

# CITY OF ROCKPORT

## AGENDA

### CITY COUNCIL REGULAR MEETING 6:30 p.m., Tuesday, September 13, 2011 Rockport City Hall, 622 East Market Street

NOTICE is hereby given that the Rockport City Council will hold a Regular Meeting on Tuesday, September 13, 2011 at 6:30 p.m. at the Rockport City Hall, 622 E. Market, Rockport, Texas. The following subjects will be discussed to wit:

- I. **CALL TO ORDER**
- II. **PLEDGE OF ALLEGIANCE**
- III. **PROCLAMATION** – POW/MIA Recognition Day – September 16, 2011
- IV. **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. In accordance with the Open Meetings Act. Council may not discuss or take action on any item which has not been posted on the agenda.”*
- V. **PUBLIC HEARING ON REALIGNING COUNCIL MEMBER DISTRICTS** - The Rockport City Council will hold a Public Hearing to consider new boundaries for its councilmember districts. According to the 2010 Census data, the City’s councilmember districts are not of sufficiently equal population and must be redrawn in order to comply with the “one-person, one-vote” principle established by the U.S. Constitution. The Preliminary Re-districting Plan for the council member districts is available for public inspection during normal business hours at City Hall, 622 E. Market St., Rockport, Texas Monday through Friday. Preliminary plans and other information concerning making comments about the City’s redistricting process are available on the City’s website at <http://www.cityofrockport.com>.

**AVISO DE AUDIENCIA PÚBLICA REFERENTE A REALINEACIÓN LOS DISTRITOS DE LOS MIEMBROS DEL CONSEJO** - *El Consejo de la Ciudad de Rockport está considerando nuevos límites para los distritos de los miembros del Consejo. Conforme la información emitida por el Censo del 2010, los distritos de los miembros del Consejo de la Ciudad no son suficientemente equitativos en cuanto a su población, por lo cual deberán ser nuevamente configurados de acuerdo al principio “una persona – un voto”, establecido por la Constitución de los Estados Unidos. El plan preliminar para los distritos de los miembros del Consejo estará disponible durante la audiencia para ser inspeccionado por el público, y también durante horas hábiles en City Hall, 622 E. Market St., Rockport, Texas, de Lunes a Viernes. Los planes preliminares y toda información referente a la manera de presentar comentarios tocante al proceso de redistribución de la*

*Ciudad están disponibles en el sitio web de la Ciudad en Rockport  
<http://www.cityofrockport.com>.*

- VI. **JOINT PUBLIC HEARING** - The Rockport City Council and the Planning & Zoning Commission will hold a Joint Public Hearing to consider a request for a Special Permit to establish a Bed & Breakfast Inn on residential property located at 1401 Omohundro Street, Rockport, Texas (A221 T. T. Williamson Survey 221, Acres 1.456 & portions of fractional Blks 305 & 313, of S & W part of Maple Street Closed). Current zoning is R-1 (1<sup>st</sup> Single-Family Dwelling District).
- VII. **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”.*
- A. Deliberate and take action to approve the Tuesday, August 16, 2011 City Council Regular Meeting Minutes as presented.
  - B. Deliberate and take action to approve the Tuesday, August 23, 2011 City Council Workshop Meeting Minutes.
  - C. Deliberate and take action to approve the Tuesday, August 23, 2011 City Council Regular Meeting Minutes as presented.
  - D. Deliberate and take action to approve the Tuesday, August 30, 2011 City Council Special Workshop Meeting Minutes.
  - E. Deliberate and take action to approve the Tuesday, September 6, 2011 City Council Special Meeting Minutes.
  - F. Deliberate and take action on request from First Learning Tree (Early Childhood Education Center of the First United Methodist Church) Director Kathy Daniels to close St. Mary’s Street, between Live Oak and Church Streets, and Church Street from Market Street to 405 S. Church Street, be blocked off to traffic for their “Fall Festival” on Saturday, October 22, 2011 from 10:00 am to 2:00 pm.
  - G. Deliberate and take action on Individual Service Contract with Rebecca Bagby to perform as Swim Lesson Instructor at the Community Aquatic and Skate Park from October 1, 2011 through September 30, 2012 for \$10.00 per hour of completed instruction.
  - H. Deliberate and take action on Individual Service Contract with William J. Norton to perform as Swim Lesson Instructor at the Community Aquatic and Skate Park from October 1, 2011 through September 30, 2012 for \$10.00 per hour of completed instruction.
  - I. Deliberate and take action on Individual Service Contract with Kristin Hattenbach to

perform as Water Exercise Leader at the Community Aquatic & Skate Park, Monday through Friday, for a period beginning October 4, 2011 through May 25, 2012 for \$1.00 per class attendee.

- J. Deliberate and take action on Individual Service Contract with Jennifer Collins to perform as Water Exercise Leader at the Community Aquatic & Skate Park, Monday through Friday, for a period beginning October 4, 2011 through May 25, 2012 for \$1.00 per class attendee.

### VIII. ITEMS FOR CONSIDERATION

- A. Deliberate and take action to adopt, on first and only reading, Ordinance 1544, An Ordinance of the City of Rockport Adopting and Approving the Budget for the Fiscal Year Beginning October 1, 2011 and Terminating September 30, 2012 and Making Appropriations for Each Fund; and Providing for an Effective Date.
- B. Deliberate and take action to adopt, on first and only reading, Ordinance 1545, An Ordinance of the City of Rockport Approving the Assessment and Renditions for the 2011 Taxable Property as Submitted by the Appraisal District; Levying a Tax Rate for \$100.00 Valuation for the City of Rockport, Aransas county, Texas for the Tax Year 2011 of \$0.158338 for the Purposes of Maintenance and Operation, \$0.150552 for the Payment of Principal and Interest on Debt of the City for a Total Tax Rate Of \$0.308890; and Providing an Effective Date.
- C. Deliberate and take action on first reading of Ordinance No. 1551, An Ordinance Amending the City of Rockport Code of Ordinances Chapter 40 "Employees", Article I, "Personnel Policy", Division 4. "Compensation and Benefits,"; Section 40-61(b) and 40-61(c) "General Policy Statements" identifying employees exempt from Grade and Step Wage/Salary Schedule; and Section 40-65(a)(1) "Benefits" "Group Insurance" by providing for employee contributions to the health insurance plan; Repealing all Prior Ordinances in Conflict Herewith; Providing for Severability; and Providing for an Effective Date.
- D. Presentation and general discussion of possible solid waste collection and disposal rate increase due to the Consumer Price Index, renewal of contract and collection options.
- E. Deliberate and take action on a Storm Water Drainage Easement between the Rockport County Club Members Association and the City of Rockport.
- F. Deliberate and take action on an Agreement with Aransas First for water use.
- G. Deliberate and take action to cancel or reschedule City Council meetings for October, November and December 2011.

- H. Deliberate and take action to approve the City of Rockport Employee Holiday Observance Schedule for 2012.
- I. Deliberate and take action to accept nominations of City of Rockport representatives to the Fair Housing Activity Statement-Texas (FHA)ST) Work Group for Community Development Block Grant Programs.
- J. Deliberate and take action on first reading of Ordinance No. 1550, An Ordinance Amending the City of Rockport Code of Ordinances Chapter 98 "Traffic and Vehicles", Article II. "Traffic Control" Amending Appendix T-41(C) "Yield Signs" by Including the Yield Sign in the Newly Annexed Area to Said Appendix; Repealing All Prior Ordinances in Conflict Herewith; Providing for Severability; and Providing for an Effective Date.
- K. Deliberate and take action on first reading of Ordinance No. 1549, An Ordinance Amending the City of Rockport, Texas, Code of Ordinances, Chapter 34 "Elections", Article II. "Districts (Wards)", Section 34-26 "Electoral Wards", Approving the Redistricting of the City's Single-Member Council Wards and Establishing New Ward Boundary Lines Based on 2010 Census Data for Rockport City Council Elections; Directing the City's Redistricting Consultant to Submit the Adopted Plan for Preclearance Under Section 5 of the Federal Voting Rights Act; Repealing all Prior Ordinances in Conflict Herewith; Providing for Severability; and Providing for an Effective Date.

*Deliberar Y Empezar Acciones Sobre La Primera Lectura De La Ordenanza N.º 1549, Una Ordenanza Que Enmienda El Código De Ordenanzas De La Ciudad De Rockport, Texas, Capítulo 34 "Elecciones", Artículo Ii "Distrito", Sección 34-26 "Distritos Electorales", Aprobando La Nueva Delimitación De Los Distritos Del Concejo Municipal De Un Solo Miembro, Y Estableciendo Nuevas Líneas Divisoria Basadas En La Información Del Censo De 2010 Para Las Elecciones Del Concejo Municipal De La Ciudad De Rockport; Ordenando Que El Asesor Encargado De La Nueva Delimitación De Distritos Presente El Plan Adoptado Para La Preautorización Bajo La Sección 5 De La Ley De Derecho Al Voto; Revocando Todas Las Ordenanzas Previas Que Discrepen Con Esta Ordenanza; Estipulando Divisibilidad; Y Estipulando Una Fecha De Entrada En Vigor.*

- L. Deliberate and take action on first reading of. Ordinance No. 1547, An Ordinance Deleting the City of Rockport Code of Ordinances Chapter 98 "Traffic and Vehicles", Article II. "Traffic Control", Section 98-31 "Guidelines All-Way Stop Signs, Installation Criteria, Removal Criteria" in its Entirety; Repealing all Prior Ordinances in Conflict Herewith; Providing for Severability; and Providing for an Effective Date.
- M. Deliberate and take action on first reading of Ordinance No. 1548, An Ordinance Amending Provisions of the City of Rockport Code of Ordinances Chapter 18 "Animals", Article II. "Animal Control", by Deleting Definition of "Animal Fancier"; Deleting and/or Repealing all Requirements Relating to Licensing of Dogs and Cats, the Wearing of a Collar and Tag and/or the Removal of Collar and Tag; Amending the Impound Fees to be Charged; Repealing all Prior Ordinances in Conflict Herewith; Providing for Severability; and Providing for an Effective Date.

