

# CITY OF ROCKPORT

## MINUTES

### CITY COUNCIL WORKSHOP MEETING 1:30 p.m., Tuesday, June 28, 2016 Rockport City Hall, 622 East Market Street

On the 28<sup>th</sup> day of June 2016, the City Council of the City of Rockport, Aransas County, Texas, convened in Workshop Session at 1:30 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

#### STAFF MEMBERS PRESENT

City Manager Kevin Carruth  
City Secretary Teresa Valdez  
City Attorney Terry Baiamonte  
Public Works Director Mike Donoho  
Finance Director Patty Howard  
Police Chief Tim Jayroe  
Park & Leisure Services Director Tom Staley  
Information Technology Director Brian Jacobs  
Public Works Assistant Director Art Smith  
Public Works Administrative Supervisor Anna Brandl  
Public Works Regulatory Compliance Assistant Debbie Mazur  
Community Planner Amanda Torres

#### ELECTED OFFICIALS PRESENT

#### Opening Agenda

##### 1. Call to Order.

With a quorum of the Council Members present, the Workshop Session of the Rockport City Council was called to order by Mayor Wax at 1:30 p.m. on Tuesday, June 28, 2016, in the Council Chambers of the Rockport City Hall, 622 E. Market Street, Rockport, Texas.

## Regular Agenda

### **2. Hear and deliberate on routes for downtown parades.**

Mayor Wax reminded everyone that Council Workshops are not decision making meetings; the purpose of them is to educate and inform.

Mayor Wax stated there have been discussions internally and externally about the Tropical Christmas Parade.

Penny Hong addressed the Council. Ms. Hong stated the Rockport Heritage & Art District Association has debated how to bring the Tropical Christmas parade back to Austin Street and disembark at the festival grounds. Ms. Hong expressed that there has been a lot of money spent to make downtown a destination point. Ms. Hong said the Association has come up with some solutions, and safety is a priority. Ms. Hong conveyed some of the safety solutions: 1) the primary one, because the floats come up on the water side of the street, is not to allow parking on that side of street after 4:00 p.m. on the day of the parade, then all you have left is the bulb-outs; 2) width of the street from bulb-out to median is 13 feet, candy can be thrown over heads of people; 3) want to make sure there are no children on bulb-outs – suggested that we have certain things on the bulb-outs (vendors, dancers, etc.); and 4) proposed also that no parking be allowed on west side of street – leave that open as a discussion point. Ms. Hong expressed that merchants in downtown are encouraged to keep their stores open, lights on and have refreshments for the Tropical Christmas parade, to invite customers into the stores. Ms. Hong thanked the Council for the opportunity to address this and she thinks as a community we can come up with ideas, volunteers and task force of police to make the parade safer.

Mayor Wax asked Police Chief Tim Jayroe to comment on removing parking.

Police Chief Tim Jayroe stated he has talked with Ms. Hong and assured her that the biggest concern is safety of children on the bulb outs. Chief Jayroe said that if we can keep children back on the bulb outs and off the media, that may solve some of the problem, but he is not sure how to use volunteers because people always do what they want to do. Chief Jayroe expressed that he would be happy to have the patrol commander meet with the Association to try to figure out what can be done to ensure safety of everyone. Chief Jayroe added that when there are 12-13 foot long trucks and 10 foot wide trailers in the parade on Austin Street, the children can reach out and touch them. Chief Jayroe stated there is a concern about that; if we can get people not to park, it is a good idea, not sure of practicality of it. Chief Jayroe said that people visiting Rockport would not know about not being able to park on Austin Street for the parade. Chief Jayroe stated that the idea of parking on the west side is a particular concern; people back their trucks in and sit on the back – having that open should not be a serious problem, but may be a pedestrian problem when trying to get out after parade.

Discussion was held among Council and Chief Jayroe regarding the types of barricades or other things that could be used to keep people off the median and block parking where the bulb outs are.

