

CITY OF ROCKPORT

MINUTES

CITY COUNCIL REGULAR MEETING 6:30 p.m., Tuesday, March 22, 2016 Rockport City Hall, 622 East Market Street

On the 22nd day of March 2016, 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
Finance Director Patty Howard
Police Commander Larry Sinclair
Police Commander Jerry Lawing
Public Works Director Mike Donoho
Park & Leisure Services Director Tom Staley
Community Planner Kimber 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 Wax at 6:30 p.m. on Tuesday, March 22, 2016, in the Council Chambers of the Rockport City Hall, 622 E. Market Street, Rockport, Texas.

2. Pledge of Allegiance.

Brody Karl, son of Brandi Karl with Urban Engineering, 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 March 8, 2016.**
- 5. Deliberate and act on request from Rockport First Assembly of God for the temporary closure of East Laurel Street, from North Live Oak Street to North Church Street, on March 26, 2016, from 10:00 a.m. until 1:00 p.m. for an Easter egg hunt.**
- 6. Deliberate and act on approval of Interlocal Contract with the Town of Fulton for Assistance in Law Enforcement.**

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

- 7. Deliberate and act on presentation of the final draft of the City of Rockport Drainage Master Plan.**

Brandi Karl with Urban Engineering stated the City had received the final, sealed Master Drainage Plan Modeling Report which included two (2) sets of maps. Ms. Karl said she was present to answer any questions.

Mayor Wax thanked Urban Engineering for the work. Mayor Wax stated there was not a significant amount of change from the 2000 Master Drainage Plan.

Brief discussion was held among Council and Ms. Karl.

City Manager Kevin Carruth stated the University of Texas Center for Research in Water Resources Coastal Storm Water Best Management Practices Program has agreed to review the final draft of the plan after Council accepts it from the engineer.

MOTION: Mayor Wax moved to accept the City of Rockport Drainage Master Plan as presented. Council Member Gurtner seconded the motion. Motion carried unanimously.

- 8. Deliberate and act on second and final reading of an Ordinance amending Article 4 of the City of Rockport Zoning Ordinance Number 1027 by changing the zoning of land located at 104 Woodland Drive; also known as Rockport Country Club Estates, Unit 2, .678 acres out of 1.51 acres at the northwest corner of FM 2165 & entry road, Rockport, Aransas County, Texas, from R-1 (1st Single-Family Dwelling District) to R-7 (Residential and Office District); repealing all ordinances in conflict therewith; providing for severability; and providing an effective date.**

Public Works Director Mike Donoho stated there have been no changes in content or format of the Ordinance since the first reading at the March 8, 2016, City Council Meeting.

MOTION: Council Member Villa moved to approve the second and final reading of an Ordinance amending Article 4 of the City of Rockport Zoning Ordinance Number 1027 by changing the zoning of land located at 104 Woodland Drive; also known as Rockport Country Club Estates, Unit 2, .678 acres out of 1.51 acres at the northwest corner of FM 2165 & entry road, Rockport, Aransas County, Texas, from R-1 (1st Single-Family Dwelling District) to R-7 (Residential and Office District); repealing all ordinances in conflict therewith; providing for severability; and providing an effective date. Mayor Pro-Tem Rios seconded the motion. Motion carried unanimously.

- 9. Deliberate and act on second and final reading of an Ordinance amending the City of Rockport Code of Ordinances Chapter 55 “Offenses and Miscellaneous Provisions”, Article I. “In General”, Article II. “Minors”, amending Section 66-36 “Definitions” setting curfew hours for minors; and adding “Table 1”; repealing all Sections in conflict herewith; providing a severability clause; and providing an effective date.**

Mayor Wax stated there have been no changes in content or format of the Ordinance since the first reading at the March 8, 2016, City Council Meeting.

MOTION: Council Member Villa moved to approve the second and final reading of an Ordinance amending the City of Rockport Code of Ordinances Chapter 55 “Offenses and Miscellaneous Provisions”, Article I, “In General”, Article II. “Minors”, amending Section 66-36 “Definitions” setting curfew hours for minors; and adding “Table 1”; repealing all Sections in conflict herewith; providing a severability clause; and providing an effective date. Council Member Day seconded the motion. Motion carried unanimously.

