

CITY OF ROCKPORT

MINUTES

CITY COUNCIL REGULAR MEETING 6:30 p.m., Tuesday, May 23, 2017 Rockport City Hall, 622 East Market Street

On the 23rd 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

STAFF MEMBERS PRESENT

City Manager Kevin Carruth
Assistant City Secretary Ruby Beaven
City Attorney Terry Baiamonte
Public Works Director Mike Donoho
Parks & Leisure Services Director Rick Martinez
Finance Director Patty Howard
Community Planner Amanda Torres
Police Chief Tim Jayroe
Police Officer Eleu Ramos

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, May 23, 2017, in the Council Chambers of the Rockport City Hall, 622 E. Market Street, Rockport, Texas.

2. Pledge of Allegiance.

Mayor Pro-Tem Rios led the Pledge of Allegiance to the U.S. flag.

3. 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. Limit your comments to three (3) minutes. In accordance with the Open Meetings Act, Council may not discuss or take action on any item that has not been posted on the agenda. It is the prerogative of the Chair to limit or otherwise restrict commenters if comments are discourteous inappropriate, repetitive, or uncivil.

Laura Hewett Becker, Pastor with Rockport First United Methodist Church, addressed the Council. Ms. Becker informed Council that middle school students will be coming to Rockport, Texas, for the Faith Based Camp U.M. Army program from June 11-15, 2017. The middle school students will be volunteering their time working with Rockport area non-profits such as Coastal Bend Troop Support, The Aquarium at Rockport Harbor, Rockport Senior Center and Rockport FUMC. These students will be busy with fence construction, playground clean-up, and more.

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.

- 4. Deliberate and act on approval of City Council Regular Meeting Minutes of May 9, 2017.**
- 5. Deliberate and act to confirm Mayoral re-appointments and appointments to various City of Rockport boards, commissions and committees.**
- 6. Deliberate and act to confirm Mayoral appointments of City Council liaisons to various boards, commissions and committees.**
- 7. Deliberate and act to ratify change order for repairs to ground storage water tanks located at the Peninsula Oaks water facility.**

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

- 8. Deliberate and act on second and final 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.**

MOTION: Council Member Gurtner moved to approve the second and final 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 was carried unanimously.

9. Deliberate and act on first reading of an Ordinance amending Article 4 of the City of Rockport Zoning Ordinance Number 1027 by changing the zoning of land from R-1 (1st Single Family Dwelling District) to B-1 (General Business District) for property located at:

- A. 2035 -2053 State Highway 35 Bypass, also known as part of Lot 58 (0.745 acre), J. Smith Survey, Rockport, Aransas County, Texas;**
 - B. 800 Sunset Drive, also known as 1.1321 acres, J. Smith Survey, Rockport, Aransas County, Texas;**
 - C. 1740 W. Corpus Christi Street, also known as Lot 4 and part of Lot 5 (4.118 acres), Peninsula Oaks Unit 3, Rockport, Aransas County, Texas;**
- repealing all ordinances in conflict therewith; providing for severability; and providing an effective date.**

Kay Clark, 760 Sunset Drive, addressed the Council. Ms. Clark mentioned Article II of the Zoning Ordinance regarding conserving property value of buildings. Ms. Clark said her property adjoins one of the properties mentioned and expressed her objection to changing the zoning of land from R-1 to B-1 and added that this is not an appropriate place for general business use in part of a long-established neighborhood. Ms. Clark said she did not understand how a person can purchase land and have it rezoned from an R-1 to B-1. Ms. Clark said this was not fair since her bedroom is about 50 feet from the fence line and there is no buffer zone. Ms. Clark questioned where the entrance will be located, if there will be any stipulations, and what can be done to prevent property value impact. In addition, she mentioned this is part of the Peninsula Oaks Subdivision and there may be restrictions.

Mayor Wax confirmed Ms. Clark’s address on 760 Sunset Drive and her objection to zoning change at 800 Sunset Drive. Mayor Wax addressed Planning & Zoning Commission Chair Ruth Davis and stated it was his understanding that the Planning & Zoning Commission recommends the rezoning request be denied for this tract.

Planning & Zoning Commission Chair Ruth Davis addressed the Council. Ms. Davis clarified that the Planning & Zoning Commission recommended denial of rezoning the property located at 800 Sunset and 1740 W. Corpus Christi Street; however, the Commission recommends approval of rezoning the property located at 2035-2053 State Highway 35 Bypass.

Ms. Clark stated she had attended the Planning & Zoning Commission meeting and it was her understanding that the only section being recommended for approval was the triangular tract (2035 State Highway 35 Bypass) and there was a suggestion of possibly splitting up the large lots (1740 W. Corpus Christi St.).

