

CITY OF ROCKPORT

MINUTES

CITY COUNCIL REGULAR MEETING 6:30 p.m., Tuesday, April 12, 2016 Rockport City Hall, 622 East Market Street

On the 12th 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 Chief Tim Jayroe
Public Works Director Mike Donoho
Park & Leisure Services Director Tom Staley
Parks Maintenance Superintendent Rick Martinez
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 6:32 p.m. on Tuesday, April 12, 2016, 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. Presentation: Friends of Aransas & Matagorda Island Wildlife Refuge

Mayor Wax stated the Whooping Crane Strut was very successful. Mayor Wax presented a check in the amount of \$1,085.00 to Fred Lanoue, President of the Friends of Aransas and Matagorda Island Wildlife Refuge.

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 Special Joint Workshop Meeting Minutes of March 21, 2016, and Regular Meeting Minutes of March 22, 2016.**
- 6. Deliberate and act on Resolution approving and adopting Public Funds Investment Policy for the City of Rockport, Texas.**
- 7. Deliberate and act on 2016 Consumer Price Index adjustment to Municipal Telecommunications Right-of-Way Access Line Rates.**
- 8. Deliberate and act on 2nd quarter report from the Texas Maritime Museum for Fiscal Year 2015-2016 marketing expenditures.**
- 9. Deliberate and act on 2nd quarter report from the Rockport-Fulton Chamber of Commerce for Fiscal Year 2015-2016 marketing expenditures.**
- 10. Deliberate and act on report from Aransas County Council on Aging for marketing expenditures made for 2016 Bountiful Bowl Pottery Fair/Rockport Clay Expo.**
- 11. Deliberate and act on accepting a donation from Aransas County Leadership Class XX for the purchase of memorial park bench for placement at Spencer Park.**
- 12. Deliberate and act on a Resolution amending Resolution No. 2014-13 adding eligible certifications.**
- 13. Deliberate and act on approval of allocation of \$15,000.00 from Hotel Occupancy Tax Revenues toward the Aransas County Coast and Harbor Engineering contract for development of coastal resiliency engineering projects and grant applications.**

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. Council Member Gurtner seconded the motion. Motion carried unanimously.

Regular Agenda

14. Deliberate and act on an agreement with Ameresco, Inc., to perform an energy audit of various city facilities.

City Manager Kevin Carruth stated the Council received a presentation from Ameresco during the March Workshop. Mr. Carruth said this is the next step in the process. Mr. Carruth informed the Council that the energy audit will cost \$45,000. Mr. Carruth added that if the City ultimately enters into an energy savings performance contract and completes the design and implementation of the energy and water conservation measures, that cost is rolled into the project and there is no cash expense for the City, however, if the City does not sign an energy savings performance contract, it is liable for paying that cost.

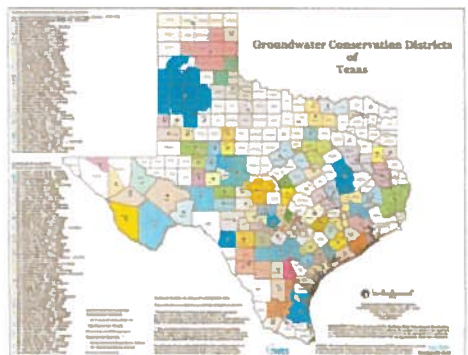
Discussion was held among Council, Mr. Carruth and Mr. George Rash with Ameresco Water & Energy Solutions.

Mr. Carruth recommended the Council authorize an agreement with Ameresco, Inc. to perform an energy audit of various city facilities.

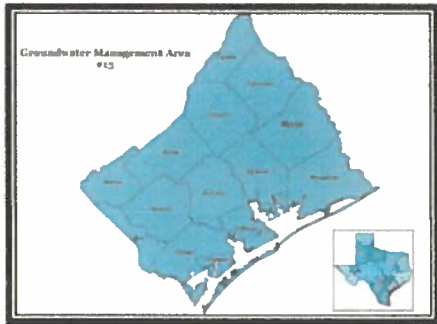
MOTION: Council Member Villa moved to approve the agreement with Ameresco, Inc. to perform an energy audit of various city facilities. Mayor Pro-Tem Rios seconded the motion. Motion carried unanimously.

15. Hear and deliberate on presentation of Aransas County Groundwater Conservation District.

Aransas County Groundwater Conservation District Director at Large and President Tom Callan addressed the Council. Mr. Callan gave a presentation (below) on a local ballot measure to create the Aransas County Groundwater Conservation District authorized by Texas Legislature House Bill 4207.



