CITY OF ROCKPORT

MINUTES

CITY COUNCIL REGULAR MEETING
6:30 p.m., Tuesday, January 28, 2020
Rockport Service Center, 2751 State Highway 35 Bypass

On the 28th day of January 2020, 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 Patrick R. Rios
Mayor Pro-Tem J.D. Villa, Ward 2
Council Member Michael Saski, Ward 1
Council Member Bob Cunningham, Ward 3
Council Member Barbara Gurtner, Ward 4

CITY COUNCIL MEMBER(S) ABSENT

STAFF MEMBERS PRESENT
City Manager Kevin Carruth
City Secretary Teresa Valdez
Finance Director Katie Griffin
Police Chief Greg Stevens
Information Technology Director Bob Argetsinger
Parks & Leisure Services Director Rick Martinez
Community Planner Amanda Torres
Public Works Director Mike Donoho

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 Rios at 6:30 p.m. on Tuesday, January 28, 2020, 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. Presentation: South Region Traps Maintenance Rodeo Awards

Parks & Leisure Services Director Rick Martinez introduced: Mario Trevino, Victor White, Gary Hoofard, Kevin Ashpole and George Bennet. Mr. Martinez stated these employees attended the Texas Recreation and Park Society (TRAPS) maintenance rodeo in Robstown on January 8, 2020. Mr. Martinez said the event was attended by several cities including Corpus Christi, Brownsville, McAllen, Portland, and several other cities, and this was Rockport’s first time to attend. Mr. Martinez explained the purpose of the rodeo is to hone and showcase work skills in a friendly competition and it is also an opportunity for networking with other communities and builds teamwork. Mr. Martinez announced the City’s Parks department had four employees that placed in the top five or higher in different categories: 1) Irrigation Assembly, 4th Place – Kevin Ashpole & Victor White; 2) Plant & Weed Identification, 2nd Place – Gary Hoofard; and 3) Zero Turn Mower Obstacle Course – 3rd Place – Mario Trevino. Mr. Martinez stated these four employees will be representing the City of Rockport at the State Maintenance Rodeo Competition in Galveston on February 26, 2020.

Mr. Martinez presented award certificates to: Mario Trevino, Victor White, Gary Hoofard, and Kevin Ashpole. Mr. Martinez stated George Bennet is the Supervisor.

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 back of the Training Room of the Rockport Service Center and deliver to the City Secretary before the meeting begins. 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. While civil public criticism is not prohibited; disorderly conduct or disturbance of the peace as prohibited by law shall be cause for the chair to terminate the offender’s time to speak.

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.


6. Deliberate and act on a Resolution of the City Council of the City of Rockport ordering a General Election and establishing procedures for said election to be held on Saturday, May 2, 2020; the General Election shall be for the purpose of electing a Mayor at-large, a Council Member to represent Ward #2 and a Council Member to represent Ward #4; providing other matters relating to the General Election; and finding and determining that the meeting at which this Resolution is passed is open to the public as required by law.

Deliberar y tomar medidas sobre la Resolución, una resolución del Ayuntamiento de la Ciudad de Rockport en la que se ordena la realización de unas Elecciones Generales y se establecen procedimientos para dichas Elecciones, que se llevarán a cabo el sábado 2 de
mayo de 2020; las Elecciones General se relizarán con el propósito de elegir un Alcalde, un Concejal que represente el Distrito #2; y un Concejal que represente el Distrito #4; se estipulan otros asuntos relacionados con las Elecciones Generales, y se decide y determina que la reunión en la cual se aprueba esta Resolución estará abierta al público, como lo requiere la ley.


Deliberar y tomar medidas sobre el Contrato de Elecciones Conjuntas del 2 de mayo de 2020 para Servicio Electorales entre la Ciudad de Rockport y el Distrito Escolar Independiente del Condado de Aransas, en conformidad con HB 1.

8. Deliberate and act on first quarter report from Rockport Center for the Arts for Fiscal Year 2019-2020 marketing expenditures.


10. Deliberate and act on request from the Fulton Oysterfest for temporary closure of sections of Traylor Boulevard and South Fulton Beach Road for the Oysterfest parade on March 7, 2020, and authorization to display banners across the 2400 block of Highway 35 Business and across the 1200 block of FM 3036 for the Oysterfest event.

11. 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) for property located at 1352 Mack Road; also known as 2.165 acres of land out of Farm Lot Fifteen (15), Block 225, Burton and Danforth Subdivision, Rockport, Aransas County, Texas; to B-1 (General Business District) to develop and prepare land for commercial land uses; repealing all ordinances in conflict therewith; providing for severability, and providing an effective date.

