

CITY OF ROCKPORT

MINUTES

CITY COUNCIL REGULAR MEETING 6:30 p.m., Tuesday, May 9, 2017 Rockport City Hall, 622 East Market Street

On the 9th day of May 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

PLANNING & ZONING COMMISSION MEMBERS PRESENT

Edward Bellion
G. Maynard Green
Graham Wilson
Ruth Davis
W. Kent Howard
Diana Severino-Saxon

STAFF MEMBERS PRESENT

City Manager Kevin Carruth
City Secretary Teresa Valdez
City Attorney Terry Baiamonte
Police Commander Jerry Lawing
Police Commander Larry Sinclair
Public Works Director Mike Donoho
Parks & Leisure Services Director Rick Martinez
Finance Director Patty Howard
Community Planner Amanda Torres
Information Technology Director Brian Jacobs

ELECTED OFFICIALS PRESENT

Opening Agenda

1. **Call to Order.**

5. **Presentation of Certificates of Election to re-elected officials for Ward 1 and Ward 3.**
(Presentación de certificados de elección a re-electos para Barrio 1 y Barrio 3.)

Mayor Wax presented the Certificates of Election to re-elected Council Member Ward 1 Rusty Day and re-elected Council Member Ward 3 Pat Rios.

6. **Administration of Oath of Office to re-elected officials for Ward 1 and Ward 3.**
(Administración de juramento a re-electos para el Barrio 1 y Barrio 3.)

Mayor Wax administered the Oath of Office to re-elected Council Member Ward 1 Rusty Day and to re-elected Council Member Ward 3 Pat Rios.

7. **Deliberate and act on election by Council of Mayor Pro-Tem.**

MOTION: Council Member Villa moved to elect Council Member Rios as Mayor Pro-Tem for a term of May 2017 to May 2018 pursuant to the City of Rockport Home Rule Charter. Council Member Gurtner seconded the motion. The motion carried unanimously.

Public Hearing

8. **Call to Order – Rockport Planning & Zoning Commission.**

With a quorum of the members present, the meeting of the Rockport Planning & Zoning Commission was called to order at 6:45 p.m. on Tuesday, May 9, 2017, in the Council Chambers of the Rockport City Hall, 622 E. Market Street, Rockport, Texas.

Mayor Wax opened the Joint Public Hearings at 6:46 p.m.

9. **Conduct a Joint Public Hearing with the Planning & Zoning Commission to consider a request to rezone newly annexed property located at 1531 State Highway 188; also known as Lot 7-C, Ken Mar III Unit 4 (2.45 acres), Rockport, Aransas County, Texas, currently zoned R-1 (1st Single Family Dwelling District) to B-1 (General Business District), to continue mixed use of property, which is currently business and residential.**

Linda Jones, 1531 State Highway 188, addressed the Council. Ms. Jones stated she is the owner of the property and was requesting rezoning because there is currently a large commercial building on the property. Ms. Jones added she is in the process of selling the property and respectfully requested approval of her rezoning request.

Mayor Wax stated the Planning & Zoning Commission will consider this request at their May 15, 2017, meeting.

10. **Conduct a Joint Public Hearing with the Planning & Zoning Commission to consider a request for a Conditional Use Permit to allow development of climate control storage units on six acres (Lot 2), being part of eighteen acres located at 1300 FM 3036; also**

10-4-2017
 Robert Dye, 127 Marion Drive, Rockport, Texas
 78440
 361-237-1234
 I am writing to you regarding the rezoning of my property at 127 Marion Drive, Rockport, Texas. The property is currently zoned R-1 and I am requesting it be rezoned to Business. I have done my homework and believe this is the best use for the property. I have also done my homework and believe this is the best use for the property. I have also done my homework and believe this is the best use for the property.

10-4-2017
 Robert Dye, 127 Marion Drive, Rockport, Texas
 78440
 361-237-1234
 I am writing to you regarding the rezoning of my property at 127 Marion Drive, Rockport, Texas. The property is currently zoned R-1 and I am requesting it be rezoned to Business. I have done my homework and believe this is the best use for the property. I have also done my homework and believe this is the best use for the property. I have also done my homework and believe this is the best use for the property.

Donald Dye, 127 Marion Drive, addressed the Council. Mr. Dye said he took offense to the rezoning of the property from R-1 to Business. Mr. Dye asked the Council to hear the words of their constituents: "We are vigorously opposed."

