

CITY OF ROCKPORT

MINUTES

CITY COUNCIL REGULAR MEETING

6:30 p.m., Thursday, May 10, 2018

Rockport Service Center, 2751 State Highway 35 Bypass

On the 10th day of May 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

Edward Bellion
Shawn Johnston
G. Maynard Green
Ruth Davis
Diana Severino-Saxon

STAFF MEMBERS PRESENT

City Attorney Terry Baiamonte
City Secretary Teresa Valdez
Community Planner Amanda Torres
Parks & Leisure Services Director Rick Martinez
Public Works Director Mike Donoho
Interim Finance Director Sandy Clarkson
Police Chief Tim Jayroe

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 6:41 p.m. on Thursday, May 10, 2018, in the Training Room of the Rockport Service Center, 2751 State Highway 35 Bypass, Rockport, Texas.

2. Pledge of Allegiance.

Mayor Wax led the Pledge of Allegiance to the U.S. flag.

3. Presentation: Spirit of Community Award – Community Planner Amanda Torres.

Mayor Wax stated City of Rockport Community Planner Amanda Torres was presented with the Spirit of Community Award at the Resilience and Climate Awareness Community of Planning Conference recently held in Port Aransas, Texas.

Mayor Pro-Tem Rios commented Ms. Torres was selected from a group of deserving outstanding planners because of her dedication and outstanding successful efforts. Mayor Pro-Tem Rios stated the award is a survey marker used to gauge sea level.

Mayor Wax and Mayor Pro-Tem Rios re-presented Ms. Torres the Spirit of Community Award.

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 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.

Rockport Police Commander Larry Sinclair and several Rockport Police Officers presented to Mayor Wax an American Flag that had been rescued by the Police Department after Hurricane Harvey. Commander Sinclair thanked Mayor Wax for his leadership, friendship and support of officers over the last eight years.

Mayor Pro-Tem Rios presented a fishing rod to Mayor Wax and a sun hat to his wife, Susan. Mayor Pro-Tem Rios wished them well and thanked Mayor Wax for his service to the community.

Council Member Villa stated he did not want to present the Mayor with something that would end up in what the military refers to as the circular file (trash can). Council Member Villa presented Mayor Wax with a bottle of liquor for the Mayor and his wife to enjoy. Council Member Villa added that his best memory of Mayor Wax is when Mayor Wax re-enlisted him into the Reserves upon his 20-year retirement.

Mayor Pro-Tem Rios and Vicki Pitluk, Community Relations, presented Mayor Wax with a printed book of memories containing various pictures of his years of service.

Mayor Wax thanked everyone.

Mayor Wax announced that Agenda items 5, 6, 8, 9 and 10 will be tabled for the May 22, 2018, City Council Meeting to allow time for the Early Voting Ballot Board to meet and count absentee and provisional ballots.

Mayor Wax stated that Agenda Item 7 can be acted upon because according to Section 3.05 4) of the City's Home Rule Charter: "In the event of a permanent vacancy in the office of the Mayor, the Mayor Pro-Tem shall become the Mayor, thereby vacating his Council position." Mayor Wax announced that due to extensive pre-planned travel and other things for him and his wife Susan, he is declaring a permanent vacancy in the office of Mayor. Mayor Wax commented Mayor Pro-Tem Rios has served as Mayor Pro-Tem for five years, is no rookie, has been a constant figure during the hurricane and afterwards, and there is no one he would rather hand the gavel to than Mayor Pro-Tem Patrick Rios. Mayor Wax expressed: "The City is in great hands."

**7. Administration of Oath of Office to newly-elected Mayor
(Administración de juramento del cargo de alcalde electo.)**

Mayor Pro-Tem Rios was joined by his wife Patty, his children – Michael, Matthew, Lauren & husband Bowman and daughter Charlie.

Mayor Wax administered the Oath of Office to Mayor Patrick R. Rios.

MOTION: Council Member Villa moved to table Agenda Items 5, 6, 8, 9 and 10 to the May 22, 2018, City Council Meeting. Council Member Grutner seconded the motion. Motion carried unanimously.

