

CITY OF ROCKPORT

MINUTES

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

On the 8th day of September 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

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, September 8, 2015, in the Council Chambers of the Rockport City Hall, 622 E. Market Street, Rockport, Texas.

2. Pledge of Allegiance.

Council Member Villa led the Pledge of Allegiance to the U.S. flag.

3. Proclamation: POW/MIA Recognition Day - September 16, 2015.

Mayor Wax proclaimed September 16, 2015, as POW/MIA Recognition Day in Rockport, Texas. Mayor Wax presented the Proclamation to Aransas County Veterans Service Officer Mike Kuertz and several representatives of Rockport veterans.

4. 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.

- 5. Deliberate and act on approval of City Council Joint Special Workshop Meeting Minutes, Workshop Meeting Minutes, and Regular Meeting Minutes of August 25, 2015.**
- 6. Deliberate and act on request from Rockport Center for the Arts for use of the festival site beginning June 20, 2016, through July 7, 2016, for the 47th Annual Rockport Art Festival.**
- 7. Deliberate and act on request by AIM Hospice for approval of a street banner at the Walmart entryway on Highway 35 Business North for AIM For The Coast event to be held on November 6-7, 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. Mayor Pro-Tem Rios seconded the motion. Motion carried unanimously.

Public Hearing

- 8. Conduct the second public hearing for City of Rockport 2015 Property Tax Rate for taxpayers to have an opportunity to express their views on the increase; the City of Rockport will adopt the budget and tax rate for Fiscal Year 2015-2016 on September 15, 2015, at 6:30 p.m. at City Hall located at 622 E. Market Street, Rockport, Texas.**

At 6:37 p.m., Mayor Wax opened the Public Hearing.

There were no public comments.

At 6:38 p.m., Mayor Wax closed the Public Hearing.

9. Conduct a public hearing on proposed redevelopment for affordable rental housing of 50 units known as Fifty Oaks Apartments, located at 501 East Second Street.

At 6:38 p.m., Mayor Wax opened the Public Hearing.

Mayor Pro-Tem Rios asked if this was a refurbishing or a whole new complex.

Step Forward Communities representative Dwayne Henry addressed the Council. Mr. Henry stated this is a rehabilitation of the property, costing approximately two million dollars.

Mayor Wax asked if the City could expect the exterior of the complex to change.

Mr. Henry answered "yes, and the grounds will be updated as well." Mr. Henry stated they are planning to preserve the trees on the property.

Council Member Day asked if there were any plans for the tract of property in the back. Council Member Day stated that area may be big enough for a soccer field. Council Member Day asked about the timeline on the project.

Mr. Henry said there were no specific plans for the tract of property in the back, but it could possibly be developed into a play area for children. Mr. Henry informed the Council that Step Forward Communities should close on the property at the end of January or beginning of February 2016.

Council Member Gurtner stated that she understood that there would be no displacement of residents during the rehabilitation of the property.

Mr. Henry stated that was correct. Mr. Henry added that if there becomes a need to move someone temporarily, Step Forward Communities will take care of the residents.

At 6:41 p.m., Mayor Wax closed the Public Hearing.

Regular Agenda

10. Deliberate and act on Resolution offering no objection to application for Texas Department of Housing and Community Affairs housing tax credits for redevelopment of Fifty Oaks Apartments, located at 501 East Second Street.

City Manager Kevin Carruth stated that Step Forward Communities is applying for low-income tax credits and an allocation of tax-exempt bonds through the Texas Department of Housing and Community Affairs (TDHCA) for renovation of Fifty Oaks Apartments. Mr. Carruth informed the Council that as a part of this application, TDHCA requires a resolution of no objection from the local community.

Mayor Wax stated the proposed Resolution is important for Step Forward Communities in applying for the tax credits.

Council Member Villa asked if the rent is going to be raised after the redevelopment on the apartments.

Step Forward Communities representative Dwayne Henry stated that the United States Department of Housing and Urban Development (HUD) will maintain the same type of assistance as before the redevelopment.

Council Member Day asked if local contractors would be utilized for the redevelopment project.

Mr. Henry answered that in projects such as this, local contractors are utilized if available.

