

CITY OF ROCKPORT

MINUTES

CITY COUNCIL REGULAR MEETING 6:30 p.m., Tuesday, April 14, 2015 Rockport City Hall, 622 East Market Street

On the 14th day of April 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
Brian Olsen

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 6:32 p.m. on Tuesday, April 14, 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.

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 Workshop Minutes and Regular Meeting Minutes of March 24, 2015.**
- 5. 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, 2015, from 2:00 p.m. to 12:00 a.m., and on Saturday, May 23, 2015, and Sunday, May 25, 2015, 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 19th Annual Festival of Wines and Food.**
- 6. Deliberate and act on 2nd quarter report from Texas Maritime Museum for Fiscal Year 2014-2015 marketing expenditures.**
- 7. Deliberate and act on 2nd quarter report from the Friends of the Fulton Mansion State Historical Site for Fiscal Year 2014-2015 marketing expenditures.**
- 8. Deliberate and act on 2015 Consumer Price Index (CIP) adjustment to Municipal Telecommunications Right-of-Way Access Line Rates.**
- 9. Deliberate and act on approval of Interlocal Contract between City of Rockport and Town of Fulton for Assistance in Law Enforcement.**

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

10. Call to Order - Rockport Planning & Zoning Commission.

There was not a quorum of the Rockport Planning & Zoning Commission present so the meeting of the Rockport Planning & Zoning Commission was not called to order.

11. Conduct and deliberate a Joint Public Hearing with the Planning & Zoning Commission to consider a request for a zoning change from R-1 (Single-Family Dwelling District) to B-1 (General Business District) on property located at 2402 Myrtle Street; also known as the north one-half of Lot 93, Fulton Outlots, (2.385 acres), Rockport, Aransas County, Texas.

Mayor Wax stated since there were citizens present who wished to address this item, he was going to allow public comment on this item.

Christine Walker addressed the Council. Ms. Walker stated she owns four (4) acres directly behind this property, from Myrtle Street to Mesquite Street. Ms. Walker voiced opposition to the requested zoning change; this is a residential area. Ms. Walker said she had spoken with Mr. Rick Crumley, the applicant requesting the rezoning, and he told her he would be willing to request what he needs through the variance process so that when the property is sold, the zoning is still residential.

Mayor Wax informed Ms. Walker that the Planning & Zoning Commission will be considering this item at their meeting on Monday, April 20, 2015, and he encouraged Ms. Walker to attend and voice her concerns.

Michael Cichy addressed the Council and stated he had flown in from Boston for the public hearing. Mr. Cichy informed the Council that he owns 2401 and 2409 Mesquite Street, the property abutting Mr. Crumley's property. Mr. Cichy said this property has been in his family for years and he is opposed to the rezoning; he has been what happened with The Boat Inn. Mr. Cichy added that he had met with Mr. Crumley and he has no objection to a variance being granted to Mr. Crumley to allow a personal barn to be built to conduct his business.

Mayor Wax informed Mr. Cichy that if he could not attend the Planning & Zoning Commission meeting on Monday, he could submit his concerns in writing.

Rick Crumley addressed the Council. Mr. Crumley informed the Council that he has owned this property for 10 years, he lives in Lamar and he does not have room to store the boats he has. Mr. Crumley said he is looking to build a metal building and he is not interested in commercial services at all. Mr. Crumley stated the only reason he is here tonight requesting rezoning is that is what he was told he needed to request by the City Building and Development Department. Mr. Crumley added that if he can build the barn through the variance process and later add living quarters to the back of the barn, that is the route he would like to follow.

Mayor Wax encouraged Mr. Crumley to attend the Planning & Zoning Commission meeting on Monday because it sounded like he is no longer seeking rezoning and commercial use was not his intention.

12. Adjourn – Rockport Planning and Zoning Commission.

There was not a quorum of the Planning and Zoning Commission so no meeting had been conducted.

