

# CITY OF ROCKPORT

## MINUTES

### CITY COUNCIL REGULAR MEETING 6:30 p.m., Tuesday, December 13, 2016 Rockport City Hall, 622 East Market Street

On the 13<sup>th</sup> day of December 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

#### CITY COUNCIL MEMBER(S) ABSENT

Council Member Barbara Gurtner, Ward 4

#### STAFF MEMBERS PRESENT

City Manager Kevin Carruth  
City Attorney Terry Baiamonte  
Assistant City Secretary Ruby Beaven  
Community Planner Amanda Torres  
Police Chief Tim Jayroe  
Public Works Director Mike Donoho  
Parks & Leisure Services Director Rick Martinez  
Finance Director Patty Howard

#### 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 Wax at 6:30 p.m. on Tuesday, December 13, 2016, in the Council Chambers of the Rockport City Hall, 622 E. Market Street, Rockport, Texas.

##### 2. Pledge of Allegiance.

Council Member Rusty Day 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 November 29, 2016.**
5. **Deliberate and act on Resolution authorizing the City Manager's participation in the Harvard Kennedy School's Senior Executive in State and Local Government Program.**
6. **Deliberate and act on report from Friends of the History Center for Aransas County for the 2016 Tour of Historic Homes marketing expenditures.**
7. **Deliberate and act to appoint member to the Planning & Zoning Commission.**
8. **Deliberate and act to appoint member to the YMCA Development Committee.**

Mayor Wax called for requests to remove any item from the Consent Agenda for separate discussion.

**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**

9. **Deliberate and act on second and final reading of an Ordinance amending the City of Rockport Code of Ordinances Chapter 102 "Utilities", Article II, "Water Service", Division 3, "Service Charges" by amending water rates for all customers; providing for the validity of said Ordinance; repealing all prior ordinances in conflict herewith; and providing for an effective date.**

Janet Noel addressed the Council. Ms. Noel questioned group water rates and if the rates will go down.

Mayor Wax explained that the rates would have gone up more if the other company had not absorbed most of the rate increase, but the rates will not go down.

**MOTION:** Council Member Villa moved to approve the second and final reading of an Ordinance amending the City of Rockport Code of Ordinances Chapter 102 "Utilities", Article II, "Water Service", Division 3, "Service Charges" by amending water rates for all customers; providing for the validity of said Ordinance; repealing all prior ordinances in conflict herewith; and providing for an effective date. Council Member Day seconded the motion. Motion carried unanimously.

- 10. Deliberate and act on second and final reading of an Ordinance of the City of Rockport, Texas, providing for the annexation into the City of Rockport, Aransas County, Texas, of the hereinafter described territory, located adjacent to the City's corporate limits within the extraterritorial jurisdiction of the City and not being a part of any incorporated area; extending the boundary limits of the City so as to include the territory consisting of approximately 92 acres of land, more or less, along Market Street between Warbler Lane and Kelly Lane, out of a portion of the John Smith Survey A-187, into the City's municipal limits, for all purposes; providing for related annexation service plans; repealing conflicting ordinances and resolutions; including a severability clause; granting to all the inhabitants of the annexed territory all the rights and privileges of other citizens and binding the inhabitants by all of the acts, ordinances, resolutions, and regulations of the City; and establishing an effective date.**

D. W. Grant addressed the Council. Mr. Grant explained that he is unable to hear and asked how he could provide his comments and questions and hear answers.

Mayor Wax advised Mr. Grant to put his questions or comments in writing and submit them to the Mayor, City Manager, or City Secretary and that the response will be published.

Bob Rau addressed the Council. Mr. Rau expressed his concerns regarding being on a fixed income and the expense of being on city water and sewer in addition to having to pay city property taxes. Mr. Rau stated he was okay with the annexation, but he inquired as to what he was getting in return for the added expense.

Mayor Wax explained that should the annexation take effect, Mr. Rau will be grandfathered in and not be required to go on city water and sewer. Mayor Wax further explained that Mr. Rau will be acquiring the City of Rockport Police Department services, in addition to being able to vote in city elections.

**MOTION:** Mayor Pro-Tem Rios moved to approve the second and final reading of an Ordinance of the City of Rockport, Texas, providing for the annexation into the City of Rockport, Aransas County, Texas, of the hereinafter described territory, located adjacent to the City's corporate limits within the extraterritorial jurisdiction of the City and not being a part of any incorporated area; extending the boundary limits of the City so as to include the territory consisting of approximately 92 acres of land, more or less, along Market Street between Warbler Lane and Kelly Lane, out of a portion of the John Smith Survey A-187, into the City's municipal limits, for all purposes; providing for related annexation service plans; repealing conflicting ordinances and resolutions; including a severability clause; granting to all the inhabitants of the annexed territory all the rights and privileges of other citizens and binding the inhabitants by all of the acts, ordinances, resolutions, and regulations of the City; and establishing an effective date. Council Member Day seconded the motion. Motion carried 3:1.

