

CITY OF ROCKPORT

MINUTES

CITY COUNCIL REGULAR MEETING 6:30 p.m., Tuesday, January 10, 2017 Rockport City Hall, 622 East Market Street

On the 10th day of January 2017, 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 J. D. Villa, Ward 2
Council Member Barbara Gurtner, Ward 4

CITY COUNCIL MEMBER(S) ABSENT

PLANNING & ZONING COMMISSION MEMBERS PRESENT

Edward Bellion
Shawn M. Johnston
Graham Wilson
G. Maynard Green
Ruth Davis
W. Kent Howard

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 Rick Martinez
Finance Director Patty Howard

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 6:30 p.m. on Tuesday, January 10, 2017, in the Council Chambers of the Rockport City Hall, 622 E. Market Street, Rockport, Texas.

2. Pledge of Allegiance.

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

Mayor Wax announced that tomorrow, January 11, 2017, will be City Manager Kevin Carruth's fifth anniversary with the City.

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 City Council Regular Meeting Minutes of December 13, 2016.**
- 5. Deliberate and act on request from Fulton Oysterfest for temporary closure of sections of Traylor Boulevard and South Fulton Beach Road for parade on March 4, 2017, and authorization to display banners across the 2400 block of Highway 35 Business and across the 1200 block of FM 3036 for the 38th Annual Fulton Oysterfest event.**
- 6. Deliberate and act on 1st quarter report from the Rockport-Fulton Chamber of Commerce Fiscal Year 2016-2017 marketing expenditures.**
- 7. Deliberate and act on 1st quarter report from the Texas Maritime Museum for Fiscal Year 2016-2017 marketing expenditures.**
- 8. Deliberate and act to approve Memorandum of Understanding with Aransas County Independent School District for law enforcement mutual assistance.**
- 9. Deliberate and act on Resolution authorizing certain City employees to apply for regular exempt license plates for law enforcement vehicles and authorizing certain vehicles be exempt from inscription requirement.**
- 10. Deliberate and act to appoint member to the YMCA Development Committee.**
- 11. Deliberate and act to deny a request for a pro-rata reimbursement to Circle W RV Ranch for development of a water line along Smokehouse Road from Business Highway 35 to 1401 Smokehouse Road.**

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

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

12. 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 6:34 p.m. on Tuesday, January 10, 2017, in the Council Chambers of the Rockport City Hall, 622 E. Market Street, Rockport, Texas.

13. Conduct and deliberate a Joint Public Hearing with the Planning & Zoning Commission to consider a request for a Conditional Use Permit for a bed and breakfast facility on property located at 701 N. Magnolia Street; also known as Lots 1 through 4, Block 49, Smith and Wood Division, Rockport, Aransas County, Texas, currently zoned R-1 (1st Single Family Dwelling District).

Mayor Wax opened the Joint Public Hearing at 6:35 p.m.

Tom Heffernan, 1004 E. Laurel Street, addressed the Council. Mr. Heffernan stated that he is opposed to granting a Conditional Use Permit for a bed and breakfast facility. Mr. Heffernan said this property is located in the original heritage district and a bed and breakfast would change it from residential to commercial.

Clydene Armstrong Heffernan, 1004 E. Laurel Street, stated her comments were the same as her husband's. Ms. Heffernan opposed granting a Conditional Use Permit for a bed and breakfast facility.

Tony Longoria, 701 N. Magnolia Street, passed on his request to address the Council.

Dean Wix, 701 N. Magnolia Street, addressed the Council. Mr. Wix stated he grew up on this property and he now owns it. Mr. Wix said he repaired the residence and he spends half of his time in Houston, so he did not want the property to sit vacant and deteriorate. Mr. Wix expressed that he had considered long-term rental and also vacation rental, but he felt that a bed and breakfast facility would be the least destructive. Mr. Wix added that he did not think the change would affect the neighbors in any way.

Nicole Maxwell, 718 N. Magnolia Street, addressed the Council. Ms. Maxwell stated she purchased her property and intended to be next to families, not different people coming in and out. Ms. Maxwell said she was concerned about the traffic, regulation of events being held in the back yard of the property, and the City setting a precedence of granting the Conditional Use Permit.

Lanny Crossland, 718 Magnolia Street, addressed the Council. Mr. Crossland said his concerns were the same as Ms. Maxwell's.

