

# CITY OF ROCKPORT

## MINUTES

### CITY COUNCIL REGULAR MEETING 6:30 p.m., Tuesday, February 28, 2017 Rockport City Hall, 622 East Market Street

On the 28<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  
City Attorney Terry Baiamonte  
Community Planner Amanda Torres  
Police Chief Tim Jayroe  
Public Works Director Mike Donoho  
Parks & Leisure Services Director Rick Martinez  
Finance Director Patty Howard

#### ELECTED OFFICIALS PRESENT

Aransas County Navigation District Precinct 3  
Commissioner Malcolm Dieckow

#### 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, February 28, 2017, in the Council Chambers of the Rockport City Hall, 622 E. Market Street, Rockport, Texas.

##### 2. Pledge of Allegiance.

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

**3. Presentation: Certified Municipal Officers – Mayor Pro-Tem Rios & Mayor C.J. Wax.**

Mayor Wax presented Mayor Pro-Tem Rios a certificate acknowledging his completion of the Texas Municipal League Institute Certified Municipal Official program. Mayor Wax stated the Certified Municipal Official program requires 72 continuing education units in a year and demonstrates a significant commitment.

Mayor Pro-Tem Rios presented Mayor C.J. Wax a certificate acknowledging his completion of the Texas Municipal League Institute Certified Municipal Official program. Mayor Pro-Tem Rios stated last year 32 municipal officials completed this level of continuing education but this year there were 31 and Rockport is one of only two cities in the State that had two people receive this designation.

**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.

Lynn Baskind addressed the Council. Ms. Baskind invited everyone to the Great Duck Race on March 18, 2017, at 11:00 a.m. at the Community Pool.

Charlene Drake, 222 South Fifth Street, addressed the Council. Ms. Drake commented that she hoped the new trash pickup included cans for brush because a lot of people do not have access to trucks.

Philip Knisely, 1323 South Magnolia, addressed the Council. Mr. Knisely voiced concerns about the height of buildings being allowed to be constructed in Rockport. Mr. Knisely said it was evident to him that new development adds two to three feet of fill material and then the home is built, and this causes flooding to existing neighbors.

**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 February 14, 2017.**
- 6. Deliberate and act to accept a Certification of Unopposed Candidates by the City Secretary for the May 6, 2017, General Election.**

*Deliberar y actuar para aceptar una certificación de candidatos sin oposición, preparada por la secretaria municipal para las elecciones municipales generales del 6 de mayo de 2017.*

7. **Deliberate and act on a Resolution declaring unopposed candidates in the May 6, 2017, City General Election, elected to office; cancelling the Saturday, May 6, 2017, Ward 1 and Ward 3 Elections; and finding and declaring that the meeting at which this Resolution is adopted was open to the public, and the public notice of time, place and the subject matter of the public business to be considered was posted as required by law, including this Resolution.**

*Deliberar y actuar sobre una resolución declarando a candidatos sin oposición, en las elecciones municipales generales del 6 de mayo de 2017, elegido para un cargo público; anulando las elecciones del 6 de mayo, 2017, de barrio 1 y de barrio 3; averiguando y declarando que la reunión en que se adoptó esta resolución fue abierta al público, y el aviso al público de la hora, el lugar y el contenido de los negocios públicos en consideración fueron publicados como requiere la ley, incluyendo esta resolución.*

8. **Deliberate and act on request from Rockport First Assembly of God for temporary closure of East Laurel Street, from North Live Oak Street to North Church Street, on April 15, 2017, from 10:00 a.m. until 2:00 p.m. for an Easter egg hunt.**

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 presentation of Fiscal Year 2015-2016 City of Rockport Comprehensive Annual Financial Report.**

John Shepherd with Collier, Johnson & Woods, P.C., Certified Public Accounts, presented the City of Rockport Fiscal Year 2015-2016 Comprehensive Annual Financial Report. Mr. Shepherd reviewed the management letter noting the following: 1) One deficiency in internal control that is considered a material weakness – bank reconciliations; and 2) Deficiencies in internal control other than significant deficiencies and material weaknesses – Fleet Fund Deficit and Fixed Asset System.

**MOTION:** Mayor Wax moved to accept the Fiscal Year 2015-2016 City of Rockport Comprehensive Annual Financial Report. Mayor Pro-Tem Rios seconded the motion. Motion carried unanimously.

