

CITY OF ROCKPORT

MINUTES

CITY COUNCIL WORKSHOP MEETING 1:30 p.m., Tuesday, April 26, 2016 Rockport City Hall, 622 East Market Street

On the 26th day of April 2016, the City Council of the City of Rockport, Aransas County, Texas, convened in Workshop Session at 1:30 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

PARK & LEISURE SERVICES ADVISORY BOARD MEMBERS PRESENT

Kate Catlow
Ty Brisgill
Leo Villa
Debra Corpora
Jeanette Larson

STAFF MEMBERS PRESENT

City Manager Kevin Carruth
City Secretary Teresa Valdez
Public Works Director Mike Donoho
Finance Director Patty Howard
Police Chief Tim Jayroe
Park & Leisure Services Director Tom Staley
Environmental Specialist Kendra Baird
Information Technology Director Brian Jacobs

ELECTED OFFICIALS PRESENT

Opening Agenda

1. Call to Order.

With a quorum of the Council Members present, the Workshop Session of the Rockport City Council was called to order by Mayor Wax at 1:32 p.m. on Tuesday, April 26, 2016, in the Council Chambers of the Rockport City Hall, 622 E. Market Street, Rockport, Texas.

Joint Workshop Agenda

2. Call to Order – Rockport Park & Leisure Services Advisory Board

At 1:32 p.m., with a quorum of the Rockport Park & Leisure Services Advisory Board Members present, Mayor Wax called the Joint Workshop to order.

3. Hear and deliberate with Park & Leisure Services Advisory Board on goals and objectives for park planning for the new property at 1501-1505 Broadway.

Park & Leisure Services Director Tom Staley addressed the Council. Mr. Staley stated the Park & Leisure Services Advisory Board was given direction by the City Council to develop a plan for development of the newly acquired property at 1501-1505 Broadway. Mr. Staley said the 8.85 acres includes a cluster of wind-sculptured live oak trees and an active, federally protected great blue heron/great egret rookery. Mr. Staley informed the Council that at the March 28, 2016, Park & Leisure Services Advisory Board meeting, members were divided over development strategy for the property and requested direction from the City Council. Mr. Staley added that the Board is divided on the question of “naturalness” versus “social enhancements” desired.

Park & Leisure Services Advisory Board Member Jeanette Larson addressed the Council. Ms. Larson stated she understood that the whole purpose of the City purchasing this property was to protect it from development, preservation of the rookery and natural preservation. Ms. Larson said the next step could be for the Park & Leisure Services Advisory Board to find out what can be done so people could come and watch the birds and enjoy the natural environment. Ms. Larson asked if the City required certain amenities in a park or could this park be like the Zachary Taylor Park.

Park & Leisure Services Advisory Board Member Ty Brisgill addressed the Council. Mr. Brisgill stated when the City was planning the community center, there were focus groups and surveys to collect information on what the citizens of Rockport had in mind. Mr. Brisgill said this is what he had in mind for this property since there are so many people interested. Mr. Brisgill added they are the Park & Leisure Services Advisory Board and he could not see excluding the park aspect. Mr. Brisgill recommended including the whole citizenship of Rockport and Aransas County before decisions are made.

Park & Leisure Services Advisory Board Member Debra Corpora addressed the Council. Ms. Corpora stated that everyone should remember that whatever is decided, the City still has to follow the federal migratory regulations to protect the birds.

Park & Leisure Services Advisory Board Member Kat Catlow addressed the Council. Ms. Catlow stated she was concerned about safety if the City focuses on a child centered park; children running across the road to jump into the water. Ms. Catlow recommended a more natural setting for the park land.

Park & Leisure Services Advisory Board Member Leo Villa addressed the Council. Mr. Villa stated he was concerned because the City paid an extreme amount of money to purchase the property and

the citizens/taxpayers should be able to use that park. Mr. Villa added that he hoped the Council would decide the right thing to do.

Kay Adams addressed the Council. Ms. Adams stated she is the President of the newly formed Rockport-Fulton Wings Rescue Center, which has 20 members and is a 501(c)3 organization. Ms. Adams informed the Council that as of now, they are working under the permits of the Texas SeaLife Center until they can receive their own permits. Ms. Adams said they are working out of their cars and homes and they are hoping to get support from Rockport to help them find a central location to keep their nets and crates and a place to work. Ms. Adams added that there is a building on the far north side of the property that could serve as a temporary staging area for them. Ms. Adams then distributed a picture and article on pelicans that had been rescued.

