

# CITY OF ROCKPORT

## MINUTES

### CITY COUNCIL REGULAR MEETING 6:30 p.m., Tuesday, July 26, 2016 Rockport City Hall, 622 East Market Street

On the 26<sup>th</sup> day of July 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  
Council Member Barbara Gurtner, Ward 4

#### CITY COUNCIL MEMBER(S) ABSENT

#### STAFF MEMBERS PRESENT

City Manager Kevin Carruth  
City Attorney Terry Baiamonte  
City Secretary Teresa Valdez  
Finance Director Patty Howard  
Police Chief Tim Jayroe  
Public Works Director Mike Donoho  
Community Planner Amanda Torres  
Parks & Leisure Services Director Tom Staley  
Parks Maintenance Superintendent Rick Martinez  
Information Technology Director Brian Jacobs

#### 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, July 26, 2016, in the Council Chambers of the Rockport City Hall, 622 E. Market Street, Rockport, Texas.

##### **2. Pledge of Allegiance.**

Mayor Pro-Tem Pat Rios led the Pledge of Allegiance to the U.S. flag.

**3. Proclamation: Law Enforcement Appreciation Day – Fourth Monday in July.**

Mayor Wax read the Proclamation: Law Enforcement Appreciation Day – Fourth Monday in July. It proclaimed the fourth Monday in July as Law Enforcement Appreciation Day to thank our local law enforcement professionals for their dedication to and direct support of this safe and prosperous community.

**4. 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.

- 5. Deliberate and act on approval of Council Regular Meeting Minutes of July 12, 2016, and Budget Workshop Meeting Minutes of July 18, 2016.**
- 6. Deliberate and act on 3<sup>rd</sup> quarter hotel occupancy tax report from Texas Maritime Museum for 2015-2016 marketing expenditures.**
- 7. Deliberate and act on cancellation of October 11, 2016, Council Regular Meeting, November 22 and December 27, 2016, Council Workshop and Regular Meetings.**
- 8. Deliberate and act to appoint a special liaison to the YMCA Development Committee, and appoint a member to the Parks & Leisure Services Advisory Board.**

Mayor Wax stated that Consent Agenda Item No. 6 was to be pulled from the Consent Agenda due to inaccurate documentation.

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:** Mayor Pro-Tem Rios moved to adopt the Consent Agenda Items, minus Item No. 6, as presented. Council Member Villa seconded the motion. Motion carried unanimously.

**MOTION:** Mayor Wax moved to deny approval of Consent Agenda Item No. 6 due to inaccurate documentation. Mayor Pro-Tem Rios seconded the motion. Motion carried unanimously.

## Regular Agenda

9. **Deliberate and act on first reading of an Ordinance pursuant to Article 23 “Conditional Use Permit”, Rockport Zoning Ordinance Number 1027, granting a Conditional Use Permit to property located at 1515 Sixteenth Street; also described at Lot 76, Block 250, Swickheimer Subdivision (10 acres), Plat Records of Aransas County, Texas, for the purpose of establishing a Bed and Breakfast/Multi-Family Ranch with farm animals, subject to compliance with the conditions stated in said Ordinance, as well as those stipulated under Article 23, Rockport Zoning Ordinance Number 1027; repealing all ordinances in conflict therewith; providing for severability; and providing an effective date.**

Planning & Zoning Commission Chairman Brian Olsen stated the Planning & Zoning Commission met on July 18, 2016, and voted to recommend approval of the request for a Conditional Use Permit to property located at 1515 Sixteenth Street.

**MOTION:** Council Member Villa moved to approve the first reading of an Ordinance pursuant to Article 23 “Conditional Use Permit”, Rockport Zoning Ordinance Number 1027, granting a Conditional Use Permit to property located at 1515 Sixteenth Street; also described at Lot 76, Block 250, Swickheimer Subdivision (10 acres), Plat Records of Aransas County, Texas, for the purpose of establishing a Bed and Breakfast/Multi-Family Ranch with farm animals, subject to compliance with the conditions stated in said Ordinance, as well as those stipulated under Article 23, Rockport Zoning Ordinance Number 1027; repealing all ordinances in conflict therewith; providing for severability; and providing an effective date. Council Member Gurtner seconded the motion. Motion carried unanimously.

10. **Deliberate and act on second and final reading of an Ordinance affecting participation of City employees in the Texas Municipal Retirement System; granting the additional rights, credits and benefits authorized by Section 852.205 of Title B. Government Code, as amended; and prescribing the effective date of this Ordinance.**

Mayor Wax stated the Ordinance had not changed in format or content since its first reading on July 12, 2016.

**MOTION:** Mayor Pro-Tem Rios moved to approve the second and final reading of an Ordinance affecting participation of City employees in the Texas Municipal Retirement System; granting the additional rights, credits and benefits authorized by Section 852.205 of Title B. Government Code, as amended; and prescribing the effective date of this Ordinance. Council Member Villa seconded the motion. Motion carried unanimously.

11. **Deliberate and act on approving an expenditure not to exceed \$40,000.00 to perform a preliminary engineering study for the proposed sports complex on City owned property adjacent to the east side of Highway 35 Bypass and bordered by Teal and Corpus Christi Streets.**

Parks & Leisure Services Director Tom Staley addressed the Council. Mr. Staley stated that the purpose of a preliminary engineering study is to look at the property closely and determine storm water detention and water quality pond requirements and incorporate them into the site plan. Mr.