- N. Deliberate and take action on Assessment/Collection Agreement between the City of Rockport and Aransas County for Aransas County Tax Assessor/Collector to serve as Tax Assessor/Collector for collection of ad valorem tax purposes from September 1, 2011 through August 31, 2012 for a fee of \$10,014.47 to be paid in four quarterly payments.
- O. Deliberate and take action on recommendation by Swimming Pool Operations Advisory Committee to reinstate a reduced Student, age 17 years and younger, admission fee of \$2.00 for Community Aquatic Center.
- P. Deliberate and take action on proposal from the Swimming Pool Operations Advisory Committee to establish a Pool Use-Fee for Non-Profit Associations valid September through April of \$25.00/per scheduled hour with a minimum group size of fifteen (15) swimmers.
- Q. Deliberate and take action on Facility License Agreement with Tri-City Youth Soccer League for exclusive use of Memorial Park Soccer Fields for League Play beginning September 17, 2011 and ending November 19, 2011 as follows:
  - 1. each Saturday from 8:00 am to 5:00 pm;
  - 2. Main Soccer Field each Sunday from 12:00 pm to 5:00 pm; and
  - 3. payment of exclusive use fee of \$1,450.00.
- R. Deliberate and take action on Tule Hike and Bike Trail bid award as follows:
  - 1. award bid to Golf Works, Inc., Austin, Texas to construct the Tule Hike & Bike Trail at a bid price of \$597,815.98; and
  - 2. authorize Staff to prepare letter for signature of Mayor Wax to the Texas Department of Transportation (TxDOT) recommending acceptance of bid from Golf Works, Inc.; and
  - 3. approve additional funding in the amount of \$20,727.98 from the General Fund to cover the additional City required match.

IX. **REPORTS FROM COUNCIL & STAFF** - *“At this time, the City Council will report/update on all committee assignments which may include the following: County Storm Water Committee; Community Park Committee, Park & Leisure Advisory Board, Chamber of Commerce, Coastal Bend Council of Governments, Coastal Bend Bays & Estuaries, Texas Maritime Museum, Fulton Mansion, Rockport Center for the Arts, Rockport Tropical Christmas, and Texas Municipal League. Staff reports include the following: Building & Development – Bi-Weekly Code Enforcement, Proposed Development Report; Accounting & Finance – Update on Liens Collection, Financial & Investment Information, Monthly Financial Reports; Police Department – Grant Update, Quarterly Police Reports; Public Works- Building Maintenance, Construction Updates; Park & Leisure Services - grant(s) update, miscellaneous park projects; Administration - Interlocal Agreements, Public Information, Hotel Occupancy Report. No formal action can be taken on these items at this time.”*

- X. **CLOSED SESSION**- The City Council will now hold a Closed Session pursuant to the provisions of Chapter 551 Texas Government Code, in accordance with the authority contained in:
- ❖ SECTION 551.071(2) CONSULTATIONS WITH ATTORNEY - A governmental body may consult with its attorney to seek his or her advice on legal matters: 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 – *consultation with redistricting legal counsel regarding redistricting standards and development of new City Council member districts redistricting plan(s)*.
  - ❖ SECTION 551.074(a) (1) PERSONNEL MATTERS - A governmental body may deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee: *employment of a City Manager*.
- XI. **OPEN SESSION** – The City Council will now reconvene into Open Session pursuant to the provisions of Chapter 551 Texas Government Code.

XII. **ADJOURNMENT**

**NOTICE**

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's office at 361/729-2213 ext. 138 or FAX 361/790-5966 or E-Mail [citysec@cityofrockport.com](mailto:citysec@cityofrockport.com) for further information. Braille Is Not Available. The City of Rockport reserves the right to convene into Closed Session under Government Code 551.071-551.074 and 551-086.

**CERTIFICATION**

I certify that the above notice of meeting was posted on the bulletin board at City Hall, 622 E. Market Street, Rockport, Texas on Friday, September 09, 2011 at 5:00 p.m. and on the City's webpage at [www.cityofrockport.com](http://www.cityofrockport.com). I further certify that the following News Media were properly notified of this meeting as stated above: *The Rockport Pilot, Coastal Bend Herald, and Corpus Christi Caller Times*.

\_\_\_\_\_  
Irma G. Parker, City Secretary

I certify that the attached notice and agenda of items to be considered by the City Council was removed by me from the bulletin board at City on the \_\_\_\_\_ day of \_\_\_\_\_ 2011.

Title: \_\_\_\_\_

# CITY OF ROCKPORT

## MINUTES

### CITY COUNCIL REGULAR MEETING 6:30 p.m., Tuesday, September 13, 2011 Rockport City Hall, 622 East Market Street

On this the 13<sup>th</sup> day of September 2011 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 Bill Fisher, Ward 1  
Council Member Paul Lippke, Ward 3  
Council Member Adelaide Marlatt, Ward 4

#### CITY COUNCIL MEMBER(S) ABSENT

Council Member Leo Villa, Ward 2

#### STAFF MEMBERS PRESENT

City Manager Thomas J. Blazek  
City Attorney Bill Walston  
City Secretary Irma G. Parker  
Finance Director Jacky Cockerham  
Building/Development Director Mike Henry  
Police Chief Tim Jayroe  
Public Works Director Billy Dick  
Parks & Leisure Services Director Tom Staley

#### STAFF MEMBER(S) ABSENT

N/A

#### EMPLOYEES PRESENT

Utility Customer Serv. Clerk Patty Howard

#### OTHERS

Vicki Pitluk, Marketing/PR Consultant

#### ELECTED OFFICIALS: N/A

#### BOARD/COMMISSION MEMBER(S):

*Planning & Zoning Commission:* Frank Lynch, Lynn Johnson, Ruth Davis, Brian Olson, Dave Seaman, Diana Servino-Saxon.

#### TOTAL VISITORS IN AUDIENCE: 26

- I. **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, September 13, 2011 in the Council Chambers of the Rockport City Hall, 622 E. Market Street, Rockport, Texas.
- II. **PLEDGE OF ALLEGIANCE** – Mayor Wax called on Aransas County Veterans Service Officer Mike Kuertz to lead the audience and City Council in the Pledge of Allegiance to the Flag.
- III. **PROCLAMATION – POW/MIA Recognition Day – September 16, 2011:** Mayor Wax

read the Proclamation declaring that we observe Friday, September 16, 2011 as POW/MIA Recognition Day in the City of Rockport and calling upon the citizens of Rockport to remember and pay special tribute to our Nation's current and former Prisoners of War, those still listed as Missing in Action, and their families. As of 2011 the United States has 83,000 Americans still missing from World War II, the Korean War, the Cold War, the Vietnam War and the 1991 Gulf War. The number of U.S. personnel accounted for since the end of the Vietnam War in 1975 is 841. Aransas County Veteran representatives from the Stewart/Wendell VFW Post 3904 – Post Commander Carlos Michael, Mike Kuertz and Post NJROTC Programs Chairman Jim Bradley; American Legion Post 363 representative Richard Bullis; and American GI Forum Vice Commander Juan J. Guerra. Members Richard Dominguez and Jerry Pierce presented Mayor Wax with the somber black and white POW/MIA Flag.

- IV. **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. In accordance with the Open Meetings Act, Council may not discuss or take action on any item which has not been posted on the agenda."*

There were no requests to address the City Council on an item not on the agenda.

- V. **PUBLIC HEARING ON REALIGNING COUNCIL MEMBER DISTRICTS - The Rockport City Council will hold a Public Hearing to consider new boundaries for its councilmember districts. According to the 2010 Census data, the City's councilmember districts are not of sufficiently equal population and must be redrawn in order to comply with the "one-person, one-vote" principle established by the U.S. Constitution. The Preliminary Re-districting Plan for the council member districts is available for public inspection during normal business hours at City Hall, 622 E. Market St., Rockport, Texas Monday through Friday. Preliminary plans and other information concerning making comments about the City's redistricting process are available on the City's website at <http://www.cityofrockport.com>.**

**AVISO DE AUDIENCIA PÚBLICA REFERENTE A REALINEACIÓN LOS DISTRITOS DE LOS MIEMBROS DEL CONSEJO** - *El Consejo de la Ciudad de Rockport está considerando nuevos límites para los distritos de los miembros del Consejo. Conforme la información emitida por el Censo del 2010, los distritos de los miembros del Consejo de la Ciudad no son suficientemente equitativos en cuanto a su población, por lo cual deberán ser nuevamente configurados de acuerdo al principio "una persona – un voto", establecido por la Constitución de los Estados Unidos. El plan preliminar para los distritos de los miembros del Consejo estará disponible durante la audiencia para ser inspeccionado por el público, y también durante horas hábiles en City Hall, 622 E. Market St., Rockport, Texas, de Lunes a Viernes. Los planes preliminares y toda información referente a la manera de presentar comentarios tocante al proceso de redistribución de la Ciudad están disponibles en el sitio web de la Ciudad en Rockport <http://www.cityofrockport.com>.*

Mayor Wax called the public hearing to order at 7:43 pm. Mayor Wax stated that the purpose of the public hearing is to receive comments from the public concerning the proposed plan for re-alignment of the city council member wards. The plan being presented tonight is not the final plan that has been adopted. It is merely a plan that the City Council has developed and has designated as a

proposed plan for which to seek public comment.

