

# CITY OF ROCKPORT

## MINUTES

### CITY COUNCIL REGULAR MEETING 6:30 p.m., Tuesday, February 23, 2016 Rockport City Hall, 622 East Market Street

On the 23<sup>rd</sup> day of February 2016, the City Council of the City of Rockport, Aransas County, Texas, convened in Regular Session at 6:30 p.m., at the regular meeting place in City Hall, 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 (*arrived at 7:03 p.m.*)  
Council Member J. D. Villa, Ward 2  
Council Member Barbara Gurtner, Ward 4

#### CITY COUNCIL MEMBER(S) ABSENT

#### STAFF MEMBERS PRESENT

City Manager Kevin Carruth  
City Attorney Terry Baiamonte  
City Secretary Teresa Valdez  
Police Commander Larry Sinclair  
Public Works Director Mike Donoho  
Park & Leisure Services Director Tom Staley  
Community Planner Kimber Clark

#### ELECTED OFFICIALS

#### 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 6:34 p.m. on Tuesday, February 23, 2016, in the Council Chambers of the Rockport City Hall, 622 E. Market Street, Rockport, Texas.

##### **2. Pledge of Allegiance.**

Mayor Pro-Tem Rios led the Pledge of Allegiance to the U.S. flag.

##### **3. Proclamation: Read Across Aransas County Day – March 2, 2016**

Mayor Wax proclaimed March 2, 2016, as Read Across Aransas County Day in the City of Rockport.

## **Consent Agenda**

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

- 5. Deliberate and act on approval of City Council Regular Meeting Minutes of February 9, 2016.**
- 6. Deliberate and act on request from Rockport Yacht Club for the City to allow temporary directional signage at the intersection of Market Street and Highway 35 South on May 6-9, 2016, for the 15<sup>th</sup> Annual Rockport Nautical Flea Market.**

Mayor Wax called for requests to remove any item from the Consent Agenda for separate discussion. There being no requests, Mayor Wax called for a motion.

**MOTION:** Council Member Villa moved to adopt the Consent Agenda Items as presented. Council Member Gurtner seconded the motion. Motion carried unanimously.

## **4. Citizens to be heard.**

At this time comments will be taken from the audience on any subject matter that is not on the agenda. To address the Council, please sign the speaker's card located on the table outside the Council Chamber and deliver to the City Secretary before the meeting begins. Please limit comments to three (3) minutes. In accordance with the Open Meetings Act, Council may not discuss or take any action on any item that has not been posted on the agenda.

There were no citizen comments.

## **Public Hearing**

- 7. Conduct and deliberate a Public Hearing for the purpose of considering abolishing, continuance, or modification of the Juvenile Curfew Ordinance for the City of Rockport, Aransas County, Texas.**

Mayor Wax opened the Public Hearing at 6:36 p.m.

There were no public comments.

Police Commander Larry Sinclair stated the Police Department recommend continuance of the Juvenile Curfew Ordinance.

Council Member Villa asked Commander Sinclair if the City has any problems with the juveniles.

Commander Sinclair answered Council Member Villa that the Police Department does not issue very many day-time curfew citations. Commander Sinclair added that this Ordinance is a very valuable tool.

Mayor Wax informed everyone that the second public hearing is scheduled for the March 8, 2016 City Council meeting. Mayor Wax added that the graph included in the Ordinance is very useful.

Mayor Wax closed the Public Hearing at 6:41 p.m.

### **Regular Agenda**

- 8. Deliberate and act on Planning & Zoning Commission recommendation to deny request for a Conditional Use Permit on property located at 3021-3099 Loop 1781; also known as A76 Joseph Hollis Survey, being 47.981 acres, also includes Lago Vista Village, Lot B, Rockport, Aransas County, Texas, currently zoned B-1 (General Business District) to Conditional Use Permit Overlay to allow development of an RV resort park.**

Sandy Swanson addressed the Council. Ms. Swanson asked the Council to overrule the Planning & Zoning Commission recommendation. Ms. Swanson stated she believed the developer has met the ten (10) Conditional Use Permit Review Criteria listed in Article 23 of the City Code of Ordinances. Ms. Swanson added that this is a good plan that will be good for the community and will provide recreation and local support of businesses.

