

# CITY OF ROCKPORT

## MINUTES

### CITY COUNCIL REGULAR MEETING

6:30 p.m., Tuesday, June 14, 2016

Rockport City Hall, 622 East Market Street

On the 14<sup>th</sup> day of June 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 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  
Finance Director Patty Howard  
Police Chief Tim Jayroe  
Public Works Director Mike Donoho  
Park & Leisure Services Director Tom Staley  
Parks Maintenance Superintendent Rick Martinez

#### ELECTED OFFICIALS PRESENT

#### 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, June 14, 2016, in the Council Chambers of the Rockport City Hall, 622 E. Market Street, Rockport, Texas.

##### **2. Pledge of Allegiance.**

Natasha Rios, great-niece of Mayor Pro-Tem Rios, 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 May 24, 2016 and Special Meeting Minutes of June 7, 2016.**
- 5. Deliberate and act on accepting a donation of \$8,500 from the Friends of the Pool for the purchase of permanent shade canopies for patron use at the community aquatic park.**
- 6. Deliberate and act on accepting a donation of \$1,268.00 from Sherry McGuire for the purchase of a memorial park bench for placement along the Tule Hike & Bike Trail.**

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**

- 7. Hear and deliberate on service options for sanitation collection.**

Republic Services Municipal Services Manager Mike Reeves addressed the Council. Mr. Reeves stated that at the April 26, 2016, Council meeting, he was asked to meet with homeowners' associations in the three neighborhoods with the highest percentage of part-time residents to get their input on moving to automation. Mr. Reeves said he met with the homeowners' associations and discussed the challenge of absentee owners and renters, and the challenge of the carts being too large for senior citizens (matures) to handle. Mr. Reeves expressed there is a solution for the absentee residents/renters – a housekeeper, landscaper, management company, neighbor or valet service could be responsible for returning the cart to the home from the driveway. Mr. Reeves added that the solution for the senior citizens is that Republic Services will offer smaller carts (64 gallon) with reduced pricing. Mr. Reeves said the issue with the subdivisions with zero lots and difficult area can be solved by offering smaller carts or identifying designated placement areas. Mr. Reeves gave a Power Point presentation (below) on Automated Collection of Waste and Recyclables.



## Automation..Are We Ready?



*Come See the Pros! and Check the Rollback!*



**Automated Collection of Waste and Recyclables** 

### Topics to Cover

- Solutions to challenges
- Options
- Benefits of Capital
- Roll-out timeline
- Results of HOA meetings



**Challenges & Solutions** 

- Absentee Residents/Renters
  - Housekeeper
  - Landscaper
  - Management company
  - Neighbor
  - Valet Service



**Challenges & Solutions** 

- Matures (Seniors)
  - Offer smaller carts (64 gal)
  - Leaf collection seasonal
  - Reduced pricing for small carts



**Challenges & Solutions** 

- Zero Lots & Difficult Areas
  - Offer smaller carts
  - Identify designated placement areas
  - Convert townhomes to commercial
  - Meet with residents on shallow streets



**Options at Hand** 

- Option A- 1X waste, 1X recycle - \$2 more/\$22.11
- Option B- 1X waste, EOW recycle - \$Flat/\$20.11
- Option C- Same service with CPI increase in October - approx. 2.15%/\$20.54
  - Smaller carts with price reduction is negotiable
  - Seasonal leaf collection is negotiable
  - Options A&B- 6 year terms with smaller carts
    - 7 years with optional leaf collection
  - Option C is for 5 years



