

CITY OF ROCKPORT

MINUTES

CITY COUNCIL REGULAR MEETING 6:30 p.m., Tuesday, February 9, 2016 Rockport City Hall, 622 East Market Street

On the 9th 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
Council Member J. D. Villa, Ward 2

CITY COUNCIL MEMBER(S) ABSENT

Council Member Barbara Gurtner, Ward 4 (*ill*)

PLANNING & ZONING COMMISSION MEMBERS PRESENT

Edward Bellion
Graham Wilson
Brian Olsen
Shawn Johnston
Diana Severino-Saxon

STAFF MEMBERS PRESENT

City Manager Kevin Carruth
City Attorney Terry Baiamonte
City Secretary Teresa Valdez
Police Chief Tim Jayroe
Public Works Director Mike Donoho
Public Works Assistant Director Art Smith
Finance Director Patty Howard
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 6:32 p.m. on Tuesday, February 9, 2016, 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.

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 January 26, 2016, and the Planning Workshop Minutes of February 2, 2016.**
- 5. Deliberate and act to appoint member to YMCA Development Committee.**
- 6. Deliberate and act on 1st quarter report from Rockport Center for the Arts for Fiscal Year 2015-2016 marketing expenditures.**
- 7. Deliberate and act on a Resolution setting the Capital Recovery Fee owed by the Town of Fulton and setting the interest rate for the period February 1, 2016, to January 31, 2017.**
- 8. Deliberate and act on an interlocal agreement with Harris County Department of Education for participation in the Choice Partners cooperative purchasing program.**
- 9. Deliberate and act on an interlocal agreement with 1Government Procurement Alliance for participation in the 1GPA cooperative purchasing program.**

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.

With a quorum of the Rockport Planning & Zoning Commission present, the meeting of the Rockport Planning & Zoning Commission was called to order by Chairman Brian Olsen at

6:33 p.m. on Tuesday, February 9, 2016, in the Council Chambers of the Rockport City Hall, 622 E. Market Street, Rockport, Texas.

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 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.

Mayor Wax opened the Joint Public Hearing at 6:33 p.m.

Mayor Wax stated the Planning & Zoning Commission will consider this request at their meeting on Monday, February 15, 2016, at 5:30 p.m.

Randy Wells of 198 Lago Vista Drive addressed the Council. Mr. Wells asked if an environmental study had been performed on this site. Mr. Wells stated he feeds 15-20 sandhill cranes and he is concerned about taking away the natural environment for wildlife.

James Carson of 199 Lago Vista Drive addressed the Council. Mr. Carson stated this property adjoins his land and he is concerned about the location and type of entrance into the RV resort park. Mr. Carson voiced concerns in regard to privacy, dust from the road and the environmental effect on the whooping cranes.

Tim Smith of 190 Lago Vista Drive addressed the Council. Mr. Smith stated he has lived here for seven (7) years and he is quite used to not having development near him. Mr. Smith added that he is concerned about how the development will be fenced; will it be a four-foot chain link fence that is easy to crawl over and collects debris? Mr. Smith said he would like to see an eight-foot cement or wood fence built. Mr. Smith voiced concern about noise and road dust. Mr. Smith added that the City maintains a right-of-way through the property and residents have access to Salt Lake, which would be lost with this development.

J.R. Gimler representing the developer addressed the Council. Mr. Gimler stated that the roads are going to be cement and there will be a wood fence constructed between the properties. Mr. Gimler stated it is hard to access the back of the property at this point and he is aware that there have been children with BB guns on the property and others accessing Salt Lake. Mr. Gimler reminded everyone that this is private property. Mr. Gimler added that they will do their best to be a good neighbor.

