

CITY OF ROCKPORT

MINUTES

CITY COUNCIL REGULAR MEETING

6:30 p.m., Tuesday, January 23, 2018

Rockport Service Center, 2751 State Highway 35 Bypass

On the 23rd day of January 2018, the City Council of the City of Rockport, Aransas County, Texas, convened in Regular Session at 6:30 p.m., at the Training Room of the Rockport Service Center, 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 Barbara Gurtner, Ward 4

CITY COUNCIL MEMBER(S) ABSENT

Council Member J. D. Villa, Ward 2

PLANNING & ZONING COMMISSION MEMBERS PRESENT

Edward Bellion
Shawn Johnston
Graham Wilson
Ruth Davis
W. Kent Howard
Diana Severino-Saxon

STAFF MEMBERS PRESENT

Assistant City Secretary Ruby Beaven
City Attorney Terry Baiamonte
Police Commander Larry Sinclair
Public Works Director Mike Donoho
Parks & Leisure Services Director Rick Martinez
Interim Finance Director Sandy Clarkson

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, January 23, 2018, in the Training Room of the Rockport Service Center, 2751 State Highway 35 Bypass, Rockport, Texas.

2. Pledge of Allegiance.

Council Member Gurtner 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. It is the prerogative of the Chair to limit or otherwise restrict commenters if comments are discourteous, inappropriate, repetitive, or uncivil.

Amelia Lopez Saltarelli, Amelia Lopez Consulting, addressed the Council. Ms. Lopez Saltarelli updated the Council on housing development interest. Ms. Lopez Saltarelli addressed utility infrastructure and the financial impact it has on developers depending on if the infrastructure is in place or not. Market research for Rockport shows a two bedroom, two bath or three bedroom, two bath house with 900 to 1150 square feet is in the price range of \$175,000 to \$220,000.

Ms. Lopez Saltarelli commended the City for all the hard work and effort for Harvey cleanup.

Ms. Lopez Saltarelli stated she had a question to be considered for the future. She mentioned that the Senate voted on \$61 billion for projects statewide as contractual priority. How much of these funds were requested for the Rockport-Fulton area and for what type of projects?

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 January 9, 2018.**
- 5. Deliberate and act on request from Habitat for Humanity of Aransas County for temporary closure of the 300 Block of East Concho Street from 9:00 a.m. to 11:00 a.m. on February 3, 2018.**
- 6. Deliberate and act on report from Rockport-Fulton Chamber of Commerce for marketing expenditures made for 2017 Seafair.**
- 7. Deliberate and act on report from Rockport-Fulton Chamber of Commerce for marketing expenditures made for 2017 HummerBird Celebration.**
- 8. Deliberate and act on report from Rockport Center for the Arts for marketing expenditures made for Rockport Film Festival 2017.**
- 9. Deliberate and act on 1st quarter report from the Rockport-Fulton Chamber of Commerce Fiscal Year 2017-2018 marketing expenditures.**

10. **Deliberate and act on a Resolution of the City Council of the City of Rockport ordering a General Election and establishing procedures for said election to be held on Saturday, May 5, 2018; the General Election shall be for the purpose of electing a Mayor at-large, a Council Member to represent Ward #2 and a Council Member to represent Ward #4; providing other matters relating to the General Election; and finding and determining that the meeting at which this Resolution is passed is open to the public as required by law.**

Deliberar y tomar medidas sobre la Resolución, una resolución del Ayuntamiento de la Ciudad de Rockport en la que se ordena la realización de unas Elecciones Generales y se establecen procedimientos para dichas Elecciones, que se llevarán a cabo el sábado 5 de mayo de 2018; las Elecciones General se relizarán con el propósito de elegir un Alcalde, un Concejal que represnete el Distrito #2; y un Concejal que represente el Distrito #4; se estipulan otros asimtps relacionados con las Elecciones Generales, y se decide y determina que la reunión en la cual se aprueba esta Resolución estará abierta al publico, como lo requiere la ley.

11. **Deliberate and act on May 5, 2018 Joint Election Contract for Election Services between the City of Rockport and Aransas County Independent School District in compliance with HB1.**

Deliberar y tomar medidas sobre el Contrato de Elecciones Conjuntas del 5 de mayo de 2018 para Servicio Electorales entre la Ciudad de Rockport y el Distrito Escolar Independiente del Condado de Aransas, en conformidad con HB 1.

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

MOTION: Mayor Pro-Tem Rios moved to approve the Consent Agenda, as presented. Council Member Gurtner seconded the motion. Motion carried unanimously.

Public Hearing

12. **Call to Order – Rockport Planning & Zoning Commission.**

With a quorum of the members present, the meeting of the Rockport Planning & Zoning Commission was called to order at 6:37 p.m. on Tuesday, January 23, 2018, in the Training Room of the Rockport Service Center, 2751 State Highway 35 Bypass, Rockport, Texas.

