

CITY OF ROCKPORT

MINUTES

CITY COUNCIL REGULAR MEETING 6:30 p.m., Tuesday, October 25, 2016 Rockport City Hall, 622 East Market Street

On the 25th day of October 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 Secretary Teresa Valdez
Community Planner Amanda Torres
Police Chief Tim Jayroe
Public Works Director Mike Donoho
Parks & Leisure Services Director Rick Martinez
Finance Director Patty Howard
Municipal Court Clerk Christie Stevens
Municipal Court Clerk Rebecca Garcia
Public Works/Building Services Department Office Supervisor Anna Brandl
Water Department Regulatory Assistant Debbie Mazur
Natural Gas Department Supervisor David Rabroker
Natural Gas Department Team Leader Wayne Unruh
Natural Gas Department Meter Service Operator Jimmy Crisp
Natural Gas Department Maintenance Technician Garth Matheny
Natural Gas Department Maintenance Technician Juan Olivarez
Natural Gas Department Crew Leader Eleazar Gonzalez
Natural Gas Department Maintenance Technician Ramon Honorato

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, October 25, 2016, in the Council Chambers of the Rockport City Hall, 622 E. Market Street, Rockport, Texas.

2. Pledge of Allegiance.

Students from Rockport-Fulton Middle School led the Pledge of Allegiance to the U.S. flag.

3. Presentation: Texas Municipal League Intergovernmental Risk Pool gas utility survey performance rating.

Mayor Wax read a letter from the Texas Municipal League Intergovernmental Risk Pool (TMLIRP) congratulating the City of Rockport on its “100” performance rating on the TMLIRP Gas Utility Survey. Mayor Wax stated the City’s Natural Gas Department has earned a “95” or better on the last six surveys and there are not many cities that receive a “95” performance rating, and even fewer that have received it for six years. Mayor Wax presented the certificate and safety award pins to the City’s Natural Gas Department employees.

4. Presentation & Proclamation: No Place for Hate Day – November 9, 2016.

Mayor Wax read a Proclamation declaring November 9, 2016, as “No Place for Hate Day” in Rockport, Texas. Mayor Wax presented the Proclamation to Rockport-Fulton Middle School teacher Gail Roaten.

Rockport-Fulton Middle School student Laura Lee gave a brief presentation explaining the “No Place for Hate Day” initiative. Ms. Lee stated Rockport-Fulton Middle School is the first school in south Texas to become a “No Place For Hate” school.

5. Proclamation: Municipal Court Week – November 7-11, 2016.

Mayor Wax presented a Proclamation for Municipal Court Week, November 7-11, 2016, in Rockport, to Municipal Court Judge Diana McGinnis and Court Clerks Christie Stevens and Rebecca Garcia.

6. 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.

Jeanette Larson, 185 Heron Oaks, addressed the Council. Ms. Larson voiced concerns about trees being removed in the City, and the City’s tree ordinance. Ms. Larson requested this be put on a future Council agenda for discussion and action.

Neli Spurrell, 166 Heron Oaks, addressed the Council. Ms. Spurrell stated she also was concerned about the number of trees being removed for development of properties. Ms. Spurrell said she has received calls and emails from citizens concerned about the YMCA plans to remove trees when a structure is built. Ms. Spurrell added that she had sent a letter to the Council requesting funding assistance in the amount of \$2,000.00 for insurance for the Keep Aransas

County Beautiful organization. Ms. Spurrell informed the Council that this insurance has to be acquired before Keep Aransas County Beautiful can apply for grants.

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.

- 7. Deliberate and act on approval of Council Regular Meeting Minutes of September 27, 2016.**
- 8. Deliberate and act on 4th quarter hotel occupancy tax report from Rockport Center for the Arts for 2015-2016 marketing expenditures.**
- 9. Deliberate and act on 4th quarter hotel occupancy tax report from Texas Maritime Museum for 2015-2016 marketing expenditures.**
- 10. Deliberate and act on 4th quarter hotel occupancy tax report from the Rockport-Fulton Chamber of Commerce for 2015-2016 marketing expenditures.**
- 11. Deliberate and act on request from Rockport First Assembly of God for temporary closure of East Laurel Street, from North Church Street to North Live Oak Street, on October 31, 2016, from 4:30 p.m. until 7:00 p.m. for the Fall Festival/Trunk or Treat.**
- 12. Deliberate and act on request from Relay for Life of Rockport-Fulton for approval to close Austin Street between Wharf Street and Main Street from 5:00 p.m. until Midnight on Saturday, April 1, 2017, for the Relay For Life event.**
- 13. Deliberate and act on Resolution of support and participation in the Floodplain Management Plan and recognition of the Floodplain Management Planning Committee.**

Mayor Wax called for requests to remove any item from the Consent Agenda for separate discussion.