Andi Binion, Project Manager for Belaire Environmental, addressed the Council. Ms. Binion stated they were contracted for this project in 2007 and performed their work according to the U.S. Corps of Engineers methodologies. Ms. Binion added that as result of that, the developer designed the project around the wetlands. Ms. Binion said they were recently contacted by the developer, J.R. Gimler, and they went back out to the property and have provided an updated map showing the 2016 boundaries. Ms. Binion called the Council's attention to the map provided to them. Ms. Binion informed the Council that this map will be provided to the U.S. Corps of Engineers, but because this project is designed around the wetlands, a permit from the U.S. Corps of Engineers is not required.

Discussion was held among Council and Ms. Binion.

**MOTION:** Mayor Wax moved to accept the Planning & Zoning Commission recommendation and deny without prejudice the request for a Conditional Use Permit on property located at 3021-3099 Loop 1781; also known as A76 Joseph Hollis Survey, being 47.981 acres, also includes Lago Vista Village, Lot B, Rockport, Aransas County, Texas, currently zoned B-1 (General Business District) to Conditional Use Permit Overlay to allow development of an RV resort park. Council Member Villa seconded the motion. Motion carried unanimously.

- 9. Deliberate and act on Planning & Zoning Commission recommendation to deny request for a zoning change from R-1 (1<sup>st</sup> Single Family Dwelling District) to B-1 (General Business District) on property located at 104 Woodland Drive; also known as .678 acre out of 1.51 acres at the northwest corner of FM 2165 & entry road, Rockport Country Club Estates, Unit 2, Rockport, Aransas County, Texas, to allow construction of two storage units for personal property, RV, home office, and shop space.**

Community Planner Kimber Clark addressed the Council. Ms. Clark stated this was a request for a rezone from R-1 (1<sup>st</sup> Single Family Dwelling District) to B-1 (General Business District). Ms. Clark provided the following background information:

Mr. Paul M. Strunk (owner) requests to re-zone the above described property to commercial land use (B-1 - General Business District) for construction of two storage units for personal property, RV, home office, and shop space.

1. Although this tract of land is within the City's Comprehensive Plan Future Land Use Map for projected commercial land use, the shape of the lot does not allow for TxDOT approvable access to F.M. 2165.
2. A violation of the Comprehensive Plan will exist by allowing traffic to access a commercial use through a residential street. Woodland Drive provides access to a residential subdivision and is not intended to provide direct access to commercial development not accessible from a major thoroughfare.
3. The tract of land is directly adjacent to residential developed lots.

This item was heard at a Joint Public Hearing with the City Council on January 12, 2016, and there was no public input. The issue was deliberated by the Planning & Zoning Commission (P & Z) at their January 18, 2016, meeting and an alternate zoning designation of R-7 (Residential and Office District) was discussed with one of the project owners. Comments by the property owner and neighbors were heard. Action on this item was tabled. The owners did not respond to the Commission's action or the R-7 alternative prior to the next Commission meeting.

On February 15, 2016, P&Z met again and chose to remove the item from the table. The request was deliberated and voted to be denied because the requested B-1 zoning was not compatible with the residential street and because the owners did not respond to the R-7 proposal or multiple attempts to contact them. On February 17<sup>th</sup>, the representative for the owner contacted the building department to indicate that they were requesting the alternate zoning (R-7) that was discussed on January 18<sup>th</sup>. Since the original public notice was for the less restrictive B-1 zoning, changing P&Z's recommendation to the more restrictive (than B-1) R-7 is acceptable. In addition, R-7 is a transitional use between the B-1 use fronting on Pearl Street and R-1.

Planning & Zoning Commission Chairman Brian Olsen stated the Planning & Zoning Commission was agreeable to the R-7 zoning.

