in goods and services and these bills rob cities of the flexibility to meet local needs.

Discussion was held among Council.

MOTION: Council Member Villa moved to adopt a Resolution opposing a revenue cap and legislative interference with local services. Mayor Pro-Tem Rios seconded the motion. Motion carried unanimously.

8. Deliberate and act on presentation of Fiscal Year 2013-2014 City of Rockport Comprehensive Annual Financial Report.

Auditor Mike Arnold addressed the Council. Mr. Arnold stated the City is in good financial condition and he did not encounter any problems while conducting the audit. Mr. Arnold presented and reviewed the Fiscal Year 2013-2014 City of Rockport Audit.

Discussion was held among Council and Mr. Arnold.

MOTION: Mayor Wax moved to accept the City of Rockport Fiscal Year 2013-2014 City of Rockport Comprehensive Annual Financial Report as presented. Mayor Pro-Tem Rios seconded the motion. Motion carried unanimously.

9. Deliberate and act on first reading of an Ordinance amending Article 4 of the City of Rockport Zoning Ordinance Number 1027 by changing the zoning of land located at 1903 Mathis Street; also known as parts of Lots 5-13, 1.525 acres, Block 103, Manning Addition, out of the John Kettle Survey A-91-92, Rockport, Aransas County, Texas, from R-2 (2nd Single Family Dwelling District) to B-1 (General Business District).

Mayor Wax stated the Planning & Zoning Commission met February 16, 2015 and voted to recommend that this request be approved by Council.

MOTION: Council Member Villa moved to approve the first reading of an Ordinance amending Article 4 of the City of Rockport Zoning Ordinance Number 1027 by changing the zoning of land located at 1903 Mathis Street; also known as parts of Lots 5-13, 1.525 acres, Block 103, Manning Addition, out of the John Kettle Survey A-91-92, Rockport, Aransas County, Texas, from R-2 (2nd Single Family Dwelling District) to B-1 (General Business District). Council Member Gurtner seconded the motion. Motion carried unanimously.

10. Deliberate and act on first reading of an Ordinance amending Article 4 of the City of Rockport Zoning Ordinance Number 1027 by changing the zoning of land located at 1124 Patton Street; also known as 1130-1150 Patton Street, 0.801 acre, out of the TT Williamson Survey A-221, Rockport, Aransas County, Texas, from R-1 (1st Single Family Dwelling District) to R-2 (2nd Single Family Dwelling District).

Mayor Wax stated the Planning & Zoning Commission met February 16, 2015 and voted to recommend that this request be approved by Council.

MOTION: Mayor Pro-Tem Rios moved to approve the first reading of an Ordinance amending Article 4 of the City of Rockport Zoning Ordinance Number 1027 by changing the zoning of land located at 1124 Patton Street; also known as 1130-1150 Patton Street, 0.801 acre, out of the TT Williamson Survey A-221, Rockport, Aransas County, Texas, from R-1 (1st Single Family Dwelling District) to R-2 (2nd Single Family Dwelling District). Council Member Villa seconded the motion. Motion carried unanimously.

11. Hear and deliberate on presentation of City of Rockport Police Department 2014 Racial Profiling Report.

Rockport Police Chief Tim Jayroe addressed the Council and stated the 2014 Racial Profiling Report was being presented in compliance with Texas Code of Criminal Procedure Article 2.134 related to Statutory Prohibition of Racial Profiling. Chief Jayroe reviewed the 2014 Racial Profiling Report that had been included in the Council Agenda packet. Chief Jayroe stated there was a typographical error on the chart on page 4 of the Report; the percentage for white, non-Hispanic should be 70% instead of 96%.

Brief discussion was held among Council and Chief Jayroe in regard to the 2014 Racial Profiling Report.

Mayor Wax stated this report shows that the City of Rockport Police Department is fully in compliance with Article 2.134 of the Texas Code of Criminal Procedure.

12. Reports from Council and Staff.

At this time, the City Council will report/update on all committee assignments which may include the following: Aransas County Storm Water Committee, Community Park Committee, Park & Leisure Advisory Board, Chamber of Commerce, Coastal Bend Council of Governments, Coastal Bend Bays & Estuaries, Texas Maritime Museum, Fulton Mansion, Rockport Center for the Arts, Rockport Tropical Christmas, and Texas Municipal League. Staff reports include the following: Building & Development – Bi-Weekly Code Enforcement, Proposed Development Report; Accounting & Finance – Update on Liens Collection, Financial & Investment Information, Monthly Financial Reports; Police Department – Grant Update, Quarterly Police Reports; Public Works – Building Maintenance, Construction Updates; Park & Leisure Services – Grant Updates, Miscellaneous park projects; Municipal Court; Administration – Interlocal Agreements, Public Information, and Hotel Occupancy Report. No formal action can be taken on these items at this time.