Planning & Zoning Commission Chair Ruth Davis stated it was her understanding the motion was to split the large lot so the lots facing the Bypass would be rezoned.

Ms. Clark requested a copy of the Minutes from the Planning & Zoning Commission meeting.

Mayor Wax read the Planning & Zoning Commission official memo dated May 17, 2017, contained in the Council Agenda packet.

MOTION: Council Member Villa moved to approve the first reading of an Ordinance amending Article 4 of the City of Rockport Zoning Ordinance Number 1027 by changing the zoning of land from R-1 (1st Single Family Dwelling District) to B-1 (General Business District) for property located at:

A. 2035 -2053 State Highway 35 Bypass, also known as part of Lot 58 (0.745 acre), J. Smith Survey, Rockport, Aransas County, Texas;

and moved for denial of rezoning of property located at:

B. 800 Sunset Drive, also known as 1.1321 acres, J. Smith Survey, Rockport, Aransas County, Texas;

C. 1740 W. Corpus Christi Street, also known as Lot 4 and part of Lot 5 (4.118 acres), Peninsula Oaks Unit 3, Rockport, Aransas County, Texas;

repealing all ordinances in conflict therewith; providing for severability; and providing an effective date. Council Member Gurtner seconded the motion. Motion carried unanimously.

Mayor Wax asked if there were any further comments.

Mayor Pro-Tem Rios asked for clarification of the areas being considered for rezoning. Planning & Zoning Commission Chair Ruth Davis pointed out the areas on the map and explained that the triangular portion known as 2035 State Highway 35 Bypass and one of the large lots at 1740 W. Corpus Christi St. facing the Bypass were being considered for rezoning.

Unidentified citizens in the audience stated this was inaccurate and the lot being split had not been brought up. The citizens asked to see the Planning & Zoning Commission meeting minutes to better understand.

Council Member Gurtner confirmed she had attended the Planning & Zoning Commission meeting and the triangular portion known as 2035 State Highway 35 Bypass and one of the large lots at 1740 W. Corpus Christi St. facing the Bypass were being considered for rezoning from R- 1 to B-1.

An unidentified citizen in the audience asked for the minutes for clarification.

Another unidentified citizen in the audience stated that the owner of the property was not present and this could not be clarified now.

AMENDED MOTION: Council Member Villa amended his motion to rescind his approval of the first reading of an Ordinance amending Article 4 of the City of Rockport Zoning Ordinance

Number 1027 by changing the zoning of land from R-1 (1st Single Family Dwelling District) to B-1 (General Business District) for property located at:

- A. 2035 -2053 State Highway 35 Bypass, also known as part of Lot 58 (0.745 acre), J. Smith Survey, Rockport, Aransas County, Texas;

and rescind the denial of rezoning of property located at:

- B. 800 Sunset Drive, also known as 1.1321 acres, J. Smith Survey, Rockport, Aransas County, Texas;
- C. 1740 W. Corpus Christi Street, also known as Lot 4 and part of Lot 5 (4.118 acres), Peninsula Oaks Unit 3, Rockport, Aransas County, Texas;

and table the first reading of this Ordinance. Council Member Gurtner seconded the motion. Motion carried unanimously.

Mayor Wax thanked the citizens in the audience for bringing the information forward and stated that the Council will review the Planning & Zoning Commission minutes for clarification.

- 10. Deliberate and act on first reading of an Ordinance amending Article 4 of the City of Rockport Zoning Ordinance Number 1027 by changing the zoning of land from R-1 (1st Single Family Dwelling District) to B-1 (General Business District) for 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; repealing all ordinances in conflict therewith; providing for severability; and providing an effective date.**

MOTION: Council Member Gurtner moved to approved the first reading of an Ordinance amending Article 4 of the City of Rockport Zoning Ordinance Number 1027 by changing the zoning of land from R-1 (1st Single Family Dwelling District) to B-1 (General Business District) for 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; repealing all ordinances in conflict therewith; providing for severability; and providing an effective date. Mayor Pro-Tem Rios seconded the motion. Motion carried unanimously.

- 11. Deliberate and act on first reading of an Ordinance pursuant to Article 23 “Conditional Use Permit” (CUP), Rockport Zoning Ordinance Number 1027, granting a CUP to allow development of climate controlled storage units on six acres (Lot 2), being part of eighteen acres located at 1300 FM 3036; also known as Lots 2 and 3, Rockport Center, Rockport, Aransas County, Texas; with no conditions other than those stipulated under Article 23, Rockport Zoning Ordinance Number 1027; repealing all ordinances in conflict therewith; providing for severability; and providing an effective date.**

John Hitchcock, 109 Marion Drive, addressed the Council. Mr. Hitchcock said he has lived in Rockport for 20 years. He stated the applicant did not submit any information to show how it would not adversely affect the homes in the area. Mr. Hitchcock stated he is opposed to the commercial business because it will affect property values. Mr. Hitchcock made reference to information that had been submitted to the City this afternoon (see below) and asked the Council to review “Exhibit 2 - CUP Criteria Not Met.”