City Manager Kevin Carruth asked everyone to keep in mind that we are talking about 9 blocks, that is 18 lane blocks, and no matter what type of barricade you put up, you have to have people to enforce it; 19 lane blocks would mean 60 volunteers who have no enforcement authority and are we going to create a problem.

Steve Akin, owner of Maison, addressed the Council. Mr. Akin asked if all this would be done on Magnolia Street as well, where there are no sidewalks, no lighting and empty lots. Mr. Akin asked what was the assessment that shows there is a safety risk. Mr. Akin asked what is the difference in risk that makes it so imperative that Santa Claus is on a back road of back lots; this is not where Christmas parades are held.

Mayor Wax responded that the fundamental thing is that the lane on Magnolia Street is four times as wide as Austin Street.

Mr. Akin stated that they were just told it was the safety of kids that was the concern; on Magnolia Street there are people setting up chairs on the street because there are no sidewalks. Mr. Akin stated he really wants the parade to be downtown and all the things that are being discussed have implications such as expense, police and volunteers, and it is not going to happen, Magnolia Street is easier.

City Manager Kevin Carruth stated that there is a bigger margin of safety on Magnolia Street.

Council Member Gurtner stated that the parade application states that things should not be thrown from floats. Ms. Gurtner said if you have walkers who hand out the candy, then you do not have the risk of safety. Ms. Gurtner added that it is not always the children who are at risk.

Michelle Simmons, owner of New Beginnings, addressed the Council. Ms. Simmons stated she has participated in the parade and it was so dark on Magnolia Street that you could not see people in the parade, nor could you see the children on the side of the street. Ms. Simmons added that there were people who walked in the dark on Magnolia Street and fell or twisted their ankles. Ms. Simmons said she knew that disembarking at the festival grounds is also an issue, but crossing Highway 35 is not good. Ms. Simmons expressed that as a merchant she thought it was ridiculous to not have the parade downtown.

Stan Armstrong addressed the Council. Mr. Armstrong stated he has driven in and also watched the parade. Mr. Armstrong said Magnolia Street is too dark, you cannot see the people on the floats. Mr. Armstrong suggested having the parade during daylight hours around 4:00 p.m., that would make it 100% safer.

Mayor Wax stated that at the conclusion of the parade, there is a stage at the festival grounds where the presentation of art awards to children is conducted and then the children assist him in lighting the Christmas tree at Compass Rose Park. Mayor Wax added that the festival grounds are also the location for the Cast in Bronze performance. Mayor Wax said it is just not a parade, there are all sorts of activities being conducted all day on the festival grounds. Mayor Wax asked businesses to comment on the possibility of closing Austin Street to parking all day on the day of the parade.

Council Member Villa stated that the City wants the parade to happen, it is all about safety. Mr. Villa asked that everyone please take that into consideration.

Marsha Reed, co-owner of Sassy, addressed the Council. Ms. Reed thanked the Council for the opportunity to speak. Ms. Reed stated that the day of the Tropical Christmas parade is a huge day for downtown businesses and if Austin Street is blocked all day that would hurt the businesses.

Other business owners in the audience agreed with Ms. Reed that closing Austin Street on the day of the Christmas parade would hurt their businesses.

Lee Copeland addressed the Council. Mr. Copeland stated he had participated in all the parades and he thinks Chief Jayroe has made it clear that if the safety concern is taken care of then having the parade on Austin Street is doable. Mr. Copeland said maybe if the business owners quantified how many people would be needed to block the medians and blub outs and work with Chief Jayroe, it could be worked out.

Eric Heller, Chairman of SeaFair, addressed the Council. Mr. Heller asked if anyone has ever watched the parades that travel Magnolia Street during the day. Mr. Heller said he has personally driven in these parades and almost run over 10 children. Mr. Heller stated that either way, we have to do something about safety; which is easier to control from logistical standpoint.

