CITY OF ROCKPORT

MINUTES

CITY COUNCIL REGULAR MEETING
6:30 p.m., Tuesday, March 10, 2020
Rockport Service Center, 2751 State Highway 35 Bypass

On the 10th day of March 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 Sasaki, Ward 1
Council Member Bob Cunningham, Ward 3
Council Member Barbara Gurtner, Ward 4

CITY COUNCIL MEMBER(S) ABSENT

PLANNING & ZONING COMMISSION MEMBERS PRESENT
Kim Hesley
G. Maynard Green
Ruth Davis
Diana Severino-Saxon
W. Kent Howard

STAFF MEMBERS PRESENT
City Manager Kevin Carruth
City Secretary Teresa Valdez
Finance Director Katie Griffin
Police Chief Greg Stevens
Information Technology Director Bob Argetsinger
Public Works Director Mike Donoho
Community Planner Amanda Torres
Municipal Court Judge/Court Administrator Diana McGinnis

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, March 10, 2020, in the
Training Room of the Rockport Service Center, 2751 State Highway 35 Bypass, Rockport, Texas.

2. Pledge of Allegiance.

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

3. Presentation: Athenian Leadership Society Athenian Fellow – City Secretary Teresa Valdez

Mayor Rios stated the Athenian Leadership Society is an international academy for and of Municipal Clerks worldwide. Mayor Rios explained the Society was established in 2005 to recognize and honor Municipal Clerks who seek personal and professional improvement as an Athenian leader in their chosen profession and the highest achievement for Society members is to be inducted as a Fellow. Mayor Rios said there are currently 26 Athenian Fellows in the State of Texas and 153 in the United States.

Mayor Rios presented Ms. Valdez with the Certificate and pin from the International Institute of Municipal Clerks.

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 adoption of a Resolution encouraging residents of the City of Rockport to participate in the 2020 Census and to ensure that everyone in the City and Aransas County is counted.

7. Deliberate and act on 1st quarter report from the Friends of the Fulton Mansion State Historical Site for Fiscal Year 2019-2020 marketing expenditures.

9. Deliberate and act on request from Texas Maritime Museum for: 1) Closure of Chamber Street from Loop 70 to Navigation Circle on Thursday, May 21, 2020, from 2:00 p.m. to 12:00 a.m. and on Saturday, May 23, 2020 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 24th Annual Festival of Wines & Food.

10. Deliberate and act to accept a Certification of Unopposed Candidates by the City Secretary for the May 2, 2020, General Election.

Deliberar y actuar para aceptar una certificación de candidatos sin oposición, preparada por la secretaría municipal para las elecciones municipals generals del 2 de mayo de 2020.

11. Deliberate and act on Resolution declaring unopposed candidates in the May 2, 2020, City General Election, elected to office; cancelling the Saturday, May 2, 2020, Ward 2 and Ward 4 Elections; and finding and declaring that the meeting at which this Resolution is adopted was open to the public, that the public notice of time, place and the subject matter of the public business to be considered was posted as required by law, including this Resolution.

Deliberar y actuar sobre una resolución declarando a candidatos sin oposición, en las elecciones municipals generals del 2 de mayo 2020, elegido para un cargo público; anulando las elecciones del 2 de mayo, 2020 de barrio 2 y de barrio 4; averiguando y declarando que la reunión en que se adoptó esta resolución fue abierta al público, y el aviso al público de la hora, el lugar y el contenido de los negocios públicos en consideración fueron publicados como requiere la ley, incluyendo esta resolución.

12. Deliberate and act on an Interlocal Cooperation Contract with the Texas Department of Public Safety and authorize the City Manager to negotiate and execute all necessary documents.

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

Mayor Pro-Tem Villa requested Consent Agenda Item 6 be removed for separate discussion.

MOTION: Council Member Gurtner moved to remove Consent Agenda Item 6 for separate discussion. Council Member Sasaki seconded the motion. Motion carried unanimously.

