

CITY OF ROCKPORT

MINUTES

CITY COUNCIL REGULAR MEETING 6:30 p.m., Tuesday, January 24, 2017 Rockport City Hall, 622 East Market Street

On the 24th day of January 2017, 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
Police Patrol Commander Larry Sinclair
Police C.I.D. Commander Jerry Lawing
Police Officer Eleu Ramos
Police Officer David Rollins
Police Lieutenant Steven Reyes
Police Lieutenant Nathan Garcia
Police Officer Alex Leal
Police Officer Nathaniel Ward
Police Lieutenant Spencer Yarnall

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, January 24, 2017, 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. Presentation: Texas Police Chiefs Association – Recognized status for Rockport Police Department.

Director of the Texas Police Chiefs Association Max Westbrook presented the Rockport Police Department a Certificate of Recognition for achieving compliance with Texas Law Enforcement's Best Business Practices.

Mr. Westbrook explained that the Program is an accreditation program that has 168 challenging standards for Texas Law Enforcement and is a voluntary program. Mr. Westbrook informed the Council there are currently over 2,400 law enforcement agencies in Texas, and only 135 agencies have achieved "recognized" status. Mr. Westbrook stated the Rockport Police Department is the 133rd Recognized Agency in the State of Texas.

Mayor Wax stated the City of Rockport Police Department is top-notch. Mayor Wax thanked the Police Department for their dedication and hard work and commended them for receiving "recognized" status.

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 City Council Regular Meeting Minutes of January 10, 2017.**
- 6. Deliberate and act on 1st quarter report from the Rockport Center For The Arts for Fiscal Year 2016-2017 marketing expenditures.**
- 7. Deliberate and act on 1st quarter report from the Friends of the Fulton Mansion State Historical Site for Fiscal Year 2016-2017 marketing expenditures.**
- 8. Deliberate and act on a Resolution of the Rockport City Council ordering a General Election and establishing procedures for said Election to be held on Saturday, May 6, 2017; the General Election shall be for the purpose of electing a Council Member to**

represent Ward #1 and a Council Member to represent Ward #3; providing other matters relating to the General Election; and finding and determining that the meeting at which this Resolution is passed is open to the public as required by law.

Deliberar y tomar medidas sobre la Resolución del Ayuntamiento de la Ciudad de Rockport en la que se ordena la realización de unas Elecciones Generales y se establecen procedimientos para dichas Elecciones, que se llevarán a cabo el sábado 6 de mayo de 2017; las Elecciones Generales se realizarán con el propósito de elegir un Concejal que represente el Distrito #1 y un Concejal que represente el Distrito #3; se estipulan otros asuntos relacionados con las Elecciones Generales, y se decide y determina que la reunión en la cual se aprueba esta Resolución estará abierta al público, como lo requiere la ley.

9. **Deliberate and act on May 6, 2017 Joint Election Contract for Election Services between the City of Rockport and Aransas County Independent School District in compliance with HB1.**

Deliberar y tomar medidas sobre el Contrato de Elecciones Conjuntas del 6 de mayo de 2017 para Servicio Electorales entre la Ciudad de Rockport y el Distrito Escolar Independiente del Condado de Aransas, en conformidad con HB 1.

10. **Deliberate and act on Resolution accepting an offer for the tax resale of Lots 7, 8, 9, and 10, Block 246, Rooke's Subdivision, also known as 1134 N. Live Oak Street and authorizing the Mayor to negotiate and execute all necessary documents.**

11. **Deliberate and act on request from Texas Maritime Museum for: 1) Closure of Chamber Street, from Loop 70 to Navigation Circle on Thursday, May 25, 2017, from 2:00 p.m. to 12:00 a.m., and on Saturday, May 27, 2017, and Sunday, May 28, 2017, 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 20th Annual Festival of Wines and Food.**

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

Council Member Villa requested Item #10 be removed from the Consent Agenda for separate discussion.

MOTION: Mayor Wax moved to adopt the Consent Agenda Items, minus Item #10, as presented. Mayor Pro-Tem Rios seconded the motion. Motion carried unanimously.

Consent Agenda Item #10

Linebarger Goggan Blair & Sampson, LLP Area Manager Michael Carrillo addressed the Council. Mr. Carrillo stated that the firm represents the City and Aransas County on collection of delinquent taxes. Mr. Carrillo informed the Council that this property was put up for sale and no one purchased it. Mr. Carrillo added that this is one of 27 properties that received purchase offers.