Council Member Day stated that the issue is children running towards the floats. Mr. Day said you can eliminate that issue on Magnolia Street by handing candy out and not throwing it; on Austin Street that will not necessarily solve the problem. Mr. Day added that if candy throwing is the issue, maybe that be eliminated altogether. Mr. Day expressed that he has seen numerous near misses of children almost being hit.

Mr. Carruth said safety has been a concern on Austin Street for quite some time and what brought this to mind was the Christmas parade two years ago when a man fell off of a truck tailgate and fell into marchers. Mr. Carruth stated that if it had been a float, the man would have been a flat Stanley.

Penny Hong thanked the Council for the opportunity to share their concerns and stated she thought the issues could be worked out and the parade be held on Austin Street. Ms. Hong said we are six months away from parade time and there is plenty time to educate the public about safety to ensure the parade can be held on Austin Street. Ms. Hong suggested a task force of police and merchants be formed to assist to do this.

Council Member Villa asked Ms. Hong if the downtown group would be willing to do that.

Ms. Hong answered: "Yes, if we can have a task force, we can do that. The community will understand. As wide as Magnolia Street is, Austin Street has so much more. There is nothing quite like being on South Austin Street during that time with the rest of the community participating."

Marsha Reed stated there seems to be a few potential problems and rather than taking steps to ensure

close calls do not happen, and keeping things the way they used to be, the City made a drastic change. Ms. Reed said that people in the community did not like this and there is a petition with 300 signatures asking that the parade route be changed back to Austin Street.

Mayor Wax stated that throwing anything from floats happens all over the country and has been a prohibition in our parade application forever. Mayor Wax said it is impossible to enforce. Mayor Wax asked that everyone keep that in mind as we work through this. Mayor Wax expressed that Chief Jayroe and the Police Department have very real concerns because that is what they do, and the Council thought that was the best thing for the community, it may be, it may not be. Mayor Wax encouraged everyone that if you have particular things that you would like to share and did not want to say, please send it to Chief Jayroe and copy Mr. Carruth.

**3. Hear and deliberate on a proposal to adopt a policy to have all new gas meters placed at the front property line.**

Public Works Assistant Director Art Smith addressed the Council. Mr. Smith stated the Gas Department has been researching best practices of other gas providers to determine if adopting a property line meter set policy will increase the safety of our gas technicians and citizens, improve operational efficiency, and lower the liability exposure to the City of Rockport. Mr. Smith said staff has developed a proposal to place all new gas meters (both new installations and those being repaired or replaced) moved to the property line instead of the current practice of having them near or next to the customer's building. Mr. Smith informed the Council that the cities of Corpus Christi, Port Aransas, Robstown, and Sinton have all adopted similar policies and the Texas Municipal League Intergovernmental Risk Pool's gas consultant recommends adopting the proposed policy as a positive risk management strategy. Mr. Smith added that private utilities (i.e. AEP, AT&T, TWC) have also been placing their facilities at the front property line for some time.

Mayor Wax noted that there has been dialogue with some of the local developers.

Discussion was held among Council and Mr. Smith.

Mark Uhr, Real Estate Agent and General Contractor, addressed the Council. Mr. Uhr expressed concerns about the safety of putting gas meters where they could be hit by vehicles. Mr. Uhr stated he thinks this would be a big hazard and unsightly and he is opposed to it.

Spencer Parks, Development Manager at The Reserve, addressed the Council. Mr. Parks stated they are selling a dream and this was going to affect that. Mr. Parks said this would be unsightly and a safety hazard. Mr. Parks said they would like to have gas in all the new homes being constructed, but they cannot do that with this proposal.

Public Works Director Mike Donoho addressed the Council. Mr. Donoho said there were other mitigating circumstances at The Reserve and accommodations will have to be made. the goal is to work with developers and provide safety.

City Manager Kevin Carruth stated that the Islands of Rockport developers have also expressed

concerns. Mr. Carruth said that the City's insurance carrier is telling us to do this; right now it is not costing the City, but it may in the future.

An unidentified speaker suggested the meters could not be put at the building line setback.

Mr. Parks stated that the City should not think of the cost of insurance, but think about the cost of not having gas customers.