- 5. Deliberate and act on a Resolution and Order of canvassing the returns and declaring the results of the Saturday, May 5, 2018 General Election.
(Deliberar y tomar medidas respect a la Resolución orden para hacer el escrutinio de los votos y declarar los resultados de las Elecciones Generales a realizarse el sábado 5 de mayo de 2018.)**
- 6. Presentation of Certificate of Election to newly-elected Mayor.
(Presentación de los certificado de elección para recién elegido alcalde.)**
- 8. Presentation of Certificates of Election to newly-elected official for Ward 2 and official for Ward 4.
(Presentación de los certificados de elección para recién elegido oficial de Barrio 2 y oficial de Barrio 4.)**
- 9. Administration of Oath of Office to newly-elected official for Ward 2 and official for Ward 4.
(Administración de se juramento del cargo el recién elegido oficial de Barrio 2 y oficial de Barrio 4.)**
- 10. Deliberate and act on election by Council of Mayor Pro-Tem.**

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.

- 11. Deliberate and act on approval of City Council Regular Meeting Minutes of April 10, 2018, Multi-Jurisdictional Intergovernmental Workshop and Special Meeting Minutes of April 15, 2018, City Council Special Meeting Minutes of April 17, 2018, and Regular Meeting Minutes of April 24, 2018.**
- 12. Deliberate and act on 2nd quarter report from the Friends of the Fulton Mansion State Historical Site for Fiscal Year 2017-2018 marketing expenditures.**
- 13. Deliberate and act on request for use of the Festival Grounds and closure of certain sections of S. Ann Street, E. Market Street, and S. Magnolia Street, for the Seafair parade; closure of Laurel Street from Business 35 to Seabreeze for Seafair Festival; and approval for including a street banner at the Walmart entryway on Highway 35 N., and FM 3036 at Broadway, and various off-street directional signs.**
- 14. Deliberate and act to extend the Depository Agreement and Financial Services Contract with Wells Fargo Bank, N.A.**
- 15. Deliberate and act on Mutual Aid/Multi-Jurisdictional Interlocal Cooperation Agreement 2nd Addendum for the Application and Reimbursement/Distribution of FEMA/State Disaster-Related Funding.**

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

Council Member Villa stated he was recusing himself from voting on Consent Agenda Item 14.

MOTION: Council Member Villa moved to approve the Consent Agenda, as presented. Council Member Gurtner seconded the motion. Motion carried unanimously.

Public Hearing:

16. 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 6:57 p.m. on Thursday, May 10, 2018, in the Training Room of the Rockport Service Center, 2751 State Highway 35 Bypass, Rockport, Texas.

Mayor Rios opened the Joint Public Hearing at 6:57 p.m.

17. Conduct and deliberate a Joint Public Hearing with the Planning & Zoning Commission to consider a request to rezone property located at 835 West Market Street; also known as

4.09 acres out of the J. Smith Survey, Rockport, Aransas County, Texas, to B-1 (General Business District) to allow current use of self-storage units; currently zoned R-1 (1st Single Family Dwelling District).

Dee Oliver, owner of the property, addressed the Council. Ms. Oliver stated storage units had been being built on the property when it was annexed into the City as residential. Ms. Oliver said they wish to continue to utilize the property for business.

Mayor Rios closed the Joint Public Hearing at 7:00 p.m.

Mayor Rios stated the Joint Public Hearing item will be considered by the Planning & Zoning Commission on Monday, May 14, 2018, at 5:30 p.m.

18. Adjourn – Rockport Planning & Zoning Commission.

At 7:00 p.m., the Rockport Planning & Zoning Commission adjourned.

Regular Agenda

19. Tabled April 24, 2018 - Deliberate and act on presentation and acceptance of Fiscal Year 2016-2017 City of Rockport Comprehensive Annual Financial Report.

MOTION: Council Member Villa moved to remove this item from the table. Council Member Gurtner seconded the motion. Motion carried unanimously.

John Shepherd with Collier, Johnson & Woods, P.C., Certified Public Accounts, presented the City of Rockport Fiscal Year 2016-2017 Comprehensive Annual Financial Report. Mr. Shepherd gave a presentation (below) on the Report.