**FOR MOTION:** Mayor Wax, Council Member Day, and Mayor Pro-Tem Rios.

**AGAINST MOTION:** Council Member Villa.

- 11. Deliberate and act on second and final reading of an Ordinance of the City of Rockport, Texas, providing for the annexation into the City of Rockport, Aransas County, Texas, of the hereinafter described territory, located adjacent to the City's corporate**

**limits within the extraterritorial jurisdiction of the City and not being a part of any incorporated area; extending the boundary limits of the City so as to include the territory consisting of approximately 990 acres of land, more or less, along Highway 35 Bypass between Mundine Road and approximately 1,000 feet south of 18<sup>th</sup> Street, out of a portion of the Charles Zenn Survey A-226, and the James McKay Survey A-160, into the City's municipal limits, for all purposes; providing for related annexation service plans; repealing conflicting ordinances and resolutions; including a severability clause; granting to all the inhabitants of the annexed territory all the rights and privileges of other citizens and binding the inhabitants by all of the acts, ordinances, resolutions, and regulations of the City; and establishing an effective date.**

Janet Noel addressed the Council. Ms. Noel stated she had read that standard government proprietary services have to be provided within a 2.5 year period. Ms. Noel asked what these services are.

Mayor Wax answered that once property is annexed, it must be provided the exact same level of service as all other areas within the City limits. Mayor Wax stated that included in the Agenda packet is a complete Service Plan for each of the three annexation areas and these Service Plans mirror the level of service that is provided to other areas within the City since it was created. Mayor Wax added that he has previously talked about a few of those: 1) Police patrol; 2) Investigative Division; and 3) If you choose to connect with the City's water system and/or other utilities, then you would no longer be paying a premium for being outside the City municipal limits for which you pay to use the City's utilities.

Ms. Noel stated that her property already has a water well and septic system and is located along a state highway, so she does not need City services for that. Ms. Noel asked what City services she would be receiving.

Mayor Wax said the major advantage to Ms. Noel would be zoning control of development around her property.

Ms. Noel asked how the raise in taxes will affect those who are homesteaded where the property taxes are frozen.

Mayor Wax answered that the City rate will freeze at age 65, the same as it does in the School District and the County.

Connie Johnson addressed the Council. Ms. Johnson had some questions about the trash contract and trash pickup and asked if whether the annexed area would be required to use the city trash service provider.

Mayor Wax explained that this contract is about industrial service containers, not trash pickup however, annexed areas will have up to two years before being required to use the City trash service provider.

City Manager Kevin Carruth explained residents in the newly annexed area will be allowed to continue with their current providers until the two-year deadline.

Connie Johnson asked whether she would be required to use the City's trash service provider if she had City water on her property.

City Manager Kevin Carruth answered that the requirement to use the City's solid waste collection provider has nothing to do with whether one has City water or sewer services. Mr. Carruth stated that if you are inside City limits, you have to use the City's contractor and in the newly annexed areas, you have up to two (2) years to continue with your existing provider before you have to change to the City provider. Mr. Carruth added that you can change earlier to the City's provider if you choose to do so.

**MOTION:** Council Member Day moved to approve the second and final reading of an Ordinance of the City of Rockport, Texas, providing for the annexation into the City of Rockport, Aransas County, Texas, of the hereinafter described territory, located adjacent to the City's corporate limits within the extraterritorial jurisdiction of the City and not being a part of any incorporated area; extending the boundary limits of the City so as to include the territory consisting of approximately 990 acres of land, more or less, along Highway 35 Bypass between Mundine Road and approximately 1,000 feet south of 18<sup>th</sup> Street, out of a portion of the Charles Zenn Survey A-226, and the James McKay Survey A-160, into the City's municipal limits, for all purposes; providing for related annexation service plans; repealing conflicting ordinances and resolutions; including a severability clause; granting to all the inhabitants of the annexed territory all the rights and privileges of other citizens and binding the inhabitants by all of the acts, ordinances, resolutions, and regulations of the City; and establishing an effective date. Mayor Pro-Tem Rios seconded the motion. Motion carried 3:1.

**FOR MOTION:** Mayor Wax, Council Member Day and Council Member Rios.

**AGAINST MOTION:** Council Member Villa.

- 12. Deliberate and act on second and final reading of an Ordinance of the City of Rockport, Texas, providing for the annexation into the City of Rockport, Aransas County, Texas, of the hereinafter described territory, located adjacent to the City's corporate limits within the extraterritorial jurisdiction of the City and not being a part of any incorporated area; extending the boundary limits of the City so as to include the territory consisting of approximately 212 acres of land, more or less, along Highway 35 Bypass between 12<sup>th</sup> Street and approximately 545 feet north of Griffith Drive, out of portions of the Joseph F. Smith Survey A-198, R.J. Towns Survey A-206, Paul McCombs Survey A-317, and the C.W. Egery Survey A-62, into the City's municipal limits, for all purposes; providing for related annexation service plans; repealing conflicting ordinances and resolutions; including a severability clause; granting to all the inhabitants of the annexed territory all the rights and privileges of other citizens and binding the inhabitants by all of the acts, ordinances, resolutions, and regulations of the City; and establishing an effective date.**

**MOTION:** Mayor Pro-Tem Rios moved to approve the second and final reading of an Ordinance of the City of Rockport, Texas, providing for the annexation into the City of Rockport, Aransas County, Texas, of the hereinafter described territory, located adjacent to the City's corporate limits within the extraterritorial jurisdiction of the City and not being a part of any incorporated area; extending the boundary limits of the City so as to include the territory consisting of approximately 212 acres of land, more or less, along Highway 35 Bypass between 12<sup>th</sup> Street and approximately 545 feet north of Griffith Drive, out of portions of the Joseph F.