Aransas County
Groundwater Conservation District



Aransas County Water Management
 Aransas County has no means to manage groundwater. Aransas is the only county in GMA 15 which does not have a Groundwater Conservation District.

Establishing a County Groundwater District will provide local control and management of groundwater resources.

An Aransas County Groundwater District gives the County the ability to participate in GMA decisions about the allocation of water from the Gulf Coast Aquifer.

Organizational Details

- Legislature authorized the Aransas County District on request of Commissioners Court last May.
- Must be approved by voters of Aransas County.
- If approved, will be funded by a tax of up to one cent per hundred dollars property valuation
- Will be managed by a board of five Directors who are initially appointed by Commissioners Court.
- Directors serve staggered 4 year terms and after initial term will stand for election.

Some History Wild West – Rule of Capture applies

- 1904 Constitutional amendment adopted authorizing first public development of water resources
- 1913 33rd Texas Legislature created the Board of Water Engineers to regulate appropriations of water
- 1954-1956 Worst severe drought in state's history
- 1957 Texas Water Development Board created by legislative act and Constitutional amendment
- 1965 Water Resource Planning functions transferred to TWDB from Texas Water Commission
- 1997 State Water Plan adopted as consensus effort TWDB, Texas Parks and Wildlife and Texas Natural Resources Conservation Commission (now TCEQ)

Economic Value

- Trees are a tourist attraction and depend on groundwater.
- Groundwater as a resource may be required in future for industrial purposes.
- Groundwater (with treatment) can support residential subdivisions if City water is not available).

Purpose of a Conservation District

- To assure that there is sufficient groundwater to meet the needs of residents and businesses for the foreseeable future (next 50 Years)
- Prevent wasteful use of groundwater
- Prevent malicious use of groundwater
- Regulate sale of groundwater outside the county
- Set and manage annual drawdown of the water table.

Directors

- Temporary Directors were appointed by Commissioner's Court and sworn in on September 8th, 2015
- Tom Callan, Director at Large and President
- John Alexander, Director, Precinct 4/4A and Vice President
- Lynn Wildman, Director, Precinct 3 and Secretary
- Robert Walls, Director, Precinct 1
- Ed Hegen, Director, Precinct 2

Sources of Groundwater

Our source of groundwater is the Gulf Coast aquifer which includes:

- Dune ridge: 40 – 100 feet deep.
- Chicot Aquifer: surface to depths of 300-500 feet.
- Evangeline Aquifer: 500-1400 feet below surface.

All surrounding counties depend on the Gulf Coast Aquifer. It is a shared resource. Withdrawal quotas are coordinated within GMA15.

Current Situation

- Well drilling is unregulated in Aransas County.
- The number of producing wells and details about them is unknown.
- There has been interest in sale of water to business entities outside the County.
- This can be expected to continue with industrial growth if not controlled.
- There is no local control or rules for management of this important resource.

Management Plan

- Outlines goals and the steps needed to reach those goals.
- Provide for the most efficient use of groundwater
- Control and prevent waste of groundwater
- Control and prevent subsidence
- Address conjunctive surface water issues
- Address natural resources issues
- Address drought conditions
- Address conservation

Management Process

- Inventory wells and record production on a continuous basis tracking drawdown
- Monitor recharge rates
- Manage consumption by controlling the amount of water used within the District.
- Tools to reduce consumption and protect users include well spacing, permits for high volume wells, and permits for sales of water outside the District.

Management Process cont'd.

- Plans are approved by the Texas Water Development Board. They are coordinated with other Districts within Conservation Management Area.
- Plans are evaluated and revised if necessary every five years.

Mandated Duties

- Develop and adopt a management plan, coordinating planning with regional planning groups, state agencies and other GCDs.
- Adopt rules necessary to implement the plan
- Keep records of drilling, equipping, and completing of water wells and the production and use of water.
- Permit and register certain wells.

Benefits

- Ecological – our trees depend on groundwater and are a significant factor in our tourist driven economy.
- Planning can help to assure that commercial or industrial needs can be met in future.
- Local control of local resource.
- Within GMA15 our needs will be coordinated with water planning by other Districts.

Benefits

- Economic: Aquifers support our trees which are a major attraction for our County and reserve water for commercial purposes which may be required in future years
- Assure equitable sharing and access to the ground water supply.
- Compared to the rule of capture a GCD can protect your water availability
- Adoption, election of board of directors and administration are all locally controlled.

Benefits cont'd

- The local board is closest to the issues of evaluating and monitoring water use.
- There is local management of administrative tasks.
- The GCD can offer services unavailable elsewhere.

Downside

- Some people prefer the rule of capture.
- A GCD creates another layer of government.
- Taxes may be imposed.
- Water usage may be limited
- Additional regulations may be adopted.
- A GCD cannot prevent water from being exported outside the boundaries of the District.