13. **Conduct and deliberate a Joint Public Hearing with the Planning & Zoning Commission to consider a request to rezone property located at 410 W. Market Street; also known as all of Block 71; the east part of Block 72; Lots 1, 2, 15, & 16 out of Block 86 & part of closings of Cornwall & Terry Streets, Smith and Wood Division, Rockport, Aransas County, Texas, to B-1 (General Business District) to develop metal buildings for rent; currently zoned R-1 (1st Single Family Dwelling District).**

Mayor Wax opened the Joint Public Hearing at 6:37 p.m.

There were no public comments.

Mayor Wax closed the Joint Public Hearing at 6:38 p.m.

14. Adjourn – Rockport Planning & Zoning Commission.

At 6:38 p.m., the Rockport Planning & Zoning Commission adjourned.

Regular Agenda

- 15. Deliberate and act on first reading of an Ordinance of the City of Rockport, Texas, granting a variance until April 30, 2019, from flood elevation requirements for manufactured homes in floodplains for the limited purpose to allow the Federal Emergency Management Agency to provide temporary direct housing assistance in the form of manufactured homes and readily fabricated dwellings, primarily mobile homes and park model mobile homes, in response to widespread damage caused by Hurricane Harvey; and with regard to temporary trailer/recreational vehicle placement, temporarily suspending Section 118-7 and Section 118-24.2.13 of the City of Rockport Zoning Ordinance, and authorizing the director of Building & development Services, or his designee, to issue temporary permits and enforce temporary rules and conditional regulations until April 30, 2019; requiring making various findings and provisions related to the subject.**

Public Works Director Mike Donoho addressed the Council. Mr. Donoho explained that this was originally an emergency order that was put into place and it is being submitted with an end date of April 30, 2019. After this date, all temporary manufactured homes in floodplains will be out of compliance with City regulations.

MOTION: Council Member Day moved to approve the first reading of the Ordinance granting a variance until April 30, 2019, from flood elevation requirements for manufactured homes in floodplains for the limited purpose to allow the Federal Emergency Management Agency to provide temporary direct housing assistance in the form of manufactured homes and readily fabricated dwellings, primarily mobile homes and park model mobile homes, in response to widespread damage caused by Hurricane Harvey; and with regard to temporary trailer/recreational vehicle placement, temporarily suspending Section 118-7 and Section 118-24.2.13 of the City of Rockport Zoning Ordinance, and authorizing the director of Building & development Services, or his designee, to issue temporary permits and enforce temporary rules and conditional regulations until April 30, 2019; requiring making various findings and provisions related to the subject. Council Member Gurtner seconded the motion. Motion carried unanimously.

- 16. Deliberate and act on second reading of an Ordinance amending the City of Rockport Code of Ordinances Chapter 102 “Utilities,” Article II. “Water Service,” Division 3, “Service Charges,” Section 102-57 “Wholesale Water Rates,” by amending water rates for wholesale customers; providing for the validity of said Ordinance; repealing all prior ordinances in conflict herewith; and providing for an effective date.**

Council Member Gurtner moved to approve the second reading of an Ordinance amending the City of Rockport Code of Ordinances Chapter 102 "Utilities," Article II. "Water Service," Division 3, "Service Charges," Section 102-57 "Wholesale Water Rates," by amending water rates for wholesale customers; providing for the validity of said Ordinance; repealing all prior ordinances in conflict herewith; and providing for an effective date. Council Member Rios seconded the motion. Motion carried unanimously.

17. Deliberate and act on an Ordinance rescinding Ordinances No. 1369 & No. 1412 concerning a water and wastewater reimbursement agreement with RR Development Texas I, LLC, for Port Bay Club Subdivision.

Public Works Director Mike Donoho addressed the Council. Mr. Donoho explained this agreement never came to fruition and the City Attorney advised rescinding the Ordinances.

MOTION: Mayor Pro-Tem Rios moved to approve the first reading of an Ordinance rescinding Ordinances No. 1369 & No. 1412 concerning a water and wastewater reimbursement agreement with RR Development Texas I, LLC, for Port Bay Club Subdivision. Council Member Gurtner seconded the motion. Motion carried unanimously.

Mayor Wax inquired with City Attorney Terry Baiamonte if two readings were required. If so, make sure to place on the next consent agenda.

18. Deliberate on department long-term recovery reports.

Interim Finance Director Sandy Clarkson provided the following long-term recovery report for the Finance and Utility Department:

- 1) Keeping up with records.
- 2) Keeping an eye on cash flow. As noticed, positions are not filling as quick. Will adjust as needed.
- 3) Normal revenue flow is coming in. Sales tax is up for the quarter.
- 4) Hotel Occupancy Tax is down for the quarter.

Police Commander Larry Sinclair provided the following long-term recovery report:

- 1) The Police Department is almost back to full operations.
- 2) Some of the police vehicles are still needing post storm repairs.

Parks & Leisure Services Director Rick Martinez provided the following long-term recovery report:

- 1) Concentration still on Memorial Park clean-up. Light bank poles are almost operational. Field fencing will be going up next week.

Mayor Wax stated that Compass Rose Park looks good. Also, the Zachary Taylor Park still needs work.