Regular Agenda

- 13. Tabled March 10, 2015 - Deliberate and act on first reading of an Ordinance pursuant to Article 23 "Conditional Use Permit" (CUP) Rockport Zoning Ordinance Number 1027 granting a CUP to property located at 2501 San Antonio Street for the purpose of installation of a mobile home; setting out additional conditions in addition to those conditions stipulated under Article 23, Rockport Zoning Ordinance 1027; repealing all ordinances in conflict therewith; providing for severability; and providing an effective date.**

Mayor Wax stated this item will be left tabled until the Planning and Zoning Commission receives the additional/new information.

- 14. Deliberate and act on request from Ms. Christina Coble for permission to block off sidewalk at 406 S. Austin Street and allow alcoholic beverages on the sidewalk on May 2, 2015, between the hours of 4:30 p.m. to 11:00 p.m.**

City Manager Kevin Carruth stated the City had received additional information from Ms. Coble after the Agenda packet had been finalized. Mr. Carruth informed the Council that Ms. Coble had received signatures from all businesses located in the same block as the Estelle Stair Gallery expressing no objection to her request, thus staff's recommendation was to approve the request with the start time of 4:30 p.m.

MOTION: Council Member Villa moved to grant permission to Ms. Christina Coble to block off sidewalk at 406 S. Austin Street and allow alcoholic beverages on the sidewalk on May 2, 2015, between the hours of 4:30 p.m. to 11:00 p.m. Council Member Day seconded the motion. Motion carried unanimously.

- 15. Deliberate and act on proposal for water service for Coastal Paradise RV Resort.**

Public Works Director Mike Donoho addressed the Council. Mr. Donoho said the developers of the Coastal Paradise RV Resort had given a presentation to the Council at the March 24, 2015, City Council Workshop, seeking City participation in extension of water service to the Coastal Paradise RV Resort at 1331 State Highway 188 (the southwest corner of Highway 35 Bypass and State Highway 188). Mr. Donoho informed the Council that because of the location of the property and to allow service to future development on the west side of Highway 35 Bypass per the City's Water Master Plan, a 12-inch water main is required instead of a 6-inch. Mr. Donoho added that the cost estimate and cost sharing options were shown in the table included in the Agenda packet (below).

Scope	Total Cost	Developer's Proposal		Staff Recommendation	
		RTM	City	RTM	City
2" Main	\$46,000	\$46,000	\$-0-	N/A	N/A
6" Main	\$119,000	\$59,000	\$59,000	\$119,000	\$-0-
12" Main	\$143,550	\$71,775	\$71,775	\$119,000	\$24,550

JKS Engineering Company Senior Project Engineer Jeff Smith addressed the Council. Mr. Smith stated the proposed RV Resort requires only a 2-inch water line but the City is requesting an upsize to 12-inch to allow for future development on the west side of Highway 35 Bypass so the developers are willing to split the cost 50/50.

Mr. Donoho stated that the developers could request a pro-rata agreement with the City for up-sizing the water main.

Discussion was held among Council and Mr. Smith.

MOTION: Mayor Wax moved to authorize a pro-rata reimbursement at the same percentage for the first seven (7) years until developer's total liability is reduced to that required for the 2-inch service. Mayor Pro-Tem Rios seconded the motion. Motion carried unanimously.

16. Deliberate and act on award of Bank Depository and Finances Services Contract to Wells Fargo Bank, N.A., for a three year period beginning May 1, 2015 and ending April 30, 2018.

Finance Director Patty Howard addressed the Council. Ms. Howard informed the Council that three proposals were received for bank depository and financial services: First Community Bank, Prosperity Bank and Wells Fargo Bank. Ms. Howard added that the City is currently with Wells Fargo Bank. Ms. Howard stated First Community Bank will not pledge 102% of net aggregate collected balances which is a major concern for the City and the City's Investment Policy requires security at 102%. Ms. Howard said that First Community Bank and Prosperity Bank do not have the same type of credit card services and reporting that Wells Fargo offers; therefore it would require additional monthly time and labor costs to compile a monthly credit card report manually instead of having it electronically prepared as currently is offered by Wells Fargo Bank.