Mr. Callan stated the proposed district can impose an *ad valorem* tax of up to \$0.01 per \$100 valuation. Mr. Callan informed everyone that early voting begins on April 23, 2016.

Cindy Duck stated all the other counties around Aransas County have a voice in managing groundwater, but we do not.

16. Hear and deliberate on presentation of Rockport-Fulton Chamber of Commerce Compass Report: Guidance, Promotion and Support.

Rockport-Fulton Chamber of Commerce Board Chair Tiffanie Hoover addressed the Council. Ms. Hoover presented the Rockport-Fulton Chamber of Commerce Compass Report: Guidance, Promotion and Support.

17. Deliberate and act on approving the purchase and installation of a natural cedar fence at the new City property located at 1501-1505 Broadway.

Park & Leisure Services Director Tom Staley addressed the Council. Mr. Staley stated that a few months ago the City Council started discussing fencing the newly purchased property located at 1501-1505 Broadway. Mr. Staley added that there would be 715 feet of fencing as shown on the map (below). Mr. Staley said three companies, including one local, were solicited for bids and D & C Fence Company of Corpus Christi responded at a cost of \$30,562.00.



Discussion was held among Council and Mr. Staley.

MOTION: Mayor Pro-Tem Rios approved the purchase and installation of a natural cedar fence from D & C Fence Company at the cost of \$30,562.00 for the new City property located at 1501-1505 Broadway. Council Member Gurtner seconded the motion. Motion carried unanimously.

18. Hear and deliberate on a presentation by Rockport Center for the Arts for a license, long-term lease, or sale of the 1100 block of East North Street, between Austin Street and Water Street.

Rockport Center for the Arts Executive Director Luis Purón and President of the Board Terry Baiamonte addressed the Council. Mr. Purón read a letter (below) presenting a petition for the long-term lease or purchase of the 1100 block of East North Street.



ROCKPORT CENTER FOR THE ARTS

April 6, 2016

Honorable Mayor C. J. Wax, Mayor Pro-Tem Patrick B. Rios, Council Members James Russell Day II, Joe David Villa, and Barbara Leather. City of Rockport, 622 E. Market St, Rockport, Texas 78162

Subject: North St. between S. Austin St. and Water St.

Honorable Mayor and Distinguished Members of Council:

On February 9, 2016 Rockport Center for the Arts executed a real estate contract for the following two sets of property that sit adjacent to North St.: 306 S. Austin St. (on the North side of North St.) and 204 S. Austin St. and 203 Water St. (on the South side of North St.) in Rockport, Texas. The executed contract has a franchise period of 90 days, which expires May 9, 2016.

The Art Center is considering purchasing these properties for future development of a new and improved Art Center facility. The vision is to create a unique environment between the two properties by using North St. as a safe pedestrian walkway. To accomplish that vision we are petitioning the City of Rockport for a long-term lease or an easement purchase of North St. to bridge the aforementioned properties. North St. would become a landscaped pedestrian walkway that will comply with the fire code requirements in the City of Rockport's Master Plan and provide an easement for the passage of emergency vehicles.

Inclusion of North St. in the overall vision for this development weighs heavily on the Art Center's decision to purchase the properties. The deadline for this decision is May 9, 2016.

There are many benefits to having the Art Center in a high-visibility location in the Heritage District. The Art Center's marketing efforts for programs, events and festivals have been successful for over four and half decades and reach an established customer base of over 15,000 customers. This project will revitalize an important sector of the community and it will have a positive economic domino-effect for the downtown area as a whole.

Respectfully yours,

Lisa Parks Executive Director

501 Highway 3616 - Rockport, Texas 78162 - Tel: 361/728-5468 fax: 361/728-8861 - www.rockport-texas.gov

Table with 2 columns: Item Name and Yes/No/Not Read. Includes items like 'General Items', 'Petitions of Council', 'City Council', 'City Manager', etc. Summary: Total 33 of 36, Percentage 91%.

10 Plewood Circle
Houston TX 77058
April 10, 2016

Rockport City Council
622 E. Interco St.
Rockport TX 78280

Dear Council Members,

I am writing to you to support of the Rockport Center for the Arts' potential purchase of property on South Austin Street in order to expand their facilities.

My husband and I have a home in Houston, and several years ago we were looking for a second home with good fishing and a vibrant community. Rockport fit the bill. We bought a home in Harbor Oaks and travel back and forth frequently, with possible full-time plans.

