

CITY OF ROCKPORT

MINUTES

CITY COUNCIL REGULAR MEETING 6:30 p.m., Tuesday, April 25, 2017 Rockport City Hall, 622 East Market Street

On the 25th day of April 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 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

Mayor Charles J. Wax

STAFF MEMBERS PRESENT

City Manager Kevin Carruth
City Secretary Teresa Valdez
City Attorney Terry Baiamonte
Police Chief Tim Jayroe
Police Lieutenant Nathan Garcia
Public Works Director Mike Donoho
Parks & Leisure Services Director Rick Martinez
Finance Director Patty Howard
Community Planner Amanda Torres

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 Pro-Tem Rios at 6:30 p.m. on Tuesday, April 25, 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. Proclamation: Municipal Clerks Week May 7-13, 2017.

Mayor Pro-Tem Rios proclaimed the week of May 7-13, 2017 as Municipal Clerks Week in Rockport, Texas.

Mayor Pro-Tem Rios presented the Proclamation to City Secretary Teresa Valdez and Assistant City Secretary Ruby Beaven.

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.

Chris Crowley, 619 S. Fulton Beach Road, addressed the Council. Mr. Crowley asked several questions regarding the money spent for the property purchased by the City for the sports complex.

Mayor Pro-Tem Rios informed Mr. Crowley that the Council could not discuss this because it was not on the Agenda.

Lillian Reitz, 165 Whistler Cove, addressed the Council. Ms. Reitz said she was concerned about the money spent for the sports complex; there was land next to Memorial Park that would have been less expensive.

Lisa Lewis, 1809 Harbor Drive, had completed an "Appearance Before City Council" card but stated: "Someone else can speak."

An "Appearance Before City Council" card had been received from Ken Stewart but he was not present at the meeting.

Karra Crowley, 619 S. Fulton Beach Road, addressed the Council. Ms. Crowley voiced concerns in regard to the money spent for the property purchased by the City for the sports complex.

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 April 11, 2017.**
- 6. Deliberate and act on 2nd quarter report from Friends of the Fulton Mansion State Historical Site for Fiscal Year 2016-2017 marketing expenditures.**
- 7. Deliberate and act on 2nd quarter report from Rockport Center for the Arts for Fiscal Year 2016-2017 marketing expenditures.**
- 8. Deliberate and act on a Resolution authorizing the Rockport Police Department to apply for a Fiscal Year 2018 Local Border Security Program (Border Star) Grant administered by the Office of the Governor, Homeland Security grants division.**

9. Deliberate and act on a Resolution authorizing the Rockport Police Department to apply for a Fiscal Year 2018 Operation Stonegarden Grant administered by the Office of the Governor, Homeland Security grants division.

Mayor Pro-Tem Rios called for requests to remove any item from the Consent Agenda for separate discussion.

MOTION: Council Member Day moved to approve the Consent Agenda items as presented. Council Member Villa seconded the motion.

Mayor Pro-Tem Rios noted that in Consent Agenda Item No. 9 there was a typographical error on the Agenda, the year should be “2016” instead of “2018”.

MOTION: Council Member Day moved to amend his motion to approve the Consent Agenda items as presented, with the correction to Item No. 9. Council Member Villa seconded the motion. Motion carried unanimously.

Regular Agenda

10. Deliberate and act on memorandum of understanding with Del Mar College for use of the City’s firing range.

Police Chief Tim Jayroe addressed the Council. Chief Jayroe informed the Council that the Police Department has had restricted use of the Aransas County firing range for several years and beginning in 2015, Aransas County also began charging the City \$25 per person, per day for use of the range except for one free day a year. Chief Jayroe stated that Del Mar College is participating in the project. Chief Jayroe said that Lieutenant Nathan Garcia was present if the Council had any questions regarding this project.

Lieutenant Garcia stated this is a 50-yard firing range, which is sufficient for the Police Department to use in qualifying with rifles and pistols. Lieutenant Garcia said the firing range should be completed and ready for qualifications by next month.

Del Mar College Department Chair for Public Safety Davis Merrill addressed the Council. Mr. Merrill informed the Council that he is a full-time instructor with the Del Mar Police Academy and he lives in Rockport. Mr. Merrill stated he could not think of a better place or partner for this project.

City Manager Kevin Carruth commented that a lot of the work on the firing range was done by the Public Works Department and off-duty Police Officers.

Discussion was held among Council, Lieutenant Garcia and Mr. Merrill.

An unidentified person in the audience asked if the firing-range was going to be open to the public.

Lieutenant Garcia answered “No.”

MOTION: Council Member Villa moved to approve the Memorandum of Understanding with Del Mar College for use of the City's firing range. Council Member Gurtner seconded the motion. Motion carried unanimously.

11. Hear and deliberate on presentation of Rockport-Fulton Chamber of Commerce Guiding Our Members to Success Report.

Rockport-Fulton Chamber of Commerce Chair of Business Expo and Board Member Diana Purdue addressed the Council. Ms. Purdue presented the Rockport-Fulton Chamber of Commerce Guiding Lighthouse Report.