Mayor Wax explained the format for this public hearing, which consist of a short presentation where he will explain the redistricting process, including applicable legal standards, and also some the written materials that are being provided for the audience. There are four documents presented for information: (1) a copy of the City's resolution adopting "redistricting criteria" for use in development of proposed redistricting plans; (2) a copy of the City's resolution adopting "guidelines" for submitting specific redistricting proposals or comments; (3) a report – including tables – showing the population and demographics of the *existing* city councilmember districts; and (4) a report – including tables – showing the population and demographics of the city councilmember districts as configured in the illustrative plan that is being presented this evening. Copies of these documents will continue to be available at city hall until final approval and are also available on-line on the City's website at [www.cityofrockport.com](http://www.cityofrockport.com).

Following the presentation, comments will be accepted from the audience. Mayor Wax requested that the audience members complete a Speaker's Card and deliver to the City Secretary. During the public hearing, all speakers will be called to the podium and will be limited to 3 minutes.

Mayor Wax emphasized that the purpose of this hearing is to receive comments from the citizens. It is not for any members of the city council to engage in a discussion or debate with the audience about the merits of the plan(s) or the redistricting process. The members of the city council will not be commenting on the plan(s) or answering questions; they are here strictly as observers. This hearing is not posted under the Open Meetings Act for the city council to discuss the plan(s) or the process, so under the Open Meetings Act they may not engage in such a discussion with the audience or with each other.

The Rockport City Council is made up of a mayor and four council members. The council members are elected from single-member council wards or districts and the mayor is elected at-large. After the release of new Census data every ten years by the federal government, the City is required by state and federal law to determine whether its council member wards or districts are within the legally required population balance; that is, whether the population in each of the districts is relatively equal. According to federal law, they may not be out of population balance by more than ten percent overall, i.e., from the most populous to the least populous ward. This is often called the "one person-one vote" standard and the "ten percent rule."

The City has determined, based on the new 2010 Census data and the report of our redistricting consultant law firm, that our council member districts are sufficiently out of population balance that the City must redistrict; that is, the City must re-draw our city council ward lines in a way that new districts are within the required ten percent population balance limit.

In addition to the population balance requirement, there are some other legal standards that must be met. Any new redistricting plan must be "precleared" before it can be used. This is a requirement of Section 5 of the Federal Voting Rights Act. Once a new plan has been adopted by the City, the City's consultant will prepare what is called a "preclearance submission" – a sort of application for approval of the adopted plan – that will be sent to the United States Department of Justice, or "DOJ." DOJ will review the plan and decide whether to preclear it based on a standard called

“retrogression,” which is in essence a determination whether the new plan reduces the voting strength of minority voters to a greater degree than otherwise could be reasonably avoided in achieving the required population balance.

Section 2 of the Voting Rights Act also applies to redistricting. Section 2 requires that a new plan not unreasonably discriminate against minority voters, such as by “packing” or “cracking.” “Packing” is the practice of packing minority voters into one ward to avoid having them having a majority voice in more than one ward. Cracking is the opposite: breaking up minority voters who could otherwise form a majority of a ward into multiple districts. Other practices can violate Section 2, but those are ones commonly encountered.

Finally, there is a somewhat competing legal principle, which comes from a U.S. Supreme Court case called *Shaw v. Reno*. This principle limits the use of race as the predominant basis for redistricting decisions, except to satisfy Section 5 and Section 2 requirements. For example, the *Shaw v. Reno* principle limits how much race-based gerrymandering – drawing of bizarre, tentacle-shaped districts – is permissible.

The “ideal” council ward size is determined by dividing the new total population of the City by the number of council wards, i.e., four wards. In our case, this means the “ideal” population size would be 2,339 persons in each ward, as noted on the Preliminary Report Table.

District	Persons	Deviation	Hispanic % of Total Population	Non-Hispanic Anglo % of Total Population	Non-Hispanic Black % of Total Population	Non-Hispanic Asian % of Total Population	Non-Hispanic Other % of Total Population
1	2,469	5.56%	19.20%	75.98%	1.22%	2.11%	1.50%
2	2,829	20.95%	34.18%	60.73%	2.12%	0.92%	2.09%
3	1,463	-37.45%	8.54%	87.83%	0.62%	1.30%	1.71%
4	2,596	10.99%	12.94%	81.12%	0.58%	4.24%	1.19%
Totals	9,357		20.33%	74.65%	1.22%	2.12%	1.62%

Ideal Size =  $9,357 / 4 = 2,339$  per district.  
 Total Maximum Deviation =  $20.95\% - (-37.45\%) = 58.4\%$   
 Some percentages may be subject to rounding error.

We can then determine the population “deviation” for each individual ward by comparing its actual population as reported by the Census Bureau to the ideal population size, and determine by how much each current ward is over- or under-populated. We then look at the most populous and least populous ward and determine the overall “total population deviation.”

In our case, the most populous is Ward 2, which is 20.95% over-populated compared to the ideal size. The least populous is Ward 3, which is 37.45% under populated compared to the ideal size. Considered together, the total population deviation overall is therefore 58.4%, which is accomplished by adding the two deviations together to get the overall deviation. This is greater than the ten percent standard the courts enforce, so we must redistrict to produce new wards within the ten percent range.

To assist the City in developing redistricting plans, and to set standards for plans, the City Council adopted “redistricting criteria.” In general terms, they define standards requiring satisfying the ten percent population balance requirement, satisfying the other legal requirements such as those arising under the federal Voting Rights Act, and also meeting some other practical requirements to the extent feasible.

The criteria as noted in Resolution 2011-11 are as follows:

1. Where possible, easily identifiable geographic boundaries should be followed.
2. Communities of interest should be maintained in a single district where possible, and attempts should be made to avoid splitting neighborhoods.
3. To the extent possible, districts should be composed of whole voting precincts. Where this is not possible or practicable, districts should be drawn in a way that permits the creation of practical voting precincts and that ensures that adequate facilities for polling places exist in each voting precinct. Splitting census blocks should be avoided where possible.
4. Although it is recognized that existing council districts will have to be altered to reflect new population distribution, any districting plan should, to the extent possible, be based on existing districts.
5. Districts must be configured so that they are relatively equal in total population according to the 2010 federal Census. In no event should the total deviation between the largest and the smallest district exceed ten percent.
6. The districts should be compact and composed of contiguous territory. Compactness may contain a functional, as well as a geographical dimension.
7. Consideration may be given to the preservation of incumbent-constituency relations by recognition of the residence of incumbents and their history in representing certain areas.
8. The plan should be narrowly tailored to avoid retrogression in the position of racial minorities and language minorities as defined in the Voting Rights Act with respect to their effective exercise of the electoral franchise.
9. The plan should not fragment a geographically compact minority community or pack minority voters in the presence of polarized voting so as to create liability under Section 2 of the Voting Rights Act, 42 U.S.C. § 1973c.

These criteria apply to all redistricting plans developed, whether by the City Council, by its consultants, or by members of the public or advocacy groups. If any citizen submits a proposed redistricting plan, the citizen must also adhere to these criteria, or the plan may not be considered.

Similarly, to assist the City in receiving public comments and suggestions, and to ensure the City can properly understand and accurately assess and consider those comments and suggestions, the City also adopted “guidelines” applicable to comments, suggestions or even actual redistricting plans that are offered by members of the public, including advocacy groups. The guidelines impose certain requirements that will assist the City in receiving and considering the public’s comments or suggestions.

The criteria as noted in Resolution 2011-12 are as follows:

1. Proposed plans must be submitted in writing and be legible. If a plan is submitted orally,

there is significant opportunity for misunderstanding, and it is possible that errors may be made in analyzing it. The City Council wants to be sure that all proposals are fully and accurately considered.