Brief discussion was held between Council Member Day and Ms. Howard.

MOTION: Mayor Pro-Tem Rios moved to award the Bank Depository and Finances Services Contract to Wells Fargo Bank, N.A., for a three year period beginning May 1, 2015 and ending April 30, 2018. Council Member Gurtner seconded the motion. Motion carried 4:0.

FOR MOTION: Mayor Wax, Mayor Pro-Tem Rios, Council Member Day and Council Member Gurtner.

ABSTAIN: Council Member Villa.

17. Deliberate and act on Resolution approving and adopting a revised Investment Policy

for the City of Rockport, Texas.

Mayor Wax stated the Council will pass on this item and it will be on the next agenda to be adopted via Ordinance instead of Resolution.

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; 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 read a letter (below) from C.G. "Turf" Overturf commending the City Council and City staff for accomplishments in planning and preparing for the new Sports Complex.



RECEIVED
APR 06 2015
ADMIN. ASST.

March 6, 2015

C. J. Wax, Mayor
City of Rockport
622 East Market
Rockport, TX 78382

Dear Mayor:

I am taking this opportunity to express my admiration to you and your "Rockport Team" for accomplishments in planning and preparing for the new Sports Complex.

All of your council members and City staff have demonstrated commendable skill in their respective role.

To achieve the bond indebtedness refinancing at highly advantageous terms and usage benefitting our citizens was huge. Kevin, Patty, yourself and others deserve a big pat on the back.

This action will reap superior returns for our city.

Very Truly Yours,

A handwritten signature in blue ink that reads "Turf".
C. G. "Turf" Overturf



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 551.071(2) Consultation with Attorney: Pending or contemplated litigation: 1) Templeton, 2) Petty, and 3) Bay Education Center;**
- 20. Section 551.076 Deliberations Regarding Security Devices or Security Audits: Closed Meeting.**
- 21. Section 551.087 Deliberation Regarding Economic Development Negotiations: Project Cardinal.**

At 7:16 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: Pending or contemplated litigation: 1) Templeton, 2) Petty, and 3) Bay Education Center; Section 551.076 Deliberations Regarding Security Devices or Security Audits: Closed Meeting; and Section 551.087 Deliberation Regarding Economic Development Negotiations: Project Cardinal.

Open Session

- 22. 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 7:56 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.

No action was taken.

Mayor Wax stated he would like to go back to Council Reports and give an update on a few items.

Mayor Wax informed the Council that today at the Aransas Pathways meeting, it was announced that there will be a volunteer appreciation lunch on May 9, 2015 at the Castro Nature Sanctuary. Mayor Wax stated the Aransas Pathways Committee had requested funding from Aransas County to assist with the appreciation lunch and the County had granted them \$500. Mayor Wax said he expects the Aransas Pathways Committee to make a similar request to the City and he would fully support the City matching the County's \$500.

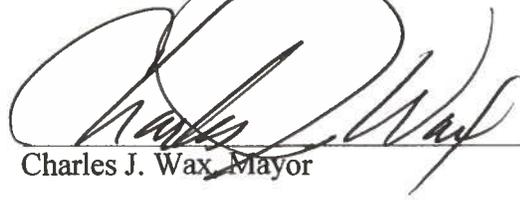
Council Member Villa announced that he will be going on active duty from June 8 through September 30, 2015. Council Member Villa stated he will be in Corpus Christi for this active duty.

23. Adjournment

At 8:05 p.m., Council Member Villa moved to adjourn. Motion was seconded by Council Member Gurtner and carried unanimously.



CITY OF ROCKPORT, TEXAS



Charles J. Wax, Mayor

ATTEST:



Teresa Valdez, City Secretary