

CITY OF ROCKPORT

MINUTES

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

On the 23rd day of August 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
Council Member Barbara Gurtner, Ward 4

CITY COUNCIL MEMBER(S) ABSENT

Council Member J. D. Villa, Ward 2

PLANNING & ZONING COMMISSION MEMBERS PRESENT

Edward Bellion
Brian Olsen
Diana Severino-Saxon

STAFF MEMBERS PRESENT

City Manager Kevin Carruth
City Attorney Terry Baiamonte
City Secretary Teresa Valdez
Community Planner Amanda Torres
Police Chief Tim Jayroe
Public Works Director Mike Donoho
Parks & Leisure Services Director Tom Staley
Parks Maintenance Superintendent Rick Martinez

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 6:33 p.m. on Tuesday, August 23, 2016, in the Council Chambers of the Rockport City Hall, 622 E. Market Street, Rockport, Texas.

2. Pledge of Allegiance.

Boy Scout Scott Dwayne Almond led the Pledge of Allegiance to the U.S. flag.

3. 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.

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.

- 4. Deliberate and act on approval of Council Regular Meeting Minutes of August 9, 2016.**
- 5. Deliberate and act on request from Rockport Center for the Arts for use of the festival site beginning June 19, 2017, through July 7, 2017, for the 48th Annual Rockport Art Festival.**

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. Mayor Pro-Tem Rios seconded the motion. Motion carried unanimously.

Public Hearing

- 6. Call to Order – Rockport Planning & Zoning Commission.**

There was no quorum of the Rockport Planning & Zoning Commission, so the meeting of the Rockport Planning & Zoning Commission was not called to order.

Mayor Wax stated since there were several people in attendance requesting to address the Council on the scheduled joint public hearing, he was going to take the prerogative to accept public comment on the two public hearings.

- 7. Conduct a Joint Public Hearing with the Planning & Zoning Commission to consider a request for Conditional Use Permit to allow development of a RV park, on property located at 121-R Lamar Dr.; also known as part of Lots 1, 2, and 3 (8.15 acres), Block 230, Burton and Danforth Subdivision, Rockport, Aransas County, Texas, currently zoned R-1 (1st Single Family Dwelling District).**

A Joint Public Hearing was not conducted, but citizen comments were accepted as follows:

April Clark, 142 Vergie Lane, addressed the Council. Ms. Clark stated her primary objection to the request for the Conditional Use Permit is safety. Ms. Clark said there will be an increased traffic flow and she urged the Council to consider the safety of children and residents in this area.

Candy Sargent, 214 Portia Ave., addressed the Council. Ms. Sargent stated she is concerned about flooding at her home and she fears that when a RV park is built, flooding will be worse. Ms. Sargent voiced concerns about traffic, fire, trash and crime if a RV park is allowed to be developed.

Nancy Norrell, 116 Spring Lane, addressed the Council. Ms. Norrell stated she has lived here for 38 years and she is concerned about development of an RV park in this area. Ms. Norrell said that valuation of her home will decrease and asked if the City will be setting a precedent by allowing RV parks to be built everywhere.

Doug Norrell, 116 Spring Lane, addressed the Council. Mr. Norrell stated he had researched how many times the City had allowed permits for RV parks. Mr. Norrell said the last permit he found was for an extension of Laguna Reef Resort in 2006. Mr. Norrell expressed that he would like to see that stay in effect and asked that Council deny this request.

Kim Resendez, 218 Portia Ave, addressed the Council. Ms. Resendez stated that the area where she lives floods very easily and she is concerned about what may happen when a RV park comes in. Ms. Resendez voiced concern over the increased traffic if a RV park is permitted.

Kasey Kimbrough, 122 Bishop Road, addressed the Council. Mr. Kimbrough stated that this area has recently initiated a neighborhood watch and is now better organized to look at what is going on in the neighborhood. Mr. Kimbrough said there are narrow streets in this area and a RV and another vehicle will not fit on the narrow street. Mr. Kimbrough said this area is a family neighborhood and there are many other areas of commercial property where a RV park could be build. Mr. Kimbrough expressed that Freese Lane and Lamar Drive are not designed to handle the type of traffic that a RV park would bring. Mr. Kimbrough said the neighborhood has been working with Aransas County on flooding issues in this area, and development of a RV park will not help the flooding. Mr. Kimbrough stated he would appreciate it if the Council would oppose the request for the Conditional Use Permit.

Doug Webb, 110 Lamar, addressed the Council. Mr. Webb stated he owns the RV park across from the proposed RV park. Mr. Webb stated he understood the concerns about increased traffic and safety. Mr. Webb expressed that the proposed RV park is located on wetlands and in order to make anything of this, the property will have to be elevated, and when it is elevated it will push water on his property and he will sue, and if it pushes water on someone else's property they will sue. Mr. Webb said this is not a good place for a RV park.