Sally Mitchell addressed the Council. Ms. Mitchell stated she had sent a letter to the Mayor, City Council and Park & Leisure Services Advisory Board, recommending the property be kept as natural as possible. Ms. Mitchell said she thinks the rookery and trees are important and she is not opposed to other things, but thinks the City should take time and involve consultants who are experts in all fields to study the unique property and its essence. Ms. Mitchell added that this is a unique park that can provide enjoyment to people and a plan should be developed that is unique to our area.

Phil Wildfang addressed the Council. Mr. Wildfang thanked the Council for their wisdom displayed in purchasing this property. Mr. Wildfang stated he supports the idea of keeping the property natural.

Mayor Wax stated that when the Council moved as quickly as they did on this purchase, the primary reason was not to obtain another municipal park necessarily but rather to protect that piece of property, the windswept oaks, and the visual image of Rockport. Mayor Wax said those trees have been the identity of this community for a very long time. Mayor Wax said the City has also moved very quickly with the fencing in order to prevent improper uses of the park, especially as we approach the summer season, Memorial Day, Independence Day and so forth. Mayor Wax added that he would share his personal opinion, which is that the entrance should be moved around to Maple Street and put a small parking lot in that area that would permit the City to put a path in on that side entrance underneath the trees. Mayor Wax expressed that he is personally opposed to barbecue pits, playground equipment and things along that line. Mayor Wax added that the importance of the oaks is what the community responded to, to the point of creating a 501(C)3 of collecting dollars and making contributions for the purchase of the property. Mayor Wax stated he agrees that the City needs to know the municipal responsibilities of federally protected species of birds that are located on the property, which also limits what can be done with that piece of property during the rookery season; that has to be part of the plan. Mayor Wax said that as far as talking with experts, that is always a smart thing to do and the City does not need to made a decision quickly on this piece of property except to protect it.

Council Member Day stated he appreciated everyone's opinion. Mr. Day said it behooves the City to take care of this property and the wildlife that is located there, but the City did pay a good penny for the property and we cannot just rope it off and not allow anybody to go onto the property. Mr. Day said it was purchased as a park and we have to find some balance between public use and natural use. Mr. Day added that he is willing to talk to anybody who is an expert on how best to do that. Mr. Day

stated he knows that has been done in the past and the City of Rockport is not the first one to step into these shoes.

Council Member Villa said he agreed with Council Member Day that it should not be roped off or be for one group; it should be for the whole entire City and County as well to use. Mr. Villa said it could be a scenic area where people could see the birds but not have access, and in the front where there are no trees and just a view, he thinks there should not be playground equipment and things like that, but people should be able to go over there and have a picnic and enjoy the view of the bay.

Mayor Pro-Tem Rios stated that his whole intention when this first came up was to protect the trees; the property was so iconic to Rockport. Mr. Rios said he knows it is a rookery and he is sure we can find a solution to address all the issues. Mr. Rios added that there is timing issue here when the area around the tress has to be off-limits for pretty much everybody. Mr. Rios stated that once the City gets clear with the federal law and dates, the City has to make that area off-limits. Mr. Rios said something could be done on the Broadway side as Council Member Villa said, where people can go out there and throw a blanket down, take pictures and have lunch. Mr. Rios added that he is sure that property is big enough to have areas for public access because they are the ones paying for it.

Council Member Gurtner stated she agreed with that also, there is no reason to limit access to the property, maybe except for the numbers at a certain time, but it needs to be available to the citizens. Ms. Gurtner said we do not need barbecue pits in order to have a picnic. Ms. Gurtner added that her feelings when this property was purchased were to keep it as natural as possible or in fact take it back to more natural than it is now. Ms. Gurtner stated she has talked to some plant experts and to some bird people who are in the business of restoring habitat; they take properties that have been used by humans and changed and bring them back to native, which also means less upkeep. Ms. Gurtner said she does want to protect the rookery and her idea was not a fence around it necessarily, but maybe that is what has to be done to protect it. Ms. Gurtner expressed that she wanted the property to be kept as natural as possible because it is an icon and it is the only place left that people come by to take pictures.