MOTION: Mayor Pro-Tem Rios moved to approve the Resolution offering no objection to application for Texas Department of Housing and Community Affairs housing tax credits for redevelopment of Fifty Oaks Apartments, located at 501 East Second Street. Council Member Gurtner seconded the motion. Motion carried unanimously.

11. Deliberate and act on a recommendation from the Rockport Heritage District Board to allow the Texas Maritime Museum to construct a protective roof covering over an exhibit at 1202 Navigation Circle.

Mayor Wax stated the protective roof covering is over La Tortuga, the Texas scow sloop.

MOTION: Council Member Villa moved to allow the Texas Maritime Museum to construct a protective roof covering over an exhibit at 1202 Navigation Circle. Council Member Gurtner seconded the motion. Motion carried unanimously.

12. Deliberate and act on first reading of an Ordinance of the City of Rockport approving the assessment and renditions for the 2015 taxable property as submitted by the Appraisal District; levying a tax rate for \$100.0 valuation for the City of Rockport, Aransas County, Texas, for the tax year 2015 of \$0.219047 for the purposes of maintenance and operations, \$0.145811 for payment of principal and interest on debt of the City for a total tax rate of \$0.364858; and providing an effective date.

Mayor Wax stated the second reading of the Ordinance will be at the September 15, 2015, City Council Special Meeting.

Finance Director Patty Howard addressed the Council. Ms. Howard stated state law requires a taxing unit's governing body to vote on any increase in the effective tax rate by a record vote. Ms. Howard added that two public hearings were conducted on the proposed tax rate; the first on August 25, 2015, and the second was held tonight. Ms. Howard informed the

Council that the only change in the budget from the budget presented at the Council Budget Workshops was a General Fund increase.

MOTION: Council Member Day moved to approve the first reading of an Ordinance of the City of Rockport approving the assessment and renditions for the 2015 taxable property as submitted by the Aransas County Appraisal District; levying a tax rate for \$100.0 valuation for the City of Rockport, Aransas County, Texas, for the tax year 2015 of \$0.219047 for the purposes of maintenance and operations, \$0.145811 for payment of principal and interest on debt of the City for a total tax rate of \$0.364858; and providing an effective date. Council Member Villa seconded the motion.

Mayor Wax called for a record vote:

FOR MOTION: Council Member Day, Council Member Villa, Mayor Pro-Tem Rios,
Council Member Gurtner, and Mayor Wax.

AGAINST MOTION: None.

13. Deliberate and act on job classification and compensation plan.

City Manager Kevin Carruth stated the final report from Condrey and Associates was included in the Council Agenda packet. Mr. Carruth said that during the budget process, 5% salary increases with second quarter implementation, and 3% merit increases was included in the budget as a place holder. Mr. Carruth expressed that when the final numbers were received from Condrey and Associates, it was the consensus of Council to implement the option of 100% of the market, as well as an equity adjustment. Mr. Carruth informed the Council that the total cost for implementation was \$283,536.54, which is \$92,384.71 less than budgeted amount.

Mayor Wax stated the purpose of this was to bring employees into a competitive compensation rate.

Council Member Villa stated that since day one, he supported giving good competitive rates. Council Member Villa added that if it were not for employees, the City would not be on the map for who we are.

Mayor Pro-Tem Rios stated he agreed.

Council Member Day stated that he sees City employees facing a huge amount of pressure to go elsewhere for employment. Council Member Day said if the City does not take care of this, it will only get worse. Council Member Day added that the City has the numbers to know what it will take to keep employees here.

Council Member Gurtner stated that the City employees well deserve this.

City Manager Carruth stated that not included in the report is the fact that if the City does not implement a compensation plan, there is a cost associated with training employees.

MOTION: Mayor Wax moved to approve the following: 1) Job classification and compensation plan at 100 percent of market including an equity adjustment and implementation on January 1, 2016; 2) Annual adjustments to the plan based on the Bureau of Labor Statistics Employment Cost Index for State and Local Government; 3) Establish a 5-year sinking fund where each year Council provides 1/5 of the estimated cost of a professional compensation study; and 4) Conduct a compensation study every 5 years. Mayor Pro-Tem Rios seconded the motion.

