

CITY OF ROCKPORT

MINUTES

CITY COUNCIL REGULAR MEETING 6:30 p.m., Tuesday, February 13, 2018 Rockport Service Center, 2751 State Highway 35 Bypass

On the 13th day of February 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 J. D. Villa, Ward 2
Council Member Barbara Gurtner, Ward 4

CITY COUNCIL MEMBER(S) ABSENT

PLANNING & ZONING COMMISSION MEMBERS PRESENT

G. Maynard Green
Ruth Davis
Diana Severino-Saxon
W. Kent Howard

STAFF MEMBERS PRESENT

City Manager Kevin Carruth
City Secretary Teresa Valdez
City Attorney Terry Baiamonte
Police Chief Tim Jayroe
Parks & Leisure Services Director Rick Martinez
Interim Finance Director Sandy Clarkson
Community Planner Amanda Torres

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, February 13, 2018, in the Training Room of the Rockport Service Center, 2751 State Highway 35 Bypass, Rockport, Texas.

2. Pledge of Allegiance.

Council Member Day led the Pledge of Allegiance to the U.S. flag.

3. Presentation: Piecemakers By the Bay Quilt Guild – Hero Quilt

Velia Moya, President of the Piecemakers By the Bay Quilt Guild presented Mayor Wax a Hero Quilt in recognition of his service and dedication to the community, especially during Hurricane Harvey.

4. 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.

There were no citizen comments.

Consent Agenda

All consent agenda items listed are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member so requests, in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

- 5. Deliberate and act on approval of City Council Regular Meeting Minutes of January 23, 2018.**
- 6. Deliberate and act on 1st quarter report from the Texas Maritime Museum for Fiscal Year 2017-2018 marketing expenditures.**
- 7. Deliberate and act on request from Texas Maritime Museum for: 1) Closure of Chamber Street, from Loop 70 to Navigation Circle on Thursday, May 24, 2018, from 2:00 p.m. to 12:00 a.m., and on Saturday, May 26, 2018, and Sunday, May 27, 2018, from 8:00 a.m. to 12:00 a.m.; 2) Use of Festival Site for parking; and 3) Permission for beer and wine consumption on the grounds of the Texas Maritime Museum, for the 22nd Annual Festival of Wines and Food.**
- 8. Deliberate and act on 1st quarter report from the Friends of the Fulton Mansion State Historical Site for Fiscal Year 2017-2018 marketing expenditures.**
- 9. Deliberate and act on report from Rockport Center for the Arts for Fiscal Year 2017-2018 marketing expenditures.**
- 10. Deliberate and act on request from Parks & Leisure Services Department for closure of part of street for Whooping Crane Strut.**

11. **Deliberate and act on second and final 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.**
12. **Deliberate and act on ratification of Memorandum of Understanding with Mennonite Disaster Services for use of City facilities at 1703 Teal Street and 1618 W. Corpus Christi Street and for provision of Hurricane Harvey related housing repair and construction services.**
13. **Deliberate and act on Memorandum of Understanding with Rebuilding Together San Antonio for use of City facilities at 306 W. Maple Street and for provision of Hurricane Harvey related housing repair services.**

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

Mayor Wax removed Items 10 and 11 from the Consent Agenda for separate discussion.

MOTION: Council Member Day moved to approve the Consent Agenda, minus Items 10 and 11, as presented. Council Member Villa seconded the motion. Motion carried unanimously.

Parks and Leisure Services Director Rick Martinez addressed the Council. Mr. Martinez informed the Council the Whooping Crane Strut will be held at the beach this year. Mr. Martinez said the route will begin at the Little Bay pavilion on the beach and end at the beach.

MOTION: Mayor Wax moved to approve Consent Agenda Item 10. Council Member Villa seconded the motion. Motion carried unanimously.

Mayor Wax read the caption of the Ordinance for Consent Agenda Item 11. Mayor Wax stated there had been no change in format or content since the first reading and approval on January 23, 2018.