Comprehensive Annual Financial Report



Audit Engagement

We are engaged to audit the financial statements. Management is responsible for the selection and use of appropriate accounting policies used by the City. Included in these statements are accounting estimates that are an integral part of the financial statements and are based on management's knowledge and experience about past and current events and assumptions about future events. We do consult with management on the appropriate accounting principles and estimates but they are responsible for the information in the report.

Comprehensive Annual Financial Report

- Introductory Section
- Financial Section
 - Independent Auditor's Report
 - Management Discussion and Analysis
 - Basic Financial Statements including Notes to Financial Statements
 - Required Supplementary Information
- Combining and Individual Financial Statements and Schedules
- Single Audit Section
- Statistical Section

No Disagreements With Management

Throughout the course of the audit we had no disagreements with management and management corrected any misstatements we encountered. At the end of the audit we were provided certain representation from management that were included in the management representation letter to us.

Auditor's Reports

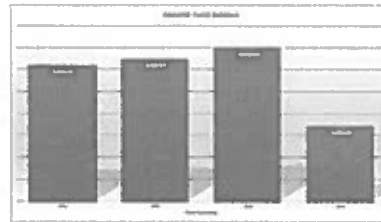
- Independent Auditor's Report – Unmodified
- Independent Auditor's Report on Internal Control over Financial Reporting and On Compliance and Other Matters Based on An Audit of Financial Statements Performed in Accordance With Governmental Auditing Standards - Identified a deficiency in internal control we considered a material weakness
- Independent Auditor's Report on Compliance for Each Major Federal Program and on Internal Control over Compliance Required by the Uniform Guidance - Complied in all material respects with compliance requirements with direct and material effect of major federal program funds.

Financial Highlights

- The assets and deferred outflows of the City of Rockport exceeded its liabilities and deferred inflows at the close of 2017 by \$43,338,184 (net position). Of this amount, \$3,483,214 (unrestricted net position) may be used to meet the government's ongoing obligations to citizens and creditors.
- The government's total net position increased by \$313,481 in 2017
- At the close of the current fiscal year, the City's governmental funds reported combined ending fund balances of \$10,298,028, a decrease of 13.29% in comparison with the prior year.

General Fund Balance

- The General fund reported an unassigned fund balance of \$1,677,334 or 16.33% of total general fund expenditures.
- The Harvey related expenditures in 2017 were \$2,687,015 of which \$725,362 were reimbursed by FEMA.
- The Hurricane Harvey expenditures were not budgeted and contributed to the general fund expenditures being \$1,812,690 over budget.



Fleet Fund

- Fleet fund accounts for vehicle maintenance services to other departments within the City on a cost-reimbursement basis.
- Over the past three years \$481,360 of cost have not been reimbursed
- As of September 30, 2017 the fund had a \$534,358 deficit
- 61.98% of the cost are allocated to the general fund.



Management Letter

- Material Weakness
 - Bank reconciliation
- Other Deficiencies
 - Fleet Fund Deficits
 - Year End Adjusting Entries
 - P-Card Transactions
 - Revenue Recognition

Mayor Rios stated he had talked with the City Manager about the items in the Management Letter and they are being addressed.

MOTION: Council Member Villa moved to accept the Fiscal Year 2016-2017 City of Rockport Comprehensive Annual Financial Report, as presented. Council Member Gurtner seconded the motion. Motion carried unanimously.

20. Tabled April 24, 2018 - Deliberate and act on first reading of an Ordinance amending Article 24 Special Conditions, Rockport Zoning Ordinance No. 1027, by establishing an age limit on manufactured homes being placed in manufactured housing/recreational vehicle

parks within the City Limits; repealing all ordinances in conflict therewith; providing for severability; and providing an effective date.

MOTION: Council Member Villa moved to remove this item from the table. Council Member Gurtner seconded the motion. Motion carried unanimously.

Community Planner Amanda Torres said this item was tabled by the Planning & Zoning Commission because they had questions and sought clarification on whether park models were considered manufactured homes or recreational vehicles. Ms. Torres said park models are considered recreational vehicles. Ms. Torres stated the Planning & Zoning Commission held discussion on the amount of work involved in determining an age limit on manufactured homes using the suggested language. Ms. Torres suggested the following change to that verbiage: "Newer model means a manufactured home not more than ten (10) years earlier than the calendar year it is to be placed on the property."