Dan Wilkins, 102 Marion Drive, addressed the Council. Mr. Wilkins stated he was coming before Council as an investor; he chose to live here because it is next to a reserve. Mr. Wilkins added that the investors of the subject property should have done their homework and known that the property was zoned residential. Mr. Wilkins asked what will happen to all the trees if this is allowed to be built. Mr. Wilkins expressed that the City purchased property to save trees. Mr. Wilkins asked the Council not to let someone come in and remove the trees.

Dan Houtzke, 107 Marion Drive, addressed the Council. Mr. Houtzke stated he was opposed to anything that is going to happen behind Marion Drive. Mr. Houtzke said he was here to live and enjoy the community, and he is opposed to the granting of a Conditional Use Permit.

Elizabeth Roberts, 201 Marion Drive, addressed the Council. Ms. Roberts stated at the last hearing she spoke about objections from the neighborhood and now she wanted to address some objections from the perspective of the City of Rockport and all its property owners. Ms. Roberts said the Country Club community and Marion Drive are clearly the kind of neighborhood that should be encouraged and replicated in any city or town, not be under constant attack by endless attempts at inappropriate zoning. Ms. Roberts expressed concern about a major change in zoning on the cusp of the re-working of the City Comprehensive Plan. Ms. Roberts asked the Council if they want to set a precedent by approving this request.

Jeff Atteberry, 132 Marion Drive, addressed the Council. Mr. Atteberry stated his property backs up to the property requesting the Conditional Use Permit. Mr. Atteberry said he did his homework before he purchased his property and the land behind him was zoned residential. Mr. Atteberry added that his back yard has flooded and if this development is allowed, it will cause flooding on his property. Mr. Atteberry expressed that crime has increased in his neighborhood and he is concerned that this development would create even more.

3/7/17
RECEIVED

1. The surrounding area, as a part of Peninsula Oaks, is completely residential and a General Business District is not compatible nor consistent with the surrounding area. This certainly limits the spot zoning.

2. As a General Business District, in the rear or distant future, a large building such as a convenience store, among many other possibilities, could be built. The driveway is allowed rear that already-developed information so said driveway would be on our neighborhood side.

3. This puts auto access on the road infrastructure.

4. This adds to the already existing information.

5. The added utility in our quiet neighborhood will be an increased and unnecessary danger.

6. The added utility will bring additional noise which takes away from the attractiveness of the area. Convenience stores bring distracting light into a sleepy neighborhood.

7. Section 150-2 of the zoning Code states that one of its purposes for subsection is "with a view of preserving the value of buildings."

A. Small retail properties will bring our property value down.

B. Large commercial buildings such as a convenience store or, worse, an adult entertainment establishment, will bring our property value down.

NAME	ADDRESS	PHONE	EMAIL
1) Gary Mizener	922 N. Palmetto	361-222-1211	
2) Brenda Mizener	922 N. Palmetto	361-222-1211	
3) Shannon Mizener	922 N. Palmetto	361-222-1211	
4) Bruce Baird	922 N. Palmetto	361-222-1211	
5) Betty Adams	922 N. Palmetto	361-222-1211	

- 1) Floyd Clark
- 2) Kay Clark
- 3) Susan Surrall
- 4) Ernie Surrall
- 5) Carolee Pfeifer
- 6) David Mays

RECEIVED

1. The surrounding area, as a part of Peninsula Oaks, is completely residential and a General Business District is not compatible nor consistent with the surrounding area. This certainly limits the spot zoning.

2. As a General Business District, in the rear or distant future, a large building such as a convenience store, among many other possibilities, could be built. The driveway is allowed rear that already-developed information so said driveway would be on our neighborhood side.

3. This puts auto access on the road infrastructure.

4. This adds to the already existing information.

5. The added utility in our quiet neighborhood will be an increased and unnecessary danger.

6. The added utility will bring additional noise which takes away from the attractiveness of the area. Convenience stores bring distracting light into a sleepy neighborhood.

7. Section 150-2 of the zoning Code states that one of its purposes for subsection is "with a view of preserving the value of buildings."

A. Small retail properties will bring our property value down.

B. Large commercial buildings such as a convenience store or, worse, an adult entertainment establishment, will bring our property value down.