Adrian Wilson, 130 Spring Lane, addressed the Council. Mr. Wilson said this development will be in his back yard. Mr. Wilson stated he did some research and there are 853 RV sites within a one-mile radius of his home. Mr. Wilson expressed concern regarding what the mound septic systems in these RV sites are doing to the groundwater. Mr. Wilson stated he was adamantly against this request.

Jeff Massengill, 134 Spring Lane, addressed the Council. Mr. Massengill stated development of a RV park in this area will affect his property valuation, traffic, and ground contamination. Mr. Massengill said he is not in favor of this development and asked that Council oppose the request.

Joe Wilson, 216 Portia Ave., addressed the Council. Mr. Wilson stated this area floods and water sits for weeks at a time. Mr. Wilson said he is opposed to the request.

8. Conduct a Joint Public Hearing with the Planning & Zoning Commission to consider a request for Conditional Use Permit to allow development of a RV resort park, on property located at 3021-3099 Loop 1781; also known as 47.981 acres, A76 Joseph Hollis Survey which includes Lago Vista Village, Lot B, Rockport, Aransas County, Texas, currently zoned B-1 (General Business District).

A Joint Public Hearing was not conducted, but citizen comments were accepted as follows:

Marcie Simmons, 414 Old Salt Lake Road, addressed the Council. Ms. Simmons stated she lives next to the property seeking the Conditional Use Permit. Ms. Simmons expressed concerns regarding flooding and that only one entrance is being proposed for the RV resort park.

James Shaw, 624 Fulton Beach Road, addressed the Council. Mr. Shaw stated he is an investor in this project and this is the type of land that one would want to develop into an RV park.

Sandy Swanson, 112 Lee Circle, addressed the Council. Ms. Swanson distributed to the Council a document addressing the eight (8) Conditional Use Permit Application requirements and neighbor/resident concerns voiced at the previously conducted joint public hearing. Ms. Swanson said all eight (8) of the Conditional Use Permit requirements have been met and the neighbor/resident concerns have been addressed. Ms. Swanson informed the Council that the developer has agreed to another emergency entrance to the property. Ms. Swanson said the letter from the Army Corps of Engineers had been provided to the City. Ms. Swanson said this property is zoned commercial and they are requesting a Conditional Use Permit. Ms. Swanson requested Council approve the request.

Sandra Monty, 149 Old Salt Lake Road, addressed the Council. Ms. Monty stated she would like to see the study from the Army Corps of Engineers. Ms. Monty said the neighborhood is very unhappy about this proposed development; they want to keep the nice dark nights, wildlife and peace. Ms. Monty expressed concern in regard to the ecosystem impact, increased traffic, and the impact on water usage.

Mayor Wax informed everyone that the Planning and & Zoning Commission will be having a meeting to discuss these two (2) requests and he encouraged everyone to attend to voice their concerns. Mayor Wax added that a copy of the letter from the Army Corp of Engineers can be seen on the City's website in the Agenda packet for this meeting.

9. Adjourn – Rockport Planning & Zoning Commission.

Since there was no quorum of the Planning & Zoning Commission, the meeting of the Planning & Zoning Commission was not called to order and thus there was no adjournment.

10. Conduct a Public Hearing on City of Rockport Fiscal Year 2016-2017 budget.

At 7:11 p.m., Mayor Wax opened the Public Hearing.

There were no public comments.

At 7:12 p.m., Mayor Wax closed the Public Hearing.

Regular Agenda

- 11. Deliberate and act on second and final reading of a proposed Ordinance amending the City of Rockport Code of Ordinances Chapter 102 "Utilities," Article II, "Water Service," Division 3, "Service Charges" by amending water rates for all customers; providing for the validity of said Ordinance; repealing all prior ordinances in conflict herewith; and providing for an effective date.**

Mayor Wax stated there had been no changes in content or format since the first reading of this Ordinance on August 9, 2016.

MOTION: Council Member Villa moved to approve the second and final reading of an Ordinance amending the City of Rockport Code of Ordinances Chapter 102 "Utilities," Article II, "Water Service," Division 3, "Service Charges" by amending water rates for all customers; providing for the validity of said Ordinance; repealing all prior ordinances in conflict herewith; and providing for an effective date. Council Member Gurtner seconded the motion. Motion carried unanimously.

- 12. Deliberate and act on second and final reading of a proposed Ordinance amending the City of Rockport Code of Ordinances Chapter 102 "Utilities," Article III, Wastewater Service," Division 4, "Service Charges" by amending wastewater rates for all customers; providing for the validity of said Ordinance; repealing all prior ordinances in conflict herewith; and providing for an effective date.**

Mayor Wax stated there had been no changes in content or format since the first reading of this Ordinance on August 9, 2016.

MOTION: Mayor Pro-Tem Rios moved to approve the second and final reading of an Ordinance amending the City of Rockport Code of Ordinances Chapter 102 "Utilities," Article III, Wastewater Service," Division 4, "Service Charges" by amending wastewater rates for all customers; providing for the validity of said Ordinance; repealing all prior ordinances in conflict herewith; and providing for an effective date. Council Member Villa seconded the motion. Motion carried unanimously.