MOTION: Council Member Villa moved to approve the first reading of an Ordinance amending Article 24 *Special Conditions*, Rockport Zoning Ordinance No. 1027, by establishing an age limit on manufactured homes being placed in manufactured housing/recreational vehicle parks within the City Limits, with the change to the verbiage suggested by Ms. Torres; 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 the first reading of an Ordinance of the City of Rockport authorizing a pro-rata reimbursement to Robert & Beverly Clark, Mary Daggett and Phillip & Nancy Moore for development of a wastewater main utility line affecting property and property owners along Copano Ridge Road, Copano Ridge Unit 1, Rockport, Aransas County, Texas; providing for pro-rata payments from benefited property owners who request to connect to the wastewater utilities during the reimbursement period; providing for developers to be reimbursed from the pro-rata funds received; and providing an effective date and a termination date.

City Secretary Teresa Valdez explained this process begins in the Water or Wastewater Department when developers want to seek reimbursement for extension of water and sewer mains. Ms. Valdez stated the information is provided to her office and a Pro-Rata Reimbursement Agreement is prepared for approval by the Council through an Ordinance authorizing such.

MOTION: Council Member Gurtner moved to approve the first reading of an Ordinance of the City of Rockport authorizing a pro-rata reimbursement to Robert & Beverly Clark, Mary Daggett and Phillip & Nancy Moore for development of a wastewater main utility line affecting property and property owners along Copano Ridge Road, Copano Ridge Unit 1, Rockport, Aransas County, Texas; providing for pro-rata payments from benefited property owners who request to connect to the wastewater utilities during the reimbursement period; providing for developers to be reimbursed from the pro-rata funds received; and providing an effective date and a termination date. Council Member Villa seconded the motion. Motion carried unanimously.

- 22. 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-6 (Hotel/Motel District) to B-1 (General Business District) for property located at 3404 Highway 35 South; also known as the northerly portion of Lot 1, Bays of Rockport, 10 acres, Rockport, Aransas County, Texas; for the purpose of building a restaurant; repealing all ordinances in conflict therewith; providing for severability, and providing an effective date.**

Community Planner Amanda Torres stated property owner Brad Coleman was not present for tonight's meeting. Ms. Torres explained Mr. Coleman has submitted an application seeking approval to rezone property to B-1 (General Business), currently zoned R-6 (Hotel/Motel District) and his intention is to build a restaurant on the property. Ms. Torres added in an R-6 (Hotel/Motel District) zone, a restaurant can be built in a hotel/motel but is not allowed as a stand-alone land use, therefore a change of zoning to B-1 (General Business) would be required. Ms. Torres stated the Planning & Zoning Commission recommend approval of the rezoning 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-6 (Hotel/Motel District) to B-1 (General Business District) for property located at 3404 Highway 35 South; also known as the northerly portion of Lot 1, Bays of Rockport, 10 acres, Rockport, Aransas County, Texas; for the purpose of building a restaurant; repealing all ordinances in conflict therewith; providing for severability, and providing an effective date. Council Member Day seconded the motion. Motion carried unanimously.

- 23. 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 granting a Conditional Use Permit for properties located at 3422-3462 Loop 1781; also known as Lots 13-A, 13-B, 14-A and 14-B, Spanish Woods Est #5, 12.715 acres, Rockport, Aransas County, Texas; for the purpose of developing a Bed and Breakfast subject to compliance with the conditions stated below, as well as those stipulated under Article 23, Rockport Zoning Ordinance Number 1027; repealing all ordinances in conflict therewith; providing for severability; and providing an effective date.**

Richard Harbin, 101 San Leanna Drive, addressed the Council. Mr. Harbin stated he is President of the Spanish Woods Homeowners Association, and he had submitted a letter to the Council stating the granting of a Conditional Use Permit would be a violation of the Unit 5 Restrictions, Covenants, and Landowners Agreement filed for record in the County of Aransas, 1982, Volume 310, Pages 45-50, Deed Records, and amended and filed for record by the Aransas County Clerk as File No. 225945. Mr. Harbin said all lots shall be used exclusively for single family residential purposes. Mr. Harbin added that the Spanish Woods Homeowners Association believed the City Council has no legal authority to grant the Conditional Use Permit, and if approved it would set a precedent for any deed restrictions on property within the City.