MOTION: Council Member Gurtner moved to approve the Consent Agenda, minus Item 6, as presented. Council Member Sasaki seconded the motion. Motion carried unanimously.

Consent Agenda Item 6.

Vicki Pitluk addressed the Council. Ms. Pitluk made the following comments: “Since 1790 there have been mandated censuses conducted. Census data is used to help make vital decisions on behalf of all residents, including federal funding to local governments, reapportionment and
redistricting. It's estimated that an undercount of the Texas population of just 1% could translate to a loss of $300 million in federal funding for the state and Texans. I don't remember them making a concerted effort in 2010, but the Census Bureau has outdone itself in 2020. The website is filled with valuable information, they've sent employees into local communities to promote awareness and activities, and they're now offering four ways for people to respond – by mail, in person, by phone and the Internet. And, they're offering the survey in more than a dozen different languages. Locally, we had a committee of interested citizens, businesses, government agencies, churches and more to develop and implement an awareness program. This included the development of a Facebook page and posting on seven social media sites; series of stories in The Rockport Pilot; letters to homeowners associations, businesses, Ministerial Alliance, and school district with information, logos and resources; resolution for the local governments; a Chamber event scheduled for March 26; program through the RV Council; and even the use of the new electronic Road and Bridges sign on Pearl Street. Our message is Make Aransas County COUNT!! Mailings to households start on March 12, as does the opening of the web site and call center. Households that have not replied by April 1 will be visited by census takers. Additionally, we'll have the opportunity to look at response rate data online. The Committee will meet again in early April to determine whether or not additional marketing is needed."

Mayor Rios said this is an extremely important event; the committee has been working on this for six months. Mayor Rios encouraged everyone to respond to the Census.

City Manager Kevin Carruth expressed this Census is critical, because of Hurricane Harvey we need to get an accurate count as possible. Mr. Carruth stated if there is an undercount the federal money gets spent somewhere else. Mr. Carruth declared this is not just grant money, it infiltrates every level of all operations.

MOTION: Mayor Pro-Tem Villa moved to approve Consent Agenda Item 6. Council Member Gurtner seconded the motion. Motion carried unanimously.

Public Hearings


With a quorum of the members present, the meeting of the Rockport Planning & Zoning Commission was called to order at 6:43 p.m. on Tuesday, March 10, 2020, in the Training Room of the Rockport Service Center, 2751 State Highway 35 Bypass, Rockport, Texas.

Mayor Rios opened the Joint Public Hearings at 6:43 p.m.

14. Conduct a Joint Public Hearing with the Rockport Planning & Zoning Commission to consider a request to rezone property located at 1740 W. Corpus Christi Street; also known as 2.613 acres out of Tract Nos. 4 and 5, Peninsula Oaks Subdivision Unit No. 3, according to the Plat recorded in Volume 3, Page 34, Plat Records of Aransas County, City of Rockport, Aransas County, Texas; to B-1 (General Business District) for an investment and potential shop space; currently zoned R-1 (1st Single Family Dwelling District).
Gary Mizener, 422 N. Palmetto, addressed the Council. Mr. Mizener stated he owns the lot across from this property and his grandchildren live next door. Mr. Mizener said a request to rezone this property was denied years ago and then again months ago because of the bad intersection. Mr. Mizener expressed nothing has changed and commercial property would just add to that problem. Mr. Mizener said he was opposed to the change in zoning request.

Floyd Clark, 760 Sunset Drive, addressed the Council. Mr. Clark stated he lives 150’ north of this property and nothing has changed since the last rezoning requests; safety issue is still there. Mr. Clark expressed until something is done at the Corpus Christi intersection there are going to be problems – there are children and families traveling that way. Mr. Clark said buying a home is a big investment for most people and you want to get into an area that is protected. Mr. Clark stated this area was annexed by the City a few years ago and he would look to the City to protect the neighborhood. Mr. Clark declared if the rezoning request is approved you will have no control of what is going to be put on the property; a shop this year or whatever next year. Mr. Clark said property value will go from $300,000 to $150,000 and he is asking the Council to saving his retirement investment; put yourself in his place.