Mayor Wax called for a roll call vote:

FOR MOTION: Council Member Day, Council Member Villa, Mayor Pro-Tem Rios,
Council Member Gurtner, and Mayor Wax.

AGAINST MOTION: None.

14. Deliberate and act on Section 125 Flexible Spending Arrangement agreement with TML MultiState Intergovernmental Employee Benefits Pool.

City Manager Kevin Carruth informed the Council that last week during the City's open enrollment, the Assistant City Secretary Ruby Beaven had asked why the City did not deduct premium payments before tax. Mr. Carruth said he discussed this with the City's insurance company, the Texas Municipal League MultiState Intergovernmental Employee Benefits Pool. Mr. Carruth stated although it was too late to implement a health savings account, the City could implement a Section 125 Flexible Spending Arrangement agreement of premium only. Mr. Carruth informed the Council that there is no cost to the City or employees.

Brief discussion was held among Council and Mr. Carruth.

MOTION: Council Member Villa moved to approve the Section 125 Flexible Spending Arrangement Agreement with TML MultiState Intergovernmental Employee Benefits Pool. Council Member Gurtner seconded the motion. Motion carried unanimously.

15. 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 reminded everyone that the Wounded Warriors will be in Rockport this week.

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:

- 16. Section 551.071(1)(A) Consultation with Attorney on pending or contemplated litigation: 1) Templeton, 2) Petty, 3) Aumada, and 4) Bay Education Center.**
- 17. 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.**
- 18. Section 551.072 Deliberation about Real Property: Acquisition of property for public purpose - Aransas Woods Tract.**
- 19. Section 551.087 Deliberation Regarding Economic Development Negotiations: Project Cardinal.**

At 7:04 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: 1) Templeton, 2) Petty, 3) Aumada, and 4) 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 - Aransas Woods Tract; and Section 551.087 Deliberation Regarding Economic Development Negotiations: Project Cardinal.

Open Session

- 20. 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 8:10 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.

MOTION: Mayor Wax moved that the Council approved and allow the Mayor to sign a lease agreement with Aransas Pathways for those portions of the property that support the south trail of Aransas Pathways. Council Member Villa seconded the motion. Motion carried unanimously.

Mayor Wax stated that Council discussed in Executive Session acquisition of property for public purpose, the Aransas Woods tract, and the consensus of Council was to include that on the September 15, 2015, Special City Council Meeting Agenda that has a budget item on it, and to include the Aransas First, and ask the City Manager to list the details on the lien, the grant writer's fee, the match, the timing of the award of the grant, and whether in-kind services are part of the match. Mayor Wax said with that information provided to the Council, the item will be on the Agenda for discussion and consideration.

Mayor Wax stated he would like to return to the agenda item "Council Reports."

Mayor Wax reported that it had been suggested by City and County staff that the subdivision regulation interlocal agreement be separated; one agreement for subdivision regulation and one agreement for storm water and floodplain management.

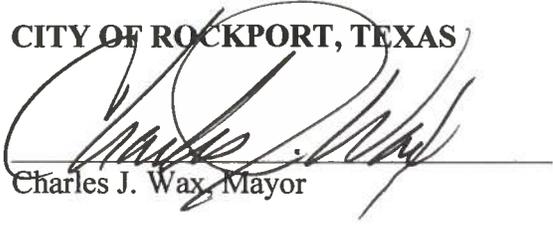
Council Member Villa informed the Council that Rockport resident Danielle Hale who is the Emergency Management Coordinator for Nueces County, had provided emergency service to a three year old girl who had been found unresponsive in a swimming pool. Council Member Villa stated Ms. Hale revived the child who is currently in the hospital. Council Member Villa said he had received a message that some members of the Rockport Police Department have stopped by the hospital to check on the child. Council Member Villa added that Ms. Hale had sent him a text message that one of the City's first-responders had come by and given her a challenge coin.

21. Adjournment

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



CITY OF ROCKPORT, TEXAS



Charles J. Wax, Mayor

ATTEST:



Teresa Valdez, City Secretary