

CITY OF ROCKPORT

MINUTES

CITY COUNCIL REGULAR MEETING 6:30 p.m., Tuesday, February 10, 2015 Rockport City Hall, 622 East Market Street

On the 10th day of February 2015, 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 Johnston
Graham Wilson
Brian Olsen
Frank Lynch

STAFF MEMBERS PRESENT

City Manager Kevin Carruth
City Attorney Terry Baiamonte
City Secretary Teresa Valdez
Police Chief Tim Jayroe
Public Works Director Mike Donoho
Finance Director Patty Howard
Parks & Leisure Services Director Tom Staley

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 6:30 p.m. on Tuesday, February 10, 2015, 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.

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.

Carlos Lopez also known as Charles Kote of 1105 Highway 35 South, Rockport, Texas, addressed the Council and read the following (below):

I came as soon as I could to point out how wrong you people are about the police Dept.....I know how Racist your Police Dept had become in the past. I thought they had learned by now . Then ,I received the City Manager's E-mail stating I could not be placed on the agenda for today's meeting because the Police Commanders have already determined no wrong was done when their Veteran Officer Perkins came to my store, the only car stereo shop in town , a 25 year minority owned business ,...during business hours , ...without a noise meter to harass me and gives me a Noise Ordinance Citation! Then takes time to scour the neighborhood to find complaints , knowing full well we have no such History of Noise complaints !
Hey , Amigos ! This is Racism !

This is not only Racist , it is harassment...who here today does not find it odd to give a car stereo business a noise ordinance ticket!!

People , In case you don't knowjust 3 years before you got here ...there was so much racism ,.... I had to change my name and become a white guy 8 years ago! I became Charles Kote to out smart the Racist committees some of the police themselves warned me and my wife about. I had to save my business . And it worked!!! These racist committees are not made up.

Hey, wait just a minute ... this is the same racist police dept that has also arrested me 22 times before , 11 of those for stealing broken TVs' from white folks only....all under the direction of Chief Jayroe...as he orchestrated the violation my civil and Human rights.

By the way ...this is not my take on it alone...these are the words of every lay person that hears about this...including the EX. Chief of Police of Rockport before Tim Jayroe.

Wake up ladies and gentlemen ...do you not know that America is having Racial issues with police. Rockport is no different . The system is broke ...has been for a long time now and now you need to leave your comfort zone and do your job. What was once a place of honor has been turned into a bunch of Cheerleaders watching each others back....It is time to rid ourselves of our Chief of Police...not officer Perkins. She was just following her "Targeting" orders about my business' . She Never got the Memo!!!!

Last time I was here was Dec 10, 2011, as I told you this Chief was a racist and how I was being Targeted. I have backup on this claim....Recall the letter I read that a CD Recording from the County Attorney of a police officer coercing a complaining party to file theft charges. As Targeting was the police dept goal....IS THIS EPISODE WITH PERKINS ANY DIFFERENT !

By the way since that day, in 2011 when I was last here , all harassment has basically stopped... No more arrests, no more complaints from anyone, both my business are with the Chamber of Commerce...What Happened ! I'll tell you....simply put... because of computer software I no longer need to outsource my TV repairs causing delays ...you see to Racist Police Racial Profiling is all they know . In their warped thinking..... I had to be stealing because I am Hispanic. A racist as chief of police CAN NOT comprehend that this was all civil matters ...something that could have been avoided if he were a real chief of police.

Something is very wrong here ...is the City Manager Racist as well...or just plain wrong cause he doesn't know better as a white person.... I expect to be invited to your chambers in the future and talk about this nasty problem we have of not Knowing what Racism is...Let's talk about MLK...let's talk "SPIRIT OF THE LAW"!

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 Planning Workshop Minutes of January 20, 2015, Workshop Meeting Minutes of January 27, 2015, and Regular Meeting Minutes of January 27, 2015.**
- 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 7 2015, and permission to display a banner across Highway 35 Business for the 36th Oysterfest event.**
- 6. Deliberate and act on a Resolution setting the Capital Recovery Fee owned by the Town of Fulton and setting the interest rate for the period of February 1, 2015, to January 31, 2016.**
- 7. Deliberate and act to confirm Mayoral appointments to City of Rockport YMCA Committee.**
- 8. Deliberate and act to appoint citizen to the Environmental Committee for Water Issues.**

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

- 9. Call to Order - Rockport Planning & Zoning Commission.**

With a quorum of the Rockport Planning & Zoning Commission present, the meeting of the Rockport Planning & Zoning Commission was called to order by Chairman Frank Lynch at 6:37 p.m. on Tuesday, February 10, 2015, in the Council Chambers of the Rockport City Hall, 622 E. Market Street, Rockport, Texas.

- 10. Conduct and deliberate a Joint Public Hearing with the Planning & Zoning Commission to consider a request for rezoning from R-2 (2nd Single-Family Dwelling District) to B-1 (General Business District) on property located at 1903 Mathis Street; also known as parts of Lots 5-13 (1.525 acres) out of the John Kettle Survey A-91-92, Block 103, Manning Addition, Rockport, Aransas County, Texas.**

Mayor Wax opened the Joint Public Hearing at 6:38 p.m.

Greg Walsh addressed the Council. Mr. Walsh stated he is the applicant and the rezoning request includes the vacated railroad right-of-way and also the vacated portion of Sixth Street.

Council Member Day asked Mr. Walsh what he intends to do with the property if rezoned.