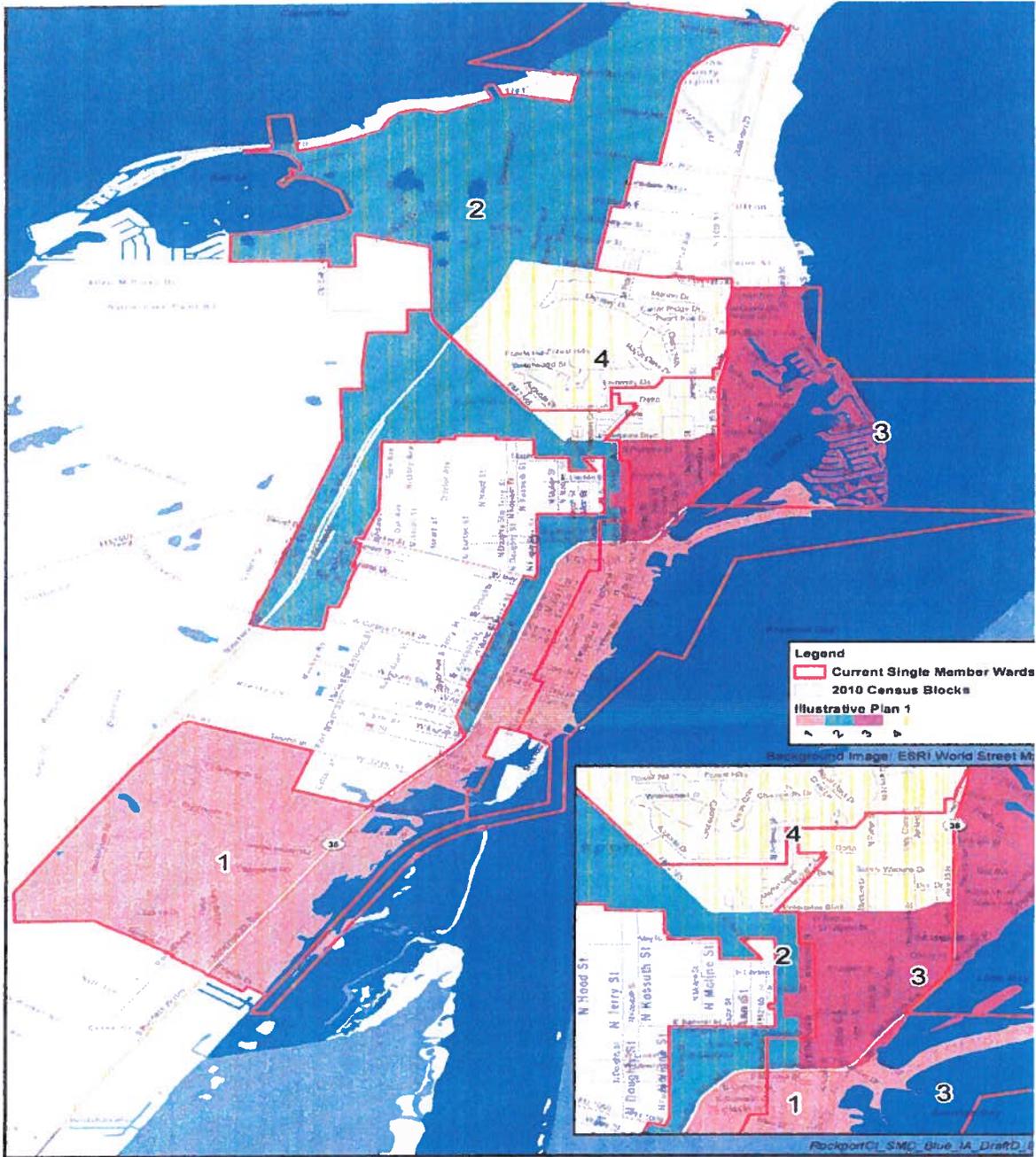
2. Any plan must report the total population and voting age population for Blacks, Hispanics, Asians, and Anglo/other for each proposed City Council district, based on 2010 Census Data. If a plan is submitted without a population breakdown, the City Council may not have sufficient information to give it full consideration.
3. Plans should redistrict the entire City of Rockport. The City Council and Mayor, of course, will be considering the effect of any plan on the entire City. Also, the City Council and Mayor are subject to the Voting Rights Act, which protects various racial and language minorities. Thus, as a matter of federal law, the City Council will be required to consider the effect of any proposed plan on multiple racial and ethnic groups. If a plan does not redistrict the entire City, it may be impossible for the City Council and Mayor to assess its impact on one or more protected minority groups.
4. Plans should conform to the redistricting criteria the City Council and Mayor have adopted and will be using in drawing new council districts.
5. Comments must be submitted in writing and be legible, even if the person also makes the comments orally at a public hearing.
6. Persons providing comments and those submitting proposed plans must identify themselves by full name and home address and provide a phone number and, if available, an e-mail address. The City Council may wish to follow up on such comments or obtain additional information about submitted plans.
7. All comments and proposed plans must be submitted to the City Council by the close of the public hearing.

These guidelines apply to all comments that any citizen or audience member may offer. Guidelines also require that comments are provided in writing by the close of the public hearing, even if a comment is made orally. Comment forms are available.

The Illustrative Plan the City Council has proposed show the current district boundaries revised as follows:

- ❖ Ward 1's northern boundary is moved south below the 35 By-Pass keeping the Heritage District and downtown in the same district. Ward 1 would expand to the south to take in the recently annexed territory in the south.
- ❖ Ward 2 is now proposed to extend to the northern boundary of the city and take population from Ward 4 which is slightly over-populated.
- ❖ Ward 3 was under-populated and takes in the northern territory and its population of Ward 1.
- ❖ Ward 4, as stated loses population to the north and becomes a more compact ward, keeping neighborhoods with similar interests in one ward.

With the proposed changes in the Illustrative Plan, the total population deviation is reduced from 58.4% to 2.86%, in compliance with the 10% rule required by the US Constitution. Ward 1's total Hispanic population increases to 29.59% from 19.20%, and Ward 2's total Hispanic population decreases from 34.18% to 29.65%. Wards 2, 3, and 4 retain a majority Anglo population percentage.



**Illustrative Plan 1  
Summary 2010 Census Total and Voting Age Population**

District	Persons	Deviation	Hispanic % of Total Population	Non-Hispanic Anglo% of Total Population	Non-Hispanic Black% of Total Population	Non-Hispanic Asian % of Total Population	Non-Hispanic Other % of Total Population
1	2,325	-0.60%	29.59%	65.42%	2.11%	0.65%	2.32%
2	2,337	-0.09%	29.65%	65.98%	1.33%	2.05%	1.03%
3	2,314	-1.07%	11.75%	84.66%	0.69%	1.17%	1.73%
4	2,381	1.80%	10.46%	82.44%	0.76%	4.91%	1.43%
Totals	9,357		20.33%	74.65%	1.22%	2.21%	1.62%

Ideal Size = 9,357 / 4 = 2,339 per district.  
 Total Maximum Deviation = 1.8% - (-1.07%) = 2.86%  
 Some percentages may be subject to rounding error.

District	Total VAP*	Hispanic % of Total VAP	Non-Hispanic Anglo % of Total VAP	Non-Hispanic Black % of Total VAP	Non-Hispanic Asian % of Total VAP	Non-Hispanic Other % of Total VAP
1	1,909	25.46%	69.62%	1.89%	0.68%	2.30%
2	1,774	25.87%	69.39%	1.47%	2.20%	1.01%
3	1,978	9.40%	87.36%	0.61%	1.16%	1.52%
4	2,049	8.20%	85.90%	0.63%	4.05%	1.22%
Totals	7,710	16.85%	78.44%	1.13%	2.05%	1.52%

\*Voting Age Population  
 Some percentages may be subject to rounding error.

After receiving comments at the public hearing, the City's redistricting consultant will review the comments and analyze them, and then report to the City Council. The City Council will then have an opportunity to adjust the Illustrative Plan, or to develop another, alternative plan, before adopting a final plan and submitting it to DOJ for preclearance. Assuming the new plan is precleared on time, it will be used for the City's election in May 2012.

The City Council may consider adoption of a final plan at the September 27, 2011 City Council meeting at 6:30 at City Hall. A city council workshop will be held on the same date at 1:30 pm and will include discussion of the final plan. The public is invited to attend either meeting.

Once a plan has been adopted, a copy of the preclearance submission will be available for public inspection during regular business hours in the City Secretary's office in City Hall. Mayor Wax called for any questions or comments from the audience. Since there were no questions or comments

from the audience concerning the Illustrative Plan and the redistricting process. Mayor Wax closed the Public Hearing at 8:15 pm.

[Editor's Note: There were no audience members in attendance at the Public Hearing to listen, discuss and/or comment on the re-districting process or proposed re-districting.]

VI. **JOINT PUBLIC HEARING - The Rockport City Council and the Planning & Zoning Commission will hold a Joint Public Hearing to consider a request for a Special Permit to establish a Bed & Breakfast Inn on residential property located at 1401 Omohundro Street, Rockport, Texas (A221 T. T. Williamson Survey 221, Acres 1.456 & portions of fractional Blks 305 & 313, of S & W part of Maple Street Closed). Current zoning is R-1 (1<sup>st</sup> Single-Family Dwelling District).**

Mayor Wax called the Joint Public Hearing to order at 6:35 p.m. He announced that the City Council and Planning & Zoning Commission were in quorum. Mark Uhr, Owner's Representative, addressed the City Council and Commission. He reported that the current zoning of this property is R-1 (1<sup>st</sup> Single Family) and presently used as a single family home. A special use permit is requested to establish a Bed & Breakfast and a special event center. The potential buyer of this property, Kathy Koon, addressed the City Council and Commission to discuss her future plans for the property and to answer questions.

Those speaking against this request were: Brian Bracht and Jeannie Rutledge, 1521 Shadyside. Both expressed concerns with the increased traffic that the Bed & Breakfast will produce with weddings, parties, drinking, etc. A petition was also received by Staff on 9/13/2011 that was signed by 16 individuals: Barbara Jean Rutledge & John Newman, Mr. & Mrs. Tommy Gardner, Elizabeth McDuff, Jonell Wright, Ruth & Curtis Crough, Carol & Christopher Houghton, James & Dorothy Bracht, Pat Green, Shirley Goforth, Mike Patterson, and Shannon Mellquist. Letters received against the special use permit were from Dana & Greg Barton, 401 Inverrary and Christopher & Carol Ann Houghton, 1 Hermitage Drive. The petition and letters were provided to the Council. Staff has not verified if those individuals who have signed the petition or submitted letters in protest are within the 200' of this property. There being no further questions or comments, Mayor Wax closed the Joint Public Hearing at 7:01 pm.

VII. **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".*

A. **Deliberate and take action to approve the Tuesday, August 16, 2011 City Council Regular Meeting Minutes as presented.**

B. **Deliberate and take action to approve the Tuesday, August 23, 2011 City Council Workshop Meeting Minutes.**

C. **Deliberate and take action to approve the Tuesday, August 23, 2011 City Council Regular Meeting Minutes as presented.**

- D. Deliberate and take action to approve the Tuesday, August 30, 2011 City Council Special Workshop Meeting Minutes.
- E. Deliberate and take action to approve the Tuesday, September 6, 2011 City Council Special Meeting Minutes.
- F. Deliberate and take action on request from First Learning Tree (Early Childhood Education Center of the First United Methodist Church) Director Kathy Daniels to close St. Mary's Street, between Live Oak and Church Streets, and Church Street from Market Street to 405 S. Church Street, be blocked off to traffic for their "Fall Festival" on Saturday, October 22, 2011 from 10:00 am to 2:00 pm.
- G. Deliberate and take action on Individual Service Contract with Rebecca Bagby to perform as Swim Lesson Instructor at the Community Aquatic and Skate Park from October 1, 2011 through September 30, 2012 for \$10.00 per hour of completed instruction.
- H. Deliberate and take action on Individual Service Contract with William J. Norton to perform as Swim Lesson Instructor at the Community Aquatic and Skate Park from October 1, 2011 through September 30, 2012 for \$10.00 per hour of completed instruction.
- I. Deliberate and take action on Individual Service Contract with Kristin Hattenbach to perform as Water Exercise Leader at the Community Aquatic & Skate Park, Monday through Friday, for a period beginning October 4, 2011 through May 25, 2012 for \$1.00 per class attendee.
- J. Deliberate and take action on Individual Service Contract with Jennifer Collins to perform as Water Exercise Leader at the Community Aquatic & Skate Park, Monday through Friday, for a period beginning October 4, 2011 through May 25, 2012 for \$1.00 per class attendee.