Mayor Wax gave a summary of what the Council had said in providing guidance to the Park & Leisure Services Advisory Board. Mayor Wax said the Council has made a few decisions thus far: 1) purchase the property; 2) fence the property; 3) block entrance from Broadway; 4) move entry from Broadway side to Maple Street side; and 5) recognized the fact that it is a federally protected rookery for which the City has some responsibilities. Mayor Wax stated the Council would like to have a long-range plan, which is that the portion where the bent oaks are today needs to be protected as well as it can be, and providing access from the Maple Street side possibly to a designated picnic area or something along that line down toward the palms where the bay is much more visible. Mayor Wax added that as to the long-range plan where a path might be or a park might be or when the rookery would need to be fenced off or patrolled or anything like that, those decisions have not been made. Mayor Wax expressed that the City had to move quickly in order to purchase the property and will have to move quickly to protect it. Mayor Wax said that as far as a long-range plan on how to exactly utilize the property, that decision has not been made and he would encourage the Park & Leisure Services Advisory Board to take under advisement everything they just heard from the five Council Members, and we will need to find out exactly what our municipal limits are under law. Mayor Wax stated that if there is a particular expert whom someone knows, the Park & Leisure

Services Board would love to hear from them, and Park & Leisure Services Director Tom Staley will be the point of contact. Mayor Wax added that the Council is not intending to come to any kind of final decision in the next week or two; the only thing they intend to do is protect this area for this particular summer period.

Council Member Villa said the main thing is that we do not want any knee-jerk actions and the next thing we are asking ourselves “why did we do that.”

Mayor Pro-Tem Rios reinforced that the City has not come to any decisions other than the ones stated by Mayor Wax.

Mayor Pro-Tem Rios stated he did have a question for Ms. Adams. Mr. Rios asked Ms. Adams if they had been working with the Aransas County Navigation District and he was under the impression that the Navigation District had offered them some space.

Jeanette Larson said the Navigation District had offered some space by Cove Harbor but that space was not suitable.

Mayor Wax stated that the Council, the City Manager, and the Police Department have all been through the houses on the property and the little shed in the back where he fell through the floor. Mayor Wax requested the Park and Leisure Services Advisory Board take a look at the buildings on the property because a decision will have to be made on whether to keep any or all or none of those buildings, and if the decision is to knock them down, that creates a problem because that entails heavy equipment and the timing on that is critical. Mayor Wax asked that the Park and Leisure Services Advisory Board bring a recommendation to Council for what to do with each building except the small shed in the back.

Ty Brisgill asked if any of the bond money for the community center be used for this.

Mayor Wax answered that the bond money is fully committed and cannot be used for this.

Jeannette Larson asked if there was any money left in the money allocated for the purchase that could be used for additional things on this property.

Mayor Wax stated there was not enough left.

Kay Adams stated that one of the houses had been previously occupied and was livable.

Sally Mitchell reminded everyone that picnics draw trash and food waste and gulls that are predators of baby chicks.

Mayor Wax reiterated that this may be one of those rare municipal facilities that has very critical timing associated with it and that will be driven by the law.

Leo Villa asked if the money allocated for the community center was committed to another project, the YMCA, and how did that meet the criteria for a City project.

Mayor Wax answered Mr. Villa that the YMCA was a City project but discussion should not be held regarding this because this was not a posted agenda item.