Frank Simmons of 414 Old Salt Lake Road addressed the Council. Mr. Simmons stated he has lived here for 14 years. Mr. Simmons informed the Council that in the 2014 bird count, there were 141 species of birds in Rockport and 77 of those species live in the wetlands. Mr. Simmons said the wetlands need to be protected. Mr. Simmons voiced concern regarding protection of wildlife, environmental issues – sewage, pollution into Salt Lake, and the density of this property – 350 people with only a single ingress and egress.

James Smith of 3002 FM 1781 addressed the Council. Mr. Smith stated he was concerned about the roads and the entrance into the RV resort park.

Sandy Monty of 149 Old Salt Lake Road addressed the Council. Ms. Monty stated she was concerned about water usage, pollution of Salt Lake, destruction of shoreline, and noise. Ms. Monty said the proposed entrance into the RV resort park looks to be very dangerous; there is one little bridge over the wetlands. Ms. Monty added that if this is allowed to be built there will be nowhere for the wildlife to go.

Gordon Stanley addressed the Council. Mr. Stanley stated he is acquainted with the developer for this property and it will be a quality development. Mr. Stanley added that he knows the developer will consider the concerns voiced tonight.

Russell Jackson of 302 Baywatch Drive, addressed the Council. Mr. Jackson said his main concern is that there will be a RV park next to his property and this will affect the value of his home. Mr. Jackson stated he was also concerned about the wildlife. Mr. Jackson asked how many RV sites the Council wants in Rockport.

Frank Simmons stated there is a gas line that runs through his property that is inactive but not abandoned. Mr. Simmons asked what the requirement is for this pipeline.

Mr. Gimler stated he has a 40-foot pipeline easement.

Mayor Wax encouraged everyone who voiced comments tonight to attend the Planning & Zoning Commission meeting on Monday at 5:30 p.m.

Mayor Wax closed the Joint Public Hearing at 6:54 p.m.

12. Adjourn – Rockport Planning & Zoning Commission.

At 6:55 p.m., the Rockport Planning & Zoning Commission adjourned.

13. Conduct a Public Hearing to consider a request from Steve Pham for permanent closure/abandonment/vacation of a 20-foot wide alleyway lying between Lots 1 and 9, in Block 107, Manning Addition, and a 20-foot wide alleyway lying between Lots 15-16 and 7-8 in Block 108, Manning Addition, Rockport, Aransas County, Texas, also known as 1803 Young Street.

Mayor Wax opened the Public Hearing at 7:04 p.m.

Steve Pham addressed the Council. Mr. Pham said these two alleyways have been vacant for a long time with no taxes being paid on the property. Mr. Pham informed the Council that he is seeking closure of the alleyways so he can replat his property to include these alleyways and build rental cottages. Mr. Pham stated he believes the appraisal of the alleyways received by the City is too high and he is asking if the Council would reconsider the tax appraisal. Mr. Pham called the Council's attention to an appraisal he received from the Appraisal District that shows an appraisal of \$1.20 per foot on his property in the rear and \$2.00 per foot on his property in the front. Mr. Pham stated the appraisal received by the City shows an appraisal of \$2.40 all the way around the property.

Mayor Wax stated that it has been a policy of the Council not to sell property lower than the appraised value.

Discussion was held among Council and Mr. Pham.

Mayor Wax asked that the City Secretary email Mr. Pham's appraisal from the Appraisal District to each Council Member for consideration.

Mayor Wax closed the public hearing at 7:04 p.m.

Regular Agenda

14. Hear and deliberate on presentation of City of Rockport Police Department 2015 Racial Profiling Report.

Rockport Police Chief Tim Jayroe addressed the Council and stated the 2015 Racial Profiling Report was being presented in compliance with Texas Code of Criminal Procedure Article 2.134 related to Statutory Prohibition of Racial Profiling. Chief Jayroe said the number of "9" searches was inaccurate due to a software glitch. Chief Jayroe stated that in order to amend the report, someone would have to read each of the 800 reports and enter the correct information.

Brief discussion was held among Council and Chief Jayroe in regard to the 2015 Racial Profiling Report.