Mayor Wax called for any request(s) to remove any item for *ARTICLE VII. "CONSENT AGENDA"* Sections "A" through "J" for separate discussion. Mayor Pro-Tem Fisher requested that *ARTICLE VII. "CONSENT AGENDA"* Section "F" removed from the Consent Agenda and discussed separately.

**MOTION:** Mayor Pro-Tem Fisher moved to approve *ARTICLE VII. "CONSENT AGENDA"* Sections "A", "B", "C", "D", "E", "G", "H", "I", and "J" as presented. Council Member Lippke seconded the motion. Motion carried unanimously.

Mayor Pro-Tem Fisher requested information from Police Chief Jayroe regarding the request from the First Learning Tree's request to close Church Street from Market Street to 405 S. Church Street to hold their Fall Festival. He expressed concern on closing a busy road, Church Street, on this date. Police Chief Jayroe opined that this should not be a problem; however, he will discuss with the First

Learning Tree officials and residents on that street to insure no problems are encountered. There being no other comments, Mayor Wax called for a motion.

**MOTION:** Council Member Marlatt moved to approve request from First Learning Tree (Early Childhood Education Center of the First United Methodist Church) Director Kathy Daniels to close St. Mary’s Street, between Live Oak and Church Streets, and Church Street from Market Street to 405 S. Church Street, be blocked off to traffic for their “Fall Festival” on Saturday, October 22, 2011 from 10:00 am to 2:00 pm. Council Member Lippke seconded the motion. Motion carried unanimously.

**VIII. ITEMS FOR CONSIDERATION**

**A. Deliberate and take action to adopt, on first and only reading, Ordinance No. 1544, An Ordinance of the City of Rockport Adopting and Approving the Budget for the Fiscal Year Beginning October 1, 2011 and Terminating September 30, 2012 and Making Appropriations for Each Fund; and Providing for an Effective Date.**

Finance Director Jacky Cockerham presented Ordinance No. 1544 on first and only reading. Section 7.03 (2) of the City Charter states: “*The City Council shall make available in the City offices a general summary of the proposed budget and a notice stating: (a) the times and places where copies of the message and budget are available for inspection by the public; and (b) the time and place, applicable to current laws, for a public hearing on the budget.*” The budget was filed with the City Secretary on August 12, 2011, presented to Council on August 16, 2011. The required public hearing was published and held on August 6, 2011.

Subject to applicable provisions of the State Law, the budget for the fiscal year beginning October 1, 2011 and terminating September 30, 2012 as filed and submitted by the City Manager, and adjusted by the City Council, containing estimates of resources and revenues for the year from all of the various sources, and the projects, operations, activities and purchases proposed to be undertaken during the year, together with the estimated costs thereof, and estimated amounts of all other proposed expenditures, is hereby approved and adopted. The funds indicated and for purposes respectively, such sums of money as may be required for the accomplishment of each of the projects, operations, activities, purchases and other expenditures proposed in such budget, not to exceed for any such purposes proposed for any department, the total of the estimated costs of the project, operations, activities, purchases and other expenditures proposed for such department. The approved “Revenues & Sources of Funds” and “Expenditures & Uses of Funds” are summarized below:

<b>OPERATING FUNDS</b>	<b>REVENUES &amp; SOURCES OF FUNDS</b>	<b>EXPENDITURES &amp; USES OF FUNDS</b>
General	\$ 6,518,298	\$ 6,991,689
Utility System	\$ 8,424,329	\$ 9,161,123
Sanitation	\$ 1,741,358	\$ 1,725,280
Natural Gas System	\$ 2,054,451	\$ 2,120,670
Beach Park	\$ 584,569	\$ 584,569
<b>TOTAL</b>	<b>\$19,323,005</b>	<b>\$20,583,331</b>

<b>SPECIAL REVENUE FUNDS</b>	<b>REVENUES &amp; SOURCES OF FUNDS</b>	<b>EXPENDITURES &amp; USES OF FUNDS</b>
Community Aquatic Park	\$ 243,000	\$ 242,505
Municipal Court Security & Technology	\$ 16,000	\$ 13,200
Utility Surcharge	\$ 167,490	\$ 167,490
Bay Education Center	\$ 56,868	\$ 56,868
Juvenile Case Manager	\$ 15,000	\$ 15,000
City/County Communications	\$ 580,832	\$ 580,832
Hotel Occupancy Tax	\$ 511,000	\$ 508,425
Fleet Maintenance	\$ 647,375	\$ 648,326
Forfeiture & Seizure	\$ 0	\$ 200
<b>TOTAL</b>	<b>\$2,237,565</b>	<b>\$2,232,846</b>

<b>DEBT SERVICE FUNDS</b>	<b>REVENUES &amp; SOURCES OF FUNDS</b>	<b>EXPENDITURES &amp; USES OF FUNDS</b>
Interest & Sinking	\$ 1,964,827	\$ 2,034,184
Utility Debt Service	\$ 1,714,274	\$ 1,714,274
<b>TOTAL</b>	<b>\$ 3,679,101</b>	<b>\$ 3,748,458</b>

<b>VEHICLE &amp; EQUIPMENT FUNDS</b>	<b>REVENUES &amp; SOURCES OF FUNDS</b>	<b>EXPENDITURES &amp; USES OF FUNDS</b>
General	\$ 214,661	\$ 361,000
Utility	\$ 104,610	\$ 118,000
<b>TOTAL</b>	<b>\$ 319,271</b>	<b>\$ 479,000</b>

<b>CAPITAL IMPROVEMENT PROJECTS</b>	<b>REVENUES &amp; SOURCES OF FUNDS</b>	<b>EXPENDITURES &amp; USES OF FUNDS</b>
General Fund CIP	\$ 1,742,362	\$ 1,733,368
Utility CIP	\$ 936,000	\$ 785,000
2005 Construction Bond	\$ 601,000	\$ 260,000
2007 Construction Bond	\$ 3,610,000	\$ 3,414,127
2009 Construction Bond	\$ 6,608,000	\$ 5,385,000
<b>TOTAL</b>	<b>\$13,497,362</b>	<b>\$11,577,495</b>

Staff recommends approval. Mayor Wax called for any questions or comments.

**MOTION:** Mayor Wax moved to adopt Ordinance 1544, An Ordinance of the City of Rockport Adopting and Approving the Budget for the Fiscal Year Beginning October 1, 2011 and Terminating September 30, 2012 and Making Appropriations for Each Fund; and Providing for an Effective Date. on first and only reading. Council Member Lippke seconded the motion. Roll Call Vote taken by

City Secretary Parker as follows:

COUNCIL MEMBERS	AYE	NAY	ABSENT
Mayor Charles J. Wax	X		
Mayor Pro-Tem Bill Fisher	X		
Council Member Leo Villa			X
Council Member Paul Lippke	X		
Council Member Adelaide Marlatt	X		

Motion carried unanimously.

- B. **Deliberate and take action to adopt, on first and only reading, Ordinance 1545, An Ordinance of the City of Rockport Approving the Assessment and Renditions for the 2011 Taxable Property as Submitted by the Appraisal District; Levying a Tax Rate for \$100.00 Valuation for the City of Rockport, Aransas County, Texas for the Tax Year 2011 of \$0.158338 for the Purposes of Maintenance and Operation, \$0.150552 for the Payment of Principal and Interest on Debt of the City for a Total Tax Rate Of \$0.308890; and Providing an Effective Date.**

Finance Director Cockerham presented the 2011 Property Tax Rate ordinance. The tax rate being adopted is \$0.308890/\$100 for the tax year 2011 is as follows:

\$0.158338	for the purposes of maintenance and operation
\$0.150552	for the payment of principal and interest on debt of the city
\$0.308890	TOTAL TAX RATE

This is the effective rate calculated and published in *The Rockport Pilot* on August 3, 2011. No public notices or additional publication are required.

As stated in the Texas State Comptroller of Public Accounts Truth in Taxation publication, creating a budget and adopting a property tax rate to support that budget are major functions of a governing body. A taxing unit adopts its budget according to its fiscal year, and after adopting the budget, the unit adopts a tax rate. A taxing unit must adopt its tax rate by September 30 or 60 days after the taxing unit receives the appraisal roll, whichever date is later. The effective tax rate was used in creating the 2011-2012 Annual Budget. This rate will generate the revenues budgeted form Maintenance and Operations in the General Fund and the revenues required for the Principal and Interest of Debt payments for the fiscal year. That assessment and renditions for the tax year 2011 on taxable property of the City of Rockport are approved by adoption of this ordinance. Staff recommends approval.

**MOTION:** Mayor Wax moved to adopt, on first and only reading, Ordinance 1545, An Ordinance of the City of Rockport Approving the Assessment and Renditions for the 2011 Taxable Property as Submitted by the Appraisal District; Levying a Tax Rate for \$100.00 Valuation for the City of Rockport, Aransas county, Texas for the Tax Year 2011 of \$0.158338 for the Purposes of Maintenance and Operation, \$0.150552 for the Payment of Principal and Interest on Debt of the City

for a Total Tax Rate Of \$0.308890; and Providing an Effective Date. Council Member Lippke seconded the motion. Roll Call Vote taken by City Secretary Parker

COUNCIL MEMBERS	AYE	NAY	ABSENT
Mayor Charles J. Wax	X		
Mayor Pro-Tem Bill Fisher	X		
Council Member Leo Villa			X
Council Member Paul Lippke	X		
Council Member Adelaide Marlatt	X		

Motion carried unanimously.