Dave Colmer, 106 Paso Madera Drive, addressed the Council. Mr. Colmer stated he is head of the Architecture Committee for the Spanish Woods Homeowners Association. Mr. Colmer said his purpose is to make sure the Spanish Woods Subdivision is a single-family residential subdivision.

Cherie Mathisen, Houston, Texas, addressed the Council. Ms. Mathisen stated she is the property owner and she has never heard of these deed restrictions. Ms. Mathisen said she had reached out to Mr. Harbin and requested the deed restriction information and he never responded to her. Ms. Mathisen added these deed restrictions were created in 1982 and are good for 21 years and then can be renewed, but she has not seen any documents showing such. Ms. Mathisen expressed she did not understand why Mr. Harbin was opposed to this; it is not one lot, it is 12 acres.

Jeff & Shelly Steckler, 3352 Loop 1781, addressed the Council. Ms. Steckler stated they are next-door neighbors to Ms. Mathisen property and they have no problem with her request. Ms. Steckler added she understood deed restrictions on small lots but this property is on the opposite side and not affiliated with the Spanish Woods Subdivision; do not use their roads, and Ms. Mathisen is not affecting the 38 acres behind her; she uses her own entrance and does not even drive through the subdivision.

Community Planner Amanda Torres stated the Notice in the newspaper and sent to property owners notified them of a request to change zoning to allow for a Bed & Breakfast. Ms. Torres said the property owner does have a plan for a Phase 2 which includes a restaurant and bar, but that would come before the Planning & Zoning Commission and Council as a separate item.

Council Member Day asked if Unit 5 was considered part of the Spanish Woods Subdivision. Council Member Day commented that development of residential homes has only happened in Unit 2.

Ms. Torres answered Unit 5 is part of the Spanish Woods Subdivision. Ms. Torres added the City does not have the jurisdiction to enforce deed restrictions.

Lynn Turner, Vice President of the Spanish Woods Homeowners Association addressed the Council. Mr. Turner explained the location of the property being discussed. Mr. Turner said the Spanish Woods Homeowners Association contention is if the Planning & Zoning Commission and the City Council can take these kinds of situations and change it to something else, who's to say they may not change something else.

Mayor Rios asked if it was mandatory to belong to the Spanish Woods Homeowners Association.

Mr. Turner answered "No" that George Strickhausen, one of the original owners of Unit 5, did not make it mandatory for property owners to become members of the Homeowners Association. Mr. Turner added the property was set-up for single-family homes and when the City annexes new property it also comes in as residential and they want it to stay that way.

Ms. Torres reminded Council of the Conditional Use "Review Criteria" listed in the Code of Ordinances. Ms. Torres said Items 2 and 3 address adjacent properties. Ms. Torres added approval of this request will not require a super-majority vote.

Council Member Gurtner stated she did understand homeowners associations, and the documents creating the Spanish Woods Homeowners Association did not make it mandatory to become a member. Council Member Gurtner asked if the documents were given to purchasers of property in Spanish Woods.

Ms. Mathisen answered Council Member Gurtner and said no documents had been provided to her when she purchased the property.

Mr. Turner stated he had taken the documents to the title companies six or seven years ago, but over time they get pushed aside.

Council Member Villa said he attended the Planning & Zoning Commission meeting last Monday. Council Member Villa stated he called the City Attorney to inquire about the City's authority in this situation.

City Attorney Terry Baiamonte stated the Council is seeing issues that come up with homeowners' associations and properties. Ms. Baiamonte advised the Council that the Planning & Zoning Commission cannot be a party to this confusion; their requirement is to follow the City's Code of Ordinances. Ms. Baiamonte said the Planning & Zoning Commission cannot try to parcel out those homeowners' association restrictions; those issues have to be dealt with by the parties involved. Ms. Baiamonte declared if the Planning & Zoning Commission find the request for the Conditional Use Permit meets the 10 requirements, they have to make their decision independent of the homeowners association restrictions.

