

CITY OF ROCKPORT

MINUTES

CITY COUNCIL REGULAR MEETING 6:30 p.m., Tuesday, May 10, 2016 Rockport City Hall, 622 East Market Street

On the 10th day of May 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

ELECTED OFFICIALS PRESENT

Aransas County Court at Law Judge Richard Bianchi

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, May 10, 2016, 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. and Texas flags.

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.

- 4. Presentation of Certificates of Election to newly-elected Mayor, official for Ward 2 and official for Ward 4.**
(Presentación de los certificados de elección para recién elegido alcalde, oficial de Barrio 2 y oficial de Barrio 4.)

Mayor Pro-Tem Rios presented the Certificates of Election to re-elected Mayor Charles J. "C.J." Wax.

Mayor Wax presented the Certificate of Election to newly-elected official for Ward 2 J.D. Villa and newly-elected official for Ward 4 Barbara Gurtner.

- 5. Administration of Oath of Office to newly-elected Mayor, official for Ward 2 and official for Ward 4.**
(Administración de juramento del cargo de alcalde electo, el recién elegido oficial de Barrio 2 y oficial de Barrio 4.)

Aransas County Court at Law Judge Richard Bianchi administered the Oath of Office to re-elected Mayor Charles J. "C.J." Wax.

Mayor Wax administered the Oath of Office to re-elected official J.D. Villa and to re-elected official Barbara Gurtner.

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.

- 7. Deliberate and act on approval of City Council Workshop Minutes and Regular Meeting Minutes of April 26, 2016, and Special Meeting Minutes of May 2, 2016.**
- 8. Deliberate and act on 2nd quarter report from Rockport Center for the Arts for Fiscal Year 2015-2016 marketing expenditures.**
- 9. Deliberate and act on approval of Performance Modifications No. 2 for the Water Improvements grant 713411 (West Terrace First Time Water Project).**

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.

6. Deliberate and act on election by Council of Mayor Pro-Tem.

A nomination of Council Member Rios for Mayor Pro-Tem was made by Council Member Villa.

MOTION: Council Member Villa moved to elect Council Member Rios as Mayor Pro-Tem for a term of May 2016 to May 2017 pursuant to the City of Rockport Home Rule Charter. Council Member Gurtner seconded the motion. The motion carried unanimously.

Regular Agenda

10. Tabled April 26, 2016 – Deliberate and act on Resolution amending Resolution 2016-06 authorizing certification of a cultural district to be named Rockport Cultural Arts District.

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

Mayor Wax asked if Council Members had any questions in regard to the amendment to Resolution No. 2016-06.

There were no questions.

MOTION: Mayor Pro-Tem Rios moved to adopt the Resolution amending Resolution No. 2016-06 authorizing certification of a cultural district to be named Rockport Cultural Arts District. Council Member Villa seconded the motion. Motion carried unanimously.

11. Deliberate and act on second and final reading of an Ordinance amending City of Rockport Code of Ordinances Chapter 54 Health and Sanitation, Article II, Food Establishments.

City Manager Kevin Carruth stated there had been no changes in format or content to this Ordinance since the first reading. Discussion was held among Council and Mr. Carruth.

Council Member Day asked how the Ordinance would be enforced.

Public Works Director Mike Donoho stated the Ordinance contains enforcement provisions.

City Manager Kevin Carruth said that Section 42.131. contains the judicial enforcement remedies.

MOTION: Council Member Villa moved to approve the second and final reading of an Ordinance amending City of Rockport Code of Ordinances Chapter 54 Health and Sanitation, Article II, Food Establishments. Council Member Day seconded the motion. Motion carried unanimously.

12. Deliberate and act on second and final reading of an Ordinance authorizing the closing, vacating and abandonment of a 20-foot wide alleyway lying between Lots 1 and 9, Block 107, Manning Addition, and a 20-foot wide alleyway lying between Lots 15-16 and 7-8, in Block 108, Manning Addition, Rockport, Aransas County, Texas; providing for the terms and conditions of such vacation and abandonment; authorizing the Mayor to execute a Quitclaim

Deed for the said alleyways to be closed, vacated and abandoned; and providing for an effective date.

Mayor Wax stated there had been no changes in format or content of this Ordinance since the first reading.

Council Member Villa stated he had asked Steve Pham, at the first reading of the Ordinance, if he was satisfied with all the numbers stated in the Ordinance, but he wanted to ask Mr. Pham that again.

Steve Pham answered that he was satisfied and agreed with the numbers stated in the Ordinance.