Brief discussion was held among Council and Ms. Purdue.

12. Deliberate and act on second and final reading of an Ordinance amending Chapter 66 of the Code of Ordinances entitled "Offenses and Miscellaneous Provisions" by the addition of a new Article IV. "Sex Offender Residency Restriction," making it unlawful for certain sex offenders to reside within 1,000 feet of premises where children gather or another sex offender resides, or to loiter within 300 feet of a park safety zone, providing penalties and injunction for violations of the Ordinance, including but not limited to a fine not to exceed \$500.00 for each offense, and each and every day such violation shall continue or exist shall be deemed a separate offense; providing for the validity of said Ordinance; repealing all prior ordinances in conflict herewith; and providing for an effective date.

City Manager Kevin Carruth stated there had been no changes in format or content since the amended first reading of the Ordinance on April 11, 2017.

MOTION: Council Member Gurtner moved to approve the second and final reading of an Ordinance amending Chapter 66 of the Code of Ordinances entitled "Offenses and Miscellaneous Provisions" by the addition of a new Article IV. "Sex Offender Residency Restriction," making it unlawful for certain sex offenders to reside within 1,000 feet of premises where children gather or another sex offender resides, or to loiter within 300 feet of a park safety zone, providing penalties and injunction for violations of the Ordinance, including but not limited to a fine not to exceed \$500.00 for each offense, and each and every day such violation shall continue or exist shall be deemed a separate offense; providing for the validity of said Ordinance; repealing all prior ordinances in conflict herewith; and providing for an effective date. Council Member Villa seconded the motion. Motion carried unanimously.

13. Deliberate and act to select areas for annexation and authorize staff to prepare service plans, schedule public hearings, and draft annexation ordinance.

City Manager Kevin Carruth called the Council's attention to handouts that had been inadvertently left out of the Agenda packet. Mr. Carruth said the first handout was a map showing the fourth possible area for annexation, Pearl Street area, and the second handout was the 2017 Annexation Profile Summary.

Community Planner Amanda Torres addressed the Council. Ms. Torres said that also included in the Agenda packet was an annexation timeline, if the Council decided to move forward with any annexation. Ms. Torres stated that if Council chooses to pursue annexation prior to any state legislation going into effect in September, a decision on which areas for possible annexation will need to be made at this Council meeting.

Jean Coe, 924 S. Magnolia Street, addressed the Council. Ms. Coe stated she moved into the City 17 months ago and her City services are no better than those she had in the County. Ms. Coe voiced concerns about garbage and recycling collection. Ms. Coe commented that if the City cannot adequately provide services to residents, then it was not appropriate to annex for additional revenue.

Brian Higdon, 1201 Poinciana, addressed the Council. Mr. Higdon stated his home is not currently in the City limits, but he had heard about the annexation proposal and he wished to make some comments. Mr. Higdon said his parents, recently deceased, had lived in Rockport for 15 years and he lived in Spring, but his family is relocating to Rockport. Mr. Higdon asked what is the official purpose of annexation of these properties?

Mayor Pro-Tem Rios responded by saying it was to protect corridors/entrances to the City. Mayor Pro-Tem Rios added that there is growth to the south of Rockport and there is a lot of interest in development, annexation will allow the City to prevent the wrong type of growth.

Mr. Higdon stated that he agreed with that and he had experience with that while living in Spring. Mr. Higdon said he moved to Spring when it was basically rural and Spring did not have zoning and now because of the rapid growth, it is a complete nightmare. Mr. Higdon said you have to have some type of regulations of who is in coming in and what they are going to do and build.

Scott Mapes, 410 W. Linden Street, addressed the Council. Mr. Mapes stated his issue was that there are other areas that already have City water and sewer, but are not in the City; those areas should be annexed first because they have been enjoying City services without paying City taxes.

City Manager Kevin Carruth expressed that those areas receiving City water and sewer had received those services because of special funding from the State and if those areas are annexed the grant money goes away. Mr. Carruth added that those living outside the City pay 40% more for City utilities.

Chris Crowley, 104 Whistlers Cove, addressed the Council. Mr. Crowley stated he is the person responsible for erecting the signs around town opposing the proposed annexations. Mr. Crowley expressed that everyone's taxes will go up. Mr. Crowley said he had retained an attorney and was told that the City is required to provide services in 4.5 years. Mr. Crowley added that Spanish Woods was annexed in 1996 and they do not have a street light. Mr. Crowley commented that voters in that area may request to be de-annexed because City services were not provided to them in 4.5 years.

Discussion was held among Council and Ms. Torres regarding the four areas being considered for possible annexation.

Council Member Day stated the Market Street area was very important and annexation of this area would protect City interest and corridors into Rockport.

Council Member Villa said he was not in favor of the last annexation, nor is he supportive of another annexation. Council Member Villa added he did not know how the City is going to get funding to provide services, and he hoped that Council would take that into consideration before a decision was made on annexation.