Donald Dye, 127 Marion Drive, addressed the Council. Mr. Dye stated that the "CUP Criteria Not Met" information was filed today with the City. Mr. Dye referred to Criterion 1: That such use is necessary or desirable and provides a service or facility that contributes to the general well-being of the surrounding area. Mr. Dye stated that the application does not show how this commercial business is necessary. Mr. Dye added that it is not residents' responsibility to provide documentation supporting their opposition; however, the residents did provide this to inform the Council of their opposition. Mr. Dye requested the Council review "Exhibit 1-A and 1-B - Criteria Not Met". Mr. Dye stated the applicant did not provide enough data and information to show that the storage units are necessary.

Katrina Brown, 205 Forrest Hills, addressed the Council. Ms. Brown stated she is a member of the Board of Directors of the Rockport Country Club Estates Homeowners Association. Ms. Brown expressed that she is speaking as a community member who has attended all the meetings where this issue has been debated. Ms. Brown acknowledged the citizens for doing a superb job in providing data supporting their opposition, and stated she had nothing further to add to the opposition. Ms. Brown expressed a concern regarding the granting of a conditional use permit when the Zoning Ordinance clearly states that the developer is required to show how this would benefit the surrounding area. Ms. Brown stated that the developer may have convinced the Planning & Zoning Commission and City Council that it would benefit the surrounding area, but in light of the opposition, it should be shared with the residents. Ms. Brown added that it concerns her that after a legal opinion, mentioned last week, the request for records could not or would not be released in time for tonight's deliberation and decision. Ms. Brown thinks that when new information like that is presented, it should be shared prior to any decisions being made, and in the interest of transparency, all the mentioned items should be presented and addressed prior to any decision being made. Ms. Brown said she hopes the City is not skimming over some of the rules on the books to appease the developer rather than addressing the concerns of the citizens. Ms. Brown expressed that if the rules of the game change prior to the game starting that is great, but changing the rules going along is different. Ms. Brown stated the developer has attended only one meeting, last week, and he could not have been unaware of the opposition by residents to this development. Ms. Brown added that it appears he has done nothing to support his position. Ms. Brown declared it is her understanding that the developer lives in Portland and would not have to live with the results of this project, and he has no skin in the game because he does not own the property, whereas the residents are all affected.

Mayor Wax inquired about Ms. Brown's statement regarding information being presented that was not being shared. Mayor Wax asked if this was regarding an open records request.

Ms. Brown stated there was a legal opinion brought up at the Planning & Zoning Commission. Ms. Brown answered it was regarding an open records request.

Mayor Wax said he was aware of the open records request since the City Secretary briefs him regularly. Mayor Wax explained that there were five other open records request ahead of this request with the same time sensitive nature.

Mrs. Brown went on to say that open records requested information needs to be made available to citizens before a decision is made.

Mayor Wax responded that it would depend if it is a legal opinion and attorney-client privilege.

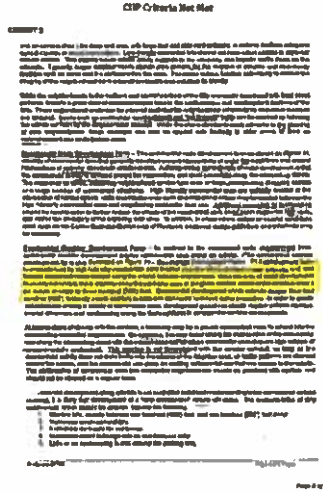
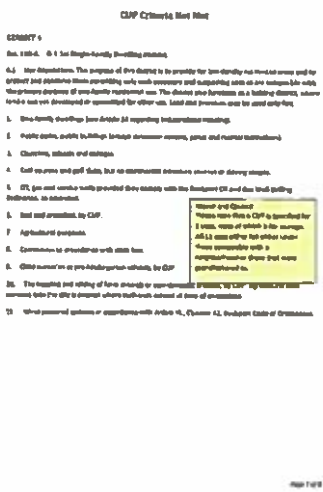
D.M. Kuertz, 214 Marion Drive addressed the Council. Mr. Kuertz stated that he has 120 feet of property line that will be affected and he is opposed to granting a conditional use permit.

Gail Pelath, 216 Marion Drive, addressed the Council. Ms. Pelath stated she lives within 200 feet of the six (6) acres. Ms. Pelath said that granting a conditional use permit would adversely affect her and the neighborhood and she is opposed to it.

