

CITY OF ROCKPORT

MINUTES

CITY COUNCIL SPECIAL MEETING 6:30 p.m., Tuesday, September 15, 2015 Rockport City Hall, 622 East Market Street

On the 15th day of September 2015, the City Council of the City of Rockport, Aransas County, Texas, convened in Special 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 Commander Jerry Lawing
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 Special Meeting of the Rockport City Council was called to order by Mayor Wax at 6:30 p.m. on Tuesday, September 15, 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 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 City Council Regular Meeting Minutes of September 8, 2015.**
- 5. Deliberate and act on approval of City of Rockport holiday observance schedule for 2016.**
- 6. Deliberate and act to appoint W. Kent Howard to the Planning & Zoning Commission.**
- 7. Deliberate and act on Fiscal Year 2015-2016 Hotel Occupancy Tax Agreement with the Friends of the Fulton Mansion State Historical Site.**
- 8. Deliberate and act on Fiscal Year 2015-2016 Hotel Occupancy Tax Agreement with the Texas Maritime Museum.**
- 9. Deliberate and act on Fiscal Year 2015-2016 Hotel Occupancy Tax Agreement with the Rockport-Fulton Chamber of Commerce.**
- 10. Deliberate and act on Fiscal Year 2015-2016 Hotel Occupancy Tax Agreement with the Rockport Center for the Arts.**
- 11. Deliberate and act on Fiscal Year 2015-2016 Hotel Occupancy Tax Agreement with the Rockport-Fulton Chamber of Commerce for the 2015 SeaFair Celebration.**
- 12. Deliberate and act on Fiscal Year 2015-2016 Hotel Occupancy Tax Agreement with the Rockport-Fulton Chamber of Commerce for the 2016 HummerBird Celebration.**
- 13. Deliberate and act on Fiscal Year 2015-2016 Hotel Occupancy Tax Agreement with the Aransas County Council on Aging for the 2016 Bountiful Bowl Pottery Fair.**
- 14. Deliberate and act on Fiscal Year 2015-2016 Hotel Occupancy Tax Agreement with the Rockport Yacht Club for the 2016 Nautical Flea Market.**
- 15. Deliberate and act on Fiscal Year 2015-2016 Hotel Occupancy Tax Agreement with the Rockport Rotary Club/Rockport Center for the Arts for the 2016 Film Fest.**

- 16. Deliberate and act on Fiscal Year 2015-2016 Hotel Occupancy Tax Agreement with the Aquarium at Rockport Harbor for the 2016 Aquafest.**
- 17. Deliberate and act on Fiscal Year 2015-2016 Hotel Occupancy Tax Agreement with the Aransas County Education Foundation for the 2015 Shopping Tournament.**
- 18. Deliberate and act on approval of 2015-2016 Property Tax Assessment/Collection Agreement with Aransas County.**

City Manager Kevin Carruth informed the Council that Aransas County had agreed to monthly payments for the Property Tax Assessment/Collection Agreement.

Mayor Wax stated Mr. W. Kent Howard was present tonight. Mayor Wax welcomed Mr. Howard and stated he looks forward to working with Mr. Howard as a new member of the Planning and Zoning Commission.

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 to adopt the Consent Agenda Items as presented. Mayor Pro-Tem Rios seconded the motion. Motion carried unanimously.

Regular Agenda

- 19. Deliberate and act to adopt, on first and only reading, an Ordinance of the City of Rockport, Texas, adopting a budget and appropriating resources for Fiscal Year 2015-2016, beginning October 1, 2015, and ending September 30, 2016; in accordance with existing statutory requirements; repealing all conflicting ordinances, containing a severability clause; and providing for an effective date.**

MOTION: Council Member Villa moved to adopt on first and only reading an Ordinance of the City of Rockport, Texas, adopting a budget and appropriating resources for Fiscal Year 2015-2016, beginning October 1, 2015, and ending September 30, 2016; in accordance with existing statutory requirements; repealing all conflicting ordinances, containing a severability clause; and providing for an effective date. 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

- 20. Deliberate and act on second 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.

MOTION: Council Member Villa moved to approve the second 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 \$100.00 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 Mayor Pro-Tem Rios seconded the motion. Motion carried unanimously.

21. Deliberate and act to ratify the property tax increase reflected in the 2015-2016 Annual Budget and Capital Improvement Plan.

MOTION: Mayor Pro-Tem Rios moved to ratify the property tax increase reflected in the 2015-2016 Annual Budget and Capital Improvement Program. Motion was seconded by Council Member Gurtner. Motion carried unanimously.

22. Deliberate and act on authorization for the Mayor to negotiate and execute all necessary documents for application to the Texas General Land Office Coastal Management Program for the acquisition of approximately 5.43 acres of property at 840-870 Highway 35 Bypass known as Aransas Woods.

Mayor Wax stated that late this afternoon he had heard from Dr. Earl Matthew, and Mayor Pro-Tem Rios had heard from Prosperity Bank President Pat Lizcano, that they found the lien that was in question; the lien was paid off and it will be provided to the City by late this evening or early tomorrow. Mayor Wax said that glitch has been removed in regard to the property.

MOTION: Council Member Villa moved to authorize the Mayor to negotiate and execute all necessary documents for application to the Texas General Land Office Coastal Management Program for acquisition of approximately 5.42 acres of property at 840-870 Highway 35 Bypass known as Aransas Woods. Council Member Gurtner seconded the motion. Motion carried unanimously.

23. 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 Texas Municipal League Annual Conference is next week. Mayor Wax stated he looks forward to seeing Council Members and Department Directors on Thursday evening.

Mayor Pro-Tem Rios informed the Council that the City's Community Planner Kimber Clark had given a presentation to the Chamber of Commerce Board of Directors. Mayor Pro-Tem Rios stated Ms. Clark had done a great job and he is pleased with that addition to City staff.

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:

- 24. Section 551.071(1)(A) Consultation with Attorney on pending or contemplated litigation: a) Aumada, and b) Bay Education Center.**
- 25. 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.**
- 26. Section 551.072 Deliberation about Real Property - Acquisition of property for public purpose: a) Aransas Woods Tract, and b) 1501 and 1505 Broadway.**
- 27. Section 551.087 Deliberation Regarding Economic Development Negotiations: Project Cardinal.**

At 6:41 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: a) Aumada, and b) 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: a) Aransas Woods Tract, and b) 1501 and 1505 Broadway; and Section 551.087 Deliberation Regarding Economic Development Negotiations: Project Cardinal.

Open Session

- 28. 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 7:10 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.

Mayor Wax moved that Council support a letter from the Mayor indicating to Luce Properties the City's interest in purchasing property located at 1501 & 1505 Broadway for the asking price. Mayor Pro-Tem Rios seconded the motion. Motion carried unanimously.

Mayor Wax stated he forgot to mention under the agenda item Council Reports that the Council's receipt of Department Reports via email from City Manager Kevin Carruth is working well. Mayor Wax said that even though this is effective, there is an inherent risk: if Council are sending their questions to Department Directors, please copy Mr. Carruth so he is aware of the Department Directors' responses.

29. Adjournment

At 7:13 p.m., Council Member Villa moved to adjourn. Motion was seconded by Mayor Pro-Tem Rios and carried unanimously.



CITY OF ROCKPORT, TEXAS



Patrick Rios, Mayor Pro-Tem

ATTEST:



Teresa Valdez, City Secretary