John McDavid, 1006 E. Orleans Street, addressed the Council. Mr. McDavid stated he has lived here since 1966 and this area has always been residential. Mr. McDavid said there are two other areas adjacent that are operating commercial businesses in this area and if the request for a Conditional Use Permit is granted, it will turn into a commercial zone. Mr. McDavid expressed concerns about traffic and crime.

Lee Ann Little, 130 Marion Drive, addressed the Council. Ms. Little provided written comments that she opposed granting a Conditional Use Permit for this property.

James Fox, 1004 E. Cedar Street, addressed the Council. Mr. Fox said he has lived here 76 years and he was opposed to granting a Conditional Use Permit for this property. Mr. Fox voiced concerns about vehicles that will be parked in the street if the Conditional Use Permit is granted.

Teenya Barnard, 717 N. Magnolia Street, addressed the Council. Ms. Barnard stated she purchased her home, next door to the property requesting the Conditional Use Permit, in September, after living 17 years in the County. Ms. Barnard said she picked Old Rockport because of the residential zoning and she wants the zoning to remain residential. Ms. Barnard said if a Conditional Use Permit is granted, taxes on properties in the area will be affected, and if the City grants one Conditional Use Permit, then that will open the door for other requests for Conditional Use Permits. Ms. Barnard added that if a Conditional Use Permit is granted for a bed and breakfast facility, she will not know the people coming in and out of the property next to her and this concerns her.

Mayor Wax stated the Planning & Zoning Commission will consider this request at their meeting on Monday, January 16, 2017, at 5:30 p.m. Mayor Wax encouraged residents who had offered comments to attend the meeting.

Mayor Wax closed the Joint Public Hearing at 6:48 p.m.

14. Conduct and deliberate a Joint Public Hearing with the Planning & Zoning Commission to consider a request to rezone to B-1 (General Business District) to allow development of a climate controlled storage on property located at 1270-1422 F.M. 3036; also known as 18 acres, A219 T.T. Williamson Survey, Rockport, Aransas County, Texas, currently zoned R-1 (1st Single Family Dwelling District).

Mayor Wax opened the Joint Public Hearing at 6:48 p.m.

Tiffanie Hoover, 115 Marion Drive, addressed the Council. Ms. Hoover stated she lives on Marion Drive and her property backs up the property being considered for rezoning. Ms. Hoover expressed that once the City grants this rezoning request, it will open up rezoning for the whole area. Ms. Hoover said negative home values will happen as a result of the rezoning. Ms. Hoover added that commercial activity was not needed backing up to a residential area.

Aransas County Sheriff Bill Mills, 118 Marion Drive, addressed the Council. Sheriff Mills stated that just over two months ago, he listened to the Council explain a reason for annexation was zoning that would protect adjacent property owners from what develops next to them, and now here we are talking about zoning reclassification. Sheriff Mills said he has lived in this area for

25 years and he has never had water stand in this area, but wondered how this development and the impervious cover will affect that. Sheriff Mills added that he did not think it was right that the Council said they would protect property owners and then give consideration to rezoning. Sheriff Mills commented that developers should be sent to commercially zoned property.

Jennifer Racette, 115 Royal Oaks Drive, addressed the Council. Ms. Racette stated she serves on the Board of Directors of the Rockport Country Club Estates. Ms. Racette expressed that the Board of Directors opposed the leap from R-1 zoning to B-1 zoning for the entire 18-acre tract of land. Ms. Racette said this rezoning would affect residents that abut it. Ms. Racette urged the Planning & Zoning Commission to deny the request for the rezone.

Susan Foster, 128 Marion Drive, addressed the Council. Ms. Foster stated she and her husband oppose the rezoning request. Ms. Foster added that rezoning of this property will affect the adjacent Henderson Habitat.

Dan Holitzke, 107 Marion Drive, addressed the Council. Mr. Holitzke stated he moved here two and one-half years ago and he does not want to have storage buildings in the back of his property. Mr. Holitzke said he agreed with Sheriff Mill's comments.

John Hitchcock, 109 Marion Drive, addressed the Council. Mr. Hitchcock stated he has lived here 20 years and he has deep concerns about changing the zoning in this area. Mr. Hitchcock said rezoning will affect property valuation and the wildlife habitat. Mr. Hitchcock said he is opposed to the rezoning request.