Kay Clark, 760 Sunset Drive, addressed the Council. Ms. Clark distributed a packet of information to Council and the Planning & Zoning Commission. Ms. Clark stated at the end of the last meeting regarding the rezoning of this property Mr. Farnsworth said he would meet with the neighbors and try to compromise; his compromise of rezoning only the part of the property near the Bypass makes the traffic situation more dangerous by causing the driveway on Corpus Christi Street to be closer to the hazardous intersection. Ms. Clark said Mr. Farnsworth admitted that large delivery trucks occasionally bring him lumber. Ms. Clark added there is a bus stop ½ blocks away on Corpus Christi Street at Griffith and children walk home from the bus stop; this increases their danger. Ms. Clark expressed in the yellow packet of information she had provided Council last time, research shows they find that every in-block commercial use they measure has a statistically significant positive relationship with the number of robberies; in summary, the baseline results indicate a strong positive relationship between commercial uses and street robberies and batteries in the immediate vicinity. Ms. Clark stated in the blue packet of information she had provided previously, a Georgia study noted that commercial development in general can depress residential property value (homes 0.5 – 1.0 mile distant) and in King County, Washington commercial uses were found to depress residential properties within 300 feet to 1000 feet. Ms. Clark added that in the Planning & Zoning Ordinance 113, page 4, 4th paragraph it stated: “The continuation of commercial uses into residential neighborhoods should be practiced with caution and should not be allowed on a regular basis.” Ms. Clark stated she realizes the City needs to grow, but this is not the place to do this. Ms. Clark asked the Council to please vote their conscience.

Brenda Mizener, 811 Sunset Drive, addressed the Council. Ms. Mizener stated she agrees with everything that everyone has previously said. Ms. Mizener expressed this is a dangerous intersection; she has two middle school children and they walk down Griffith to Sunset, and she is very concerned about safety.

Matt Farnsworth addressed the Council. Mr. Farnsworth stated he has been in Rockport since 1973 and he and his brothers bought this property as an investment. Mr. Farnsworth said they took everything on Sunset Drive and put it into residential one-half acre lots. Mr. Farnsworth stated the City bought the exact lot across and put in a softball field; how much traffic will that bring in? Mr. Farnsworth expressed that all he wants and is asking for is a woodshop.
Jeff Gordon, 710, 730, 740 Sunset Drive, addressed the Council. Mr. Gordon stated rezoning of this property has been before Council several times over the last years. Mr. Gordon expressed when general business district zoning is granted the City will not have a say about what goes on the property; there are all kinds of things that fall under that zoning district. Mr. Gordon stated he did not feel this is the place; go down Business 35 to expand.

Mayor Rios stated the Planning & Zoning Commission will consider the request to rezone at the Monday, March 16, 2020, meeting at 5:30 p.m.

14. **Adjourn – Rockport Planning & Zoning Commission.**

At 7:03 p.m., the Rockport Planning & Zoning Commission adjourned.

15. **Conduct and deliberate a Public Hearing for the purpose of receiving testimony and comments on the proposed re-establishment of a curfew order application to children under the age of 17.**

Police Chief Greg Stevens addressed the Council. Chief Stevens stated the City has had a Juvenile Curfew in the past and law requires review. Chief Stevens said unfortunately the review did not happen last year, so the Juvenile Curfew Ordinance expired. Chief Stevens expressed it was his opinion the Ordinance should be re-established; the real purpose is to protect children.

Municipal Court Judge Diana McGinnis addressed the Council and stated 150 cases have been filed with Aransas County Independent School District on daytime curfew. Judge McGinnis stated this Ordinance only addressed the Aransas County Independent School District campuses and there are other campuses and those times need to be looked at.