Many places along the Texas coast, within range of Houston, have wonderful fishing. Rockport is unique in its combination of outdoor recreation and culture, with the Art Center being the source and focus of so many classes, exhibits, and events. The fact that there was such an active and lively institution was a key factor in our decision to purchase a home in Rockport, and we have enjoyed every minute of our part-time residence. The Art Center is a special place reaching all ages and kinds of people, and remaining the heart of the community. Its expansion would, I believe, further enhance Rockport's attractiveness.

Thank you for your consideration. If you have any questions, you can reach me at the above mailing address or by email at carol@roanoke.com.

Sincerely,

Carol Roanoke

Luis Purón

From: b.linger <blinger5@yahoo.com>
Sent: Sunday, April 12, 2016 4:50 PM
To: Luis Purón
Subject: Letter of Support from Dean Bowman

Dear Mr. Purón,

The following is a letter of support for the vision of expansion of the Rockport Art Center. My involvement with RAC began in 1980 taking art

classes that helped me develop as the professional artist that I am today... Later, I have volunteered, honed my art career/business by

showing in the Rockport 4th of July Art Festival, and instructed classes.... The art center is the cradle of expansion to meet the needs of our

growing community; increasing programs and art exhibitions is a vital part of providing important quality of life opportunities for all residents of

the North Shore!

Sincerely,

Dean Bowman
Bowman Design and Framing
312 3th Ave.
Portland, Texas 78374
361-663-6922 gallery

Mayor Wax asked what the importance of ownership was versus a long-term license/lease.

Ms. Baiamonte answered that ownership means security for the Art Center.

Discussion was held among Council and Ms. Baiamonte.

Mayor Wax informed everyone this was posted for discussion in Executive Session tonight.

Jack Wright addressed the Council. Mr. Wright stated in his research of licensing, he could not find anything, but did find a lease with option to purchase. Mr. Wright added that licensing can be taken away at any time and that is his concern.

Bill Katon addressed the Council. Mr. Katon stated he understood the Council's concern for access to the waterfront. Mr. Katon said it could be possible that the Art Center grant an easement to the City.

John Jackson addressed the Council. Mr. Jackson stated if the Council did not take any action tonight on this request, he was concerned because his understanding was that an ordinance approving a sale would require a public hearing and two readings of an ordinance; and the Art Center's deadline for the escrowed contract on the two sets of property is May 9, 2016.

Anita Diebel addressed the Council. Ms. Diebel stated she has been involved in arts for 37 years and she has seen a lot of things happen, good and bad. Ms. Diebel said she has not witnessed anything that would impact positive growth and change in Rockport, as this project would.

19. 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.

Council Member Rusty Day stated he had received a concern from a constituent regarding 18-wheelers on Austin Street.

Police Chief Jayroe stated that some businesses on Austin Street do not have backdoor entrances so they take their deliveries on Austin Street.

City Manager Kevin Carruth stated that if someone sees an 18-wheeler on Austin Street and they have a concern, they should call Dispatch and the Police Department will check into it.

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:

- 20. Section 551.071(1)(A) Consultation with Attorney on pending or contemplated litigation: (A) Bay Education Center, (B) Manning, and (C) Pena/Dack.**
- 21. 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.**
- 22. Section 551.072 Deliberation about Real Property: Deliberate the purchase, exchange, lease, or value of real property: (A) Project Red Fish, and (B) 1100 block of East North Street, between Austin Street and Water Street.**

At 7:55 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, (B) Manning, and (C) Pena/Dack; 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) 1100 block of East North Street, between Austin Street and Water Street.

Open Session

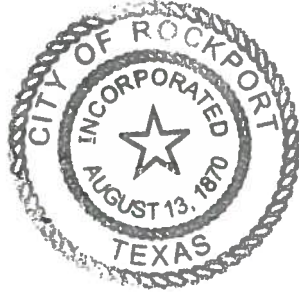
- 23. City Council will reconvene into open session pursuant to the provisions of Chapter 551 of the Texas Government Code to take any actions necessary related to the executive sessions noted herein, or regular agenda items, noted above, and/or related items.**

At 8:32 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.

MOTION: Mayor Wax moved that Council direct the City Manager to contact the City's Special Counsel (Attorney) and have the draft License Agreement for the Rockport Center for the Arts rewritten into a Lease Agreement and sent to the Rockport Center for Arts for their coordination and return it to be placed on the April 26th City Council Agenda for deliberation and action. Council Member Villa seconded the motion. Motion carried unanimously.

24. Adjournment

At 8:33 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. The signature is fluid and cursive.

Charles J. Wax, Mayor

ATTEST:

A handwritten signature in blue ink, appearing to read 'Teresa Valdez', is written over a horizontal line. The signature is cursive.

Teresa Valdez, City Secretary