Discussion was held among Council and Mr. Carrillo.

MOTION: Council Member Villa moved to approve Consent Agenda Item #10. Council Member Gurtner seconded the motion. Motion carried unanimously.

Regular Agenda

12. Hear and deliberate on presentation of Rockport-Fulton Chamber of Commerce Guiding Our 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 Lighthouse Report.

Brief discussion was held between Mr. McKinney and Mayor Wax regarding the HummerBird Celebration this past year.

13. Deliberate and act on Resolution supporting proposed Willow Crest Senior development for construction of a senior rental housing community in the 1200-1300 block of FM 3036 utilizing the Texas Department of Housing and Community Affairs Housing Tax Credit Program.

Russ Roberts, 201 Marion Drive, addressed the Council. Mr. Roberts asked how it was possible to decide and approve a project when the zoning is improper.

Mayor Wax explained that Tejas Housing Group has told the City that they will not request a change in zoning unless they are approved for the housing tax credits.

Mr. Roberts said he was concerned that once Council has said this was a good project, it would prejudice approval. Mr. Roberts asked if this does come back before the Council, would it be viewed in the same degree of healthy skepticism.

Mayor Wax answered that if this project came back to Council, it would follow City permitting processes. Mayor Wax added there had been absolutely no change in City processes.

Mike Kuertz, 214 Marion Drive, provided the following written comment read by Mayor Wax: "I'm against this development at this location."

Tejas Housing Group representative Tim Lang addressed the Council. Mr. Lang stated Tejas Housing Group had submitted a tax credit pre-application to Texas Department of Housing and Community Affairs. Mr. Lang informed the Council the pre-application was ranked last and it does not bode well for Tejas Housing Group to move forward with an application for tax credits at this time. Mr. Lang said Tejas Housing Group felt it important to inform the Council of this and ask permission to come back next year. Mr. Lang said Tejas Housing Group will welcome community engagement at that point.

Mayor Wax confirmed with Mr. Lang that Tejas Housing Group would not be submitting an application for tax credits.

Mr. Lang stated that was correct, the project would be cost prohibitive without the tax credits.

Council Member Gurtner asked if Tejas Housing Group would consider this same property or others when they return next year.

Mr. Lang answered that Tejas Housing Group would look at the scoring criteria for the applications before a location was selected. Mr. Lang thanked the Council for the support and dialogue.

MOTION: Mayor Wax moved to deny without prejudice the Resolution supporting proposed Willow Crest Senior development for construction of a senior rental housing community in the 1200-1300 block of FM 3036 utilizing the Texas Department of Housing and Community Affairs Housing Tax Credit Program. Council Member Villa seconded the motion. Motion carried unanimously.

14. Deliberate and act on first reading of an Ordinance amending Section 6-35, Chapter 6, Rockport Code of Ordinances, concerning existing nonconforming signs, by changing percentage of replacement costs and removing the 10-year grandfather clause; providing for the validity of said Ordinance; repealing all prior ordinances in conflict herewith; and providing for an effective date.

Public Works Director Mike Donoho addressed the Council. Mr. Donoho informed the Council the Rockport Country Club Estates Homeowners Association came to the Building and Development Services staff and inquired about replacement of the monument sign on Traylor Boulevard at Highway 35. Mr. Donoho stated the current City Sign Ordinance limits repairs to no more than 60 percent of the value of the sign, thereby preventing the replacement. Mr. Donoho said that after reviewing model sign ordinances from several Texas cities, staff is recommending a change to the current Sign Ordinance that will allow for replacement of an existing non-conforming sign, specifically by removing the 10-year grandfather clause in Section 6-35 of the Rockport Code of Ordinances.

Discussion was held among Council, City Manager Kevin Carruth and Mr. Donoho.

MOTION: Council Member Villa moved to approve the first reading of an Ordinance amending Section 6-35, Chapter 6, Rockport Code of Ordinances, concerning existing nonconforming signs, by changing percentage of replacement costs and removing the 10-year grandfather clause; providing for the validity of said Ordinance; repealing all prior ordinances in conflict herewith; and providing for an effective date. Mayor Pro-Tem Rios seconded the motion. Motion carried unanimously.