#### 4. Hear and deliberate on presentation of site development permit application.

Public Works Director Mike Donoho addressed the Council. Mr. Donoho stated that as the Building and Development Department has been reviewing its policies and procedures over the last few months, a need for a site development permit was highlighted by a couple of recent incidents of property owners altering the topography of their property and having a negative impact on their neighbors. Mr. Donoho said the City's current building and stormwater regulations already grant the City authority to regulate this development activity but a permit application does not exist.

Community Planner Amanda Torres addressed the Council. Ms. Torres gave a PowerPoint presentation (below) on the proposed permit application.

The image shows four slides from a PowerPoint presentation. Each slide features the City of Rockport, Texas logo in the top right corner. The first slide is the title slide, 'Site Development Permit: An Overview', presented by Amanda Torres, Community Planner. The second slide, 'Overview', lists the Building & Development Department's proposal to enact a Site Development Permit and the topics to be discussed: Chapter 50 - Floods, the permit review, and the permit process and fees. The third slide, 'Chapter 50 - Floods', quotes the Floodplain Ordinance and Section 50-63 regarding application requirements. The fourth slide, 'Proposed Permit', lists the seven sections of the permit: Property Description, Property Owner Information, Owner's Agent/Representative, Project Description Summary, FIRM Information, Special Provisions, and Applicant Certification.

**Slide 1: Site Development Permit: An Overview**  
Rockport City Council | Tuesday, June 28, 2016  
Amanda Torres, Community Planner

**Slide 2: Overview**

- The Building & Development Department proposes to enact a Site Development Permit to manage any site work or land modification being done prior to structural development.
- Discuss Chapter 50 – Floods
- Review the permit
- Review permit process and potential fees

**Slide 3: Chapter 50 – Floods**

- The recently approved Floodplain Ordinance (Chapter 50 – Floods) requires anyone making “any manmade changes to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating or drilling operations or storage of equipment or materials.”
- Section 50-63  
“Application for a development permit shall be presented to the floodplain administrator on forms furnished by him and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard.”

**Slide 4: Proposed Permit**

- Proposed permit covers regulations found in Chapter 50 – Floods, Chapter 42 – Environment, and Chapter 106 – Vegetation.
- Contains seven sections
  - Property Description
  - Property Owner Information
  - Owner’s Agent/Representative (if different from owner)
  - Project Description Summary
  - FIRM Information
  - Special Provisions
  - Applicant Certification

**CITY OF ROCKPORT, TEXAS**

**Site Development Permit Application**

**Building & Development Services Department**

The City of Rockport Code of Ordinances available at www.cityofrockport.com 210 Ordinance Amendment contains the Site Development Permit to construct, alter or modify development, specifically the provisions with the following ordinance Chapter 14 - Permits, Chapter 20 - Parks and Chapter 100 - Utilities. It is highly recommended that applicants consult the Building and Development Services Department at the beginning stages of their project before any designs are finalized and with the assistance of an application specialist.

City/Project Description: \_\_\_\_\_

Address: \_\_\_\_\_ A/CAD Property ID: \_\_\_\_\_

Subdivisor: \_\_\_\_\_ Block: \_\_\_\_\_ Lot: \_\_\_\_\_

Current Use/Category:  Agricultural  Commercial Office  Commercial Retail  Commercial RV Park  Industrial Heavy  Industrial Light  Nursing Facility  Residential - Single Family  Residential - Duplex  Residential - Multi-Family  Residential - Manufactured Housing  Underdeveloped  Other \_\_\_\_\_

**Proposed Permit**

**CITY OF ROCKPORT, TEXAS**

**Proposed Permit**

Applicant (Owner/Developer): \_\_\_\_\_

Owner's Agent (Representative): \_\_\_\_\_

Name: \_\_\_\_\_ Year: \_\_\_\_\_

Company: \_\_\_\_\_ Company: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Phone: \_\_\_\_\_

