

# CITY OF ROCKPORT

## MINUTES

### CITY COUNCIL REGULAR MEETING 6:30 p.m., Tuesday, February 14, 2017 Rockport City Hall, 622 East Market Street

On the 14<sup>th</sup> day of February 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  
Assistant City Secretary Ruby Beaven  
Community Planner Amanda Torres  
Police Chief Tim Jayroe  
Public Works Director Mike Donoho  
Parks & Leisure Services Director Rick Martinez

#### 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 6:31 p.m. on Tuesday, February 14, 2017, in the Council Chambers of the Rockport City Hall, 622 E. Market Street, Rockport, Texas.

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

Council Member Gurtner led the Pledge of Allegiance to the U.S. flag.

##### **3. Presentation: Texas Municipal Clerks Certification – Ruby Beaven, Assistant City Secretary.**

Mayor Wax presented Assistant City Secretary Ruby Beaven with a certificate acknowledging her graduation from the Texas Municipal Clerks Certification Program.

Mayor Wax presented City Secretary Teresa Valdez with a certificate acknowledging her required professional education for recertification as a Texas Registered Municipal Clerk.

Mayor Wax commented that he had attended the graduation and recertification ceremony recently held in Frisco. Mayor Wax stated that the City of Rockport had two employees receiving certificates and that is quite impressive for a city the size of Rockport.

#### **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 24, 2017, and City Council Planning Workshop Minutes of January 31, 2017.**
- 6. Deliberate and act Resolution setting the Capital Recovery Fee owed by the Town of Fulton and setting the interest rate for the period of February 1, 2017, to January 31, 2018.**
- 7. Deliberate and act on request from Rockport Center for the Arts for temporary closure of: A) North Street from Austin Street to Water Street, and B) Water Street from North Street to Wharf Street, from 8:00 a.m. on April 6, 2017, to 1:00 p.m. on April 8, 2017, for kick-off event for 28<sup>th</sup> Annual Tour of Homes.**
- 8. Deliberate and act on agreement with Rockport Center for the Arts to lease space at 402 E. Laurel Street for the 2017 Summer ArtLink Program.**

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**

- 9. Deliberate and act on first reading of an Ordinance extending Ordinance No. 1673 implementing a temporary moratorium on the submission, acceptance, processing, and approval of any new or pending applications for any permit or license for installation**

**of above-ground wireless communications facilities in the public rights-of-way or on public or private property.**

City Attorney Terry Baiamonte stated she had contacted Scott Houston with the Texas Municipal League and asked him whether it was necessary for the City of Rockport to adopt another Ordinance in order to extend the Ordinance previously adopted. Ms. Baiamonte said that Mr. Houston had advised that the City Council just needed to vote to extend the Moratorium for another 120 days.

**MOTION:** Mayor Wax moved to extend the Moratorium, implemented by Ordinance No. 1673, 120 days and if necessary extend it an additional 120 days. Council Member Villa seconded the motion. Motion carried unanimously.

**10. Deliberate and act on second and final 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.**

Larry Schilhabel, 443 Augusta, addressed the Council. Mr. Schilhabel stated he is the compliance director with the Rockport County Club Homeowners Association. Mr. Schilhabel expressed that he staunchly supported this Ordinance.

Public Works Director Mike Donoho stated there had been no changes in format or content since the first reading of the Ordinance.

**MOTION:** Mayor Pro-Tem Rios moved to approve the second and final 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. Council Member Gurtner seconded the motion. Motion carried unanimously.

**11. Deliberate and act to ratify a change order in the amount of \$187,560 for repairs to ground storage water tanks located at the Peninsula Oaks water facility.**

Public Works Director Mike Donoho stated the City had contracted with Tank Industry Consultants, Inc., in the fall of 2016, for repairing and repainting the north tank and south tank at the Peninsula Oaks water facility. Mr. Donoho informed the Council that while sandblasting and prepping the tanks, it became apparent that there were additional repairs necessary that were not included in the original cost allocation. Mr. Donoho said staff is recommending approval of change orders in the amount of \$187,560.

Discussion was held among Council and Mr. Donoho.

**MOTION:** Council Member Villa moved to ratify change orders in the amount of \$187,560 for repairs to ground storage water tanks located at the Peninsula Oaks water facility. Council Member Gurtner seconded the motion. Motion carried unanimously.

## **12. 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 Pro-Tem Rios said he had attended a presentation given by Exxon about what had happened in Portland. Mayor Pro-Tem Rios said the presentation was very informative.

### **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:**

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

**14. Section 551.074 Personnel Matters: City Secretary evaluation.**

At 6:49 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: City Secretary evaluation.

### **Open Session**

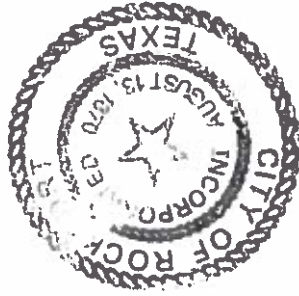
**City Council will reconvene into open session pursuant to the provisions of Chapter 551 of the Texas Government Code to take any actions necessary related to the executive sessions noted herein, or regular agenda items, noted above, and/or related items.**

At 7:18 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.

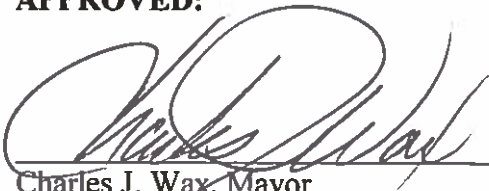
No action was taken.

## **15. Adjournment**

At 7:19 p.m., Council Member Villa moved to adjourn. Motion was seconded by Mayor Pro-Tem Rios. Motion carried unanimously.



**APPROVED:**

  
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Charles J. Wax, Mayor

**ATTEST:**

  
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Teresa Valdez, City Secretary