Council Member Gurtner said there are a lot of reasons to annex and Council's consideration of these areas does not mean they will be annexed.

Dick Kitchens, 610 Pine Avenue, addressed the Council. Mr. Kitchens said his property was annexed last year.

Council Member Villa asked Mr. Kitchens: "You also asked the Council to remove your property from the proposed annexation area and you did not care about the neighbors"?

Mr. Kitchens said that was correct, but he did not win that request. Mr. Kitchen asked the Council not to have the two public hearings on the same day as they did last year.

Council Member Day expressed that the City Council has workshops that are publicly posted and everyone is invited to attend. Council Member Day said this is part of the process where Council work out details. Council Member Day encouraged citizens to read the Council meeting minutes. Council Member Day stated he was glad everyone is here tonight, but this one meeting does not contain the whole story. Council Member Day declared that it is imperative that if you want to understand a particular item, all the information is on the website.

MOTION: Council Member Day moved to authorize staff to prepare service plans, schedule public hearings, and draft annexation ordinances according to the proposed annexation timeline. Council Member Gurtner seconded the motion. Motion carried: 3:1.

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

AGAINST MOTION: Council Member Villa.

NOTE: Ernest H. Ovenden, 901 W. Terrace, completed an "Appearance Before City Council" card which was found at the Municipal Court customer service window the next day. The card contained the following language: "I object to an increase in tax when you have nothing to offer, RIP OFF. Install some audio speakers in City Hall, can't hear speakers."

14. 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; 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 stated he had attended the Chamber of Commerce event unveiling the new “walking tour maps” for downtown Rockport and Fulton. Mayor Pro-Tem said the map details a four-mile walk in Rockport and a one-mile walk in Fulton. Mayor Pro-Tem informed everyone that you can pick up a map at the Chamber.

Community Planner Amanda Torres informed the Council that the City of Rockport, Town of Fulton, Aransas County, and City of Aransas Pass has received a grant for development of a Hazard Mitigation Plan.

Council Member Day informed the Council that he had an interesting guest at his Bed & Breakfast, a gentleman from Africa who teaches running in Austin. Council Member Day said this man’s life story was interesting and tragic. Council Member Day added that this man participated in a 5K run held by the school that raised money to provide water for African villages.

Council Member Gurtner commented that this was the first time the man had done this in the United States and he had chosen Rockport.

Council Member Gurtner informed the Council she had attended a two-day seminar conducted by Texas Bays and Estuaries. Council Member Gurtner said the economic impacts of everyday recreational fishing outweigh the economic impacts of fishing tournaments. Council Member Gurtner stated she attended several sessions that provided very interesting and useful information.

Mayor Pro-Tem Rios congratulated City Manager Carruth and staff on the City receiving a credit rating of AA from Fitch Ratings. Mayor Pro-Tem Rios added that the City scored a AAA in the management section.

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:

- 15. Section 551.071(1)(A) Consultation with Attorney: Pending or contemplated litigation: (A) Bay Education Center; (B) Texaz Construction and AZ Southwest Properties, (C) Texas Workforce Commission and Joseph M. Repasky; and (D) Joe & Diana Harrington.**
- 16. 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.**
- 17. Section 551.074 Personnel Matters: Alternate Municipal Court Judge.**

At 7:44 p.m., Mayor Pro-Tem Rios 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; (C) Texas Workforce Commission and Joseph M. Repasky; and (D) Joe and Diana Harrington; 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 551.074 Personnel Matters: Alternate Municipal Court Judge.

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 8:36 p.m., Mayor Pro-Tem Rios 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.

MOTION: Mayor Pro-Tem Rios moved to approve a settlement with Texaz Construction and AZ Southwest Properties where neither party to the settlement admits any liability or wrongdoing in connection with this matter. In exchange for fee simple title to the 7.048 acres which is a vital component with the City of Rockport's Master Drainage Plan, the City of Rockport will pay \$100,000.00. Each party will be responsible for their legal expenses and costs, and the case will be dismissed by the plaintiff with prejudice to refile. Council Member Villa seconded the motion. Motion carried unanimously.

18. Deliberate and act on re-appointment of Alternate Municipal Court Judge.

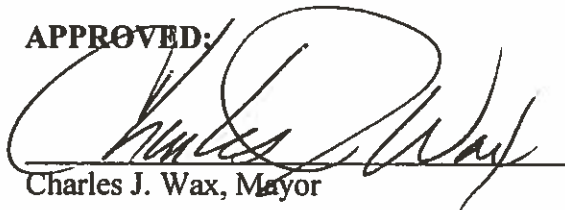
MOTION: Mayor Pro-Tem Rios moved to re-appoint Diane Dupnik as Alternate Municipal Court Judge with the term to follow with the existing contract. Council Member Villa seconded the motion. Motion carried unanimously.

19. Adjournment

At 8:43 p.m., Council Member Day moved to adjourn. Motion was seconded by Council Member Villa. Motion carried unanimously.



APPROVED:


Charles J. Wax, Mayor

ATTEST:


Teresa Valdez, City Secretary