- 13. Deliberate and act on second and final reading of a proposed Ordinance amending the City of Rockport Code of Ordinances Chapter 102 "Utilities," Article V, "Natural Gas Service," Division 3. "Service Charges" by amending natural gas rates for all customers; providing for the validity of said Ordinance; repealing all prior ordinances in conflict herewith; and providing for publication and an effective date.**

Mayor Wax stated there had been no changes in content or format since the first reading of this Ordinance on August 9, 2016.

MOTION: Council Member Villa moved to approve the second and final reading of an Ordinance amending the City of Rockport Code of Ordinances Chapter 102 "Utilities," Article V, "Natural Gas Service," Division 3. "Service Charges" by amending natural gas rates for all customers; providing for the validity of said Ordinance; repealing all prior ordinances in conflict herewith; and providing for publication and an effective date. Council Member Day seconded the motion. Motion carried unanimously.

14. Deliberate and act on authorizing the Mayor to negotiate and execute an agreement with Republic Services for waste collection services.

Mayor Wax stated that City Manager Kevin Carruth had emailed the proposed agreement to Council Members yesterday for their review.

Discussion was held among Council, Mr. Carruth and Mike Reeves, Republic Services Municipal Services Manager, in regard to the proposed agreement.

Mr. Carruth stated the agreement contains a 6% franchise fee and stated that Republic Services will have exclusivity for all waste collection services within the City of Rockport.

MOTION: Mayor Pro-Tem Rios moved to authorize the Mayor to negotiate and execute an agreement with Republic Services for waste collection services. Council Member Villa seconded the motion. Motion carried unanimously.

15. 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; Parks & Leisure Services Advisory Board; Planning Zoning Commission; Rockport Heritage Board; Rockport-Fulton Chamber of Commerce; Aransas County Storm Water Management Advisory Committee; Swimming Pool Operations Advisory Committee; Tourism Development Council; Tree & Landscape Committee; YMCA Development Committee; Texas Maritime Museum; Fulton Mansion; Rockport Center for the Arts; Aransas County; Aransas County Independent School District; Aransas County Navigation District; Town of Fulton; and Texas Municipal League. No formal action can be taken on these items at this time.

Mayor Wax stated the City had received a letter from the Friends of the History Center for Aransas County congratulating the City for being nominated as a "Steward of Nature" and inviting Council to attend a ceremony on September 10, 2016 at 6:00 p.m. at the History Center.

Mayor Wax announced that there will be a farewell party for Pool Manager Sally Harper on Wednesday at 11:00 a.m. at the pool.

Mr. Carruth announced that there will be a retirement party for Parks & Leisure Services Director Tom Staley on Tuesday, August 30, 2016, at 5:30 p.m. at the Poor Man's Country Club.

Mayor Wax thanked Tom Staley for his 18 years of great work as the City's Parks and Leisure Services Director. Mayor Wax commended Mr. Staley for his work in managing staff and funds.

Council Member J.D. Villa announced that the circular bench has been placed downtown at Veterans Park.

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:

- 16. Section 551.071(1)(A) Consultation with Attorney on pending or contemplated litigation: (A) Bay Education Center, (B) Texaz Construction and AZ Southwest Properties.**
- 17. 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.**
- 18. Section 551.072 Deliberation regarding real property – deliberate the purchase, exchange, lease, or value of real property: (A) 0.02 acre being part of Block 255, Smith and Wood Division lying south of Linden Street and east of Lady Claire Street, and (B) Sweet Bay Avenue ROW from Lady Claire Street to approximately 190 feet west of Patton Street.**
- 19. Section 551.087 Deliberation Regarding Economic Development Negotiations: Project Cardinal.**

At 7:37 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) Bay Education Center, (B) Texaz Construction and AZ Southwest Properties; 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; Section 551.072 Deliberation regarding real property – deliberate the purchase, exchange, lease, or value of real property: (A) 0.02 acre being part of Block 255, Smith and Wood Division lying south of Linden Street and east of Lady Claire Street, and (B) Sweet Bay Avenue ROW from Lady Claire Street to approximately 190 feet west of Patton Street; and Section 551.087 Deliberation Regarding Economic Development Negotiations: Project Cardinal.

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 8:37 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.

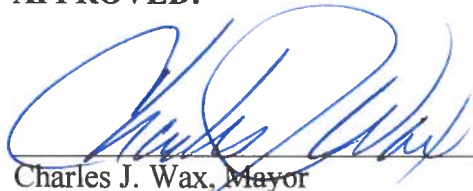
MOTION: Mayor Wax moved that Council authorize the Mayor to negotiate and execute the sale of 0.02 acre being part of Block 255, Smith and Wood Division lying south of Linden Street and east of Lady Claire Street. Council Member Villa seconded the motion. Motion carried unanimously.

20. Adjournment

At 8:40 p.m., Council Member Villa moved to adjourn. Motion was seconded by Mayor Pro-Tem Rios. Motion carried unanimously.



APPROVED:



Charles J. Wax, Mayor

ATTEST:



Teresa Valdez, City Secretary