NAME	ADDRESS	PHONE	EMAIL
7) Mary Mizener	922 N. Palmetto	361-222-1211	
8) Brenda Mizener	922 N. Palmetto	361-222-1211	
9) Shannon Mizener	922 N. Palmetto	361-222-1211	
10) Ray Pugh	922 N. Palmetto	361-222-1211	
11) Sarah Pugh	922 N. Palmetto	361-222-1211	
12) Deana Pugh	922 N. Palmetto	361-222-1211	

- 7) Mary Mizener
- 8) Brenda Mizener
- 9) Shannon Mizener
- 10) Ray Pugh
- 11) Sarah Pugh
- 12) Deana Pugh

RECEIVED

1. The surrounding area, as a part of Peninsula Oaks, is completely residential and a General Business District is not compatible nor consistent with the surrounding area. This certainly limits the spot zoning.

2. As a General Business District, in the rear or distant future, a large building such as a convenience store, among many other possibilities, could be built. The driveway is allowed rear that already-developed information so said driveway would be on our neighborhood side.

3. This puts auto access on the road infrastructure.

4. This adds to the already existing information.

5. The added utility in our quiet neighborhood will be an increased and unnecessary danger.

6. The added utility will bring additional noise which takes away from the attractiveness of the area. Convenience stores bring distracting light into a sleepy neighborhood.

7. Section 150-2 of the zoning Code states that one of its purposes for subsection is "with a view of preserving the value of buildings."

A. Small retail properties will bring our property value down.

B. Large commercial buildings such as a convenience store or, worse, an adult entertainment establishment, will bring our property value down.

NAME	ADDRESS	PHONE	EMAIL
13) Philip Herring	922 N. Palmetto	361-222-1211	
14) Brenda Mizener	922 N. Palmetto	361-222-1211	
15) Shannon Mizener	922 N. Palmetto	361-222-1211	
16) Bruce Baird	922 N. Palmetto	361-222-1211	
17) Betty Adams	922 N. Palmetto	361-222-1211	

- 13) Philip Herring
- 14) Brenda Mizener
- 15) Shannon Mizener
- 16) Bruce Baird
- 17) Betty Adams

Gary Mizener, 922 N. Palmetto, addressed the Council. Mr. Mizener stated there were several points he wanted to make regarding the rezoning request: 1) Part of Peninsula Oaks is restricted to homes; 2) Not right to make part of Sunset commercial – it is a residential street; 3) Sounds like spot zoning; 4) Corpus Christi and ByPass have had many accidents and deaths – he knows of four, there may be more – very dangerous; 5) Personal gain – more money for individual or City – more money for commercial; and 6) children play on Sunset – this is most important to him.

Mayor Wax closed the Joint Public Hearings at 7:19 p.m.

Mayor Wax reminded everyone that the Planning & Zoning Commission will consider these items at a meeting on Monday, May 15, 2017.

12. Adjourn – Rockport Planning & Zoning Commission.

At 7:19 p.m., the Rockport Planning & Zoning Commission adjourned.

Regular Agenda

13. Deliberate and act on approval of City Council Workshop and Regular Meeting Minutes of April 25, 2017.

Mayor Wax asked if there were any corrections or additions to the Minutes of April 25, 2017.

There were no corrections or additions to the Minutes.

MOTION: Mayor Pro-Tem Rios moved to approve the City Council Workshop and Regular Meeting Minutes of April 25, 2017. Council Member Villa seconded the motion. Motion carried unanimously.

14. Deliberate and act on first reading of an Ordinance amending the City of Rockport Code of Ordinances Chapter 98 “Traffic and Vehicles”, Article II. “Traffic Control” amending Section 98.26.1 “Stop Signs”, Appendix T-41(b) by adding all-way stop sign at Fort Worth Street and Sixteenth Street; repealing all prior ordinances in conflict herewith; providing for severability; and providing for an effective date.

Public Works Director Mike Donoho said the City had received a request from a citizen that a stop sign be placed at the intersection of Fort Worth and Sixteenth. Mr. Donoho stated the Police and Public Works Departments have researched the request and both recommend placement of a stop sign at the proposed location.

Council Member Gurtner said the proposed Ordinance says “all-way stop sign.”

Mayor Wax said the words “all-way” were inadvertently placed in the caption of the Ordinance and they will be removed for the second reading.

MOTION: Council Member Villa moved to approve first reading of an Ordinance amending the City of Rockport Code of Ordinances Chapter 98 “Traffic and Vehicles”, Article II. “Traffic Control” amending Section 98.26.1 “Stop Signs”, Appendix T-41(b) by adding stop sign at Fort Worth Street and Sixteenth Street; repealing all prior ordinances in conflict herewith; providing for severability; and providing for an effective date. Council Member Day seconded the motion. Motion carried unanimously.

