

CITY OF ROCKPORT

MINUTES

CITY COUNCIL REGULAR MEETING

6:30 p.m., Tuesday, March 27, 2018

Rockport Service Center, 2751 State Highway 35 Bypass

On the 27th day of March 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 J. D. Villa, Ward 2
Council Member Barbara Gurtner, Ward 4

CITY COUNCIL MEMBER(S) ABSENT

Council Member Rusty Day, Ward 1

PLANNING & ZONING COMMISSION MEMBERS PRESENT

STAFF MEMBERS PRESENT

City Manager Kevin Carruth
City Secretary Teresa Valdez
City Attorney Terry Baiamonte
Parks & Leisure Services Director Rick Martinez
Public Works Director Mike Donoho
Interim Finance Director Sandy Clarkson
Communications Center Director Lee Zapata
Assistant Communications Center Director John Gregory
Communications Center Shift Supervisor Jennifer Bostick
Telecommunications Operator Melinda Molsbee
Telecommunications Operator Rachel Olenick
Telecommunications Operator Valerie Stribling
Telecommunications Operator Amber Garcia
Telecommunications Operator Mandy Masch

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, March 27, 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. Proclamation: Public Safety Telecommunicators Week.

Mayor Wax proclaimed the week of April 8-14, 2018, as Public Safety Telecommunicators Week in Rockport, Texas.

Mayor Wax presented the Proclamation to the City of Rockport Telecommunicators present at the meeting: Lee Zapata, John Gregory, Jennifer Bostick, Melinda Molsbee, Rachael Olenick, Valerie Stribling, Amber Garcia and Mandy Masch. Mayor Wax stated these Telecommunicators responded to 4400 telephone calls the first week after the hurricane.

4. Presentation: Meritorius Citizenship:

A clip of a 9-1-1 call received by the City of Rockport Telecommunications Center was played. The call had been made by nine-year old Brandon Bukowsky requesting help for his mother who had spilled boiling water on herself.

Mayor Wax presented a “9-1-1 Hero” certificate and Mayor’s coin to Brandon Bukowsky for maintaining his composure during an emergency involving his mother.

5. 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 in the Training Room of the Rockport Service Center 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.

Alan Lee Copeland, 1906 Shores Lane, addressed the Council. Mr. Copeland thanked Council for their Hurricane Harvey efforts. Mr. Copeland appealed to the Council saying R-panel metal buildings are popping up all over town and are indecorous. Mr. Copeland said he believed the City could do a lot more with these buildings. Mr. Copeland stated: “Please, at some point let’s get together on this. It affects the architecture character of the community.”

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.

6. Deliberate and act on approval of City Council Regular Meeting Minutes of March 13, 2018.

7. **Deliberate and act on report from Aransas County Council on Aging for marketing expenditures made for 2018 Bountiful Bowl Pottery Fair/Rockport Clay Expo.**
8. **Deliberate and act on report from Rockport-Fulton Chamber of Commerce for marketing expenditures made for 911 Never Forget Mobile Exhibit & Tribute to all First Responders event.**
9. **Deliberate and act on 2018 Consumer Price Index adjustment to Municipal Telecommunications Right-of-Way Access Line Rates.**
10. **Deliberate and act to ratify a License Agreement with Harbor Oaks Property Owners Association, Inc. for the use, occupation, and maintenance of medians within the Harbor Oaks Subdivision.**

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

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

Public Hearings:

11. Call to Order -- Rockport Planning & Zoning Commission.

There was not a quorum of the Planning & Zoning Commission present, so the meeting was not called to order.

Mayor Wax stated the Joint Public Hearings are rescheduled for April 17, 2018, at 6:30 p.m.

Mayor Wax said he will allow public comments on the items listed as Public Hearings.

Alan Lee Copeland, 1906 Shores Lane, addressed the Council. Mr. Copeland stated a lot of people worked their way to get to Rockport and they can afford to live here. Mr. Copeland said he fears when the City starts rezoning properties to allow for hardships, and there has to be a way to do it, but not when it affects a neighbor's property value. Mr. Copeland commented when we talk about rezoning neighboring properties it may not be advancing our town, but probably going into a not so prosperous direction. Mr. Copeland expressed: "In San Antonio we had a saying that when you build really affordable housing, you are building tomorrow's slums." Mr. Copeland asked the Council to be careful, walk with caution, protect adjacent property owners and do not create areas of blight in the process.