MOTION: Council Member Grutner moved to approve Consesnt Agenda Item 11. Council Member Villa seconded the motion. Motion carried unanimously.

Public Hearing

14. 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 6:41 p.m. on Tuesday, February 13, 2018, in the Training Room of the Rockport Service Center, 2751 State Highway 35 Bypass, Rockport, Texas.

Mayor Wax opened the Joint Public Hearings at 6:42 p.m.

15. Conduct and deliberate a Joint Public Hearing with the Planning & Zoning Commission to consider a request to rezone property located at 11125, 1133, and 1141 Sixteenth Street; also known as Lots 70-B, 70-F and 70-G, Block 256, Swickheimer

Subdivision, Rockport, Aransas County, Texas, to R-2M (Manufactured Housing District) to place a manufactured home on property; currently zoned R-1 (1st Single Family Dwelling District).

Elizabeth Vannapha, 10113 Up River Road, Corpus Christi, addressed the Council. Ms. Vannapha stated they are trying to put a manufactured home on her mother's property. Ms. Vannapha said they were displaced by the hurricane.

Mayor Wax asked if there had been a house on the property.

Council Member Day asked if there were any improvements on the property.

Ms. Vannapha answered there had not been a house on the property. Ms. Vannapha stated electricity, water and septic will be put on the property.

16. Conduct and deliberate a Joint Public Hearing with the Planning & Zoning Commission to consider a request to rezone property located at 971 State Highway 35 Bypass; also known as 2.715 acres out of the northwest part of Tract 32, Abernathy Tracts, Rockport, Aransas County, Texas, to B-1 (General Business District) to continue and expand use as a boat sales and service facility; currently zoned R-1 (1st Single Family Dwelling District).

There were no public comments.

17. Conduct and deliberate a Joint Public Hearing with the Planning & Zoning Commission to consider a request to rezone property located at 2611 FM 3036; also known as Lot 1, Block 1, The Matthews Place, Rockport, Aransas County, Texas, to R-6 (Hotel/Motel District) to place rental cottages on property; currently zoned R-1 (1st Single Family Dwelling District).

John Matthews, 2611 FM 3036, addressed the Council. Mr. Matthews informed the Council he has been a part-time resident of Rockport for over 20 years, and a full-time resident for 5 years. Mr. Matthews said he is requesting approval to put two small cabins on three acres. Mr. Matthews stated he is getting a lot of opposition and he does not know why. Mr. Matthews added the addition of the cabins will be placed on the tax roll, will add to the appraised value of the property and the bottom line is that he is doing nothing wrong. Mr. Matthews said he has no intention of leasing the cabins for parties and the nonsense that is circulating on Facebook about him putting a hotel in Spanish Woods is not true and the rumor that he is building on top on an Indian burial ground is crazy. Mr. Matthews added that his neighbor build a huge garage, knocked down his fence, cut his fence and he was never asked about that and now that neighbor wants to tell him he can't build on his property.

Gerald L. Hillary, 109 Spanish Woods Drive, addressed the Council. Mr. Hillary said he is the neighbor with the huge garage and he apologized for the fence; a tree on his property had fallen across the fence onto Mr. Matthews property. Mr. Hillary stated he was opposed to the rezoning request because he did not want a hotel/motel district near his home. Mr. Hillary commented that if this request to rezone is granted, then there will be more and more requests. Mr. Hillary added that there are drainage problems in the area already and this will exasperate it. Mr. Hillary

added this is a 30-year old neighborhood and he would like to maintain the serenity for himself and his neighbors.

Mayor Wax closed the Joint Public Hearings at 6:56 p.m.

18. Adjourn – Rockport Planning & Zoning Commission.

At 6:56 p.m., the Rockport Planning & Zoning Commission adjourned.