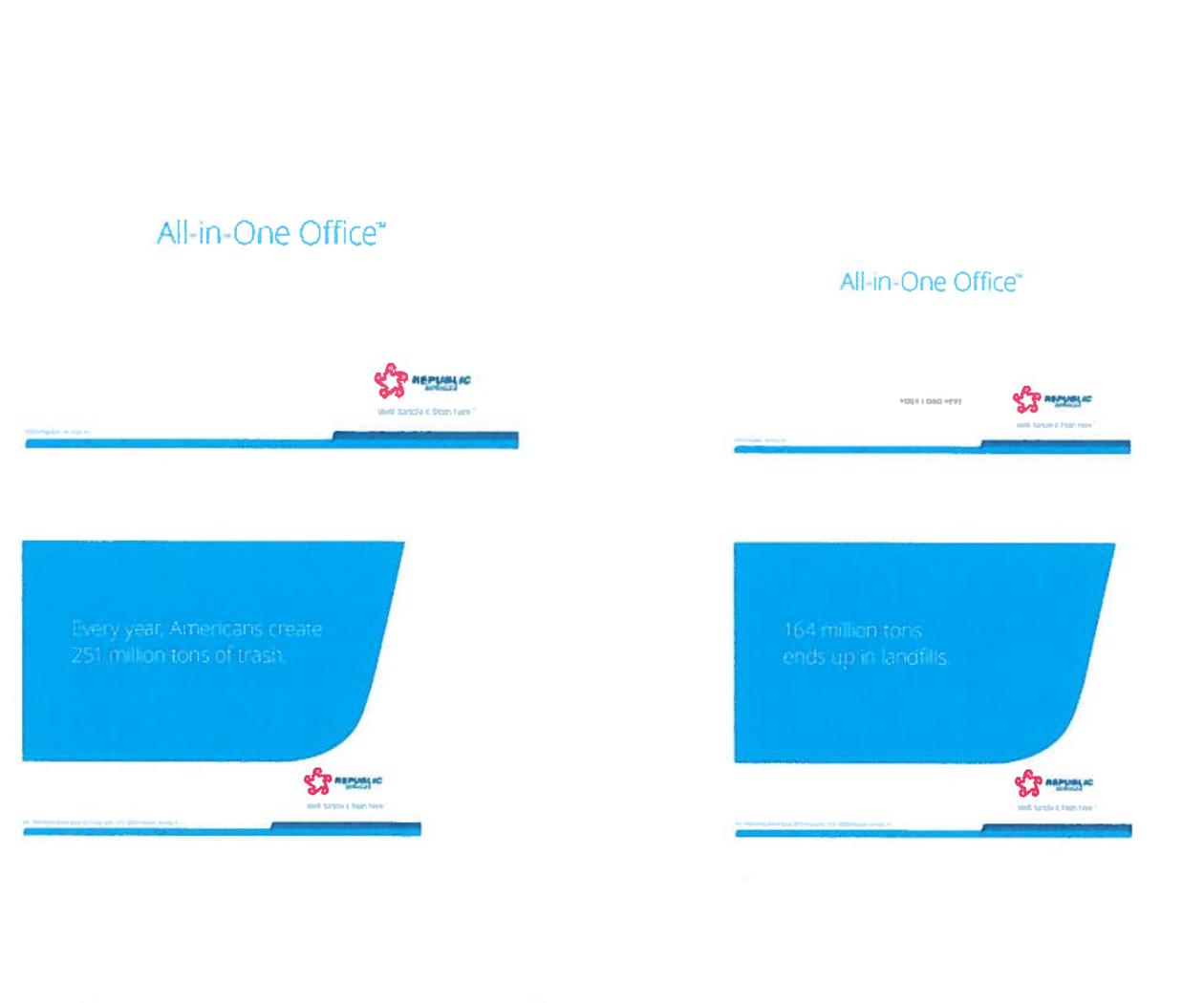
4. Adjourn – Rockport Park & Leisure Services Advisory Board.

At 2:10 p.m., the Rockport Park & Leisure Services Advisory Board adjourned Joint Workshop session with the Rockport City Council.

Regular Agenda

5. Hear and deliberate on presentation by Republic Services concerning options for sanitation services.

Republic Services Municipal Services Manager Mike Reeves addressed the Council. Mr. Reeves stated that last year Republic Services had approached the City Council in regard to changing to automated sanitation collection. Mr. Reeves said a lot has changed and he was going to be giving an updated presentation (below) concerning options for sanitation services.



But it doesn't have to...