15. Deliberate and act on proposal to replace audio and visual equipment in the Public Safety Center Emergency Operations Center. – Tabled January 26, 2016.

MOTION: Mayor Wax moved to remove this item from the table. Council Member Villa seconded the motion. Motion carried unanimously.

Aransas County IT Director Collin Jackson addressed the Council. Mr. Jackson said he had been asked by the City Council to find out how long the installation process would take. Mr. Jackson stated that if the contractor begins work in April, and training is conducted on the use, it should be ready by the middle of May.

Mayor Wax informed the Council that the Aransas County Commissioners' Court voted on Monday to support replacement of audio and visual equipment in the Public Safety Center Emergency Operations Center.

Council Member Villa asked if Mr. Jackson had requested any additional bids.

Mr. Jackson answered Mr. Villa that he did not, due to the time frame necessary to complete this before hurricane season.

MOTION: Mayor Wax moved to approve the project with the unbudgeted cost for the City of Rockport to not exceed \$32,000.00. Council Member Villa seconded the motion. Motion carried unanimously.

16. 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 from Luce Properties thanking the City for allowing their firm to represent the City in the recent purchase of the property located on Broadway. The letter stated that Luce Properties has made a contribution to the Coastal Bend Troop Support organization.

Mayor Wax distributed to the City Council the City Secretary evaluation form and asked that the Council return the forms to him by February 19, 2016.

Park & Leisure Services Director Tom Staley addressed the Council. Mr. Staley informed the Council that he will be meeting with two fencing companies to seek proposals for fencing the property recently purchased along Broadway. Mr. Staley called the Council's attention to an overhead projection of different types of fencing and recommended the cedar, rustic look fence.

Discussion was held among Council.

It was the consensus of Council that Mr. Staley seek a proposal for the cedar, rustic type of fence with an add-in option of putting fence on the backside of the property along Business Highway 35.

Mayor Pro-Tem Rios stated the YMCA Development Committee held a meeting on Monday, February 8, 2016. He said a full size drawing of the proposed facility was presented to the Committee. Mayor Pro-Tem Rios informed the Council that the proposed facility is 28,280 square feet, will incorporate the existing aquatic pool and the estimated cost is \$4.5-\$5 million.

Council Member Villa announced that there will be a meet-and-greet at Spencer Park this Saturday at 10:00 a.m. Council Member Villa stated the Aransas County Leadership Class will be presenting their refurbishing ideas for Spencer 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:

- 17. Section 551.071(1)(A) Consultation with Attorney on pending or contemplated litigation: a) Templeton, b) Pena/Dack, and c) Bay Education Center.**
- 18. 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.**

19. Section 551.072 Deliberation about Real Property: Deliberate the purchase, exchange, lease, or value of real property: a) 1501 and 1505 Broadway and b) Project Red Fish.

20. Section 551.074 Personnel Matters: City Manager Evaluation.

21. Section 551.087 Deliberation Regarding Economic Development Negotiations: Project Cardinal.

At 7:32 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: a) 1501 and 1505 Broadway and b) Project Red Fish; Section 551.074 Personnel Matters: City Manager Evaluation; 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 7:54 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.

23. Adjournment

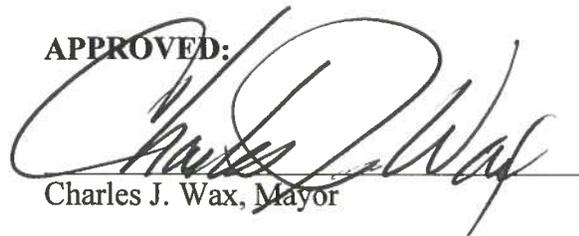
At 7:55 p.m., Council Member Villa moved to adjourn. Motion was seconded by Mayor Pro-Tem Rios and carried unanimously.



ATTEST:


Teresa Valdez, City Secretary

APPROVED:


Charles J. Wax, Mayor