Tina Atteberry, 132 Marion Drive, addressed the Council. Ms. Atteberry stated her home actually backs up to this property and when she moved here five years ago, she moved into a residential area. Ms. Atteberry said the rezoning would affect the wildlife and she is totally opposed to the request.

Jeff Atteberry, 132 Marion Drive, addressed the Council. Mr. Atteberry stated he agreed with everything that has been said in regard to this rezoning request. Mr. Atteberry added that he has had a problem with standing water on his property and he think he has resolved that problem, but he is concerned that this development would affect that.

Katrina Brown, 205 Forest Hills, addressed the Council. Ms. Brown stated she is very concerned about the rezoning request. Ms. Brown said granting the rezoning request would permit other commercial activities. Ms. Brown added that on behalf of the Rockport Country Club Homeowners Association, they oppose the rezoning request.

Tim Little, 130 Marion Drive, addressed the Council. Mr. Little stated he was opposed to the rezoning request. Mr. Little expressed concern in regard to the dangers to Tule Creek that this development would create. Mr. Little voiced additional concern about the increase of traffic. Mr. Little said this area is a gateway into Rockport and asked whether the Council wanted Rockport to be known as the Boat Barn Capital.

Mike Kuertz, 214 Marion Drive, addressed the Council. Mr. Kuertz stated he has lived here 24 years and this is in his back yard. Mr. Kuertz said he was against the rezoning request.

Don Dye, 127 Marion Drive, addressed the Council. Mr. Dye said he is a new resident of Rockport, and he purchased his property because of the seclusion. Mr. Dye stated he agreed with the others opposed to the rezoning request and he is also opposed to the request.

Jayelynn Nesloney, 123 Marion Drive, provided a written comment. Ms. Nesloney is opposed to the rezoning of 1270-1422 FM 3036.

Linda Hitchcock, 109 Marion Drive, addressed the Council. Ms. Hitchcock stated she was opposed to the rezoning of the property.

Rick Thompson, 126 Marion Drive, addressed the Council. Mr. Thompson stated his property backs up to this property. Mr. Thompson said he moved here in 1988 to raise his family and he would be happy to have family and children against his back fence. Mr. Thompson said he is opposed to rezoning this property.

LeeAnn Little, 130 Marion Drive, addressed the Council. Ms. Little said she is one of many mothers on Marion Drive and they have a very tight-knit community. Ms. Little expressed that she would feel a lot safer if there were residences being built on this property instead of storage buildings that are targets for crime. Ms. Little said she strongly opposed rezoning the property.

Mark Uhr addressed the Council. Mr. Uhr stated he is the broker representative for the developer of this property. Mr. Uhr said that people get excited because they do not know all the facts. Mr. Uhr said the developer has purchased six acres and the climate-controlled facility is only 400 feet, leaving a 300 foot buffer between the residences and the storage facility. Mr. Uhr stated the developer has met with the City and discussed the topography and detention pond. Mr. Uhr added that the Texas Department of Transportation has already approved the driveway entrance into the property. Mr. Uhr said that Lot 2 of the property will stay residential. Mr. Uhr stated that he represents the family that owns the entire 20 acres and Lot 3 has been re-platted with the intention to develop residential homes. Mr. Uhr expressed that a climate control storage facility is not a boat barn, does not have continuous traffic and is not an all-night facility. Mr. Uhr encouraged everyone to attend the Planning & Zoning Commission meeting where the exact layout of the development will be shown.

Russel Hrcir, 206 Marion Drive, addressed the Council. Mr. Hrcir stated he purchased his home three and one-half years ago with the expectation that the adjacent property would never be rezoned. Mr. Hrcir voiced concerns in regard to drainage and safety. Mr. Hrcir added that once the facility is full-capacity, then what will they do – look at Boat Barn that has expanded to 600 slots. Mr. Hrcir said he purchased his home in the Rockport Country Club to have a little better lifestyle.

Autumn Hrcir, 206 Marion Drive, addressed the Council. Ms. Hrcir stated her husband had covered her concerns as well.

Mayor Wax stated the Planning & Zoning Commission will consider this request at their meeting on Monday, January 16, 2017, at 5:30 p.m. Mayor Wax encouraged residents that had offered comments to attend the meeting.

Mayor Wax closed the Joint Public Hearing at 7:15 p.m.