12. **Conduct and deliberate a Joint Public Hearing with the Planning & Zoning Commission to consider a request to rezone property located at 609 S. Magnolia; also known as the south 40 feet of Lot 2 and all of Lot 3, Block 16, Doughty & Mathis Subdivision, Rockport, Aransas County, Texas, to B-1 (General Business District) to use property as art studios; currently zoned B-6 (Hotel/Motel District).**

13. **Conduct and deliberate a Joint Public Hearing with the Planning & Zoning Commission to consider a request to rezone property located at 1301 & 1415 Sixteenth Street, 2501, 2512, 2522, 2610 & 2620 San Antonio Street, and 2502, 2503, 2512, 2513 & 2522 Monkey Road; also known as Lots 310 of 71, Lot 72 & Lot 73, Block 250, Swickheimer Subdivision, Rockport, Aransas County, Texas, to R-2M (Manufactured Housing District) to allow the placement of manufactured housing; currently zoned R-1 (1st Single Family Dwelling District).**
14. **Conduct and deliberate a Joint Public Hearing with the Planning & Zoning Commission to consider a request to rezone property located at 106-136 Steward Lane, 1403 & 1415 Eighteenth Street, and 1320 Jim's Smokehouse Road; also known as Lots 5-14, Oak Bay Subdivision; Part of Lot 112, Block 249, Swickheimer Subdivision, and 13.304 acres out of the C.S. Zenn Survey, A226, Rockport, Aransas County, Texas, to R-2M (Manufactured Housing District) to allow the placement of manufactured housing; currently zoned R-1 (1st Single Family Dwelling District).**
15. **Conduct and deliberate a Joint Public Hearing with the Planning & Zoning Commission to consider a request to rezone property located at 1302, 1306, 1322, 1330, 1412 & 1422 South Verne, 1305, 1307, 1309, 1311, 1315, 1401, 1403, 1409, 1411, 1413 & 1501 South Fuqua, 201 West Fourth, 223 West Fifth and 224 West Sixth; also known as Lots 1-6, Block 137; Lots 1-16, Block 138; and Lots 1-16, Block 139, Manning Addition, Rockport, Aransas County, Texas, to R-2M (Manufactured Housing District) to allow the placement of manufactured housing; currently zoned R-1 (1st Single Family Dwelling District).**

Ruby Beaven, 1307 South Fuqua, addressed the Council. Ms. Beaven said she was in favor of the rezoning proposal. Ms. Beaven stated she is a single person living on one source of income, displaced by Hurricane Harvey and currently living in a FEMA recreational vehicle. Ms. Beaven expressed the rezoning would allow her to move a manufactured home onto her property and provide her a home.

16. **Conduct and deliberate a Joint Public Hearing with the Planning & Zoning Commission to consider a request for a Planned Unit Development located at 3086-3098 State Highway 35 Bypass and 420 McLester; also known as 11.348 acres out of the Joseph Fessenden Survey, and 38.111 acres embracing all of Tracts 12-14 and the northern portion of Tracts 15-21, C.H. Moore Subdivision, Joseph Fessenden Survey, City of Rockport, Aransas County, Texas, to develop property as a mixed-use subdivision consisting of single-family residential, condominiums, and commercial parcels, currently zoned R-1 (1st Single Family Dwelling District).**
17. **Conduct and deliberate a Joint Public Hearing with the Planning & Zoning Commission to consider amendment to Sections 4.2.6 and 9.2, Article I. Zoning Ordinance, Chapter 118 Zoning by providing changed that will establish an age limit on manufactured homes being moved into the City of Rockport.**

18. Adjourn – Rockport Planning & Zoning Commission.

No adjournment due to lack of quorum.

Regular Agenda

19. Deliberate and act on the addition of Aransas County Navigation District to the Aransas County Texas Multi-Jurisdictional Hazard Mitigation Action Plan.

Community Planner Amanda Torres stated at the end of 2017 the Aransas County Texas Multi-Jurisdictional Hazard Mitigation Action Plan was adopted. Ms. Torres said the Aransas County Navigation District (ACND) did not participate when it was originally submitted but they are now requesting to be added to the Plan.

Brief discussion was held among Council and Ms. Torres.

MOTION: Council Member Villa moved to approve the addition of Aransas County Navigation District to the Aransas County Texas Multi-Jurisdiction Hazard Mitigation Action Plan. Council Member Gurtner seconded the motion. Motion carried unanimously.