Mayor Rios stated this can be difficult, but that is what the Planning & Zoning Commission is required to do. Mayor Rios added he did not believe the Council was ever guilty of putting commercial zoning on residential zoning.

Lynn Kiley, 223 Sanctuary Drive, addressed the Council. Ms. Kiley stated residents of The Sanctuary just found out about this request and that is why they had no representation at the Planning & Zoning Commission meeting. Ms. Kiley said the Sanctuary Homeowners Association felt like they needed to be better informed. Ms. Kiley expressed she did not think this was ready for a vote by the Council.

Vicki Pitluk, Community Relations, informed everyone the City Council Agendas as well as Planning & Zoning Commission Agendas are placed on the City's website and citizens can receive those via email by signing up in an area on the website named "Notify Me."

Ms. Torres stated for clarification that the same notification procedures were followed for this request, just as any other request. Ms. Torres said notifications are mailed to property owners within a 200-foot radius of the property and the public notice is also published in the newspaper.

Mayor Rios stated it is impossible to notify everyone within the City and recommended citizens sign-up to receive agendas through the "Notify Me" on the City's website.

Ms. Torres stated the Planning & Zoning Commission met and recommend approval of the request.

Linda Holzmann, 338 Spanish Woods, addressed the Council. Ms. Holzmann said she did not have a copy of the original zoning and land development application but she knows the application was not just for a bed and breakfast, but also a restaurant, bar and farmers market. Ms. Holzmann added that there have been court cases all over the state, one particular was in League City, and that should be considered.

Mayor Rios said the only item the Council is considering tonight is for the bed & breakfast.

Council Member Villa commented the property is located on FM 1781, far away from the actual residential area of Spanish Woods Subdivision and he does not think this would affect property values. Council Member Villa stressed that only one person has spoken about this because they live next door and they support the request. Council Member Villa stated the Council deliberated on a rezoning request several weeks ago and property owners within the 200-foot area expressed disapproval of the request so the Council had to have a super majority vote to approve the request. Council Member Villa said the Planning & Zoning Commission voted to recommend denial of the request to the City Council, and the City Council denied the request. Council Member Villa expressed the Planning & Zoning Commission is recommending approval of this request and the request meets all 10 of the criteria required for a Conditional Use Permit.

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 granting a Conditional Use Permit for properties located at 3422-3462 Loop 1781; also known as Lots 13-A, 13-B, 14-A and 14-B, Spanish Woods Est #5, 12.715 acres, Rockport, Aransas County, Texas; for the purpose of developing a Bed and Breakfast subject to compliance with the conditions stated below, as well as those stipulated under Article 23, Rockport zoning Ordinance Number 1027; repealing all ordinances in conflict therewith; providing for severability; and providing an effective date. Council Member Day seconded the motion. Motion carried 3:1.

FOR MOTION: Council Member Villa, Council Member Day and Mayor Rios.

AGAINST MOTION: Council Member Gurtner.

Council Member Gurtner commented when she heard about the plans for a bed and breakfast and restaurant she thought it very exciting, but now after listening to the Homeowners Association and what it means to change, she has her doubts. Council Member Gurtner questions if it will be throwing the property owner into a legal battle with the homeowners association.

24. 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 granting a conditional use permit for property located at 1360-1460 State Highway 35 Bypass, Rockport, Aransas County, Texas; for the purpose of developing an RV park; with no conditions other than those stipulated under Article 23, Rockport Zoning Ordinance Number 0127; repealing all ordinances in conflict therewith; providing for severability, and providing an effective date.

Christopher Harrison, developer from Austin, Texas, addressed the Council. Mr. Harrison said he is the developer for this property which is planned as Salt Life RV Park. Mr. Harrison stated this is the very early stages of planning, but plans are for 120 units, swimming pool and amenity center.

Council Member Day asked if the lots will be for sale.

Council Member Gurtner asked what will be used as screening.

Mr. Harrison answered the lots will not be for sale and he is assuming the screening will be a six-foot cedar fence.