- C. **Deliberate and take action on first reading of Ordinance No. 1551, An Ordinance Amending the City of Rockport Code of Ordinances Chapter 40 “Employees”, Article I, “Personnel Policy”, Division 4. “Compensation and Benefits,”; Section 40-61(b) and 40-61(c) “General Policy Statements” identifying employees exempt from Grade and Step Wage/Salary Schedule; and Section 40-65(a)(1) “Benefits” “Group Insurance” by providing for employee contributions to the health insurance plan; Repealing all Prior Ordinances in Conflict Herewith; Providing for Severability; and Providing for an Effective Date.**

City Manager Blazek reported that during this year’s budget meetings, it was the consensus of the Council that the current active employee health benefit rate of \$385.80 be the maximum cost the City would pay per month. It was the Council’s desire that any cost over this amount be split equally between the City and the active employee on a monthly basis. This year’s rerate from the Texas Municipal League Benefits Pool increased the cost of active employees’ monthly health benefits cost from \$385.80 to \$443.68 per month. The Council chose to freeze the cost basis at \$385.80 per month and equally split the additional cost with the employee. The plan benefits would remain the same. Renewing the active employee’s monthly health benefit cost with the same plan provisions would cost the City approximately \$6,366.80 in Fiscal Year 2011-2012. By equally splitting the additional cost with the active employees, the City’s cost will be approximately \$3,183.40.

The proposed changes to the Rockport Code of Ordinances, Chapter 40: (1) Section 40-61. “General Policy Statements”, general housekeeping to record policy enacted several years ago that added department heads/directors to be exempt from the Grade and Step Wage/Salary Schedule; and (2) Section 40-65. Benefits is changed to read: (a) Group insurance, (1) Insurance provided: All full-time employees and all retired employees are provided with medical insurance for which an employee contribution may be required. Staff recommends approval. Mayor Wax called for any questions or comments. There being none, Mayor Wax called for a motion.

**MOTION:** Mayor Pro-Tem Fisher moved to approve Ordinance No. 1551, An Ordinance Amending Code of Ordinances Chapter 40 “Employees”, Article I, “Personnel Policy”, Division 4. “Compensation and Benefits,”; Section 40-61(b) and 40-61(c) “General Policy Statements” identifying employees exempt from Grade and Step Wage/Salary Schedule; and Section 40-65(a)(1) “Benefits” “Group Insurance” by providing for employee contributions to the health insurance plan

on first reading. Council Member Marlatt seconded the motion. Motion carried unanimously.

**D. Presentation and general discussion of possible solid waste collection and disposal rate increase due to the Consumer Price Index, renewal of contract and collection options.**

City Manager Blazek reported that the City of Rockport and Allied Waste Solid Waste Collection and Disposal Contract contains a provision to increase rates based on specific Consumer Price Indexes. Allied Waste has proposed waiving this increase in exchange for an early renewal of their contract. The current contract expires July 31, 2012. A city may award a contract for the collection, hauling and disposal of solid waste to a private corporation without soliciting bids because this activity is a “*procurement necessary to preserve or protect the public health or safety of the municipality’s residents.*” [Texas Local Government Code, § 252.022(a)(2)].

Allied Waste Services/Republic Services representatives discussed the present collection options and a proposed survey that will be inserted in the end of September utility bills. Municipal Marketing Manager Mike Reeves reported that in accordance with the Rate Adjustment Section of the Solid Waste Collection and Disposal Contract, if the CPI increase is allowed as required by contract, the residential monthly rate would increase from \$19.07 to \$20.54.

A proposal was also made to include a survey in the utility bills to ask citizens’ opinions regarding various collection and recycling options. It was not presented as an action item, so no further action was taken.

**E. Deliberate and take action on a Storm Water Drainage Easement between the Rockport County Club Members Association and the City of Rockport.**

City Manager Blazek presented the Storm Water Drainage Easement which includes seventeen separate field note descriptions created by the city attorney with documents created by the city engineer. It was sent to the Rockport Country Club Members Association for comment. Their comments were: (1) “Add 1 sentence to #9 on page 2, we are okay with it. The addition is ‘Any conflict between this Agreement and Exhibit 2, [and] the Operating Agreement, the Operating Agreement prevails.’; and (2) “I think it would be wise also to ask that they [the City] substitute ‘Grantee’ for the word ‘Holder’ everywhere that holder exists. It makes it consistent.”

Exhibit 2, the Storm Water Drainage Easement and Operating Agreement effective August 28, 2011, was also presented for Council review and information. Mayor Wax called for any questions or comments. There being none, Mayor Wax called for a motion.

**MOTION:** Council Member Marlatt moved to approve Storm Water Drainage Easement between the Rockport County Club Members Association and the City of Rockport. Council Member Lipke seconded the motion. Motion carried unanimously.

**F. Deliberate and take action on an Agreement with Aransas First for water use.**

City Manager Blazek reported that the president of Aransas First has approached the City for water for the property Aransas First leases from the City to provide for the Humming Birds in support of

the Hummer/Bird Festival which is scheduled for September 15 through September 18, 2011. The water used would be in lieu of compensation to Aransas First for labor provided to water the City's Demonstration Garden that is adjacent to the leased property. The proposed agreement drafted by City Manager Blazek was presented for Council review and information.

The City has a meter nearby that Aransas First uses to water the City's Demonstration Garden. The City pays for the water that flows through the City meter. The lease agreement with Aransas First requires they pay for any utilities they use. However, they have supplied the labor to water the City's Demonstration Garden without compensation. The intent is to compensate Aransas First for their labor by exchanging as compensation for their labor water for their use on the leased property which benefits the community. Staff recommends the City Council approve the Agreement with Aransas First for water use.

**MOTION:** Mayor Wax moved to approve Agreement with Aransas First for water use. Council Member Lippke seconded the motion. Motion carried unanimously.

**G. Deliberate and take action to cancel or reschedule City Council meetings for October, November and December 2011.**

City Manager Blazek proposed a meeting schedule for October, November and December. City Council workshops and meetings are typically rescheduled or cancelled in October, November and December due to conflict with the TML Annual Conference and holidays. Should time-sensitive business need to come before the City Council, special workshops and/or meetings may be called. Proposed meeting schedule is as follows: October – cancel October 11<sup>th</sup> meeting, meet as scheduled on October 25 Workshop and Regular Meeting; November – cancel November 22 Workshop and Regular Meeting, meet as scheduled on November 8 for regular meeting and schedule a workshop meeting on that same date; and December – cancel the December 27 Workshop and Regular Meeting, meet as scheduled on December 13 and schedule a workshop meeting on that same date. Mayor Wax called for any questions or comments. Council Member Marlatt suggested a meeting be held the end of November. There being no further questions or comments, Mayor Wax called for a motion.

**MOTION:** Mayor Pro-Tem Fisher moved to approve the schedule of City Council meetings for October, November and December 2011 as presented by Staff. Council Member Lippke seconded the motion. Motion carried unanimously.

**H. Deliberate and take action to approve the City of Rockport Employee Holiday Observance Schedule for 2012.**

City Manager Blazek advised that the following eleven (11) paid holidays have been observed: News Year's Day, Good Friday, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving, the day after Thanksgiving, Christmas Eve, Christmas Day and New Year's Eve pursuant to the City of Rockport Personnel Policy. The following holidays and dates were proposed for 2012.

Holiday	Day of Week	Date
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New Year's Day	Monday	January 2, 2012
Good Friday	Friday	April 6, 2012
Memorial Day	Monday	May 28, 2012
Independence Day	Wednesday	July 4, 2012
Labor Day	Monday	September 3, 2012
Veteran's Day	Monday	November 12, 2012
Thanksgiving Day	Thursday	November 22, 2012
Thanksgiving Holiday	Friday	November 23, 2012
Christmas Eve	Monday	December 24, 2012
Christmas Day	Tuesday	December 25, 2012
New Year's Eve	Monday	December 31, 2012

Mayor Wax called for any questions or comments. Council Member Marlatt stated that she thought the City only observed 10 holidays. City Manager Blazek responded stating that the City has had 11 holidays and with over-lapping pay periods 10 holidays may be observed in one year with 12 observed in the next. There being no further questions and/or comments, Mayor Wax called for a motion.

**MOTION:** Council Member Lippke moved to approve the City of Rockport Employee Holiday Observance Schedule for 2012. Mayor Pro-Tem Fisher seconded the motion. Motion carried unanimously.

I. **Deliberate and take action to accept nominations of City of Rockport representatives to the Fair Housing Activity Statement-Texas (FHA) Work Group for Community Development Block Grant Programs.**

Mayor Wax reported the Fair Housing Work Group will need to meet so that the FHA form can be reviewed and the draft finalized for submittal to the General Land Office by 9/23. The FHA is a 17-page form that assesses each community's fair housing situation. Many items are "N/A" for rural and smaller cities. GrantWorks will assist in completing and implementation of the FHA. Most of the actions are administrative – review of existing ordinances that deal with land use or housing, establishing processes to handle any fair housing complaints, etc. The grant application is due December 9 and could result in an additional \$1 million for drainage improvements in the South Rockport area. As part of the application approval for the City/County drainage project in South Rockport, the City agreed to complete the FHA form process. The first step in this process is to create a Work Group of five (5) members chosen by Mayor Wax. The State does not require Council action on the membership selection but most cities want this formal step of appointment at a Council meeting.

This Work Group will meet with GrantWorks Representatives Betty Collier and Eric Hartzell to complete the FHA form. GrantWorks will provide a draft FHA form and all the maps and data that are required for the meeting. One of the members of the Work Group is required to attend a half-day State training session in either Austin (8/26) or Houston (8/30). City Manager Blazek, with consensus of Mayor Wax, appointed Director of Building & Development Mike Henry to this Work Group, who did attend the required State training session as a representative for the City and County.