Smith Survey A-198, R.J. Towns Survey A-206, Paul McCombs Survey A-317, and the C.W. Egery Survey A-62, into the City's municipal limits, for all purposes; providing for related annexation service plans; repealing conflicting ordinances and resolutions; including a severability clause; granting to all the inhabitants of the annexed territory all the rights and privileges of other citizens and binding the inhabitants by all of the acts, ordinances, resolutions, and regulations of the City; and establishing an effective date. Council Member Day seconded the motion. Motion carried 3:1.

**FOR MOTION:** Mayor Wax, Council Member Day and Council Member Rios.

**AGAINST MOTION:** Council Member Villa.

**13. Deliberate and act on Republic Services Agreement Amendment 1 allowing other contractors to offer industrial service with containers of less than 17 cubic yards.**

Connie Johnson addressed the Council. Ms. Johnson asked questions about garbage service for her property that is in the newly annexed area.

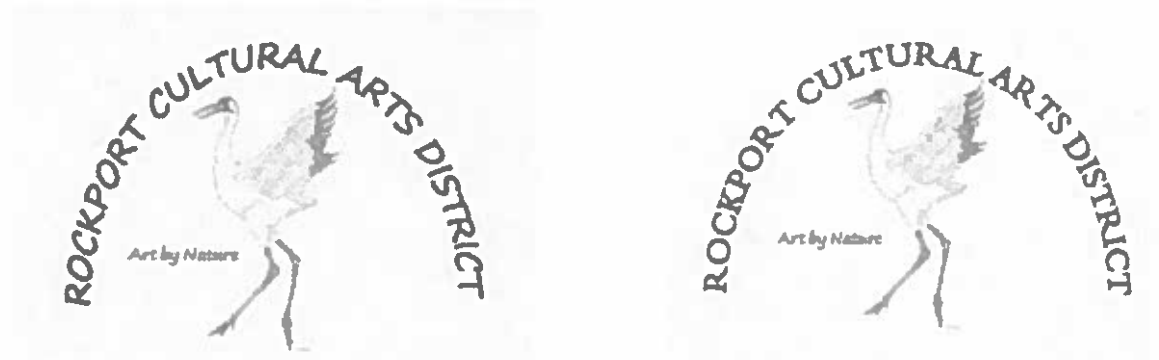
Mayor Wax stated that Ms. Johnson's questions apply to Agenda Item 11 and he would address them as such. *[Ms. Johnson's questions and answers given are included under Agenda Item 11.]*

Discussion was held among Council in regard to Amendment 1 to the Republic Services Agreement.

**MOTION:** Council Member Villa moved to approve Republic Services Agreement Amendment 1 allowing other contractors to offer industrial service with containers of less than 17 cubic yards. Mayor Pro-Tem Rios seconded the motion. Motion carried unanimously.

**14. Deliberate on signage for Rockport Cultural Arts and Heritage Districts.**

City Manager Kevin Carruth explained the plan is to replace street signs in the Rockport Cultural Arts and Heritage Districts. At this time, the City has purchased the poles for this project. Mr. Carruth stated there are three types of the same graphic being presented and the primary difference on the samples is the font (see below).





Jennifer Day addressed Council. Ms. Day explained that the street signs will incorporate both the Rockport Cultural Arts and the Heritage District logo. Ms. Day presented sample pictures (see below) of street signs from other communities for visual aid for the style of sign being considered with an oval top.



Discussion was held among Council and Ms. Day.

Mayor Wax recommended that Public Works Director Mike Donoho designate staff to work with the Rockport Cultural Arts District to get details for various options and costs, and make a recommendation to the Council.

### 15. 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.

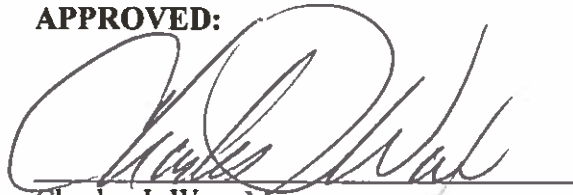
Mayor Wax thanked the City Secretary's Department and all staff involved in the employees Christmas luncheon for planning a wonderful event.

### 16. Adjournment

At 7:10 p.m., Council Member Villa moved to adjourn. Motion was seconded by Council Member Day. Motion carried unanimously.



**APPROVED:**

  
Charles J. Wax, Mayor

**ATTEST:**

  
Teresa Valdez, City Secretary