12. Deliberate and act on second & final reading of an Ordinance extending a moratorium, for 120 days, on the submission, acceptance, processing, and approval necessary for the creation of development plats, construction or facilities related to recreational vehicle (RV) parks for land within the City of Rockport; providing a savings clause; providing a severability clause; finding and determining that the meeting at which the Ordinance was passed was open to the public as required by law; and providing an effective date.

Mayor Rios read the captions of the Ordinances for second reading listed as Items 11 and 12 on the Consent Agenda.

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

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

Regular Agenda

13. Deliberate and act on request to accept a donated bench from the Aransas County Leadership Class Alumni.

Parks & Leisure Services Director Rick Martinez addressed the Council. Mr. Martinez informed the Council the Leadership Aransas County (LAC) Steering Committee contacted him and said they had a surplus of funds after completion of projects and they wanted to expend these funds. Mr. Martinez stated he made the Steering Committee aware that a previous donated bench had been taken from the Dog Park, and upon review they approved replacing it with this funding. Mr. Martinez said the bench will be installed by the park staff and a dedication plate will be installed later.

Mayor Pro-Tem Villa asked how the Parks department was going to secure the bench so it would not be taken again.

Mr. Martinez answered the Parks department is going to attempt to extend the leg support below and ground, secure with tamper resistant screws and place concrete around them.

MOTION: Mayor Pro-Tem Villa moved to accept a donated bench from the Aransas County Leadership Class Alumni. Council Member Gurtner seconded the motion. Motion carried unanimously.

14. TABLED – January 14, 2020: Deliberate and act on first reading of a proposed Ordinance amending the official zoning map as stipulated under Section 4.1, of Ordinance Number 1027, being the City of Rockport, Texas, zoning ordinance, and Ordinance No. 1714 by amending the current terms of the Planned Unit Development Overlay of property located at 3086-3098 State Highway 35 Bypass and 430 McLester, Rockport, Texas; 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 portions of 15-21, C.H. Moore Subdivision, Joseph Fessenden Survey, City of Rockport, Aransas County, Texas; to a Planned Unit Development (PUD) subdivision consisting of single-family residential parcels with such features and amenities as indicated in Exhibit A attached hereto and with those specific conditions as outline herein; repealing all ordinances in conflict therewith; providing for severability; and providing an effective date.

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

Public Works Director Mike Donoho addressed the Council. Mr. Donoho stated this item was brought to Council on January 14th and after much deliberation among City staff, Council, and the
developer, Council voted to table the item for further information. Mr. Donoho said since then, City staff has consulted the City Attorney, the City Engineer, and the developer. Mr. Donoho stated staff is recommending approval with additional criteria added to the Ordinance; one of which is the developer will provide 25-foot utility easements along TxDOT rights-of-ways on the current parcel and any additional parcel acquired and included in the subdivision. Mr. Donoho expressed the City is reviewing the Planned Unit Development ordinance and will be bringing revisions/amendments to Council.

Brief discussion was held among Council and Mr. Donoho.

**MOTION:** Mayor Pro-Tem Villa moved to approve the first reading of a proposed Ordinance amending the official zoning map as stipulated under Section 4.1, of Ordinance Number 1027, being the City of Rockport, Texas, zoning ordinance, and Ordinance No. 1714 by amending the current terms of the Planned Unit Development Overlay of property located at 3086-3098 State Highway 35 Bypass and 430 McLester, Rockport, Texas; 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 portions of 15-21, C.H. Moore Subdivision, Joseph Fessenden Survey, City of Rockport, Aransas County, Texas; to a Planned Unit Development (PUD) subdivision consisting of single-family residential parcels with such features and amenities as indicated in Exhibit A attached hereto and with those specific conditions as outline herein; repealing all ordinances in conflict therewith; providing for severability; and providing an effective date. Council Member Sasaki seconded the motion. Motion carried unanimously.

15. Deliberate and act on 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) for property located at 1740 W. Corpus Christi Street; also known as Lot 4 & part of 5, Peninsula Oaks Unit 3, City of Rockport, Aransas County, Texas; to B-1 (General Business District) for an investment and potential shop space; repealing all ordinances in conflict therewith; providing for severability, and providing an effective date.

Community Planner Amanda Torres informed the Council the applicants have withdrawn their request.

Mayor Rios said he had received two “request to speak” cards from Cindy Mizener and Kay Clark. Mayor Rios asked Ms. Mizener and Ms. Clark if they wanted to address the Council.