Mr. Martinez mentioned that the big limb at Compass Rose Park is still on sight because of the way it fell. At this time, it looks like a great photo opportunity and not sure when it will be removed.

Council Member Day inquired about the fencing and if it will be temporary or permanent.

Mr. Martinez explained that the fencing is going to be installed in two phases and some will be temporary and some will not. The exterior fencing will be permanent but the ball field back stop will be temporary.

Mayor Pro-Tem Rios inquired about the pool heater.

- 2) Mr. Martinez explained he is waiting on a quote from a company in Corpus Christi to rebuild with the same warranty as new. There are other companies working on proposals.

Mr. Donoho provided the following long-term recovery report for the Public Works and Building Departments:

- 1) Busy participating in meetings for long term recovery to include economic development meetings and meetings with builders.
- 2) Construction is now coming to fruition and the Building Department is getting a lot of inspection requests.
- 3) Lots of complaints with contractors. The contractors in question have been notified and advised if complaints continue their permits will not be re-issued.
- 4) Continue to work with Ameresco and anticipate the new meters around late spring or early summer.
- 5) The workforce is being reshuffled – lots of movement with positions.
- 6) Keeping an eye on the community and rebuilding wisely and safely.

City Attorney Terry Baiamonte did not have anything to report.

Vicki Pitluk Public Relations stated she was sharing current information on social media. In addition, correcting incorrect information on social media.

Assistant City Secretary Ruby Beaven provided the following long-term recovery report:

- 1) City Secretary attending Election Law Seminar this week. We are preparing for election in May. One person has filed for the position of Mayor – Patrick Rios. Incumbent

Council Member J.D. Villa has filed for re-election to Ward 2.

- 2) Assistant City Secretary continuing to work with insurance on hurricane claims.
- 3) Processing open records requests that have increased due to hurricane: requests for permits, code enforcement, fire claims, etc.
- 4) Looks like it will be the first week in February when City Hall departments begin removal of all salvageable materials at City Hall.

19. 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; Parks & Leisure Services Advisory Board; Planning & Zoning Commission; Rockport Heritage Board; Rockport-Fulton Chamber of Commerce; Aransas County Storm Water Management Advisory Committee; Swimming Pool Operations Advisory Committee; Tourism Development Council; Tree & Landscape Committee; YMCA Development Committee; Texas Maritime Museum; Fulton Mansion; Rockport Center for the Arts; Aransas County; Aransas County Independent School District; Aransas County Navigation District; Town of Fulton; and Texas Municipal League. No formal action can be taken on these items at this time.

Mayor Wax stated January 17, 2018, was the first day for filing an application for place on ballot. This is the 30th day before deadline. The deadline is February 16, 2018.

Mayor Wax stated that he would be attending the TML IRP board meeting on Thursday.

Mayor Wax stated that City Manager Kevin Carruth is doing well and expected back in the office on Monday.

Council Member Day did not have anything to report.

Mayor Pro-Tem Rios stated he has been working with Kent Gerstner with “Rebuilding Together SA” on long term recovery to help local businesses and homeowners rebuild.

Council Member Gurtner did not have anything to report.

Executive Session

City Council will hold an executive session pursuant to the provisions of Chapter 551 of the Texas Government Code, in accordance with the authority contained in:

- 20. Section 551.071(1)(A) and Section 551.071(2) Consultation with Attorney: Pending or contemplated litigation: (A) Bay Education Center and (B) SB 1004.**

Section 551.071(2) Consultation with Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter.

21. **Section 551.072 Deliberations about Real Property: Purchase, exchange, lease, or value of real property.**
22. **Section 551.074 Personnel Matters: (A) City Manager evaluation and (B) City Secretary evaluation.**

At 7:01 p.m., Mayor Wax convened the Rockport City Council into an executive session pursuant to provisions of Chapter 551 of the Texas Government Code, in accordance with the authority contained in Section 551.071(1)(A) and Section 551.071(2) Consultation with Attorney: Pending or contemplated litigation: (A) Bay Education Center and (B) SB 1004; Section 551.071(2) Consultation with Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter; Section 551.072 Deliberations about Real Property: Purchase, exchange, lease, or value of real property; and Section 551.074 (Personnel Matters: (A) City Manager evaluation and (B) City Secretary evaluation.

Open Session

City Council will reconvene into open session pursuant to the provisions of Chapter 551 of the Texas Government Code to take any actions necessary related to the executive sessions noted herein, or regular agenda items, noted above, and/or related items.

At 7:25 p.m., Mayor Wax reconvened the Rockport City Council into open session pursuant to the provisions of Chapter 551 of the Texas Government Code to take any necessary actions related to the executive sessions noted herein, or regular agenda items, noted above, and/or related items.

No action was taken.

23. Adjournment

At 7:25 p.m., Council Member Day moved to adjourn. Motion was seconded by Mayor Pro-Tem Rios. Motion carried unanimously.



ATTEST:


Teresa Valdez, City Secretary

APPROVED:


Charles J. Wax, Mayor