MOTION: Council Member Villa moved to approve the second and final reading of an Ordinance authorizing the closing, vacating and abandonment of a 20-foot wide alleyway lying between Lots 1 and 9, Block 107, Manning Addition, and a 20-foot wide alleyway lying between Lots 15-16 and 7-8, in Block 108, Manning Addition, totaling approximately 0.06887 acre, Rockport, Aransas County, Texas; according to the plat of record in Volume 1, Page 7, Plat Records of Aransas County, Texas; providing for the terms and conditions of such vacation and abandonment; authorizing the Mayor to execute a Quitclaim Deed with conditions and reversionary clause for the two (2) 20-foot alleys to be closed, vacated and abandoned; and providing for an effective date. Mayor Pro-Tem Rios seconded the motion. Motion carried unanimously.

13. Deliberate and act on first reading of an Ordinance replacing City of Rockport Code of Ordinances Chapter 42 Article V. "Erosion and Sediment Control" with a Stormwater Ordinance.

Mayor Wax stated this Ordinance follows the Council discussion of the proposed ordinance at the April 26, 2016, City Council Workshop.

Public Works Director Mike Donoho read the following summary of the difference between the current Ordinance and the proposed Ordinance:

REGULATED IN CURRENT ORDINANCE

- Construction Activity

REGULATED IN PROPOSED ORDINANCE

- Discharge of contaminated stormwater by any of the following:
 - Hazardous substances
 - Petroleum products
 - Household hazardous waste
 - Industrial waste
 - Sediment from construction sites
 - Pesticides
 - Herbicides
 - Fertilizers

- Yard waste
- Wastewater from commercial power washing
- Wastewater from carpet cleaning
- Ready mix concrete, mortar, ceramic or asphalt base material
- Wash down water from animal kennels
- Swimming pool water containing high levels of chlorine
- Sanitary sewage
- Or any other contaminants
- Reporting and Cleanup of Hazardous Substances
- Construction Activity

Although construction activities are regulated under both ordinances, the new proposed ordinance is more strict and easier to enforce. For example, the proposed ordinance requires all contractors requesting a building permit to sign a certification statement acknowledging that they understand the terms of the ordinance before the permit will be issued. Also, we may require any plans for the construction site to illustrate the best management practices that will be implemented. The City may deny approval of any building permit, grading permit, or any other City approval necessary to commence or continue construction, or to assume occupancy, on the grounds that the management practices described in the plans or observed upon a site inspection are determined not to control and reduce the discharge of sediment, silt, earth, soil, and other materials associated with clearing, grading excavation, and other construction activities to the maximum extent practicable under the circumstances. The new ordinance also requires final stabilization at the construction site. Again, the City may deny the approval required for the certificate of occupancy until such stabilization has been inspected and approved.

Mayor Wax stated a tremendous amount of work had gone into the proposed Ordinance and he thanked staff for the work.

MOTION: Mayor Wax moved to approve the first reading of an Ordinance replacing City of Rockport Code of Ordinances Chapter 42 Article V. "Erosion and Sediment Control" with a Stormwater Ordinance. Council Member Gurtner seconded the motion. Motion carried unanimously.

14. 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 stated that by the City not having to conduct an Election, the City saved approximately \$8,000.00. Mayor Wax said no one filed to run against Council Members Villa or Gurtner, thereby showing their confidence in them.

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:

- 15. Section 551.071(1)(A) Consultation with Attorney on pending or contemplated litigation: A) Bay Education Center, (B) Manning, (C) Pena/Dack, and (D) Texaz Construction and AZ Southwest Properties.**
- 16. 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.**
- 17. 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.**
- 18. Section 551.087 Deliberation Regarding Economic Development Negotiations: Project Cardinal.**

At 6:51 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, (C) Pena/Dack, and (D) Texaz Construction and AZ Southwest Properties; 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: 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; and Section 551.087 Deliberation Regarding Economic Development Negotiations: Project Cardinal.

Open Session

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 7:06 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.

19. Deliberate and act on an agreement with Rockport Art Association for the lease of the 1100 block of East North Street.

Mayor Wax stated there was no action to be taken on this item because the agreement had been finalized at the May 9, 2016, Special Council Meeting.

20. Adjournment

At 7:07 p.m., Mayor Pro-Tem Rios moved to adjourn. Motion was seconded by Council Member Villa and carried unanimously.



APPROVED:

A handwritten signature in black ink, which appears to be "Charles J. Wax", is written over a horizontal line. Below the line, the name "Charles J. Wax, Mayor" is printed in a standard font.

ATTEST:

A handwritten signature in blue ink, which appears to be "Teresa Valdez", is written over a horizontal line. Below the line, the name "Teresa Valdez, City Secretary" is printed in a standard font.