Mayor Wax stated the Texas Legislature is in its 110th day of session and tonight the Council heard about some bills being filed and there will be other bills filed that will have impact on cities. Mayor Wax said the City is watching this closely and the Texas Municipal League is also

paying very close attention to bills being filed. Mayor Wax added that the Council will be in Austin tomorrow for Aransas County Day at the Capitol and a good talking point would be "local control" because cities are the last level of government without partisanship; we are the most direct level of government to our citizens.

Discussion was held among Council and Public Works Director Mike Donoho in regard to the Code Enforcement Report.

Discussion was held among Council, Mr. Carruth and Mr. Donoho in regard to the Building & Development Report.

Discussion was held among Council, Mr. Carruth and Mr. Donoho regarding opening of the Compressed Natural Gas facility.

Finance Director Patty Howard informed the Council that the City will be seeking sealed proposals from financial institutions to serve as the depository for public funds of the City. Ms. Howard stated requests for proposals will be mailed out and sealed bid proposals must be received by 2:00 p.m. on March 24, 2015. Ms. Howard added that once the proposals are reviewed a recommendation will be brought to Council for approval of a new three (3) year contract.

Parks & Leisure Services Director Tom Staley informed the Council that the number of registrations for the Whopping Crane Strut, scheduled for March 7, 2015, is higher than the number of registrations received last year. Mr. Staley stated the Texas State Aquarium is also participating by providing discount coupons for admission to the Aquarium and advertising the Whopping Crane Strut on their website. Mr. Staley also informed the Council that two interior areas of the Bay Education Center are going to be repainted on March 22-23, 2015.

City Manager Carruth informed the Council that there had been a double shooting last night in the City of Rockport. Mr. Carruth stated that both individuals were still in the hospital.

Mayor Wax stated the Jail Services Agreement had been delivered to Aransas County Judge on February 13, 2015, with the City's redlined version of the Agreement.

Mayor Wax informed the Council that at the Aransas County Commissioners' Court meeting on Monday, the press had asked Judge Mills whether the County was still negotiating with the City in regard to the City taking over management of Animal Control Services. Mayor Wax stated that Judge Mills had announced that the Commissioners' Court was no longer negotiating with the City. Mayor Wax added that he was unsure whether that statement meant that the County would be managing the Animal Control Services for 2015 or that the County would be managing the Animal Control Services indefinitely.

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:

13. **Section 551.071(1)(A) and Section 551.071(2) Consultation with Attorney: 1) Pending or contemplated litigation; and 2) Jail Services Agreement.**
14. **Section 551.072 Deliberation about Real Property: Acquisition of property for public purpose - Project Ibis.**
15. **Section 551.076 Deliberations Regarding Security Devices or Security Audits: Closed Meeting.**
16. **Section 551.074 Personnel Matters - City Secretary evaluation.**

At 7:35 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 551.071(1)(A) and Section 551.071(2) Consultation with Attorney: 1) Pending or contemplated litigation; and 2) Jail Services Agreement; Section 551.072 Deliberation about Real Property: Acquisition of property for public purpose - Project Ibis; Section 551.076 Deliberations Regarding Security Devices or Security Audits: Closed Meeting; and Section 551.074 Personnel Matters - City Secretary evaluation.

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.**

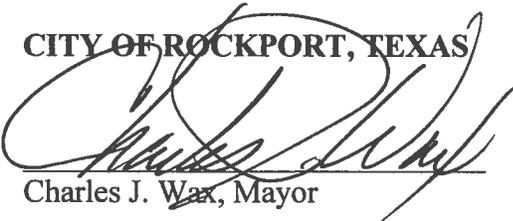
At 8:07 p.m., Mayor Wax reconvened the Rockport City Council into open session pursuant to the provisions of Chapter 551 of the Texas Government Code to take any actions necessary related to the executive sessions noted herein, or regular agenda items, noted above, and/or related items.

Mayor Wax stated that Council has requested staff obtain a cost estimate for Executive Session item number 15 and bring back to Council for review.

18. Adjournment

At 8:15 p.m., Council Member Day moved to adjourn. Motion was seconded by Council Member Villa and carried unanimously.



CITY OF ROCKPORT, TEXAS

Charles J. Wax, Mayor

ATTEST:



Teresa Valdez, City Secretary