Council Member Villa asked about removal of trees.

Council Member Day asked about a drainage plan.

Community Planner Amanda Torres informed Council the developer will have to submit a tree survey and drainage plans.

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 granting a conditional use permit for property located at 1360-1460 State Highway 35 Bypass, Rockport, Aransas County, Texas; for the purpose of developing an RV park; with no conditions other than those stipulated under Article 23, Rockport Zoning Ordinance Number 0127; repealing all ordinances in conflict therewith; providing for severability, and providing an effective date. Council Member Day seconded the motion. Motion carried unanimously.

25. Deliberate and act on second & final 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 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; for the purpose of allowing the placement of manufactured housing; repealing all ordinances in conflict therewith; providing for severability; and providing an effective date.

Mayor Rios stated there have been no changes in format or substance of the Ordinance since Council approved the first reading on May 10, 2018.

MOTION: Council Member Day moved to adopt on second & final reading 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 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; for the purpose of allowing the placement of manufactured housing; repealing all ordinances in conflict therewith; providing for severability; and providing an effective date. Council Member Villa seconded the motion. Motion carried unanimously.

26. Deliberate and act on second & final 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 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; for the purpose of allowing the placement of manufactured housing; repealing all ordinances in conflict therewith; providing for severability; and providing an effective date.

Mayor Rios stated there have been no changes in format or substance of the Ordinance since Council approved the first reading on May 10, 2018

MOTION: Council Member Gurtner moved to adopt on second & final 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 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; for the purpose of allowing the placement of manufactured housing; repealing all ordinances in conflict therewith; providing for severability; and providing an effective date. Council Member Villa seconded the motion. Motion carried unanimously.

27. Deliberate and act on second & final 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 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; for the purpose of allowing the placement of Manufactured Housing; repealing all ordinances in conflict therewith; providing for severability; and providing an effective date.

Mayor Rios stated there have been no changes in format or substance of the Ordinance since Council approved the first reading on May 10, 2018

MOTION: Council Member Day moved to adopt on second & final 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 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; for the purpose of allowing the placement of Manufactured Housing; repealing all ordinances in conflict therewith; providing for severability; and providing an effective date. Council Member Villa seconded the motion. Motion carried unanimously.

28. Deliberate and act on second & final reading of an Ordinance amending the official zoning map as stipulated under Section 4.1 of the City of Rockport Zoning Ordinance Number 1027, by overlaying the current zoning of property R-1 (1st Single-Family Dwelling District) 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 Planned Unit Development (PUD) Mixed-Use Subdivision consisting of single-family residential, condominiums, and commercial parcels with such features and amenities as indicated in Exhibit A attached hereto and with those specific conditions as outlined herein; repealing all ordinances in conflict therewith; providing for severability; and providing an effective date.

Mayor Rios stated there have been no changes in format or substance of the Ordinance since Council approved the first reading on May 10, 2018

MOTION: Council Member Gurtner moved to adopt on second & final reading an Ordinance amending the official zoning map as stipulated under Section 4.1 of the City of Rockport Zoning Ordinance Number 1027, by overlaying the current zoning of property R-1 (1st Single-Family Dwelling District) 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 Planned Unit Development (PUD) Mixed-Use Subdivision consisting of single-family residential, condominiums, and commercial parcels with such features and amenities as indicated in Exhibit A attached hereto and with those specific conditions as outlined herein; repealing all ordinances in conflict therewith; providing for severability; and providing an effective date. Council Member Villa seconded the motion. Motion carried unanimously.

29. Deliberate and act on second & final reading of an Ordinance amending Article 4 *Districts and General Provisions* and Article 9 *R-2M Manufactured Housing District*, Rockport Zoning Ordinance No. 1027, by establishing an age limit on manufactured homes being moved into the City of Rockport; repealing all ordinances in conflict therewith; providing for severability; and providing an effective date.

Community Planner Amanda Torres stated there had been an amendment of a verbiage change in the Ordinance, the same as had been recommended by the Planning & Zoning Commission in the amendment to Article 24 of the Code of Ordinances.