Discussion was held among Council, Chief Stevens, Judge McGinnis and City Manager Carruth.

Chief Stevens stated he and Judge McGinnis will work with Aransas County Independent School District and see what the best curfew times are.

At 7:26 p.m., Mayor Rios closed the Public Hearings.

**Regular Agenda**

17. **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) for property located at 2202 FM 3036; also known as 16.951 acres of land out of the George K. Taggart, III, Trustee, 1108.97 acre tract in the J.W. Paup Survey A-179, City of Rockport, Aransas County, Texas, and being a portion of that property deeded by E.M. Spencer to George K. Taggart, III, Trustee, of record in Volume 248, Pages 363-426, Deed Records of Aransas County, Texas; to B-1 (General Business District) for commercial development; repealing all ordinances in conflict therewith; providing for
severability, and providing for an effective date.

Community Planner Amanda Torres addressed the Council. Ms. Torres stated the Planning & Zoning Commission recommend approval of the rezoning request.

Steven Gruenwald with Urban Engineering addressed the Council. Mr. Gruenwald stated he is representing the client and this area is along Highway 35 Bypass and FM 3036 right-of-way. Mr. Gruenwald said there are businesses along here.

Brief discussion was held between Mr. Gruenwald and Council Member Gurtner.

**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 2202 FM 3036; also known as 16.951 acres of land out of the George K. Taggart, III, Trustee, 1108.97 acre tract in the J.W. Paup Survey A-179, City of Rockport, Aransas County, Texas, and being a portion of that property deeded by E.M. Spencer to George K. Taggart, III, Trustee, of record in Volume 248, Pages 363-426, Deed Records of Aransas County, Texas; to B-1 (General Business District) for commercial development; repealing all ordinances in conflict therewith; providing for severability, and providing for an effective date. Council Member Gurtner seconded the motion. Motion carried unanimously.

18. **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) for property located at 1385 State Highway 35 Bypass; also known as 5.87 acres out of the Paul McCombs Survey, City of Rockport, Aransas County, Texas; to I-1 (Light Industrial District) for continued use as a metal fabrication shop; repealing all ordinances in conflict therewith; providing for severability; and providing for an effective date.**

Community Planner Amanda Torres addressed the Council. Ms. Torres stated there is an existing fabrication shop on the property and when the property was annexed by the City it became R-1 (1st Single Family Dwelling District). Ms. Torres said the applicant would like to ensure continued use of the fabrication shop. Ms. Torres informed the Council no letters were received in opposition to the rezoning request.

**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 1385 State Highway 35 Bypass; also known as 5.87 acres out of the Paul McCombs Survey, City of Rockport, Aransas County, Texas; to I-1 (Light Industrial District) for continued use as a metal fabrication shop; repealing all ordinances in conflict therewith; providing for severability; and providing for an effective date. Council Member Gurtner seconded the motion. Motion carried unanimously.
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) for property located at 1325 W. Market; also known as Lots 1-5 and 26-30, Block 3, West Terrace Unit 1; to B-1 (General Business District) for a retail location for the sale of recreational vehicles, manufactured homes, and cabins; repealing all ordinances in conflict therewith; providing for severability; and providing for an effective date.

Community Planner Amanda Torres addressed the Council. Ms. Torres stated the applicant would like to develop the property for retail space for the sale of recreational vehicles, manufactured homes, and cabins.

Council Member Cunningham said he had received one comment from a nearby property owner. Council Member Cunningham stated awhile back the owner had proposed a different use for this property and if this is rezoned what types of businesses are allowed. Council Member Cunningham stated the previous request was for renting dumpsters and asked if that would that fit in the B-1 zoning.

Community Planner Torres stated the next step after rezoning is the owner submits plans and if they do not fit, they would not be allowed. Ms. Torres answered dumpsters would not be allowed in the B-1 zoning designation.

Council Member Gurtner addressed the owner Jatin Patel. Council Member Gurtner said one of the things the City has been discussing previously is this area is an entrance to our City. Council Member Gurtner asked Mr. Patel to be conscious of this if his rezoning request is approved.

