CITY OF ROCKPORT

MINUTES

CITY COUNCIL REGULAR MEETING 6:30 p.m., Tuesday, October 27, 2015 Rockport City Hall, 622 East Market Street

On the 27th day of October 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 <u>V.T.C.A.</u>, <u>Government Code</u> § 551.041.

CITY COUNCIL MEMBERS PRESENT

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

Mayor Charles J. Wax

STAFF MEMBERS PRESENT

City Manager Kevin Carruth
City Attorney Terry Baiamonte
City Secretary Teresa Valdez
Police Chief Tim Jayroe
Public Works Director Mike Donoho
Park Maintenance Supervisor Rick Martinez
Community Planner Kimberly Clark

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 Pro-Tem Rios at 6:30 p.m. on Tuesday, October 27, 2015, in the Council Chambers of the Rockport City Hall, 622 E. Market Street, Rockport, Texas.

2. Pledge of Allegiance.

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

3. Proclamation: Arbor Day – Friday, November 6, 2015.

Mayor Pro-Tem Rios proclaimed Friday, November 6, 2015, as Arbor Day in Rockport, Texas. Mayor Pro-Tem Rios presented the Proclamation to Park Maintenance Supervisor Rick Martinez.

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.

Justin Roberts addressed the Council. Mr. Roberts made the following comment: "To respectfully request on behalf of my client Eling Properties, or otherwise known as Eling Corporation, to be placed on the agenda for the next meeting their sign issue. We would like to not delay this matter any further and would love to work with the City of Rockport in order to come to a reasonable solution for the sign issue as opposed to resorting to our options available by law."

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 Regular Meeting Minutes of October 13, 2015.
- 6. Deliberate and act to appoint members to the Park and Leisure Services Advisory Board, Rockport Zoning Board of Adjustment, and YMCA Development Committee.
- 7. Deliberate and act on rescheduling both the Council Regular Meeting of November 10, 2015, and Council Workshop Meeting of November 24, 2015, to November 17, 2015.

Mayor Pro-Tem Rios called for requests to remove any item from the Consent Agenda for separate discussion. There being no requests, Mayor Pro-Tem Rios called for a motion.

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

Regular Agenda

8. Hear, deliberate and act to accept the Utility Bill Surcharge Fund Disbursement Report, Annual Reports from Fulton, Lamar and Rockport Volunteer Fire Departments, and authorize disbursement of funds.

City Manager Kevin Carruth stated the City water bills have a \$1.00 donation option once a month that goes toward the fire departments. Mr. Carruth reported collections for Fiscal Year 2014-2015 were \$175,709.69, of which the City retains 5% annually as an administrative fee, with the balance of the fund being disbursed to the Fire Departments.

Mayor Pro-Tem Rios presented a check in the amount of \$37,591.32 to the Fulton Volunteer Fire Department.

Mayor Pro-Tem Rios presented a check in the amount of \$3,483.69 to the Lamar Volunteer Fire Department.

Mayor Pro-Tem Rios presented a check in the amount of \$89,824.83 to the Rockport Volunteer Fire Department.

9. Deliberate and act on approval of a change order to the construction contract for the South Rockport Drainage Improvements Phase 2.

Public Works Director Mike Donoho addressed the Council. Mr. Donoho stated that on January 27, 2015, Council awarded a construction contract to J.J. Fox Construction in the amount of \$803,415.00 for the second phase of drainage improvement in South Rockport, funded through the DRS 2.2 grant. Mr. Donoho listed the street segments where the drainage improvements will be made: 1) King Street, from Kossuth to Fuqua; 2) Lamar Street, from Kossuth to Bronte; 3) Corpus Christi Street, from Kossuth to Bronte; 4) First Street, from Verne to Bronte; 5) Second Street, from Kossuth to Bronte; 6) Third Street, from Kossuth to Bronte; 7) Verne Street, from King to Third; 8) Fuqua Street, from King to Third; and 9) Bronte Street, from Lamar to Third. Mr. Donoho said the original construction plans called for open ditches in the area of the west side of Fuqua Street from Second Street to Third Street, the north side of Second Street from Fugua Street to Verne Street, and the south side of First Street from Fugua Street to Verne Street. Mr. Donoho informed the Council that due to the construction contract coming in under budget and deletion of 9,234 square feet of concrete lining in the original proposed open ditches, there are sufficient funds in the grant award to allow the contractor to replace some of the deeper and steeper open ditches with underground pipe without exceeding the grant total. Mr. Donoho added that the change order also calls for addition of 30 working days to the construction schedule to accommodate the revised scope of work. Mr. Donoho stated the original contract was for \$803,415.00 but the change order will be to the full amount of construction funds awarded in the grant in the amount of \$831,250.00. Mr. Donoho recommended Council approve the change order in the amount of \$27,835.00 to allow the continuous piping of the proposed ditches and increasing the construction schedule by 30 working days.

Discussion was held among Council and Mr. Donoho.

MOTION: Council Member Villa moved to approve the change order to the construction contract for the South Rockport Drainage Improvements Phase 2. Council Member Day seconded the motion. Motion carried unanimously.

10. Deliberate and act on a resolution expressing official intent to reimburse costs incurred for acquisition of land primarily for municipal park purposes.

City Manager Kevin Carruth stated that on September 15, 2015, Council authorized the purchase of 8.856 acres between Highway 35 Business and Broadway at the intersection of Maple Street with funding via a certificate of obligation. Mr. Carruth said the proposed resolution will allow for reimbursement of project costs expended prior to funding of the debt issue in February 2016.

MOTION: Council Member Day moved to adopt the Resolution expressing official intent to reimburse costs incurred for acquisition of land primarily for municipal park purposes. Council Member Villa 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; 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 Pro-Tem Rios stated five individuals had volunteered to serve on the YMCA Development Committee and they will have their first meeting in the next week or so. Mayor Pro-Tem Rios said that 1-2 more citizens will be added to the Committee.

Council Member Villa informed the Council that the Leadership Aransas County Alumni will be conducting a trash pickup on Saturday, October 31, 2015, from 8:00 a.m. until 11:00 a.m., weather permitting. Council Member Villa added that they will meet in the parking lot behind the Chamber of Commerce office. Council Member Villa encouraged participation.

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 on pending or contemplated litigation: a) Aumada, and b) Bay Education Center.
- 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 Deliberation about Real Property: Acquisition of property for public purpose: a) 412 N. Live Oak Street, and b) 1501 and 1505 Broadway.
- 15. Section 551.074 Personnel Matters City Secretary.
- 16. Section 551.087 Deliberation Regarding Economic Development Negotiations: Project Cardinal.

At 6:49 p.m., Mayor Pro-Tem Rios 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) 412 N. Live Oak Street, and b) 1501 and 1505 Broadway; Section 551.074 Personnel Matters — City Secretary; and Section 551.087 Deliberation Regarding Economic Development Negotiations: Project Cardinal.

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 7:48 p.m., Mayor Pro-Tem Rios 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.

18. Adjournment

At 7:49 p.m., Council Member Villa moved to adjourn. Motion was seconded by Council Member Gurtner and carried unanimously.

APPROVED

Charles J. Wax, Mayor

ATTEST:

Teresa Valdez, City Secretary