Email: \_\_\_\_\_ Email: \_\_\_\_\_

Signature: \_\_\_\_\_ Signature: \_\_\_\_\_

Date: \_\_\_\_\_ Date: \_\_\_\_\_

**CITY OF ROCKPORT, TEXAS**

**Proposed Permit**

Project Name: \_\_\_\_\_

Proposed Use/Category:  Agricultural  Commercial Office  Commercial Retail  Commercial RV Park  Industrial Heavy  Industrial Light  Nursing Facility  Residential - Single Family  Residential - Duplex  Residential - Multi-Family  Residential - Manufactured Housing  Underdeveloped  Other \_\_\_\_\_

Topographical Development Activities (Shaded areas require building permit):  Clearing/Tree Removal  Excavation (including embankment work)  Drilling  Drilling

Excavation:  Tilling  Grading  Irrigation Water or Sewer System  Mining  Paving  Road Structure/Concrete (including drainage of materials including gas or liquid tanks)  Subdivisions (spur or expansion)  W. Increase in Elevation

Project Elevation: \_\_\_\_\_

Total Average Disturbed: \_\_\_\_\_

High Elevation: \_\_\_\_\_

**CITY OF ROCKPORT, TEXAS**

**Proposed Permit**

FDMA Date: 2/17/2016 Community ID: 461564 FDMA Zone: \_\_\_\_\_ BFE: \_\_\_\_\_

Minimum Flood Building Elevation Due to 1% Forward: \_\_\_\_\_ Feet \_\_\_\_\_ Inches

Is the proposed development located in the Special Flood Hazard Area?  Yes  No

Special Provisions are required. Approval of the proposed development is contingent upon meeting the special provisions listed below. Any additional documents must be attached with the permit application before the permit can be processed. Successful applications will not be accepted. Required special provisions are based on information provided by the applicant for the proposed site improvements. It is the responsibility of the applicant to apply for a new permit if there are any modifications to the proposed improvements. All structural development requires additional City of Rockport building permits.

Does the proposed development require special provisions?  Yes  No (If yes, see check of items below)

**CITY OF ROCKPORT, TEXAS**

**Proposed Permit**

**Special Provisions**

**Flood Damage Mitigation Requirements**

- Provide a site plan showing the location of all existing structures, water bodies, adjacent roads to be dedicated, FEMA Flood Zone and proposed development.
- Provide a drainage plan prepared by a Texas Licensed Professional Engineer that conforms to the required City of Rockport's Storm Drainage Design Manual Standards.
- Provide a "Site-Specific Construction" for existing structures proposed by a Texas Licensed Professional Land Surveyor or a Texas Licensed Professional Engineer.
- Provide a statement, signed and sealed by a Texas Licensed Professional Land Surveyor or a Texas Licensed Professional Engineer that the electrical services, pumps, or conditioning units and any other electrical devices have been elevated a minimum of 12" above BFE.
- Provide a statement (note: signed and sealed by a Texas Licensed Professional Engineer that all public utilities and facilities such as street, gas, electrical, and water systems are designed, located and constructed to maintain or eliminate flood damage, and adequate drainage is provided to reduce exposure to flood hazards.

**Activities Involving Clearing, Grading, Excavation, Filling, Grading and Utility**

- Survey of property showing existing topographic elevations from a Texas Licensed Professional Land Surveyor or Texas Licensed Professional Engineer.
- Provide a proposed site plan including proposed final topographic elevations.

Applicant's Initials: \_\_\_\_\_

**CITY OF ROCKPORT, TEXAS**

**Proposed Permit**

**Special Provisions**

- Provide a topographic elevation survey (sealed and signed) by a Texas Licensed Professional Land Surveyor or a Texas Licensed Professional Engineer that the BFE was placed on or consistent with the proposed plan and FEMA Technical Bulletin 18-04 - Estimating The Stormwater Runoff on F-18 or New Special Flood Hazard Areas Are Annually Safe From Flooding.
- Army Reservoir: If site or area does provide a copy of the Construction Site Erosion that shall be posted on site per the TCEQ Construction Control Permit TCR10008 issued by the TCEQ.
- Provide a detailed site map showing which Best Management Practices will be installed and where they will be installed.