Ms. Mizener and Ms. Clark declined to comment since the applicants had withdrawn their request.

City Manager Kevin Carruth informed this item required no action by Council.

Public Works Director Mike Donoho stated it was staff’s understanding the applicants are going to meet with the neighbors to discuss the best use of the property.

Council Member Gurtner said she has spoken with a TxDOT representative and there are plans for an overpass at Corpus Christi Street, years down the road.
16. Deliberate and act on 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) for property located at 243 State Highway 35 Bypass; also known as Lot 2, Block 1, Muskopf Family Subdivision, City of Rockport, Aransas County, Texas; to B-1 (General Business District) to build a pet cemetery and crematorium; repealing all ordinances in conflict therewith; providing for severability, and providing for an effective date.

Community Planner Amanda Torres stated the Planning & Zoning Commission met last Monday and voted to recommend approval of the request to rezone the property located at 243 State Highway 35 Bypass, Rockport, Texas.

MOTION: Mayor Pro-Tem 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-1 (1st Single Family Dwelling District) for property located at 243 State Highway 35 Bypass; also known as Lot 2, Block 1, Muskopf Family Subdivision, City of Rockport, Aransas County, Texas; to B-1 (General Business District) to build a pet cemetery and crematorium; repealing all ordinances in conflict therewith; providing for severability, and providing for an effective date. Council Member Sasaki seconded the motion. Motion carried unanimously.

17. 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) for property located at 345 SH 35 Bypass; also known as 134.343 total acres of land embracing four tracts of land called Tract 1: 67.984 acres of land out of the remainder of Farm Lot 3, all of Farm Lots 4, 5, 6, 7 and 8; and fractional Farm Lots 9, 10, 11 and 12, Landblock 20, T.P. McCampbell Subdivision; Tract 2: 55.932 acres of land out of the remainder of Farm Lot 1, all of Farm Lots 2 and 3, and fractional Farm Lots 4, 5, 6, 7, 8, 9 and 10, Landblock 21, T.P. McCampbell Subdivision; Tract 3: 7.257 acres of land out of the remainder of Farm Lot 1, and fractional Farm Lots 2, 3 and 4, Landblock 22, T.P. McCampbell Subdivision, and including 3.17 acres of platted R.O.W. adjacent to said tracts as shown on the plat of T.P. McCampbell Subdivision, City of Rockport, Aransas County, Texas, according to the plat recorded in Volume 1, pages 3 and 4, Plat Records of Aransas County, Texas, and above tracts being described in a deed of record to D&R Self Storage, Inc., under Clerks File Number 368317, Official Public Records of Aransas County, Texas; to R-6 (Hotel/Motel District) to build a boutique hotel and apartment complex; repealing all ordinances in conflict therewith; providing for severability, and providing for an effective date.

Community Planner Amanda Torres stated on the first reading of the Ordinance, City Council discussed and moved to down-zone to R-6 (Hotel-Motel District), a less intense, more land use-restrictive zoning district than what was originally noticed, B-1 (General Business District). Ms. Torres said staff conferred with the City Attorney that this was a legally permissible motion. Ms. Torres informed the Council the Ordinance had been amended to reflect said change to R-6.
(Hotel-Motel District).

**MOTION:** Mayor Pro-Tem Villa moved to approve the 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) for property located at 345 SH 35 Bypass; also known as 134.343 total acres of land embracing four tracts of land called Tract 1: 67.984 acres of land out of the remainder of Farm Lot 3, all of Farm Lots 4, 5, 6, 7 and 8; and fractional Farm Lots 9, 10, 11 and 12, Landblock 20, T.P. McCampbell Subdivision; Tract 2: 55.932 acres of land out of the remainder of Farm Lot 1, all of Farm Lots 2 and 3, and fractional Farm Lots 4, 5, 6, 7, 8, 9 and 10, Landblock 21, T.P. McCampbell Subdivision; Tract 3: 7.257 acres of land out of the remainder of Farm Lot 1, and fractional Farm Lots 2, 3 and 4, Landblock 22, T.P. McCampbell Subdivision, and including 3.17 acres of platted R.O.W. adjacent to said tracts as shown on the plat of T.P. McCampbell Subdivision, City of Rockport, Aransas County, Texas, according to the plat recorded in Volume 1, pages 3 and 4, Plat Records of Aransas County, Texas, and above tracts being described in a deed of record to D&R Self Storage, Inc., under Clerks File Number 368317, Official Public Records of Aransas County, Texas; to R-6 (Hotel/Motel District) to build a boutique hotel and apartment complex; repealing all ordinances in conflict therewith; providing for severability, and providing an effective date. Council Member Cunningham seconded the motion.