Work Group member criteria: The members should be two local officials (elected or staff) plus three members of the community who represent protected classes (racial/ethnic minorities, large families, disabled, etc); minority business leaders; housing or disability advocates; affordable housing developers; community-based improvement organizations. The appointments are as follows:

**FAIR HOUSING ACTIVITY STATEMENT—TEXAS  
WORK GROUP  
CITY OF ROCKPORT, TEXAS**

Name	Group	Title/Qualification*
Charles J. Wax	Local Government	Mayor – City of Rockport, Veteran – U.S. Air Force
Mike Henry	Local Government	Director of Building & Development, City of Rockport
Avelina Pina	Citizen	Former Elected Official – City of Rockport, Minority Business Leader, Member American G.I. Forum
Rudy Nava	Citizen	Former Elected Official – Aransas County Commissioner, Member American G.I. Forum, Minority Business Leader
Joe Robert Garza	Citizen	Retired – U.S. Marine Corp, Disabled Veteran, Member VFW

Mayor Wax called for any questions or comments. There being none, Mayor Wax called for a motion.

**MOTION:** Mayor Pro-Tem Fisher moved to accept nominations for the Fair Housing Activity Statement – Texas Work Group of Charles J. Wax, Mike Henry, Avelina Pina, Rudy Nava, and Joe Robert Garza as recommended by Mayor Wax. Council Member Marlatt seconded the motion. Motion carried unanimously.

- J. **Deliberate and take action on first reading of Ordinance No. 1550, An Ordinance Amending the City of Rockport Code of Ordinances Chapter 98 “Traffic and Vehicles”, Article II. “Traffic Control” Amending Appendix T-41(C) “Yield Signs” by Including the Yield Sign in the Newly Annexed Area to Said Appendix; Repealing All Prior Ordinances in Conflict Herewith; Providing for Severability; and Providing for an Effective Date.**

City Secretary Parker presented Ordinance No. 1550 on first reading. In order for any City Sign to be installed the City Council must approve and add to the Code of Ordinances for the sign to be enforceable. The City Council annexed several areas (Annexation Areas “B”, “N”, and “X”) located south of the Corporate City Limits. Public Works Department employees have evaluated all roads, drainage, and signage. Located in the new area was one (1) yield sign that must be added to Appendix T-41(C) “Yield Signs” of the Code of Ordinances. Staff recommends approval. Mayor Wax called for any questions or comments. There being none, Mayor Wax called for a motion.

**MOTION:** Mayor Pro-Tem Fisher moved to approve first reading of Ordinance No. 1550, An Ordinance Amending Chapter 98 “Traffic and Vehicles”, Article II. “Traffic Control” Amending Appendix T-41(C) “Yield Signs” by Including the Yield Sign in the Newly Annexed Area to Said Appendix. Council Member Marlatt seconded the motion. Motion carried unanimously.

- K. **Deliberate and take action on first reading of Ordinance No. 1549, An Ordinance Amending the City of Rockport, Texas, Code of Ordinances, Chapter 34 “Elections”, Article II. “Districts (Wards)”, Section 34-26 “Electoral Wards”, Approving the Redistricting of the City’s Single-Member Council Wards and Establishing New Ward Boundary Lines Based on 2010 Census Data for Rockport City Council Elections; Directing the City’s Redistricting Consultant to Submit the Adopted Plan for Preclearance Under Section 5 of the Federal Voting Rights Act; Repealing all Prior Ordinances in Conflict Herewith; Providing for Severability; and Providing for an Effective Date.**

**Deliberar Y Emprender Acciones Sobre La Primera Lectura De La Ordenanza N.º 1549, Una Ordenanza Que Enmienda El Código De Ordenanzas De La Ciudad De Rockport, Texas, Capítulo 34 “Elecciones”, Artículo Ii “Distrito”, Sección 34-26 “Distritos Electorales”, Aprobando La Nueva Delimitación De Los Distritos Municipales De Un Solo Miembro, Y Estableciendo Nuevas Líneas Divisorias Basadas En La Información Del Censo De 2010 Para Las Elecciones Del Concejo Municipal De La Ciudad De Rockport; Ordenando Que El Asesor Encargado De La Nueva Delimitación De Distritos Presente El Plan Adoptado Para La Preautorización Bajo La Sección 5 De La Ley De Derecho Al Voto; Revocando Todas Las Ordenanzas Previas Que Discrepen Con Esta Ordenanza; Estipulando Divisibilidad; Y Estipulando Una Fecha De Entrada En Vigor.**

City Secretary Parker presented Ordinance No. 1549 on first reading. The results of the 2010 federal Census have been reviewed and indicate that the City of Rockport’s single-member council wards are sufficiently out of population balance to require redistricting in order to comply with the “one-person, one-vote” (equal population) principle established by the U.S. Constitution.

The City of Rockport engaged the law firm of Bickerstaff Heath Delgado Acosta LLP to act as the City’s redistricting consultant, including advising and assisting the City Council in preparation of a new redistricting plan in compliance with applicable requirements of state and federal law. On August 16, 2011, the City Council adopted redistricting criteria to assist the City and the public in developing redistricting plans that comply with applicable federal and state laws, and the adopted redistricting criteria were applied in development of the City’s new redistricting plan. In addition, on August 16, 2011, the City Council adopted redistricting guidelines regarding submission of comments and proposed plans by the public, to ensure the ability of the City to receive and adequately consider them. During the redistricting process the City provided notice to the public of its proposed discussions and development of a redistricting plan through meeting agendas posted in compliance with the Texas Open Meetings Act, notices on the City’s website, and publication of newspaper notices regarding a public hearing.

The City Council has considered the proposed redistricting plan at City Council meetings on August 16, 2011, August 30, 2011, and September 6, 2011. A Public Hearing was scheduled earlier this evening. First reading will be considered on September 13<sup>th</sup> with second reading scheduled for Tuesday, September 27, 2011. Public Hearing Notices were printed in the Official Newspaper of the City, *The Rockport Pilot*, on Saturday, September 10, 2011 in English and in Spanish. Public Hearing Notices along with Redistricting Map and the Summary of 2010 Census Totals and Voting Age Population have been mailed to 100+ civic organizations in Rockport and Aransas County. Ordinance No. 1549 was transmitted to Mariángela Litwin, ATA-Certified Translator, to translate from English to Spanish. Copies of all documents described herein will be available at City Hall the week of September 12 thru 16. Funds for the redistricting process are received from the City Secretary Budget. Mayor Wax called for any questions or comments.

**MOTION:** Mayor Wax moved to approve first reading of Ordinance No. 1549, An Ordinance Amending Chapter 34 “Elections”, Article II. “Districts (Wards)”, Section 34-26 “Electoral Wards”, Approving the Redistricting of the City’s Single-Member Council Wards and Establishing New Ward Boundary Lines Based on 2010 Census Data for Rockport City Council Elections; Directing the City’s Redistricting Consultant to Submit the Adopted Plan for Preclearance Under Section 5 of the Federal Voting Rights Act. Council Member Marlatt seconded the motion. Motion carried unanimously.

- L. **Deliberate and take action on first reading of Ordinance No. 1547, An Ordinance Deleting the City of Rockport Code of Ordinances Chapter 98 “Traffic and Vehicles”, Article II. “Traffic Control”, Section 98-31 “Guidelines All-Way Stop Signs, Installation Criteria, Removal Criteria” in its Entirety; Repealing all Prior Ordinances in Conflict Herewith; Providing for Severability; and Providing for an Effective Date.**

City Secretary Parker reminded the City Council that at the May Workshop a request was made to install a 4-Way Stop Sign at the intersection of Olympic and Colonial Drive in the Rockport County Club subdivision. Council has adopted guidelines for installation of all-way stop signs that include installation criteria. A traffic study was conducted and results presented.

Then at the August 23 City Council meeting Ordinance No. 1546 was presented for action. This ordinance amended the guidelines for installation of all-way Stop Signs. In previous action the City Council directed staff to amend the ordinance to include deadline: (1) for return of Petition of 60 days; (2) the 2/3 rule should apply to those responding, not of total participants; (3) the city secretary to compile the information and present to the City Council at the next available meeting after those targets have been met; and (4) the 85<sup>th</sup> percentile will not be a requirement or a major consideration, council has option to approve or disapprove installation of sign. At this same meeting City Attorney Walston presented his recommendation to the City Council to delete this section of the Code. The City Council voted unanimously to deny approval of Ordinance No. 1546 and directed Staff to delete Section 98-31 in its entirety. Ordinance No. 1547 is presented with that change on first reading – deletion of Section 98-31. Staff recommends approval. Mayor Wax called for any questions or comments. There being none, Mayor Wax called for a motion.

**MOTION:** Mayor Pro-Tem Fisher moved to approve first reading of Ordinance No. 1547, An Ordinance Deleting Chapter 98 “Traffic and Vehicles”, Article II. “Traffic Control”, Section 98-31

“Guidelines All-Way Stop Signs, Installation Criteria, Removal Criteria” in its Entirety. Council Member Lippke seconded the motion. Motion carried unanimously.