**Tree and Landscaping Requirements**

- Provide a site survey indicating if there are any protected trees on the property. If there are any protected trees, the site plan shall include a tree schedule or an affidavit submitted by a third party acceptable to the city for tree care.

**Setback and Erosion Control Requirements**

- Utility protection enclose enclose in order to minimize erosion and prevent the discharge of sediment into the City's BFE.
- Install a construction entrance to prevent tracking.

**Flood Damaged Equipment, Equipment, Tree Structures or Additional or P&H Requirements**

- Provide a statement, signed and sealed by a Texas Licensed Professional Land Surveyor or a Texas Licensed Professional Engineer that the electrical services, pumps, air conditioning units and any other electrical devices have been elevated a minimum of 12" above BFE.

**Other Special Provisions**

- \_\_\_\_\_
- \_\_\_\_\_

**CITY OF ROCKPORT, TEXAS**

**Proposed Permit**

**Valuation and other info:**

The applicant certifies that the information below that they acknowledge that (1) all of the information in this application is accurate and complete, (2) all structural developments require additional permits from the City of Rockport Building and Development Services Department, (3) any special provisions listed are required for the Site Development Permit to be complete, (4) all other local, state, and Federal permits must be received prior to beginning the work authorized by this permit, and (5) an approved permit expires 180 days from the date of issue.

Signature of Owner or Owner's Authorized Agent/Representative: \_\_\_\_\_ Date: \_\_\_\_\_

Signature of Reviewer: \_\_\_\_\_

Date Application Complete: \_\_\_\_\_ Date Reviewed: \_\_\_\_\_

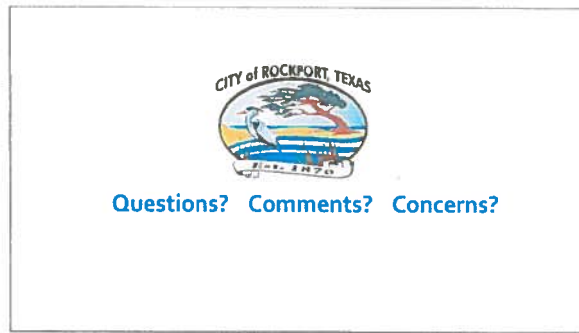
Revisions:  Approved  Denied Date: \_\_\_\_\_

Comments: \_\_\_\_\_

**CITY OF ROCKPORT, TEXAS**

**Permit Process**

- Applicants should submit a permit to the Building & Development Department for review prior to any site work being started on the property.
- Special provisions will be required of the applicant dependent on the land use and type of site work being requested.
- All other local, state and federal permits required must be secured prior beginning the work authorized by the permit.
- A potential fee needs to be discussed and set for the permit.



Mayor Wax stated that Item #4 and Item #14 on the Application are worded exactly the same.

Ms. Torres stated she will check into that.

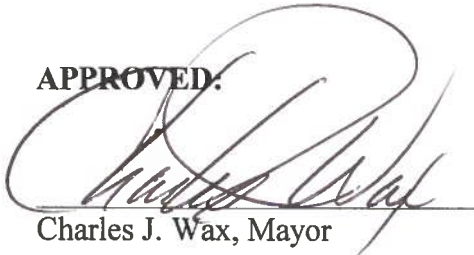
Discussion was held among Council, Ms. Torres and Mr. Donoho.

Mayor Wax stated that the City is at the point where policies and procedures need to be enacted to control the type of growth that is wanted.

## 5. Adjournment

At 3:17 p.m., Council Member Villa moved to adjourn. Motion was seconded by Mayor Pro-Tem Rios and carried unanimously.



**APPROVED:**  
  
Charles J. Wax, Mayor

**ATTEST:**

  
Teresa Valdez, City Secretary