15. Hear and deliberate on presentation of City of Rockport Police Department 2016 Annual Report.

Police Chief Tim Jayroe stated the Police Department 2016 Annual Report had been included in the Agenda packet. Chief Jayroe stated Commanders Lawing and Sinclair were present tonight if the Council had any questions.

Discussion was held among Council, Chief Jayroe and Commanders Lawing and Sinclair.

MOTION: Mayor Wax moved to accept the Police Department 2016 Annual Report as presented. Council Member Villa seconded the motion. Motion carried unanimously.

16. Deliberate and act to authorize the Police Department to construct a firing range at 1501 Teal Drive.

Police Chief Tim Jayroe stated the Police Department was notified about three years ago regarding restricted use of the Aransas County firing range, which also began charging the City \$25 per person, per day for use of the range except for one free day a year. Chief Jayroe said that consequently, the City has been using the indoor range at Aransas Firearms for monthly training. Chief Jayroe said a firing range was discussed at 2016-2017 budget workshops, but money was not allocated for it. Chief Jayroe informed the Council that Lieutenant Garcia put together a cost estimate in the amount of \$100,000. Chief Jayroe added that Del Mar Community College has indicated an interest in participating in the project by providing in-kind equipment such as lighting, Conex boxes, target equipment, canopies, etc. if the range would be available to their Police Academy students.

Discussion was held among Council, Chief Jayroe, City Manager Carruth and Lieutenant Garcia.

MOTION: Council Member Villa moved to authorize the Police Department to construct a firing range at 1501 Teal Drive. Council Member Gurtner seconded the motion. Motion carried unanimously.

17. 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 reminded everyone that the Rockport-Fulton Chamber of Commerce Windshield Tour is tomorrow.

Mayor Wax stated the Veterans Memorial Wall That Heals traveling exhibit will be arriving in Rockport next week.

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:

18. Section 551.087 Deliberation Regarding Economic Development Negotiations: Project Green Jay.

19. Section 551.074 Personnel Matters: (A) City Manager evaluation, and (B) City Secretary evaluation.

At 7:35 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: Project Green Jay; and Section 551.0745 Personnel Matters: (A) City Manager evaluation, and (B) City Secretary evaluation.

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 8:07 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.

Mayor Wax stated the Council was going back to Agenda Item #17 to receive a report from the YMCA Development Committee.

YMCA Development Committee Member Warren Hassinger addressed the Council. Mr. Hassinger stated he wanted to receive comments from the Council on a proposal before it was discussed at the next YMCA Development Committee meeting. Mr. Hassinger said that in his mind, we may have bitten off more than we can chew when looking for large donations. Mr. Hassinger distributed to Council a copy of a donation letter and form. Mr. Hassinger explained that this document would get the YMCA Development Committee to \$100,000 by seeking 500 commitments at \$200 each. Mr. Hassinger expressed that at \$100,000, an executive director could be hired for two years, programs could be started and a building is not needed for that – could work with the school for space. Mr. Hassinger said this would allow for starting small and letting an executive director do what and executive director does best and that is fund raising.

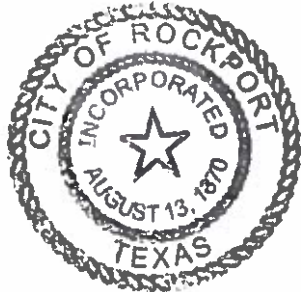
Mayor Wax stated the key issue to this is getting the 500 commitments to establish local buy-in and then having an executive director seek funds, and put to rest the local innuendo. Mayor Wax said he was pleased with this approach and he looked forward to hearing what the YMCA Development Committee would have to say about it at the next meeting.

City Manager Kevin Carruth said he liked this approach. Mr. Carruth said it would demonstrate a firm commitment by the community.

Discussion was held among Council and Mr. Hassinger.

20. Adjournment

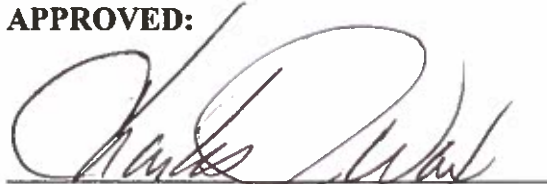
At 8:19 p.m., Council Member Villa moved to adjourn. Motion was seconded by Mayor Pro-Tem Rios. Motion carried unanimously.



ATTEST:


Teresa Valdez, City Secretary

APPROVED:


Charles J. Wax, Mayor