**Benefits of Capital** 

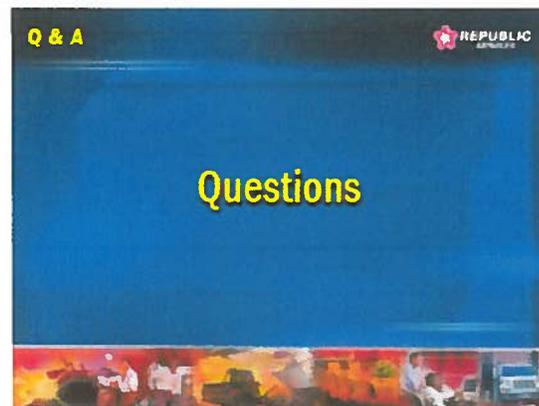
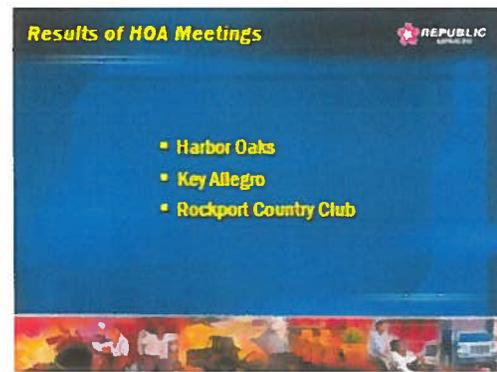
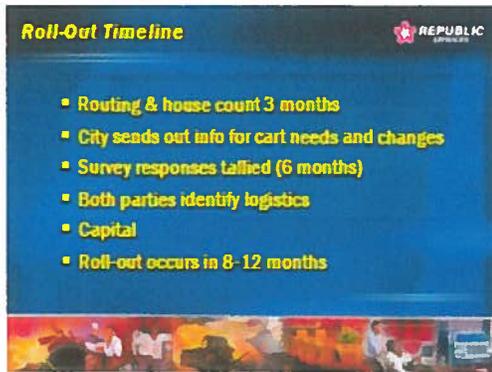
- Three new CNG trucks
- Estimated annual fuel purchases totaling \$37,000-\$57,000




**Next Steps** 

- Take action on an option
- Begin resident outreach
- Gather data and inventory
- Revise routing and maps
- Send out educational info





Discussion was held among Council and Mr. Reeves.

Dudley McDaniel addressed the Council. Mr. McDaniel stated as a citizen and resident of Key Allegro he strongly supports change to automation collection. Mr. McDaniel said that the Key Allegro Homeowners' Association Board does not support this change. Mr. McDaniel expressed that the Key Allegro Homeowner's Association is concerned about carts sitting on the curb for a month and not being returned to the home; as to enforcement, how will the City handle carts not being returned to the home? Mr. McDaniel added the Homeowners' Association is reluctant to take on the cost of a valet service for 750 residents.

Mike Reeves addressed Mr. McDaniel's concerns. Mr. Reeves informed Mr. McDaniel that Republic Services has violation tags that can be put on carts, which would be the first step in enforcement. Mr. Reeves stated that the next step would be code enforcement by the City with monetary consequences for non-compliance.

Charlie Powers, representing the Harbor Oaks Homeowners' Association, addressed the Council. Mr. Powers stated that the Harbor Oaks Homeowners' Association is in favor of Option A or Option B of Mr. Reeves proposal, however, adding one or two years to the agreement in order to contract for smaller carts and seasonal leaf collections is appropriate.

Adelaide Marlatt, representing Rockport Country Club Homeowners' Association, addressed the Council. Ms. Marlatt stated she does not represent Country Club Square or Andrews Square.

Ms. Marlatt said the majority of people in the Rockport Country Club are in favor of automated collection. Ms. Marlatt said it will be very important that the carts be well seated because of the slanting driveways in the Country Club. Ms. Marlatt added that educational information is provided to residents for proper bagging of waste. Ms. Marlatt expressed that 30 days of leaf collection will not be enough in the Rockport Country Club.

Parks Maintenance Superintendent Rick Martinez addressed the Council. Mr. Martinez asked about the capacity and weight of the current collection trucks versus the new compressed natural gas trucks that will be used. Mr. Martinez said he was concerned about the weight because of damage to City streets.

Mr. Reeves answered that the current trucks hold 28 yards of waste and weigh 36,700 pounds versus the new trucks that will hold 28 yards of waste and weigh 34,200 pounds. City Manager Kevin Carruth stated this was an informational item and did not require any action by Council at this time.

*Mayor Pro-Tem Rios asked for a moment of silence for the victims of the Florida shooting.*

**8. Deliberate and act on the Texas Municipal League MultiState Intergovernmental Employee Benefits Pool Rerate Notice for active employees and retired employees not eligible for Medicare.**

City Manager Kevin Carruth stated the City had received the employee benefits rerate notice. Ms. Carruth said the monthly group medical insurance premium for active employees and retired employees not eligible for Medicare increased by five percent from \$529.04 to \$555.50 per month. Mr. Carruth explained that there are two options regarding the vision plan: Vision A - \$65 for annual eye exam and \$175 calendar year maximum payment allowable; and Vision B - \$85 for annual eye exam and \$225 calendar year maximum payment allowable. Mr. Carruth stated the five percent increase for the medical insurance will cost the City an estimated \$19,845 and the estimated total additional cost to the City for the Vision B plan is \$3,360. Ms. Carruth said staff recommends Council approve the 2016-2017 Texas Municipal League MultiState Intergovernmental Employee Benefit Pool rerate for employee health benefits with employee vision benefits Plan B, as presented.