City Manager Kevin Carruth called the Council’s attention to the last “Whereas” in the Ordinance. Mr. Carruth stated the date there should state January 14, 2020.

**MOTION:** Mayor Pro-Tem Villa moved to amend his motion to include the correction to the date as described by Mr. Carruth and approve the 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) for property located at 345 SH 35 Bypass; also known as 134.343 total acres of land embracing four tracts of land called Tract 1: 67.984 acres of land out of the remainder of Farm Lot 3, all of Farm Lots 4, 5, 6, 7 and 8; and fractional Farm Lots 9, 10, 11 and 12, Landblock 20, T.P. McCampbell Subdivision; Tract 2: 55.932 acres of land out of the remainder of Farm Lot 1, all of Farm Lots 2 and 3, and fractional Farm Lots 4, 5, 6, 7, 8, 9 and 10, Landblock 21, T.P. McCampbell Subdivision; Tract 3: 7.257 acres of land out of the remainder of Farm Lot 1, and fractional Farm Lots 2, 3 and 4, Landblock 22, T.P. McCampbell Subdivision, and including 3.17 acres of platted R.O.W. adjacent to said tracts as shown on the plat of T.P. McCampbell Subdivision, City of Rockport, Aransas County, Texas, according to the plat recorded in Volume 1, pages 3 and 4, Plat Records of Aransas County, Texas, and above tracts being described in a deed of record to D&R Self Storage, Inc., under Clerks File Number 368317, Official Public Records of Aransas County, Texas; to R-6 (Hotel/Motel District) to build a boutique hotel and apartment complex; repealing all ordinances in conflict therewith; providing for severability, and providing an effective date. Council Member Cunningham seconded the motion. Motion carried unanimously.

18. Deliberate and act on a Resolution approving the formation of the Aransas County Alliance Local Government Corporation.

Mayor Rios called the Council’s attention to an amended Resolution placed in front of them on
the dais. Mayor Rios stated the City Attorney had made some changes to the original Resolution included in the Agenda packet.

MOTION: Council Member Gurtner moved to approve the amended Resolution that had been distributed to Council approving the formation of the Aransas County Alliance Local Government Corporation. Mayor Pro-Tem Villa seconded the motion. Motion carried unanimously.


At this time, the City Council will report/update on all committee assignments, which may include the following: Aransas County Alliance Local Government Corporation; Aransas Pathways Steering Committee; Building and Standards Commission; Coastal Bend Bays and Estuaries Program; Coastal Bend Council of Government; Park & Leisure Services Advisory Board; Planning & Zoning Commission; Rockport-Fulton Chamber of Commerce; Aransas County Storm Water Management Advisory Committee; Rockport Cultural Arts District, 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 Pro-Tem Villa said he had attended the Parks Board meeting yesterday and the Pool Community meeting. Mayor Pro-Tem Villa stated the San Patricio and Aransas County show had 27 children from Aransas County that made auction. Mayor Pro-Tem Villa added there were also children who participated in the home economics show.

Council Member Cunningham stated at the Aransas County Commissioners Court meeting on Monday it was announced they will receive a grant for the engineering for water flow in Little Bay. Council Member Cunningham said he attended a fundraiser book signing of Stephen Harrigan’s book “A Big Wonderful Thing” at the Fulton Mansion. Council Member Cunningham stated he attended the San Antonio Bay Partnership Conference last week.

Council Member Gurtner said she is receiving comments from constituents on the proposed steel mill being built in Sinton and how it will affect our area.

Mayor Rios announced there will be a public meeting on Thursday, January 30, 2020, at the new Rockport Center for the Arts location, 638 East Market Street. Mayor Rios said this meeting is to receive input on the construction of an arts, performing arts, and conference center and relocation of the Kline building.

Mayor Rios announced Mr. James Ragland, Sr. will be celebrating his 100th birthday on February 2, 2020. Mayor Rios stated Mr. Ragland was in the Philippines when Japan attacked and was taken prisoner. Mayor Rios added that later Mr. Ragland was one of the last people who took the last airline out of Korea. Mayor Rios expressed we need to remember people like Mr. Ragland.

20. Adjournment.

At 7:09 p.m., Mayor Pro-Tem Villa moved to adjourn. Motion was seconded by Council Member Cunningham. Motion carried unanimously.
ATTEST:

Teresa Valdez, City Secretary

APPROVED:

Patrick R. Rios, Mayor