Staley added that the engineering study will give the City information needed to pursue grants and other fundraising efforts.

Council Member Day stated he had a conversation with a person who has been working with designing and building athletic fields. Council Member Day suggested Mr. Staley contact this person.

Discussion was held among Council and Mr. Staley.

**MOTION:** Council Member Villa moved to approve an expenditure not to exceed \$40,000.00 to perform a preliminary engineering study for the proposed sports complex on City owned property adjacent to the east side of Highway 35 Bypass and bordered by Teal and Corpus Christi Streets. Mayor Pro-Tem Rios seconded the motion. Motion carried unanimously.

**12. Deliberate and act on approval to award a contract to Bridges Specialties, Inc. to connect the Cape Velero waterline to the waterline on Rattlesnake Point Road.**

Public Works Director Mike Donoho stated in January 2016, the City of Rockport acquired a 15-foot wide piece of property at 9 Northpointe Drive for the purpose of a 10-foot permanent utility easement to accommodate the 8-inch waterline needed to loop the waterlines. Mr. Donoho stated seven bids were received and opened and staff is recommending award to Bridges Specialties Inc. in the amount of \$639,787.25. Mr. Donoho informed the Council that the developer of the Rattlesnake Point project has submitted a letter of commitment agreeing to contribute \$89,950 toward the project. Mr. Donoho added that the balance of the cost will come from the 2009 Bond, specifically the Cape Valero Loop Line account.

Brief discussion was held among Council and Mr. Donoho.

**MOTION:** Council Member Day moved to award a contract to Bridges Specialties, Inc. in the amount of \$ 639,787.25 to connect the Cape Velero waterline to the waterline on Rattlesnake Point Road. Council Member Gurtner seconded the motion. Motion carried unanimously.

**13. 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.

Mayor Wax read a letter (below) from the Texas Department of Transportation.

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If you have any questions regarding this notice, please contact Jess Berglund at (512) 493-2138 or at Jess.Berglund@tdot.gov

District

Region

Project #004  
Real Estate Management and Development

CC: Christopher Clark, P.E., District Engineer, District Office Dallas  
Greg Peters, TxDOT Regional Office at the University

Aug 23 2016

RE: Potential Sale of State-Owned Property  
Texas Department of Transportation  
1/2 16.5 acres  
2301 Farm to Market Road  
Rockport, Aransas County, TX 78382

RECEIVED  
AUG 23 2016  
CITY MANAGER

BY: Jess Berglund  
Title: City Manager  
City of Rockport  
622 E. Market Street  
Rockport, TX 78382

Dear Mr. Berglund,

The Texas Civil Guard of the Texas Department of Transportation ("TDCG") has determined that the state's...  
The purpose of this notice is to inform you of the state's...  
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Waiver of Priority Purchase Right

RE: Potential Sale of State-Owned Property  
Texas Department of Transportation  
1/2 16.5 acres  
2301 Farm to Market Road  
Rockport, Aransas County, TX 78382

Jess Berglund  
Real Estate Management and Development Division  
Texas Department of Transportation  
125 E. 11th Street  
5th Floor  
Austin, Texas 78701

Dear Mr. Berglund:

We have reviewed TxDOT's letter dated 7/22/2016 regarding the proposed sale of the property at 2301 Farm to Market Road, Rockport, Aransas County, TX 78382.

City of Rockport IS NOT interested in purchasing this property. Therefore, City of Rockport WAVES the priority right to purchase this property.

Sincerely,

Kevin Carruth  
City Manager  
City of Rockport  
622 E. Market Street  
Rockport, TX 78382

Date: \_\_\_\_\_, 2016

Mayor Wax asked that the Council think about this and it will be discussed at the next Council meeting.

## 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:**

- 14. Section 551.071(1)(A) Consultation with Attorney on pending or contemplated litigation: (A) Bay Education Center, (B) Texaz Construction and AZ Southwest Properties.**
- 15. Section 551.072 Deliberation regarding real property – deliberate the purchase, exchange, lease, or value of real property: (A) Project Red Fish, and (B) Project Cobia.**
- 16. Section 551.087 Deliberation Regarding Economic Development Negotiations: Project Cardinal.**

At 6:54 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) Bay Education Center, (B) Texaz Construction and AZ Southwest Properties; Section 551.072 Deliberation regarding real property – deliberate the purchase, exchange, lease, or value of real property: (A) Project Red Fish, and (B) Project Cobia; and Section 551.087 Deliberation Regarding Economic Development Negotiations: Project Cardinal.

## 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 7:12 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.

## **17. Adjournment**

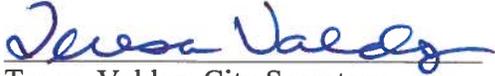
At 7:13 p.m., Council Member Villa moved to adjourn. Motion was seconded by Council Member Gurtner and carried unanimously.



**APPROVED:**

A handwritten signature in black ink, appearing to read "Charles J. Wax", is written over a horizontal line. Below the line, the name "Charles J. Wax, Mayor" is printed in a standard font.

**ATTEST:**

A handwritten signature in blue ink, appearing to read "Teresa Valdez", written over a horizontal line.

Teresa Valdez, City Secretary