Regular Agenda

- 19. Deliberate and act on first reading of an Ordinance amending the official zoning map as stipulated under Article 4.1 of the City of Rockport Zoning Ordinance Number 1027 by changing the zoning of land from R-1 (1st Single Family Dwelling District) to R-2M (Manufactured Housing District) for property located at 125 Steward Lane; also known as Lot 11, Oak Bay Subdivision (1.243 acres), Rockport, Aransas County, Texas; repealing all ordinances in conflict therewith; providing for severability; and providing an effective date.**

Larry Flores, 124 Steward Lane, addressed the Council. Mr. Flores informed the Council his primary residence at this location had been determined to be too badly damaged by the hurricane and is to be destroyed. Mr. Flores said the manufactured home would be his primary residence.

MOTION: Mayor Wax moved to table this item and request the Planning and Zoning Commission examine the properties in this area for possible rezoning. Mayor Pro-Tem Rios seconded the motion.

Council Member Villa asked Mr. Flores if this would negatively affect him; was Mr. Flores waiting to move into the home if he had been displaced by the hurricane.

Mr. Flores answered he was fine.

Motion carried unanimously.

- 20. Deliberate and act on first reading of an Ordinance amending the official zoning map as stipulated under Article 4.1 of the City of Rockport Zoning Ordinance Number 1027 by changing the zoning of land from R-2 (2nd Single Family Dwelling District) to B-1 (General Business District) for property located at 1102 E. Laurel Street; also known as Lots 13 through 16, Block 44, Smith and Wood Division, Rockport, Aransas County, Texas; repealing all ordinances in conflict therewith; providing for severability; and providing an effective date.**

Community Planner Amanda Torres informed the Council no letters of opposition had been received regarding this rezone request. Ms. Torres stated the Planning and Zoning Commission voted unanimously to recommend Council approve this request.

MOTION: Council Member Villa moved to approve the first reading of an Ordinance amending the official zoning map as stipulated under Article 4.1 of the City of Rockport Zoning Ordinance

Number 1027 by changing the zoning of land from R-2 (2nd Single Family Dwelling District) to B-1 (General Business District) for property located at 1102 E. Laurel Street; also known as Lots 13 through 16, Block 44, Smith and Wood Division, Rockport, Aransas County, Texas; repealing all ordinances in conflict therewith; providing for severability; and providing an effective date. Council Member Gurtner seconded the motion. Motion carried unanimously.

21. **Deliberate and act on first reading of an Ordinance amending the official zoning map as stipulated under Article 4.1 of the City of Rockport Zoning Ordinance Number 1027 by changing the zoning of land from R-1 (1st Single Family Dwelling District) to B-1 (General Business District) for 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 and part of closings of Cornwall & Terry Streets, Smith and Wood Division, Rockport, Aransas County, Texas; repealing all ordinances in conflict therewith; providing for severability; and providing an effective date.**

Community Planner Amanda Torres informed the Council no letters of opposition had been received regarding this rezone request. Ms. Torres stated the Planning & Zoning Commission voted unanimously to recommend Council approve this request.

Julio C. Nunez, 23 Southpointe Circle, addressed the Council. Mr. Julio stated he was present to answer any questions the Council may have.

Council Member Day asked Mr. Nunez about the type of building that would be built.

Mr. Nunez answered it was going to be a 40-feet by 50-feet building similar to the type that had been in front of Clark Construction. Mr. Nunez stated parking will be located in the front.

MOTION: Mayor Pro-Tem Rios moved to approve the first reading of an Ordinance amending the official zoning map as stipulated under Article 4.1 of the City of Rockport Zoning Ordinance Number 1027 by changing the zoning of land from R-1 (1st Single Family Dwelling District) to B-1 (General Business District) for property located at 401 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 and part of closings of Cornwall & Terry Streets, Smith and Wood Division, Rockport, Aransas County, Texas; repealing all ordinances in conflict therewith; providing for severability; and providing an effective date. Council Member Villa seconded the motion. Motion carried unanimously.