MOTION: Council Member Villa moved to adopt the Consent Agenda Items as presented. Mayor Pro-Tem Rios seconded the motion. Motion carried unanimously.

Regular Agenda

- 14. Hear and deliberate on presentation of Rockport-Fulton Chamber of Commerce Guiding Members to Success report.**

Rockport-Fulton Chamber of Commerce Chair Rick McKinney addressed the Council. Mr. McKinney presented the Rockport-Fulton Chamber of Commerce Guiding Members to Success report. A Rockport-Fulton Chamber of Commerce television commercial was shown.

15. Deliberate and act on second and final reading of an Ordinance pursuant to Article 23 “Conditional Use Permit,” Rockport Zoning Ordinance Number 1027, a Conditional Use Permit is hereby granted to 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, for the purpose of building an RV Resort Park; with no conditions other than those stipulated under Article 23, Rockport Zoning Ordinance Number 1027; repealing all ordinances in conflict therewith; providing for severability; and providing an effective date.

Mayor Wax stated there had been no changes in format or content of the Ordinance since the first reading on September 27, 2016.

Council Member Day stated he thought a second entrance into the property had been agreed upon.

Public Works Director Mike Donoho said the developer had discussed the RV Park being developed in phases and he is amenable to looking at a second entrance in the future.

Council Member Villa stated the developer has addressed every concern that residents had expressed in the previous Council meetings.

Neli Spurrell asked how many RV parks per capita are allowed in the City of Rockport, and asked whether a limit could be placed on the number allowed. Ms. Spurrell asked if the City of Rockport was becoming a good place for middle class homes or a RV resort place. Ms. Spurrell also asked what brings more economic value to the community, one acre with twenty RVs or one acre with five single-family homes.

Mayor Wax stated there is no limit in the city, state, county, or nation on how many RV parks are allowed in a place. Mayor Wax added that this community is supportive of both kinds of development, homes and RV parks. Mayor Wax said at this time, there are single-family homes being built on FM 3036. Mayor Wax added that people use RVs as permanent homes and some use them as their second homes, and these people provide significant contributions to this community.

City Manager Kevin Carruth stated that Ms. Spurrell questions were not germane to the Agenda item.

Jeanette Larson asked if this development had followed the City’s Tree Ordinance and had it been reviewed by the Tree Committee.

Mayor Wax explained that is part of the permit approval process. Mayor Wax said that what is on the Agenda tonight is approval of a Conditional Use Permit for the purpose of building an RV resort park.

MOTION: Mayor Pro-Tem Rios moved to approve the second and final reading of an Ordinance pursuant to Article 23 “Conditional Use Permit,” Rockport Zoning Ordinance Number 1027, a Conditional Use Permit is hereby granted to 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, for the purpose of building an RV resort park; with no conditions other than 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 Day seconded the motion. Motion carried 4:1.

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

AGAINST MOTION: Council Member Villa

- 16. Deliberate and act on second and final reading of an Ordinance amending Article 4 of the City of Rockport Zoning Ordinance Number 1027 by changing the zoning of land located at 2201 State Highway 35 Bypass; also described as Lot 44 (West 100' x 49'), Block 1, West Terrace Unit 2, Rockport, Volume 2, Page 116, Map Records of Aransas County, Texas; from R-1 (1st Single Family Dwelling District) to B-1 (General Business District); repealing all ordinances in conflict therewith; providing for severability; and providing an effective date.**

Mayor Wax stated there had been no changes in format or content of the Ordinance since the first reading on September 27, 2016.

MOTION: Council Member Day moved to approve the second and final reading of an Ordinance amending Article 4 of the City of Rockport Zoning Ordinance Number 1027 by changing the zoning of land located at 2201 State Highway 35 Bypass; also described as Lot 44 (West 100' x 49'), Block 1, West Terrace Unit 2, Rockport, Volume 2, Page 116, Map Records of Aransas County, Texas; from R-1 (1st Single Family Dwelling District) to B-1 (General Business District); repealing all ordinances in conflict therewith; providing for severability; and providing an effective date. Council Member Villa seconded the motion. Motion carried unanimously.

- 17. Deliberate and act on second and final reading of an Ordinance of the City of Rockport, Texas, implementing a temporary moratorium on the submission, acceptance, processing, and approval of any application for any permit or license for installation of above-ground wireless communications facilities in the public right-of-way or on public or private property; providing a savings clause; providing a severability clause; finding and determining that the meetings at which the Ordinance was passed were open to the public as required by law; and providing an effective date.**

Mayor Pro-Tem Rios asked if the City had received any applications for a permit or license for installation of above-ground wireless communications facilities since the last Council meeting.