Mr. Walsh stated he intends to sell as commercial property. Mr. Walsh stated the business zoning is consistent with the other properties located in the same area.

Mayor Wax stated the Planning & Zoning Commission will consider this request at its meeting on Monday, February 16, 2015.

Mayor Wax closed the Joint Public Hearing at 6:40 p.m.

- 11. Conduct and deliberate a Joint Public Hearing with the Planning & Zoning Commission to consider a request for a conditional use permit on property located at 2501 San Antonio Street, also known as Lot 5, being the northeast corner of Tract 71, Block 250 (0.452 acres) Foor and Swickheimer Subdivision, Rockport, Aransas County, Texas.**

Mayor Wax opened the Joint Public Hearing at 6:40 p.m.

Tammy Stewart addressed the Council. Ms. Stewart stated she is the applicant requesting the conditional use permit to place a manufactured home on the property because her daughter, who has four children, has been diagnosed with a disease that has no cure. Ms. Stewart said the disease causes her daughter to have spells where she is paralyzed and leaves her unable to do anything, so she needs help close by.

Brief discussion was held among Council and Ms. Stewart.

Mayor Wax stated the Planning & Zoning Commission will consider this request at its meeting on Monday, February 16, 2015.

Mayor Wax closed the Joint Public Hearing at 6:43 p.m.

12. Conduct and deliberate a Joint Public Hearing with the Planning & Zoning Commission to consider a request for rezoning from R-1 (1st Single Family Dwelling District) to R-2 (2nd Single Family Dwelling District) on property located at 1124 Patton Street; also known as 1130-1150 Patton Street (0.801) acre) out of the TT Williamson Survey A-221, Rockport, Aransas County, Texas.

Mayor Wax opened the Joint Public Hearing at 6:44 p.m.

Alan Lee Copeland and William (Bill) Fisher addressed the Council. Mr. Copeland informed the Council that he and Mr. Fisher are representing W. Dale Morris, the owner of the property. Mr. Copeland stated they are requesting rezoning to allow construction of six (6) affordable homes.

Mr. Fisher showed the Council a rendering of the type of home they are planning to construct. Mr. Fisher stated these homes would be centrally located within Rockport, making them close to HEB and other amenities.

Discussion was held among Council, Mr. Copeland and Mr. Fisher.

Matthew Baird of 1210 Lady Claire addressed the Council. Mr. Baird stated he appreciates Mr. Copeland and Mr. Fisher's desire to build affordable homes but the abandoned piece of property in that area is actually a drainage ditch that moves water from the property for which they are requesting the rezoning. Mr. Baird voiced concerns in regard to flooding and the amount of traffic that will increase in that neighborhood. Mr. Baird added that if the rezoning is approved it would set a precedent for the pasture across the street where the neighborhood enjoys the wildlife. Mr. Baird stated he did not feel this property was suitable for more than two (2) homes.

Lynn Baskind of 1118 Patton Street addressed the Council. Ms. Baskind stated she lives directly next door to the property and does not have a problem with the applicants' request for rezoning. Ms. Baskind said property rent in Rockport is sky high and because of this, people live outside of Rockport. Ms. Baskind added that if this area is not appropriate for affordable homes, she was sure they would come up with other areas.

Planning & Zoning Commission Chair Frank Lynch reminded everyone that the Planning & Zoning Commission will be addressing only the rezoning request at the Monday, February 16, 2015, Planning & Zoning Commission meeting. Mr. Lynch added that if the rezoning is approved, the developers will have to acquire the proper permits before construction of the homes and the City has a process whereby drainage is reviewed.

Mayor Wax closed the Joint Public Hearing at 6:58 p.m.

13. Adjourn - Rockport Planning and Zoning Commission.

17. Section 551.074 Personnel Matters - City Manager evaluation.

At 7:27 p.m., Mayor Wax convened the Rockport City Council into an executive session pursuant to the 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: 1) Pending or contemplated litigation; 2) Texas Railroad Commission and 3) Jail Services Agreement; Section 551.072 Deliberation about Real Property: 1)Acquisition of property for public purpose - Project Ibis and 2) Lease of 301 Main Street; Section 551.074 Personnel Matters - City Manager evaluation.

Open Session

18. 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 8:21 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 actions necessary related to the executive sessions noted herein, or regular agenda items, noted above, and/or related items.

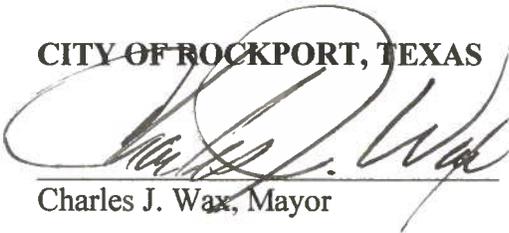
Mayor Wax recommended the Council authorize him to negotiate and execute a lease with Texas A&M Agrilife Research, Regents Fellow, for City property located at 901 E. Main Street, Rockport, Texas.

MOTION: Council Member Villa moved to authorize the Mayor to negotiate and execute a lease with Texas A&M Agrilife Research, Regents Fellow, for City property located at 901 E. Main Street, Rockport, Texas. Mayor Pro-Tem Rios seconded the motion. Motion carried unanimously.

19. Adjournment

At 8:22 p.m., Council Member Villa moved to adjourn. Motion was seconded by Mayor Pro-Tem Rios and carried unanimously.



CITY OF ROCKPORT, TEXAS

Charles J. Wax, Mayor

ATTEST:


Teresa Valdez, City Secretary