10. **Deliberate and act to suspend activity of the Environmental Committee For Water Issues.**

Mayor Pro-Tem Rios stated he is the Council Liaison for this Committee. Mayor Pro-Tem Rios said this has been a good committee that has done good work, but over the past year, there have been several times when the Committee has not been able to meet due to the lack of quorum.

Mayor Pro-Tem Rios added that there are many entities doing similar work, for example, the Navigation District and the Aransas County Coastal Resiliency Committee. Mayor Pro-Tem Rios suggested the Environmental Committee for Water Issues be suspended.

Mayor Wax stated that this does not minimize the City's interest in clean-water.

Council Member Villa thanked the citizens who served on this Committee.

**MOTION:** Mayor Wax moved to suspend activity of the Environmental Committee For Water Issues. Council Member Villa seconded the motion. Motion carried unanimously.

**11. Deliberate and act on report from Rockport Fulton Chamber of Commerce for marketing expenditures made for Veterans Memorial Wall Exhibit event.**

Rockport-Fulton Chamber of Commerce President Diane Probst addressed the Council. Ms. Probst said she had submitted the marketing expenditures report. Ms. Probst informed the Council that approximately 10,000 people had attended the Veterans Memorial Wall Exhibit event. Ms. Probst said after the \$1,500.00 Hotel Occupancy Tax Funds are received from the City, there will be a net profit of \$16.00.

Aransas County Navigation District Precinct 3 Commissioner Malcom Dieckow addressed the Council. Commissioner Dieckow said they are moving forward with trying to bring the 911 Memorial to Rockport in February 2018.

**MOTION:** Council Member Day moved to approve the report from Rockport Fulton Chamber of Commerce for marketing expenditures made for Veterans Memorial Wall Exhibit event and authorize disbursement of funds in the amount of \$1,500.00 from the Hotel Occupancy Tax Fund, as presented. Council Member Villa seconded the motion. Motion carried unanimously.

**12. Deliberate and act on review of conceptual designs for street signs that designate the boundaries of the Rockport Cultural Arts and Heritage Districts.**

Anita Diebel, 1003 South Austin Street, addressed the Council. Ms. Diebel stated she is a downtown merchant and she just became aware of this proposal. Ms. Diebel expressed that there were very few downtown merchants who were aware of this. Ms. Diebel said she had the following concerns: 1) Do we need these signs – there currently are street signs, could the Cultural Arts District toppers be added to those; 2) Where is the money coming from for this – if grant, maybe it should be spent on something for downtown that is not funded any longer; 3) The sign is confusing; and 4) What does it do for downtown businesses – anything that we can spend money on to enhance downtown is great, but I do not think street signs will do it.

Mayor Wax answered Ms. Diebel that the total cost for the street signs is \$15,000.00 and was allocated in the City's General Fund budget.

Public Works Director Mike Donoho said sign posts were purchased from last year's budget and the signs will be purchased from this year's budget. Mr. Donoho added that there is an annual budget for signs and posts because this is a regular maintenance item.

Council Member Villa expressed that the City's agenda and agenda packet are posted on the City's website for citizens to access information.

City Manager Kevin Carruth encourages all merchants to subscribe to the notifications on the City's website.

Philip Knisely, 1323 S. Magnolia, addressed the Council. Mr. Knisely said he has traveled to Palm Springs, California, where sign toppers are utilized and they are very confusing. Mr. Knisely stated he thinks this is a waste of money.

Stan Armstrong, 23 Lauderdale, addressed the Council. Mr. Armstrong said he represented the Cultural Arts and Heritage Districts. Mr. Armstrong stated the first rendition of the street sign toppers received comments that the bird looked washed out, so the logo was given back to the Artist Sue Bonner. Mr. Armstrong said the bird is now more pronounced. Mr. Armstrong stated the Cultural Arts and Heritage Districts are asking the Council for approval of the design.

Council Member Villa asked if one sign of each of the designs could be purchased before a decision is made.

Mr. Donoho said that could be done, but we do not want to pay a large amount for set-up fees.

Discussion was held among Council and Mr. Armstrong.