Mr. Paul M. Strunk and Mr. Clayton Black stated they were agreeable to the R-7 zoning.

Discussion was held among Council, Ms. Clark and Mr. Olsen.

**MOTION:** Council Member Villa moved to override the Planning & Zoning Commission recommendation to deny the request for a zoning change from R-1 (1<sup>st</sup> Single Family Dwelling District) to B-1 (General Business District), and grant a zoning change to R-7 (Residential and Office District) to allow construction of two storage units for personal property, RV, home office, and shop space, on property located at 104 Woodland Drive; also known a .678 acre out of 1.51 acres at the northwest corner of FM 2165 & entry road, Rockport Country Club Estates, Unit 2, Rockport, Aransas County, Texas. Mayor Pro-Tem Rios seconded the motion. Motion carried unanimously.

**10. Deliberate and act on approval of scope of work for Bayshore Drive.**

Public Works Director Mike Donoho addressed the Council and gave the following report:

In January 2015, the City of Rockport began discussions with the Key Allegro Home Owners Association (HOA) about shoreline stabilization along Bayshore Drive. The Key Allegro Canal and Property Owners Association submitted a request to the US Army Corps of Engineers for a permit to replace two failed groins along the public portion of Bayshore Drive. Several years ago, the City of Rockport installed a rock revetment along the southern portion of Bayshore Drive (Blue Heron to Finisterre) to protect the public road and utilities. A portion of this revetment has undersized top cap rock that has failed and exposed the geo-textile fabric along the shoreline to weathering deterioration. The soil in this area is beginning to erode through the fabric and into the bay during significant rain and wave events. If it collapses in a storm event, Bayshore Drive and parallel utilities will be at risk. Key Allegro HOA hired Coast & Harbor Engineering to conduct a shoreline erosion and stabilization engineering study of Bayshore Drive. The study recommends reconstruction of the two failed groins at the intersection of Bayshore and Curlew. The study specifically recommended repairing the failed rock revetment on the south end of Bayshore. Hatch Mott MacDonald (formerly Coast & Harbor Engineering) is assisting in submission of a grant request on behalf of the City of Rockport for Texas General Land Office Coastal Erosion Planning & Response Act (CEPRA) Funding to be used for this project. Since January there has been significant advancement of erosion in this area through the fabric and into the bay during rain and wave events. If it collapses in a storm event, Bayshore Drive and parallel utilities will be at risk. Hatch Mott MacDonald has developed a scope of work for emergency repairs in this area, including planning, regulatory coordination, engineering, designing, and preparing construction – ready plans and specifications for the repairs of damaged sections of the existing rock revetments and installation of scour protection at the toe of the existing concrete bulkheads.

Mr. Donoho stated shoreline stabilization is an eligible hotel occupancy tax expense. Mr. Donoho informed the Council the project cost is not to exceed \$31,500.00. Mr. Donoho recommended Council approve hiring Hatch Mott MacDonald to provide a scope of work for the implementation

of emergency repairs to failed portions of shoreline structures in an amount not to exceed \$31,500.00.

Discussion was held among Council and Mr. Donoho.

**MOTION:** Mayor Pro-Tem Rios moved to approve hiring Hatch Mott MacDonald to provide a scope of work for the implementation of emergency repairs to failed portions of shoreline structures for an amount not to exceed \$31,500.00. Council Member Gurtner seconded the motion. Motion carried unanimously.

## **11. 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; Environmental Committee for Water Issues; Keep Rockport Beautiful Advisory Board; 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 Project Committee; Texas Maritime Museum; Fulton Mansion; Rockport Center for the Arts; Aransas County; Aransas County Independent School District; Aransas County Navigation District; Town of Fulton; and Texas Municipal League. No formal action can be taken on these items at this time.

Mayor Wax stated he served as Chairman of the Elected Officials Conference in Bastrop last weekend. Mayor Wax announced that Mayor Pro-Tem Rios received the Certified Municipal Officer award at the conference. Mayor Wax stated the Elected Officials Conference is a very good conference and he encouraged all Council Members to try to attend in the future.