**M. Deliberate and take action on first reading of Ordinance No. 1548, An Ordinance Amending Provisions of the City of Rockport Code of Ordinances Chapter 18 “Animals”, Article II. “Animal Control”, by Deleting Definition of “Animal Fancier”; Deleting and/or Repealing all Requirements Relating to Licensing of Dogs and Cats, the Wearing of a Collar and Tag and/or the Removal of Collar and Tag; Amending the Impound Fees to be Charged; Repealing all Prior Ordinances in Conflict Herewith; Providing for Severability; and Providing for an Effective Date.**

City Secretary Parker presented Ordinance No. 1548 on first reading. During budget workshop, Council Member Lippke inquired about city license fees for all dogs and cats in the City of Rockport and asked that this ordinance be reviewed. In addition, during meetings with Aransas County for approval of the Animal Control Interlocal Agreement a request was made for all entities to charge the same impoundment fees - a flat \$35.00. Staff received direction from Council at the August 23 Workshop Meeting to delete the licensing of dogs and cats. The attached ordinance makes those changes as requested by the City Council. The City of Rockport’s Code of Ordinances, Chapter 18 was last updated in 2000. An Animal Control Ordinance Committee was established to develop a policy for the City. Members of the Committee were citizens of the City, members of the Humane Society, Animal Control employees, and Police Department. The City contracts with the Aransas County Sheriff for Animal Control Services. There will be a minimal loss of revenue to the Aransas County Animal Control due to the reduction of impoundment fee from \$50 to \$35 and less than \$500 loss of revenue to the City due to the City no longer selling licenses for dogs and cats.

City Attorney Walston stated that upon further review of this Ordinance, he is recommending additional changes and requested the Council Table this item at this time. City Attorney Walston will re-draft this Ordinance and present at a future meeting.

**MOTION:** Mayor Wax moved to Lay on the Table Ordinance No. 1548, An Ordinance Amending Provisions of the Code of Ordinances Chapter 18 “Animals”, Article II. “Animal Control” as requested by City Attorney Walston. Mayor Pro-Tem Fisher seconded the motion. Motion carried unanimously.

**N. Deliberate and take action on Assessment/Collection Agreement between the City of Rockport and Aransas County for Aransas County Tax Assessor/Collector to serve as Tax Assessor/Collector for collection of ad valorem tax purposes from September 1, 2011 through August 31, 2012 for a fee of \$10,014.47 to be paid in four quarterly payments.**

City Secretary Parker advised that the Texas Property Tax Code authorizes a County’s Tax Assessor-Collector to act as the Tax Assessor-Collector for Cities. In an effort to save tax dollars, the City contracts with the Aransas County Tax Assessor/Collector to perform all tax collection duties that include:

1. preparation and mailing of all tax statements
2. providing monthly collection reports as well as daily & weekly reports upon request



**MOTION:** Council Member Marlatt moved to approve recommendation by Swimming Pool Operations Advisory Committee to reinstate a reduced Student, age 17 years and younger, admission fee of \$2.00 for Community Aquatic Center. Mayor Pro-Tem Fisher seconded the motion. Motion carried unanimously.

- P. **Deliberate and take action on proposal from the Swimming Pool Operations Advisory Committee to establish a Pool Use-Fee for Non-Profit Associations valid September through April of \$25.00/per scheduled hour with a minimum group size of fifteen (15) swimmers.**

Parks & Leisure Services Director Staley informed Council that at its September 7, 2011 meeting, the Swimming Pool Operations Advisory Committee recommended establishing a Pool Use-Fee for Non-Profit Associations valid for the months of September, 2011 through April, 2012. The recommended fee will cover pool employee expenses and provide some additional revenue, while being affordable to school groups and other non-profits. The recommended non-profit fee is: *"Individual Admission Fee, plus \$25 per scheduled hour, with a minimum group size of 15 swimmers."* Staff recommends approval. Mayor Wax called for any questions or comments. There being none, Mayor Wax called for a motion.

**MOTION:** Mayor Pro-Tem Fisher moved to approve proposal from the Swimming Pool Operations Advisory Committee to establish a Pool Use-Fee for Non-Profit Associations valid September, 2011 through April of \$25.00/per scheduled hour with a minimum group size of fifteen (15) swimmers. Council Member Marlatt seconded the motion. Motion carried unanimously.

- Q. **Deliberate and take action on Facility License Agreement with Tri-City Youth Soccer League for exclusive use of Memorial Park Soccer Fields for League Play beginning September 17, 2011 and ending November 19, 2011 as follows:**
1. **each Saturday from 8:00 am to 5:00 pm;**
  2. **Main Soccer Field each Sunday from 12:00 pm to 5:00 pm; and**
  3. **payment of exclusive use fee of \$1,450.00.**

Parks & Leisure Services Director Staley presented the Tri-City Youth Soccer League Facility License Agreement. The League is requesting the exclusive use of all Memorial Park Soccer Fields for League Play on Saturdays and the Main Soccer Field on Sundays beginning September 17, 2011 and ending November 19, 2011. The Agreement authorizes exclusive use for scheduled games only from 8:00 am until 5:00 pm on Saturdays, and from 12:00 pm until 5:00 pm on Sundays. One field will not be used during October 8-9, 2011 weekend. This request does not conflict with any other field use. An Exclusive Use fee of \$1,450.00 for the fields applies. League Representative addressed the City Council to request the City waive the Exclusive Use Fee. Mayor Wax called for any questions or comments.

Council Member Marlatt commented the City provides fields for all organizations free of charge; however, it costs the City to maintain those fields. Previously, Council had requested the Little League assist in refurbishing the bleachers by constructing a stand-alone storage building and make improvements to the concession area. Council Member Marlatt opined although the League had not

planned to pay a fee this year, maybe a graduated fee scheduled should be established for these non-profit groups to assist the City with associated costs. Mr. Staley reported the League does assist and work with the City to clean and maintain the grounds. There being no other comments, Mayor Wax called for a motion.

**MOTION:** Council Member Marlatt moved to approve Facility License Agreement with Tri-City Youth Soccer League for exclusive use of Memorial Park Soccer Fields for League Play beginning September 17, 2011 and ending November 19, 2011 each Saturday from 8:00 am to 5:00 pm, use of the Main Soccer Field each Sunday from 12:00 pm to 5:00 pm; and waive payment of exclusive use fee of \$1,450.00. Mayor Pro-Tem Fisher seconded the motion. Motion carried unanimously.

**R. Deliberate and take action on Tule Hike and Bike Trail bid award as follows:**

1. **award bid to Golf Works, Inc., Austin, Texas to construct the Tule Hike & Bike Trail at a bid price of \$597,815.98; and**
2. **authorize Staff to prepare letter for signature of Mayor Wax to the Texas Department of Transportation (TxDOT) recommending acceptance of bid from Golf Works, Inc.; and**
3. **approve additional funding in the amount of \$20,727.98 from the General Fund to cover the additional City required match.**

Parks & Leisure Services Director Staley reported a bid opening was conducted August 31, 2011 for Tule Hike & Bike Trail. The project engineer and TxDOT were both represented. Three bids were received ranging from \$597,815.98 to \$1,152,141.62. The low bid of \$597,815.98 received from Golf Works, Inc. of Austin, Texas is within the amount of \$646,343.00 authorized by (TxDOT) on August 11, 2011 for construction. The October 2006 TxDOT Project Budget Estimate to construct the Tule Hike & Bike Trail Project was \$494,183, consisting of a local (20%) match of \$98, 837. On August 11, 2011, TxDOT increased the authorized construction estimate by \$152,160.00 from \$494,183 to \$646,343.00. As a result, potential local match was increased by \$30,432.00. The low bid price of \$597,815.98 results in a lower construction budget increase of \$103,632.98, resulting in a local match increase of \$20,727.98. Staff recommends approval. Mayor Wax called for any questions or comments.

**MOTION:** Mayor Wax moved to award Tule Hike and Bike Trail Project to Golf Works, Inc., Austin, Texas at a bid price of \$597,815.98; authorize Staff to prepare letter for signature of Mayor Wax to the Texas Department of Transportation (TxDOT) recommending acceptance of bid from Golf Works, Inc.; and approve additional funding in the amount of \$20,727.98 from the General Fund to cover the additional City required match. Council Member Marlatt seconded the motion. Motion carried unanimously.

**IX. REPORTS FROM COUNCIL & STAFF -** *“At this time, the City Council will report/update on all committee assignments which may include the following: County Storm Water Committee; Community Park Committee, Park & Leisure Advisory Board, Chamber of Commerce, Coastal Bend Council of Governments, Coastal Bend Bays & Estuaries, Texas Maritime Museum, Fulton Mansion, Rockport Center for the Arts, Rockport Tropical Christmas, and Texas Municipal League. Staff reports include the following: Building & Development – Bi-Weekly Code Enforcement, Proposed*

*Development Report: Accounting & Finance – Update on Liens Collection, Financial & Investment Information, Monthly Financial Reports; Police Department – Grant Update, Quarterly Police Reports; Public Works- Building Maintenance, Construction Updates; Park & Leisure Services - grant(s) update, miscellaneous park projects; Administration - Interlocal Agreements, Public Information, Hotel Occupancy Report. No formal action can be taken on these items at this time."*

X. **CLOSED SESSION**- The City Council will now hold a Closed Session pursuant to the provisions of Chapter 551 Texas Government Code, in accordance with the authority contained in:

❖ **SECTION 551.071(2) CONSULTATIONS WITH ATTORNEY - A governmental body may consult with its attorney to seek his or her advice on legal matters: 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 – consultation with redistricting legal counsel regarding redistricting standards and development of new City Council member districts redistricting plan(s).**

❖ **SECTION 551.074(a) (1) PERSONNEL MATTERS - A governmental body may deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee: employment of a City Manager.**

XI. **OPEN SESSION** – The City Council will now reconvene into Open Session pursuant to the provisions of Chapter 551 Texas Government Code.

Mayor Wax announced that there was no new information to discuss in Closed Executive Session.

XII. ADJOURNMENT

Upon a motion duly made and seconded, the meeting was adjourned at 8:39 p.m.



CITY OF ROCKPORT, TEXAS

A handwritten signature in black ink, appearing to read 'Charles J. Wax', is written over a horizontal line.

Charles J. Wax, Mayor

ATTEST:

A handwritten signature in blue ink, appearing to read 'Irma G. Parker', is written over a horizontal line.

Irma G. Parker, City Secretary