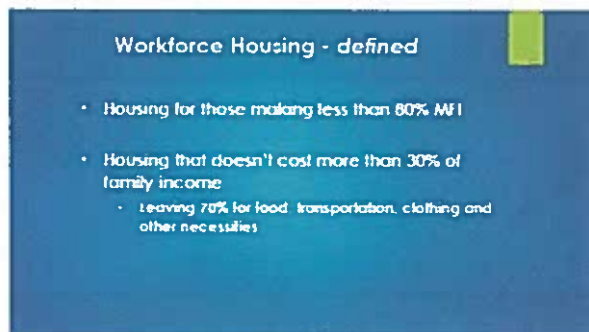
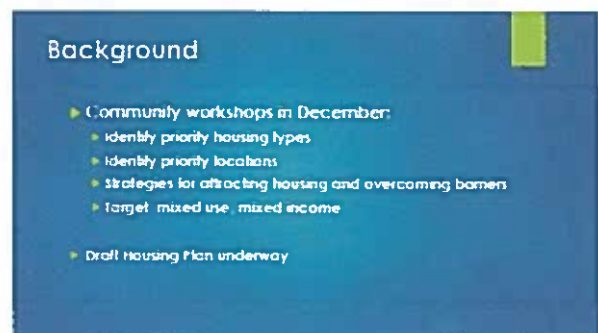
22. **Deliberate and act on second and final reading of an Ordinance of the City of Rockport, Texas, granting a variance until April 30, 2019, from flood elevation requirements for manufactured homes in floodplains for the limited purpose to allow the Federal Emergency Management Agency to provide temporary 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.**

Mayor Wax stated there had been no changes in content or format of the Ordinance since the approval of the first reading by Council on January 23, 2018.

MOTION: Council Member Villa moved to approve the second and final 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 Day seconded the motion. Motion carried unanimously.

23. Deliberate on proposed housing demonstration project locations and construction.

Kim Foutz, Aransas County Long-Term Recovery, addressed the Council. Ms. Foutz gave a presentation (see below) on proposed housing demonstration project locations and construction.



Major Housing Challenges

- ▶ **Communication**
 - ▶ How to communicate to relocated workers and to those needing housing
- ▶ **Jobs**
 - ▶ Only ~800 of 1300 businesses open; reduced hours of operation due to lack of workers; without housing, workers can't come back

Housing Issues/Solutions

- ▶ **Regulatory**
 - ▶ Reduce Process Time / Development Process
 - ▶ Allow smaller lots/houses
 - ▶ Amend/Update Comp Plan if necessary to accommodate various housing types (especially affordable units)
- ▶ **Site Cost Issues**
 - ▶ Provide Needed Infrastructure In Key Areas
 - ▶ Waive Impact Fees
- ▶ **Financial**
 - ▶ Incentives for Builder/Developer (Land Fee Waiver)
 - ▶ Assistance for Homebuyer/Banker
 - ▶ Construction types

Means To Our Goals

Opportunities for Innovation

- ▶ Alternative construction methods
- ▶ Developer/Management Agreements
- ▶ Community Land Trusts
- ▶ Extreme Neighborhood MGR covers
- ▶ Homestead Preservation District
- ▶ Tax Increment Financing
- ▶ Utilize public land for new development (City, county, TDCOT)

Institutional and Impactful Approaches

- ▶ PUD Agreements
- ▶ Construction Loans
 - ▶ Low Interest Interim, permanent
 - ▶ Line of Credit
 - ▶ Guarantees
- ▶ Rent Buy-Down Grants
- ▶ Tax Incentives - accelerated depreciation (pending legislative changes)
- ▶ Infrastructure Grants
- ▶ Waiver of Fees
- ▶ TIF Grants

Housing Goals:



- ▶ Repair/rebuild 3,150 single family units
- ▶ Repair/rebuild approx 600 multifamily units
- ▶ Add 200-300 units of workforce housing
- ▶ Encourage Mixed-use / Mixed-income

Demonstration Project

Location Considerations

Inventory of:

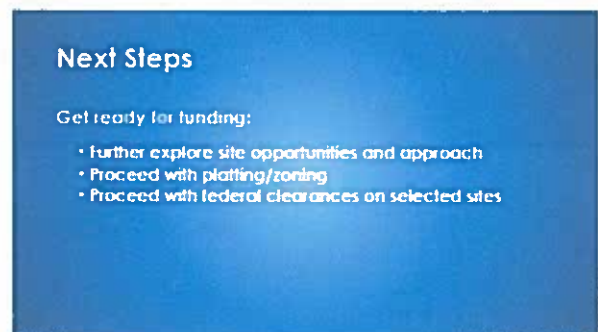
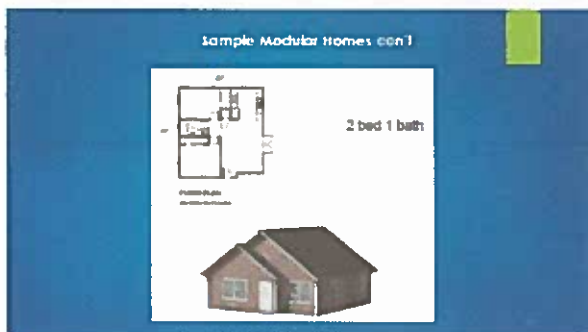
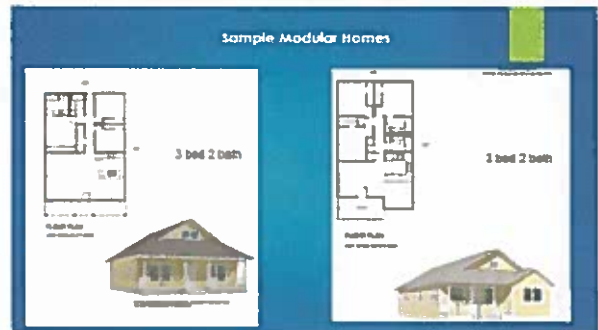
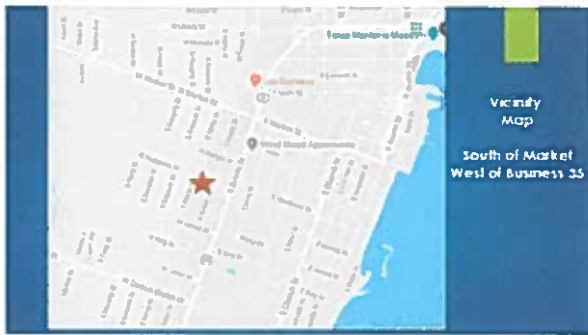
- ▶ City and county owned land
- ▶ City and county right-of-way
- ▶ Infill lots with utilities and that are affordable
- ▶ Greenfield lots with utilities nearby
- ▶ Redevelopment opportunities

Site Considerations

- ▶ **City and county land**
 - ▶ No site acquisition costs
 - ▶ Additional vetting required for 10-w
- ▶ **State/Fed Approvals needed**
 - ▶ HUD environmental clearance
 - ▶ Texas Historic Commission Clearance?
 - ▶ Corps of Engineers Clearance?
- ▶ **Infrastructure**
 - ▶ Public sewer vs. septic
 - ▶ 20' paved road
 - ▶ 35' right of way
- ▶ **Regulations**
 - ▶ Building/site permitting
 - ▶ Zoning
 - ▶ Platting and lot sizes
 - ▶ Donation of services needed

Other Considerations

- ▶ **Product for Sale**
 - ▶ Avoid property management issues
 - ▶ Partner with Habitat for Humanity on servicing of forgivable loan (if applicable)
- ▶ **Modular type housing**
 - ▶ Tour of vendor
- ▶ **bid approach**
 - ▶ Leverage existing bid packages (HGAC, the bids, etc)



Discussion was held among Council and Ms. Foutz.

24. Deliberate on department long-term recovery reports.

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

- All action is at Memorial Park; will be testing the field lights; fencing continues - most activity on Little League and softball fields; making headways on backside of Park, trying to get as much material out as possible.
- All other parks getting attention as well.