Mayor Wax encouraged everyone to participate in the “Read Across Aransas County Day” events.

Mayor Pro-Tem Rios announced that Mayor Wax had also received the Certified Municipal Officer award at the Elected Officials Conference.

Mayor Pro-Tem Rios stated the YMCA Development Committee had met on February 22, 2016. Mayor Pro-Tem Rios said the development is moving along very well. Mayor Pro-Tem Rios informed the Council that a grant application had been submitted to the Sid W. Richardson Foundation.

Council Member Villa said the Park & Leisure Services Board had met on Monday, February 22, 2016. Council Member Villa stated the Aransas County Leadership Class is considering replacement of benches and placement of another picnic table at Spencer Park. Council Member Villa informed the Council that the Board had also talked about formation of a sub-committee for development of the windswept oaks property.

Council Member Day informed the Council that Jennifer Day is forging ahead with the Cultural Arts District application.

Vicki Pitluk announced that there will be an electronic recycling event on Saturday, February 27, 2016, from 7:00 a.m. until 2:00 p.m. at the former City service center.

Council Member Gurtner announced that Keep Aransas County Beautiful is having their first trash pick-up on Saturday, February 27, 2016, from 8:30 a.m. to 11:00 a.m. Council Member Gurtner said everyone is to meet at the Bay Education Center.

### **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:**

- 12. Section 551.071(1)(A) Consultation with Attorney on pending or contemplated litigation: a) Templeton, b) Pena/Dack, and c) Bay Education Center.**
- 13. 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.**
- 14. Section 551.072 Deliberation about Real Property: Deliberate the purchase, exchange, lease, or value of real property: Project Red Fish.**
- 15. Section 551.074 Personnel Matters: City Secretary Evaluation.**
- 16. Section 551.087 Deliberation Regarding Economic Development Negotiations: Project Cardinal.**

At 7:14 p.m., Mayor Wax convened the Rockport City Council into an executive session pursuant to provisions of Chapter 551 of the Texas Government Code, in accordance with the authority contained in Section 551.071910(A) Consultation with Attorney on pending or contemplated litigation: a) Templeton, b) Pena/Dack, and c) Bay Education Center; 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 Rule of Professional Conduct of the State Bar of Texas clearly conflicts with the chapter; Section 551.072 Deliberation about Real Property: Deliberate the purchase, exchange, lease, or value of real property: Project Red Fish; Section 551.074 Personnel Matters: City Secretary Evaluation; and Section 551.087 Deliberation Regarding Economic Development Negotiations: Project Cardinal.

### **Open Session**

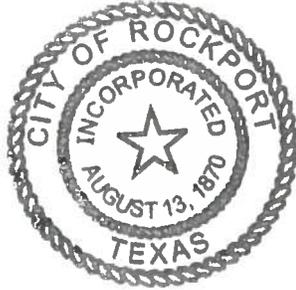
- 17. City Council will reconvene into open session pursuant to the provisions of Chapter 551 of the Texas Government Code to take any actions necessary related to the executive sessions noted herein, or regular agenda items, noted above, and/or related items.**

At 8:01 p.m., Mayor Wax reconvened the Rockport City Council into open session pursuant to the provisions of Chapter 551 of the Texas Government Code to take any necessary actions related to the executive sessions noted herein, or regular agenda items, noted above, and/or related items.

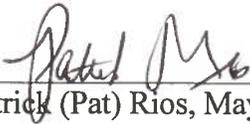
There was no action taken.

**18. Adjournment**

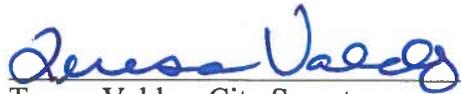
At 8:02 p.m., Council Member Villa moved to adjourn. Motion was seconded by Mayor Pro-Tem Rios and carried unanimously.



**APPROVED:**

  
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Patrick (Pat) Rios, Mayor Pro-Tem

**ATTEST:**

  
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Teresa Valdez, City Secretary