Public Works Director Mike Donoho said there had been no other applications, only the one previously received.

Brief discussion was held among Council and Mr. Donoho.

Mayor Wax stated there had been no changes in format or content of the Ordinance since the first reading on September 27, 2016.

MOTION: Council Member Villa moved to approve the second and final reading of an Ordinance of the City of Rockport, Texas, implementing a temporary moratorium on the submission, acceptance, processing, and approval of any application for any permit or license for installation of above-ground wireless communications facilities in the public right-of-way or on public or private property; providing a savings clause; providing a severability clause; finding and determining that the meetings at which the Ordinance was passed were open to the public as required by law; and providing an effective date. Council Member Gurtner seconded the motion. Motion carried unanimously.

18. Deliberate and act on authorizing the Mayor to negotiate and execute all necessary documents for an agreement with Wings Rescue Center to provide bird rescue services.

Mayor Wax stated the City Attorney had prepared a draft agreement with a reimbursement rate of \$35 per bird, limiting it to 143 documented eligible birds. Mayor Wax added that it was his understanding that the Wings Rescue Center had received their 501(c)(3) designation.

Council Member Villa stated he did not agree with providing General Fund money to this group; the money is not budgeted. Council Member Villa informed the Council that the Parks & Leisure Services Advisory Board had received a request from a parent of a special needs child for playground equipment that can be used by special needs children. Council Member Villa stated he thinks playground equipment for special needs children is more important than birds. Council Member Villa expressed that the Bent Oaks property was purchased by the City to protect the birds and Council should take off the blinders and look at this very closely.

Kay Adams with Wings Rescue Center addressed the Council. Ms. Adams informed the Council that they have received 265 calls for assistance in Aransas County, with 224 birds rescued, 81 within the City of Rockport. Ms. Adams said they receive a lot of calls from people visiting Rockport and the public comment on this is unbelievable. Ms. Adams said the community would be upset if they could not help the birds.

Council Member Day asked if there is an opportunity going forward to obtain funding of their own; do they have a plan.

Ms. Adams answered that they are trying to obtain funding, but this is totally volunteer based. Ms. Adams said if they are able to obtain a permit and facility, then there will be better opportunities for grants.

Jeanette Larson informed the Council the money would be used for veterinary services, care and feeding of the birds; there is no overhead. Ms. Larson said this is truly important to a lot of people in the community.

Council Member Villa stated he is not cold-hearted, but he thinks a child with special needs is more important than birds. Mr. Villa added that the family with the special needs child is telling us this is not fair; the City just spent three million dollars for the birds.

Ms. Adams said they would only charge for the birds rescued.

Neli Spurrell informed the Council that the Animal Rehabilitation Keep (ARK) would be their main help, but a lot of their funding has been cut and they cannot accept Aransas County birds.

Mayor Wax stated that there are any number of stories about rescuing birds and other animals, but the question that the Council is examining is whether to authorize funding with taxpayer dollars. Mayor Wax added that he would like information on why the ARK funding was cut or discontinued.

Ms. Adams stated she would send Mayor Wax a copy of the letter that was sent to the newspaper regarding the ARK funding cut.

Sam Furman addressed the Council. Mr. Furman said he is 80 years old and the Wings Rescue Center has given him a new take on life.

MOTION: Mayor Wax moved to table this item until Ms. Adams provides to City Manager Kevin Carruth the documentation regarding the ARK funding cut. Council Member Villa seconded the motion. Motion carried unanimously.

19. Deliberate and act on location and support of 2016 Tropical Christmas parade route.

Council Member Day stated the 2016 Tropical Christmas Parade Route Committee was tasked with exploring the possibility of moving the Christmas parade back to downtown, Austin Street. He said several meetings were held and the Committee began to look at the major problems identified and then discussed way to find solutions. Council Member Day informed the Council that the concerns centered around spectators and participant safety. Council Member Day said spectators would be able to come dangerously close to vehicles, as well as when things were thrown from floats this encouraged spectators to approach floats. Council Member Day expressed that concern was raised about parade participants being able to unload safely. Council Member Day stated the Committee believes these concerns have been met by implementing the following series of changes:

- 1) Austin Street must be closed beginning at 4:00 p.m. the day of the parade. All shop owners are in agreement. To that end the City and State have allocated sufficient portable barricades to control traffic in and around the area. The City will need to purchase additional disposable warning tape to be used to control pedestrians.

- 2) Volunteers from several groups including business owners, Aransas County Leadership Class, and Rockport-Fulton Chamber of Commerce Bay Blazers have been secured to pick up, set up, and tear down barricades and other crowd control measures well in advance of the start of the parade. Other identified individuals will provide live crowd control during the actual parade. We ask that the City purchase reusable or disposable high visibility vests and inexpensive flash lights to assist.