Mayor Wax stated Ameresco is currently replacing the lighting in all City facilities and there are lots of lighting fixtures available. Mayor Wax said Art Smith is checking with schools, churches and non-profits to see if they could utilize these fixtures.

Police Chief Tim Jayroe provided the following long-term recovery report:

- Back to close to normal operations.

- Still have some prowlers around damaged property.
- Today the parents of an officer, who came and assisted here is Rockport after the hurricane, visited and said they were amazed at the recover, how well things look in Rockport and how nice it was that people were working together.

Mayor Wax commented that the work ethic of City employees who work for this community is evident.

Vicki Pitluk, Community Relations, provided the following long-term recovery report:

- Her mother comes in once a month and she sees the changes due to recovery.
- Continue to send out the Mayor's message every Wednesday night.
- Monitoring the numerous social media pages; sending people to proper addresses.
- Going to be doing a stand-alone newsletter in April.

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

- Biggest challenge – utility billing issues – if it's not one problem, then it's another.
- Ladies at utility billing have been working very hard and listening to very unhappy customers.

City Manager Kevin Carruth stated on Sunday a contractor had cut a newly laid fiber line and that affected the utility offices, municipal court and the appraisal district. Mr. Carruth said the contractor will be billed for the damage.

City Secretary Teresa Valdez provided the following long-term recovery report:

- Election in May: Last day to file is Friday, February 16, 2018. 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 and Incumbent Council Member Barbara Gurtner has filed for re-election to Ward 4.
- Assistant City Secretary continuing to work with insurance on hurricane claims.
- February 16, 2018, was the date scheduled for removing salvageable items and supplies from City Hall but is going to be rescheduled for the Spring due to the current weather conditions.

25. 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 Governor Abbott visited Rockport again today. Mayor Wax said the Governor shared good news – a tidal wave of funding is coming this way. Mayor Wax expressed that things look promising.

Council Member Villa stated there had been a Parks Board Meeting last week. Council Member Villa said the Sid Richardson Foundation is helping with the Little League fields at Memorial Park.

Mayor Pro-Tem Rios said there are a lot of buildings being torn down: 1901 Bayshore, a building at Glass and Picton and the Bay Area Fellowship building.

Council Member Gurtner said she has been meeting with Ms. Foutz and nonprofits on coming together for rebuilding.

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:

- 26 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.**
- 27. 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.**
- 28. Section 551.074 Personnel Matters: (A) City Manager evaluation and (B) City Secretary evaluation.**

At 7:46 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; 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 8:46 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.

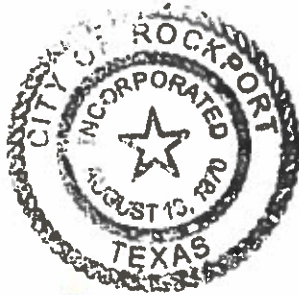
Council Member Villa asked about the status of City Hall.

City Manager Kevin Carruth said FEMA was coming tomorrow to see if City Hall had sustained structural damage.

Mayor Wax informed the Council there has been discussion with Aransas County about a Government Center being built. Mayor Wax said it would be two separate buildings, one for the City and one for the County, with a building for joint use for meetings, court, etc.

29. Adjournment

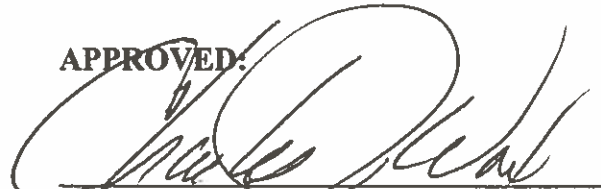
At 8:47 p.m., Council Member Villa moved to adjourn. Motion was seconded by Mayor Pro-Tem Rios. Motion carried unanimously.



ATTEST:


Teresa Valdez, City Secretary

APPROVED:


Charles J. Wax, Mayor