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New in-office recycling program
Effortlessly make a difference
Promote environmental sustainability
Powered by All-in-One Recycling™ from Republic Services



How it works

Place all your recyclables in the containers – No sorting necessary



How it works

New recycling containers are located around the office



Additional materials

Look for these materials around the office – they'll help promote this new program



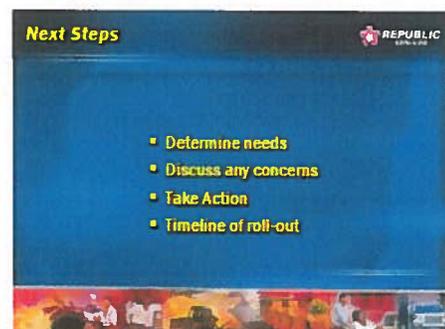
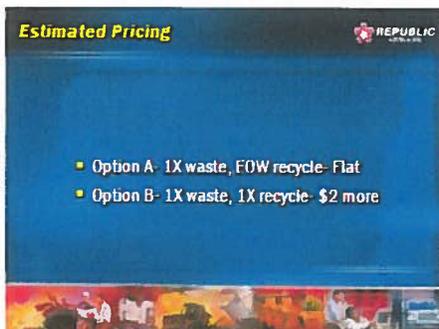
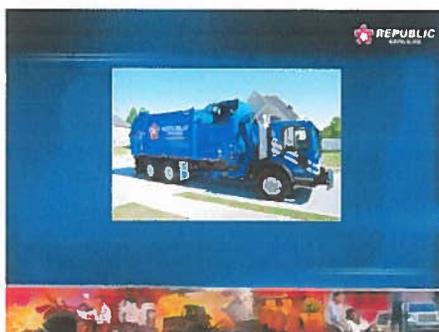
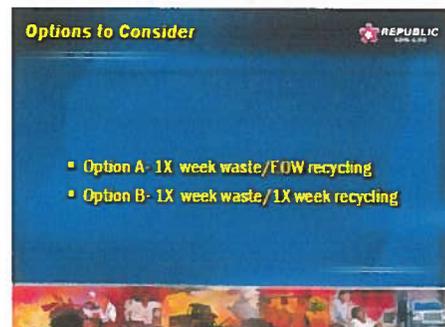
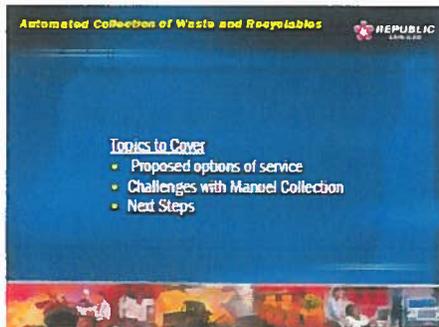
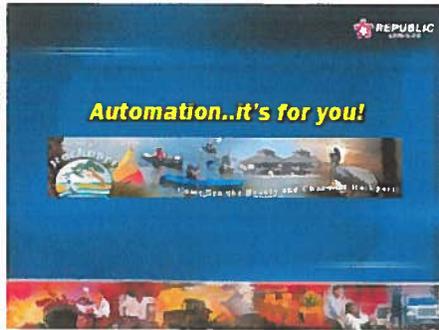
Quick Facts

- Paper accounts for more than half of all recyclables collected in the US
- An aluminum can is recycled and remade in just 60 days
- Making glass from recycled material cuts related water pollution by 50%
- One ton of paper recycled saves the energy equivalent of 400 gallons of gasoline
- Americans throw away about 23 billion bottles and jars every year



Let's work together to make the planet better.





The equipment

- Cart Size
 - Carts have 96 gallon capacity
 - Ample space for weekly service



Changes with Automation

- All bags must go in Cart(s)
- No outside waste
- Recycle bins replaced with Carts
- Curb appeal changes
- Zone/Route Changes

Roll-Out Timeline

- City approves automation
- We verify house count with meter list
- We order all capital needed (Carts, trucks)
- We update maps for services
- Educational literature is created
- City advertises changes
- Roll-out occurs- 8-12 months

Mr. Reeves stated that Republic Services had received approval to purchase new compressed natural gas trucks for this area. Mr. Reeves said that the City of Rockport is the only city left in this area that has rear-load sanitation collection.

Discussion was held among Council and Mr. Reeves in regard to the proposal for automated sanitation collection.

Mayor Wax asked that Mr. Reeves talk to the homeowners associations in Rockport to get a response from them on locating a dumpster in their areas. Mayor Wax commented this is a problem that needs a solution.