- 10. *Tabled March 8, 2016* - Deliberate and act on approving the City Attorney to act on behalf of the Rockport Police Department and the City of Rockport in proceedings for forfeiture of contraband.**

MOTION: Mayor Pro-Tem Rios moved to remove this item from the table. Council Member Villa seconded the motion. Motion carried unanimously.

Mayor Wax stated staff recommends Council deny the request in order to dispose of the item from the agenda, and once the additional research is completed the item can be brought back for consideration.

MOTION: Mayor Wax moved to deny the request, without prejudice, to approve the City Attorney to act on behalf of the Rockport Police Department and the City of Rockport in proceedings for forfeiture of contraband until additional research is completed and the item can be brought back to Council for consideration. Mayor Pro-Tem Rios seconded the motion. Motion carried unanimously.

11. Deliberate and act on presentation of Fiscal Year 2014-2015 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 informed the Council that the main item this year was GASB 68, which mandates recording unfunded pension liability. Mr. Arnold presented and reviewed the Fiscal Year 2014-2015 City of Rockport Audit.

Discussion was held among Council and Mr. Arnold.

MOTION: Mayor Pro-Tem Rios moved to accept the Fiscal Year 2014-2015 City of Rockport Comprehensive Annual Financial Report as presented. Council Member Villa seconded the motion. Motion carried unanimously.

12. Hear and deliberate on presentation of City of Rockport Police Department 2015 Annual Report.

Police Commanders Larry Sinclair and Jerry Lawing presented and reviewed the 2015 Police Department Report.

Discussion was held among Council and Commanders Sinclair and Lawing.

13. 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 projects had been submitted for the Coastal Resiliency grants. Mayor Wax stated he thought the City should contribute \$15,000 toward the \$35,000 contract Aransas County has with the engineer working on these projects. Mayor Wax said the \$15,000 could be paid out of hotel occupancy tax revenues.

Mayor Wax stated the Key Allegro Homeowners Association has committed \$150,000 towards the work the City will perform on the Bay Shore Drive stabilization project.

Council Member Villa asked the progress of the fence around the newly purchased park property.

Park & Leisure Services Director Tom Staley informed the Council that three (3) fence companies were contacted and one (1) quote was received. Mr. Staley said he has contacted the contractor that provided the one quote and asked him to give another quote with a 280 feet of fence reduction. Mr. Staley stated he will contact the contractor tomorrow and plans to put this on the Council Agenda for the first meeting in April.

Council Member Day informed the Council that the Rockport Heritage District Board is trying to determine the purpose of having two (2) boards, the Heritage District Board and the Heritage District Association.

Council Member Gurtner stated the Keep Aransas County Beautiful group has set-up their board and is looking for more members.

Mayor Pro-Tem Rios stated the YMCA Development Committee met last night and discussed the informational brochure they will be using for marketing. Mayor Pro-Tem Rios said they are going to start making presentations to organizations throughout the community.

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:

- 14. Section 551.071(1)(A) Consultation with Attorney on pending or contemplated litigation: (A) Bay Education Center, and (B) Manning.**
- 15. 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.**
- 16. Section 551.072 Deliberation about Real Property: Deliberate the purchase, exchange, lease, or value of real property: (A) Project Red Fish, and (B) 1600 block of Third Street right-of-way.**

At 7:24 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 551.071910(A) Consultation with Attorney on pending or contemplated

litigation: (A) Bay Education Center, and (B) Manning; 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; and Section 551.072 Deliberation about Real Property: Deliberate the purchase, exchange, lease, or value of real property: (A) Project Red Fish, and (B) 1600 block of Third Street right-of-way.

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 7:54 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.

18. Adjournment

At 7:55 p.m., Council Member Villa moved to adjourn. Motion was seconded by Mayor Pro-Tem Rios and carried unanimously.



APPROVED:

A handwritten signature in black ink, appearing to read "Charles J. Wax", is written over a horizontal line. Below the line, the name "Charles J. Wax, Mayor" is printed.

Charles J. Wax, Mayor

ATTEST:

A handwritten signature in blue ink, appearing to read "Teresa Valdez", is written over a horizontal line. Below the line, the name "Teresa Valdez, City Secretary" is printed.

Teresa Valdez, City Secretary