15. Deliberate and act on a Resolution of the City of Rockport, Texas, setting a date, time, and place for public hearings on the proposed annexation by the City of Rockport,

Texas, of 107 acres of land, more or less, out of portions of the John Smith Survey A-187, the T.B. Reeves Survey A-323, the T. Green Survey A-72, and the T.T. Williamson Survey A-222, and authorizing and directing publication of notice of such public hearings, and directing City staff to prepare Annexation Service Plan.

MOTION: Council Member Day moved to approve a Resolution of the City of Rockport, Texas, setting a date, time, and place for public hearings on the proposed annexation by the City of Rockport, Texas, of 107 acres of land, more or less, out of portions of the John Smith Survey A-187, the T.B. Reeves Survey A-323, the T. Green Survey A-72, and the T.T. Williamson Survey A-222, and authorizing and directing publication of notice of such public hearings, and directing City staff to prepare Annexation Service Plan. Council Member Gurtner seconded the motion. Motion carried 4:1.

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

AGAINST MOTION: Council Member Villa.

- 16. Deliberate and act on a Resolution of the City of Rockport, Texas, setting date, time, and place for public hearings on the proposed annexation by the City of Rockport, Texas, of 182 acres of land, more or less, out of portions of the Paul McCombs Survey A-317, the C.W. Egery Survey A-63, and the Samuel Highland Survey A-73, and authorizing and directing publication of notice of such public hearings, and directing City staff to prepare Annexation Service Plan.**

MOTION: Council Member Gurtner moved to approve a Resolution of the City of Rockport, Texas, setting date, time, and place for public hearings on the proposed annexation by the City of Rockport, Texas, of 182 acres of land, more or less, out of portions of the Paul McCombs Survey A-317, the C.W. Egery Survey A-63, and the Samuel Highland Survey A-73, and authorizing and directing publication of notice of such public hearings, and directing City staff to prepare Annexation Service Plan. Mayor Pro-Tem Rios seconded the motion. Motion carried 4:1.

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

AGAINST MOTION: Council Member Villa.

- 17. Deliberate and act on a Resolution of the City of Rockport, Texas, setting date, time, and place for public hearings on the proposed annexation by the City of Rockport, Texas, of 176 acres of land, more or less, being out of portions of the Thomas Green Survey A-72, John W. Paul Survey A-179 and A-180, T.T. Williamson Survey A-221, T.B. Reeves Survey A-323, and the John G. Smith Survey A-239, and authorizing and directing publication of notice of such public hearings, and directing City staff to prepare Annexation Service Plan.**

Scott Mapes, 410 W. Linden Street, addressed the Council. Mr. Mapes stated there are areas that have City utilities but are not annexed. Mr. Mapes commented that the City should annex those areas before annexing areas that do not have City utilities. Mr. Mapes added that this area contains undeveloped properties and he did not understand why the City would annex this before annexing other bigger residential areas. [Note: Mr. Mapes provided written comments (below) to the City Secretary }

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

AGAINST MOTION: Council Member Villa.

19. 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 Wax stated a lot of additional information had been provided to Council tonight. Mayor Wax said the Council welcomes participation. Mayor Wax informed everyone that there had been no decision made on annexation. Mayor Wax thanked Community Planner Amanda Torres and City Manager Kevin Carruth for their work on providing the Council with valuable information to assist with their decision on annexation.

Mayor Wax welcomed Mayor Pro-Tem Rios and Council Member Day as re-elected Council Members. Mayor Wax stated he looks forward to continued work with them.

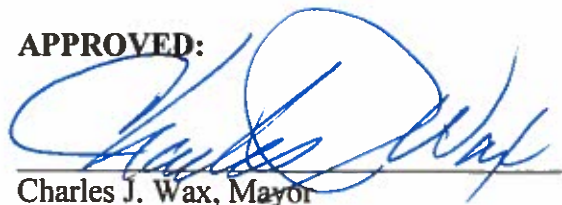
Council Member Villa congratulated Mayor Pro-Tem Rios and Council Member Day on their election.

Council Member Gurtner welcomed back Mayor Pro-Tem Rios and Council Member Day.

20. Adjournment

At 7:33 p.m., Council Member Villa moved to adjourn. Motion was seconded by Mayor Pro-Tem Rios. Motion carried unanimously.

APPROVED:



Charles J. Wax, Mayor

ATTEST:



Ruby Beaven, Assistant City Secretary