Discussion was held among Council and Mr. Carruth.

**MOTION:** Council Member Villa moved to approve the 2016-2017 Texas Municipal League MultiState Intergovernmental Employee Benefit Pool rerate for employee health benefits with employee vision benefits Plan B. Council Member Day seconded the motion. Motion carried unanimously.

**9. Deliberate and act on Section 125 Flexible Spending Arrangement (FSA) agreement with Texas Municipal League MultiState Intergovernmental Employee Benefits Pool.**

City Manager Kevin Carruth stated Assistant City Secretary Ruby Beaven would present this item to Council since she was the person responsible for bringing this proposal to him.

Assistant City Secretary Ruby Beaven addressed the Council. Ms. Beaven explained that Section 125 of the Internal Revenue Code allows employers to deduct employee insurance premiums pre-tax, thereby eliminating payroll taxes for the employee's premium as well as the employer's payroll tax obligations. Ms. Beaven stated that this plan is part of the Plan Sponsor Section 125 Cafeteria Plan and this Flexible Spending Arrangement (FSA) account plan allows employees to pay with before-tax dollars healthcare expenses that are not or cannot be reimbursed by our health benefit program, such as monthly contributions, deductibles, and the benefit percentage that is the employee's responsibility. Ms. Beaven informed the Council that there is a monthly service fee for the City of \$3.70 per participant for participation.

Mr. Carruth stated the agreement provides that participants may carry over a designated balance to the next plan year and staff is recommending \$500.00 as that amount. Mr. Carruth added that the City can limit contributions to the plan per employee, and TML limits that maximum amount to \$2,550.00 per year.

Discussion was held among Council, Ms. Beaven and Mr. Carruth.

**MOTION:** Council Member Gurtner moved to approve the Section 125 Flexible Spending Arrangement agreement with TML MultiState Intergovernmental Employee Benefits Pool, with a carryover balance of \$500.00 per participant, and limiting the contribution to \$2250.00 per year. Council Member Villa seconded the motion. Motion carried unanimously.

**10. Deliberate and act on interlocal agreements with Aransas County and/or the Town of Fulton for the following services:**

- a. Animal Control**
- b. Aquatic Center**
- c. Dispatching Services**
- d. Jail Services**
- e. Juvenile Case Manager**
- f. Restaurant Health Inspections**
- g. Roads and Drainage**
- h. Septic Systems**

City Manager Kevin Carruth stated that on March 21, 2016, Council had a Joint Special Workshop with Aransas County Commissioners Court to discuss all interlocal agreements. Mr. Carruth said that at that time the County Attorney was tasked with drafting redlined copies of agreements incorporating the changes made at the workshop, and the redline versions were delivered June 2, 2016. Mr. Carruth expressed the agreements had been totally reformatted, which has made it difficult to make comparisons. Mr. Carruth stated he has not finished his comparisons of the original proposed documents to the red-lined versions provided by the County.

**MOTION:** Council Member Villa moved to table this item until Mr. Carruth has finalized his comparisons of the Interlocal Agreements. Council Member Gurtner 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; 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 Day stated the application for the Rockport Cultural Arts District had been submitted this week.

Council Member Gurtner said the Keep Aransas County Beautiful Board of Directors had been setup along with the 501(c)(3) accreditation. Ms. Gurtner added that Keep Aransas County Beautiful is working on selecting dates for the next clean-up events.

### **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) Bay Education Center, (B) Pena/Dack, and (C) Texaz Construction and AZ Southwest Properties.**

**13. Section 551.072 Deliberation regarding real property – deliberate the purchase, exchange, lease, or value of real property: a) Fractional Park of Block 255, Smith and Wood Division, and b) Red Fish.**

At 7:50 p.m., Mayor Pro-Tem Rios 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) Pena/Dack, and (C) Texaz Construction and AZ Southwest Properties; and Section 551.072 Deliberation regarding real property – deliberate the purchase, exchange, lease, or value of real property: a) Fractional Part of Block 255, Smith and Wood Division, and b) Red Fish.

### **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 8:58 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.

No action was taken.

**15. Adjournment**

At 8:59 p.m., Council Member Villa moved to adjourn. Motion was seconded by Council Member Gurtner and carried unanimously.



**APPROVED:**

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

**ATTEST:**

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