MOTION: Council Member Villa moved to adopt on second & final reading an Ordinance, with the amendment of a verbiage change, amending Article 4 *Districts and General Provisions* and Article 9 *R-2M Manufactured Housing District*, Rockport Zoning Ordinance No. 1027, by establishing an age limit on manufactured homes being moved into the City of Rockport; repealing all ordinances in conflict therewith; providing for severability; and providing an effective date. Council Member Gurtner seconded the motion. Motion carried unanimously.

30. Deliberate and act on process for filling Council Member Ward 3 vacancy.

City Secretary Teresa Valdez read Section 3.05 of the City of Rockport Home Rule Charter (below) which addressed the filling of vacancies on City Council.

Sec. 3.05 Vacancies, Forfeiture and Filling of Vacancies.

(4) In the event of a permanent vacancy in the office of the Mayor, the Mayor Pro-Tem shall become the Mayor, thereby vacating his Council position. Vacancies in the Council, other than the Mayor, shall be filled by a majority vote of the remaining members, if the remaining term is less than one (1) year. In the event that an election is held in any of the Wards and no candidate files or registers as a write-in, that vacancy shall be filled after said election by the Council. In the event the remaining term is equal to or more than one (1) year, the Council may fill the position by a majority vote of the remaining members or call for a special election to fill the vacancy, for the unexpired term only. In all cases, the successor shall possess all qualification for the position.

Ms. Valdez said the last time there was an unexpired term was 2009 and it was for Ward 4. Ms. Valdez stated the process Council used at that time was to take applications from interested persons and conduct interviews.

Mayor Rios said an updated version of the 2009 application had been included in the Agenda packet. Mayor Rios added the basic qualification is that the person must be a resident of Ward 3.

Council Member Villa stated the person must have been a resident of Ward 3 for one (1) year.

Discussion was held among Council on advertising the acceptance of applications.

Vicki Pitluk, Community Relations, stated she was concerned about the time restraint if the Council wanted the deadline to accept applications to be May 16, 2018. Ms. Pitluk said the deadline for submitting an ad to *The Rockport Pilot* for the Saturday, May 12th edition was passed so the ad would not get into the newspaper until Wednesday, May 16th, 2018, which was the deadline for submission of an application to the City Secretary. Ms. Pitluk suggested the Council change the deadline for submission.

It was the consensus of Council to change the deadline for submission of applications to noon, June 1, 2018.

MOTION: Council Member Day moved to instruct the City Secretary to place an advertisement in *The Rockport Pilot* seeking council candidate applications to fill the unexpired term for Ward 3 with the submission deadline being Noon on June 1, 2018, and request Ms. Pitluk to create a Press Release for this. Council Member Villa seconded the motion. Motion carried unanimously.

Council instructed Ms. Valdez to place an item on the May 22, 2018, City Council Agenda for discussion of how and when Council will conduct candidate interviews.

31. 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 Rios informed the Council the long-term recovery team has been meeting and working on various grant applications to assist with hurricane recovery. Mayor Rios said he and Public Works Director Mike Donoho will be attending the Texas State Emergency Management Conference in San Antonio next week.

Council Member Gurtner said she had a great time at the Sinko De Quacko event. Council Member Gurtner stated the Friends of the Pool raised \$6,000.00 for scholarships.

Council Member Villa stated Downtown Rockport was busy this weekend for Cinco De Mayo and Sinko De Quacko. Council Member Villa asked Police Chief Tim Jayroe if there have been any complaints about the new bar in Downtown or traffic complaints. Council Member Villa expressed it was great to see all the cars Downtown after 5:00 p.m.

Police Chief Tim Jayroe said there had been one minor incident at the bar.

Mayor Rios thanked Council and staff for their support. Mayor Rios said the City has a great team who has been through a lot together and still maintain fun and laughter.

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:

- 32. 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.**
- 33. 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 8:29 p.m., Mayor Rios 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 8:43 p.m., Mayor Rios 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.

34. Adjournment

At 8:44 p.m., Council Member Gurtner moved to adjourn. Motion was seconded by Council Member Villa. Motion carried unanimously.



ATTEST:


Teresa Valdez, City Secretary

APPROVED:



Patrick R. Rios, Mayor