Mayor Pro-Tem Rios said the City is really lucky to have this designation. Mayor Pro-Tem Rios stated that Rockport is the only city along the Texas coast that has received this designation. Mayor Pro-Tem added that this is a way to showcase our area.

Anita Diebol asked if this could be postponed until everyone understands it.

Mr. Armstrong said he and Commissioner Dieckow have scheduled a meeting with downtown business owners next week. Mr. Armstrong said a map showing the Cultural Arts District boundaries had been in the newspaper and he really did not want to delay this any longer. Mr. Armstrong added that he had personally visited 10-12 businesses in regard to the Cultural Arts District.

**MOTION:** Council Member Day moved to accept the green sign with blue Heritage District topper and green Cultural Arts District topper with the new artwork of bird design for street signs that designate the boundaries of the Rockport Cultural Arts and Heritage Districts. Mayor Pro-Tem Rios seconded the motion. Motion carried unanimously.

Council Member Villa asked if the Council could still get life-size version of each design.

Mr. Donoho said he would contact Jennifer Day to get a life-size version on paper.

- 13. Deliberate and act on a request to rezone property located at 1270-1422 F.M. 3036; also known as 18 acres, A219 T.T. Williamson Survey, Rockport, Aransas County, Texas, currently zoned R-1 (1<sup>st</sup> Single Family Dwelling District) to B-1 (General Business District) to allow development of a climate controlled storage facility.**

Mayor Wax stated staff concurs with the Planning & Zoning Commission's recommendation that City Council deny without prejudice the request.

**MOTION:** Mayor Wax moved to deny without prejudice the request to rezone property located at 1270-1422 F.M. 3036; also known as 18 acres, A219 T.T. Williamson Survey, Rockport, Aransas County, Texas, currently zoned R-1 (1<sup>st</sup> Single Family Dwelling District) to B-1 (General Business District) to allow development of a climate controlled storage facility. Council Member Villa seconded the motion. Motion carried unanimously.

- 14. Deliberate and act on a request for a Conditional Use Permit on property located at 701 N. Magnolia Street; also known as Lots 1 through 4, Block 49, Smith and Wood Division, Rockport, Aransas County, Texas, currently zoned R-1 (1<sup>st</sup> Single Family Dwelling District), to Conditional Use Permit Overlay to allow a bed and breakfast facility.**

Mayor Wax stated staff concurs with the Planning & Zoning Commission's recommendation that City Council deny without prejudice the request.

**MOTION:** Mayor Wax moved to deny the request for a Conditional Use Permit on property located at 701 N. Magnolia Street; also known as Lots 1 through 4, Block 49, Smith and Wood Division, Rockport, Aransas County, Texas, currently zoned R-1 (1<sup>st</sup> Single Family Dwelling District), to Conditional Use Permit Overlay to allow a bed and breakfast facility. Council Member Villa seconded the motion. Motion carried unanimously.

### **15. 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 after-action meeting regarding Aransas County Day at the Capitol is scheduled for Thursday morning.

Mayor Pro-Tem Rios thanked Community Planner Amanda Torres for the presentation on stormwater management she gave at the Bay Education Center.

Council Member Gurtner expressed she felt the meeting held at the Capitol on Aransas County Day went extremely well; we were heard and it was worth attending.

### **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:**

- 16. Section 551.071(1)(A) Consultation with Attorney: Pending or contemplated litigation: (A) Bay Education Center; (B) Texaz Construction and AZ Southwest Properties.**
- 17. 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.**
- 18. Section 551.072 Deliberations about Real Property: 901 E. Main.**

At 7:19 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 551.071(1)(A) Consultation with Attorney: Pending or contemplated litigation: (A) Bay Education Center; (B) Texaz Construction and AZ Southwest Properties; 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; and Section 551.072 Deliberations about Real Property: 901 E. Main.

### **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 7:54 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.

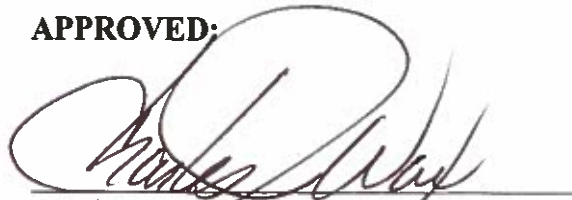
No action was taken.

### **19. Adjournment**

At 7:55 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