6. Hear and deliberate on level of service and contract terms for sanitation services.

City Manager Kevin Carruth stated that the City's current agreement with Republic Services (formerly Allied Waste) began on August 1, 2007, with an initial term of five years and two five-year renewal options. Mr. Carruth said the agreement was amended in 2012 to allow for unlimited five-year renewal options. Mr. Carruth informed the Council that notice not to renew the agreement for another five year term must be given a minimum of 120 days prior to expiration of the current term, which is April 3, 2017. Mr. Carruth added that if Council desires to make changes to the level of service, intends not to renew, or consider other changes, staff needs direction in order to give Council adequate lead time for consideration.

Brief discussion was held among Council and Mr. Carruth.

7. Hear and deliberate on a presentation of a Stormwater Ordinance replacing City of Rockport Code of Ordinances Chapter 42 Article V. Erosion and Sediment Control.

Public Works Director Mike Donoho stated Environmental Specialist Kendra Baird will present a review of the proposed stormwater ordinance that would replace the current City Erosion and Sediment Control Ordinance.

Environmental Specialist Kendra Baird addressed the Council. Ms. Baird read the following: “In 2010, the City Council adopted the Erosion and Sediment Control Ordinance governing only erosion and sedimentation loss from construction sites, at which time I began doing inspections of Best Management Practices on construction sites every 7-10 days. That was an excellent starting point as evident by the many Best Management Practices being utilized throughout the City, especially the all-time favorite, silt fence. As with most things, through use, one will find areas of needed improvement. In this case, I was finding areas in the ordinance that would contradict themselves or were not specific enough. I also realized that we didn’t have an ordinance governing stormwater quality in general. At that point, I began doing a lot of research, primarily reading other cities’ ordinances. I was able to put together a stormwater ordinance that pretty much governs all things stormwater, including construction sites. Although we are not a regulated MS4 at this time, it is anticipated that we will be a Phase II MS4 in the near future and to my knowledge, the proposed ordinance would meet the requirement for a stormwater ordinance. One of the specific prohibitions under Section 42-124 is introduction of yard waste into the MS4. Yard waste is defined as leaves, grass clippings, yard and garden debris and brush that results from landscaping maintenance and land clearing operations, which I know has been discussed by the Environmental Committee quite a bit. Under Section 42-126 stormwater discharges from construction activities, all construction sites in the city limits will be regulated, which is more strict than the TCEQ’s requirements. As with the TCEQ Construction General Permit, there are a few differences in the regulations at 1 acre and again at 5+ acres. The new ordinance spells out the requirements of Section 42-126 more clearly than the current ordinance, including a Section 42-126A6 requiring final stabilization. This is very important because it is starting to become common practice for the contractor to leave landscaping out of the project total given to the customer. So the contractor gets the house built, pulls his silt fence, and leaves with no grass planted. That would not be allowed. In fact, it states that until final stabilization is established and inspected, the City may deny approval required to assume occupancy or an additional use permit for any premises constructed on the site. Actually, there are several times throughout Section 42-126 that authorizes the city to withhold the issuance of permits until the requirements of this ordinance are met. I have already spoken with Frank Truitt in the Building Department and he is in agreement that our departments work together on this. I believe that passing this new ordinance would not only be beneficial for the environment, but it would be a huge asset to the department.”

NOTE: Regulated MS4 Requirements – Phase II MS4 applies to urbanized areas greater than 50,000 or you can be a designated MS4 with a population of 10,000 or more. Regulated MS4’s are required to develop, implement and enforce a stormwater management program. Stormwater Management Practices requires public education and outreach; public participation; construction site runoff control; pollution prevention and good housekeeping. Cities are required to have an ordinance requiring the implementation of proper erosion and sediment controls; have procedures

for site plan review; have procedures for site inspections and enforcement of control measures (EPA would like to see inspections on 100% of construction sites.)

Discussion was held among Council, Mr. Donoho and Ms. Baird.

City Manager Kevin Carruth stated the first reading of the proposed ordinance will be on the May 10, 2016, City Council agenda.

8. Adjournment

At 3:00 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 stylized 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 and fluid.

Teresa Valdez, City Secretary