Mr. Patel stated he will make sure there is beautification. Mr. Patel said the items he will be selling will all be brand new and ready to live in in the cost bracket of $30,000 - $100,000.

MOTION: Council Member Gurtner 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 1325 W. Market; also known as Lots 1-5 and 26-30, Block 3, West Terrace Unit 1; to B-1 (General Business District) for a retail location for the sale of recreational vehicles, manufactured homes, and cabins; repealing all ordinances in conflict therewith; providing for severability; and providing for an effective date. Council Member Sasaki seconded the motion. Motion carried unanimously.

20. Deliberate and act on first reading of an Ordinance amending the Rockport Code of Ordinances Chapter 66 (Entitled "Offenses and Miscellaneous Provisions") Article II (Entitled "Minors Curfew") by reenacting the minor curfew order; providing for repeal of Ordinances in conflict therewith; providing for severability; providing for penalty; and providing for an effective date.

Mayor Rios said Police Chief Stevens and Judge McGinnis will be working with Aransas County Independent School District to ensure correct times are placed in the Ordinance.
City Manager Kevin Carruth stated staff has been working with Aransas County Independent School District and the 8:30 a.m. to 4:00 p.m. hour curfew was suggested by the school.

**MOTION:** Mayor Pro-Tem Villa moved to approve the first reading of an Ordinance amending the Rockport Code of Ordinances Chapter 66 (Entitled “Offenses and Miscellaneous Provisions”) Article II (Entitled “Minors Curfew”) by reenacting the minor curfew order; providing for repeal of Ordinances in conflict therewith; providing for severability; providing for penalty; and providing for an effective date. Council Member Cunningham seconded the motion. Motion carried unanimously.

**21. Reports from Council.**

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.

Council Member Saksi said he attended the Oysterfest and he congratulated the City’s neighbor to the north on a very successful event.

Mayor Pro-Tem Villa said he also attended the Oysterfest. Mayor Pro-Tem Villa stated he attended the Hispanic dedication of a bench to be place at Veterans Memorial Park. Mayor Pro-Tem Villa added a plaque, dedicated to Hispanic leaders in our community on Sunday, March 8, 2020.

Council Member Cunningham said the University of Texas Marine Science Institute and Mission-Aransas National Estuarine Research Reserve held a three-hour hearing on Aransas River watershed and reported on what has been studied. Council Member Cunningham stated the 1.5 million gallons of water a day that will be pumped into the watershed is a big concern for them; the unknown aspect of what might be in the water and they are going to keep an eye on that. Council Member Cunningham reminded everyone the Master Gardners are having their annual plant sale on Saturday, March 14, 2020.

Council Member Gurtner stated she had also attended the hearing on the Aransas River watershed. Council Member Gurtner said they also talked about the Exxon plant producing plastic pellets and the rain water bringing those pellets, referred to as nurdles, into Copano Bay. Council Member Gurtner stated this is a very large concern and they are going to continue to monitor that.

Mayor Rios said he attended the Elected Officials Conference in Frisco and it consisted of a lot of training and it was a very productive conference. Mayor Rios stated he attended the Rising Eyes Across Texas event at the Rockport Center for the Arts on Saturday.
Council Member Gurtner congratulated Andrea Hattman on her uncontested election to serve as Ward 4 Council Member for the City.

City Manager Kevin Carruth asked the Council if they could attend a very brief meeting at 4:00 p.m. next Tuesday to discuss funding for the Pearl Street force main project.

It was the consensus of Council to schedule a Special meeting for next week Tuesday.

22. Adjournment.

At 7:54 p.m., Mayor Pro-Tem Villa moved to adjourn. Motion was seconded by Council Member Saski Motion carried unanimously.

APPROVED:

Patrick R. Rios, Mayor

ATTEST:

Teresa Valdez, City Secretary