- 3) Parade participants must not be allowed under any circumstances to throw candy, toys, etc. from the floats. This may only be done by walking participants.

- 4) The parade will end on the fairgrounds. All participating floats will be allowed an option to exit from Chamber Drive onto Broadway. Although this option is not encouraged, it is available. We feel the disbursement of the participants of the parade in previous years unnecessarily places those at risk because of traffic exiting the beach park at the end of the fireworks display and added to the congestion. We also encourage more parade participants to stay and enjoy the various entertainment opportunities available at that time.

Council Member Day added that there is very minimal cost to these changes.

Discussion was held among Council.

New Beginnings store owner Michelle Simmons stated the goal is for people to get back to their cars after the parade.

Mayor Pro-Tem Rios asked how many volunteers were committed to assisting and if there was a list because he has seen this happen; people volunteer and then things happen and there are not enough volunteers. Mayor Pro-Tem Rios stated that this will probably require 70 people or so.

Council Member Day stated the Rockport-Fulton Chamber of Commerce Bay Blazers, the downtown merchants, the Aransas County Leadership Class, and the Rockport Police Department are the volunteers. Council Member Day said 70 volunteers are not needed because of the physical barricades.

It was mentioned that the Rockport Center for the Arts is having a large event that same evening and will this create congestion in that area.

Council Member Day said the route completely misses the area around the Rockport Center for the Arts.

Mayor Pro-Tem Rios stated the Christmas parade route was previously changed because of safety concerns. Mayor Pro-Tem Rios asked Police Chief Tim Jayroe if the proposed changes address his safety concerns.

Police Chief Tim Jayroe stated that the safety of the children is the greatest concern and if the children can be kept back from the floats and vehicles, that addressed the safety concern. Chief Jayroe added that if parade participants can be prevented from throwing candy, that will also help with keeping the children back. Chief Jayroe said he did not know if two volunteers per block would be enough to keep people back from the floats and vehicles, and wondered whether people pay attention to volunteers in vests and carrying flashlights.

Further discussion was held among Council and Chief Jayroe.

Council Member Gurtner commented that this plan is not perfect, but she did like the idea of having an open lane for emergency vehicles if necessary. Council Member Gurtner stated that if floats are not allowed to throw candy this may prevent children from going under the barricade tape.

Council Member Villa stated he like the idea but he is worried about it being too congested on the small sidewalks along Austin Street.

Mayor Wax stated he thinks the sidewalks are going to get overloaded quickly.

City Manager Kevin Carruth stated he is concerned about the time frame; there are only four weeks until the parade and costs involved have not been discussed yet. Mr. Carruth said he did not think two volunteers is enough; minimum of three or four would be better.

Michelle Simmons asked that the Council just let them try this route.

MOTION: Mayor Wax moved to approve the Austin Street route with the four changes as outlined by Council Member Day for the 2016 Tropical Christmas parade. Council Member Villa seconded the motion. Motion carried 4:1.

FOR MOTION: Mayor Wax, Council Member Day, Council Member Villa and Council Member Gurtner.

AGAINST MOTION: Mayor Pro-Tem Rios.

20. 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 stated this is his first Council meeting since he has turned over the gavel as the Texas Municipal League President. Mayor Wax extended his thanks to Council and City Staff for their support.

Council Member Day reported that Jennifer Day is working on things for the Cultural Arts District. Council Member Day informed the Council that Jennifer has been invited to sit in on a round table discussion regarding Cultural Arts Districts.

Council Member Villa stated the Parks & Leisure Services Advisory Board met and discussed the Tropical Christmas event. Council Member Villa said the mother of the special needs child talking about her child wanting to be able to play at the City parks like the other children was heartbreaking. Council Member Villa stated he hoped the City could provide some special needs equipment at the parks for special needs children.

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:

- 21. Section 551.071(1)(A) Consultation with Attorney on pending or contemplated litigation: (A) Bay Education Center, (B) Texaz Construction and AZ Southwest Properties.**
- 22. 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.**

**23. Section 551.087 Deliberation Regarding Economic Development Negotiations:
(A) Project Harvestfish and (B) Project Margate.**

At 8:11 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 551.087 Deliberation Regarding Economic Development Negotiations: (A) Project Harvestfish and (B) Project Margate.

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 8:23 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.

24. Adjournment

At 8:22 p.m., Council Member Villa moved to adjourn. Motion was seconded by Mayor Pro-Tem Rios. Motion 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 black ink, appearing to read 'Teresa Valdez', is written over a horizontal line. Below the line, the name 'Teresa Valdez, City Secretary' is printed in a standard font.