20. Deliberate and act on first reading of an Ordinance annexing adjacent and contiguous territory to the City of Rockport, Texas, pursuant to Article 43.028, Texas Local Government Code; finding that all necessary and required legal conditions have been satisfied, providing that such area shall become a part of the City and that owners and inhabitants thereof shall be bounded by the acts and ordinance now in effect and to be hereinafter adopted; providing a severability clause; and providing an effective date.

Community Planner Amanda Torres informed the Council property owners Kevin & Susan Jamison have submitted a petition requesting their property at 420 McLester Road be annexed into the city limits. Ms. Torres stated the property is part of an upcoming development. Ms. Torres said the property meets the requirements of Texas Local Government Code Article 43.028.

MOTION: Council Member Villa moved to approve the first reading of an Ordinance annexing adjacent and contiguous territory to the City of Rockport, Texas, pursuant to Article 43.028, Texas Local Government Code; finding that all necessary and required legal conditions have been satisfied, providing that such area shall become a part of the City and that owners and inhabitants thereof shall be bounded by the acts and ordinance now in effect and to be hereinafter adopted; providing a severability clause; and providing an effective date. Council Member Gurtner seconded the motion. Motion carried unanimously.

21. Deliberate on department long-term recovery reports.

Public Works Director Mike Donoho provided the following long-term recovery report:

- Continuing recovery efforts.
- Seeing an increase of single-family and commercial permits.

- Ameresco Project – will have a workshop in the next couple of days on the automated meter reading system.

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

- Continue to piece our parks back together.
- Getting ready this week to open the front part of Memorial Park. Back portion of park will open on April 9, 2018.
- Staff is tired and moving forward every day. It has been a rough road since Hurricane Harvey but we are punching back.

Mayor Wax commented Vicki Pitluk is working with the Sid Richardson Foundation on the opening day for Little League.

Vicki Pitluk asked if the Mayor or any of the Council would be willing to throw out the first pitch on opening day at the park.

Mayor Wax stated Council Member Villa played on that field as a young man and it was only fitting that Council Member Villa throw out the first pitch.

Ms. Pitluk informed everyone the Mayor's letter is put on the City's website every Wednesday night and thus far there have been 82,666 impressions/possible reads.

Interim Finance Director Sandy Clarkson provided the following long-term recovery report:

- Finance has pretty much recovered.

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

- Nothing specific to report.
- Staff enjoying the wonderful facilities we are currently housed in and thank Public Works staff for giving up their offices.

City Manager Kevin Carruth provided the following long-term recovery report:

- Currently there are eight vacancies in City positions; some of those were new positions approved in the budget that have not been filled. Mr. Carruth said a couple of positions are going to be filled.
- Really short on number of life guards for the pool. If we do not hire some life guards fairly soon, it is going to affect the pool hours of operation.

22. 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 commented the Council and staff should look at the history of the Planning & Zoning Commission in regard to the consistency of absences of certain members. Mayor Wax stated there may be new citizens available to serve in order to not expend resources.

Mayor Wax informed the Council he had testified at the State Senate Intergovernmental Affairs Committee in Austin. Mayor Wax said his testimony was submitted in writing. Mayor Wax added there was much more focus on Harris County than the rest of the coastal region affected by Hurricane Harvey. Mayor Wax commented the General Land Office is not managing the temporary housing in Harris County, the City of Houston is doing that.

Council Member Villa stated the Council appreciates everything staff is doing. Council Member Villa said the City would not be where it is today if it were not for staff.

Mayor Pro-Tem Rios stated he attended the Texas Travel Unity Dinner in Austin last week. Mayor Pro-Tem Rios said Representative Todd Hunter recognized Aransas County several times, but Commission Bush only mentioned Aransas County twice.

Council Member Gurtner said she attended the Governmental Affairs Council meeting last week and the good news is there are many things going on. Council Member Gurtner informed the Council a book company from Missouri is bringing books for children to Rockport tomorrow.

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:

- 23. 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.**
- 24. 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.**

At 7:07 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; and 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.

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 7:48 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.

25. Adjournment

At 7:49 p.m., Council Member Villa moved to adjourn. Motion was seconded by Mayor Pro-Tem Rios. Motion carried unanimously.



ATTEST:

Teresa Valdez
Teresa Valdez, City Secretary

APPROVED:
Charles J. Wax
Charles J. Wax, Mayor