15. Adjourn – Rockport Planning & Zoning Commission.

At 7:15 p.m., the Rockport Planning & Zoning Commission adjourned.

Regular Agenda

16. Hear and deliberate on proposal from Tejas Housing Group to construct a senior rental housing community in the 1200-1300 block of FM 3036 utilizing the Texas Department of Housing and Community Affairs Housing Tax Credit Program.

Tim Lang with Tejas Housing Group addressed the Council. Mr. Lang stated that Tejas Housing Group is proposing to build 80 affordable housing units. Mr. Lang gave a brief overview of how the tax-credit program works. Mr. Lang said this is not government nor Section 8 housing. Mr. Lang added that Tejas Housing Group owns and operates their developments and this development will be garden style apartments for people 55 years of age and older.

Mayor Wax asked if the proposal was completely dependent on obtaining the housing tax credits.

Mr. Lang answered that it was.

Discussion was held among Mr. Lang and Council.

City Manager Kevin Carruth informed the Council that Mr. Lang is scheduled to attend the next Council meeting seeking Council approval of a Resolution supporting the application for housing tax credits.

17. Deliberate and act on memorandum of understanding with the Gulf Coast Bird Observatory to host antenna for the Motus wildlife tracking system.

City Manager Kevin Carruth stated the City was approached by the University of Texas Marine Science Institute (UTMSI) and the Mission-Aransas National Estuarine Research Reserve (NERR) requesting a memorandum of understanding with Gulf Coast Bird Observatory (GCBO) to allow them to erect a mast on the Bay Education Center next to an existing antenna mast that is used by the National Oceanic and Atmospheric Administration (NOAA). Mr. Carruth said the antenna would be used to track and monitor where animals are migrating to and back. Mr. Carruth explained that the only expense to the City would be that the equipment would be plugged into a standard outlet and would draw about the same amount of electricity as a 7 watt lightbulb, and the antenna are receiving stations only, collecting data and transmitting it over the internet or storing it for manual removal of which the files per day total 30MG, more or less.

Brief discussion was held among Council.

MOTION: Mayor Pro-Tem Rios moved to approve the memorandum of understanding with the Gulf Coast Bird Observatory to host antenna for the Motus wildlife tracking system. Council Member Villa seconded the motion. Motion carried unanimously.

Mayor Wax stated he was going to return to the Citizen Comments Agenda item because he had received a comment card from Chris Zetter requesting he be allowed to address the Council in regard to the Skate Park.

Mr. Zetter had left the Council meeting and was unable to give his comments.

18. 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.

City Manager Kevin Carruth informed the Council that several months ago a Boy Scout had completed an Eagle Scout project in Memorial Park. Mr. Carruth stated there were 110 Eagle Scout projects selected for recognition and this Scout and another Scout in Rockport are among the top 10 Scouts selected for recognition.

Mayor Wax suggested the City recognize these Scouts.

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:

- 19. Section 551.071(1)(A) and Section 071(2) Consultation with Attorney: Pending or contemplated litigation: Bay Education Center.**
- 20. Section 551.087 Deliberation Regarding Economic Development Negotiations: Project Green Jay.**
- 21. 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.**
- 22. Section 551.074 Personnel Matters: (A) City Manager evaluation, and (B) City Secretary evaluation.**

At 7:40 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 551.071(1)(A) and Section 551.071(2) Consultation with Attorney: Pending or contemplated litigation: Bay Education Center; Section 551.087 Deliberation Regarding Economic Development Negotiations: Project Green Jay; 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; and Section 551.0745 Personnel Matters: (A) City Manager evaluation, and (B) City Secretary evaluation.

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.

No action was taken.

23. Adjournment

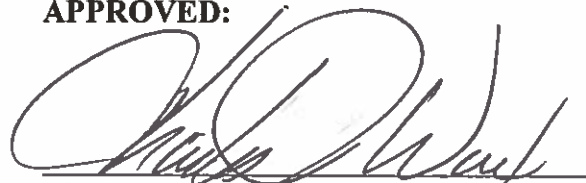
At 8:38 p.m., Council Member Day moved to adjourn. Motion was seconded by Mayor Pro-Tem Rios. Motion carried unanimously.



ATTEST:


Teresa Valdez, City Secretary

APPROVED:


Charles J. Wax, Mayor