Tina Atteberry, 132 Marion Drive, addressed the Council. Ms. Atteberry said the developer stated at the last meeting that the property floods only on FM 3036. Ms. Atteberry stated she has videos and pictures to prove this is incorrect. Ms. Atteberry stated that the flooding is usually ankle to knee deep and they have had to buy huge pumps and have had an engineer visit their property, who recommended French drains, which they installed and it still floods. Ms. Atteberry expressed that she is very concerned about the flooding issues and that the developer will not resurface or excavate as required to prevent flooding onto her property. Ms. Atteberry requested the Council vote “no” to rezone.

Russell Roberts, 201 Marion Drive, addressed the Council. Mr. Roberts stated he had filed the following documents (see below) with the City and Council was provided a copy: Letter dated May 18, 2017, Petition and Formal Protest, and CUP Criteria Not Met. Mr. Roberts said the Petition and Formal Protest is signed by four of the five residents along Marion Drive who are within 200 feet of the applicant’s project and signed by seven of the landowners along the east side of St. Peters Street. Mr. Roberts added that the petition has more than the minimum required signatures. Mr. Roberts expressed a concern that although a 100-foot buffer is being required along the south property line on Marion Drive, there is no such buffer being considered for the western property line on St. Peters Street. Mr. Roberts added that since the citizens on the western property line did not voice any concerns, it should be the responsibility of the City to protect the interest of all property owners – without their having to ask for protection. Mr. Roberts referred to “CUP Criteria Not Met and Criterion 3” - that such use is compatible with the existing or allowable or adjacent properties and referred to Exhibit 3. Mr. Roberts stated the use requested is compatible with commercial establishments and is listed as allowable in Classification B-1 General Business, which is a full nine (9) levels below that of R-1 District adjacent properties. Mr. Russell referenced “CUP Criteria Not Met and Criterion 9” - that such use conforms to all applicable provisions of this code and referred to Exhibit 4. Mr. Russell then referred to “CUP Criteria Not Met and Criterion 10” - that such use is consistent with all applicable provisions of the comprehensive plan.

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Larry Doonan, 210 Marion Drive, addressed the Council. Mr. Doonan stated the biggest area being considered is in his backyard. Mr. Doonan said he moved here 20 years ago to live and retire and he is opposed to this request.

Adelaide Marlatt, 456 Augusta, addressed the Council. Ms. Marlatt expressed concern about lighting and questioned if there would be any restrictions to the lighting at the storage units if approved. Ms. Marlatt stated the 100-foot buffer is the only restriction and there should be additional restrictions in place to prevent this from evolving any further in the future. Ms. Marlatt said if restriction is not in place, the City will have something that looks like Motel 6. Ms. Marlatt declared this will have a negative effect on the property values of adjacent homes.

Council Member Day inquired if the 100-foot buffer zone is required. Council Member Day asked if this project could go up to the lot line.

Planning & Zoning Commission Chair Ruth Davis addressed the question and informed the Council that the 100-foot buffer is not a requirement, but the developer had agreed to it. Ms. Davis stated the developer could build all the way to the setback requirements of the property line.

Community Planner Amanda Torres stated the Zoning Ordinance contains certain setback requirements when developing property.

Mayor Pro-Tem Rios inquired about the buffer and how long it would be in place.

Planning & Zoning Commission Chair Ruth Davis addressed the question and explained that it is permanent and any future changes would require Council approval.

Mark Uhr, real estate agent representing the developer, addressed Council. Mr. Uhr explained what the developer wants to do with the land and its similarities to Kool Storage. Mr. Uhr stated there are guidelines the developer must follow based on City Code, and the land will not just be

cleared and leveled. Mr. Uhr added if there are flooding issues, then these issues will be addressed; the drainage must have retention and flow toward FM 3036. Mr. Uhr expressed that the residents of St. Peter Street have not made any complaints. Mr. Uhr said the storage facility would be climate controlled with security cameras and fences. Mr. Uhr declared this would be a business and per the City's Future Land Use Plan this area should be business. Mr. Uhr added that there is a 100 foot buffer and does not think development of the property will ever reach that point. Mr. Uhr expressed that there will be approximately a \$50,000 tab for engineering to see if this project can even be done and there is a possibility that this project will cost more than it is worth and not move forward.

Larry Pierce, developer, addressed Council. Mr. Pierce said this is his and his son's project. Mr. Pierce addressed a few of the citizens' concerns. Mr. Pierce stated there would not be a drop of water exiting this property except where authorized and there is no way to get a City permit without an engineer's drainage plan. Mr. Pierce added that as far as flooding someone's property, this would not happen. Mr. Pierce expressed that regarding security concerns, the business would be dead in the water without security for customers.

Council Member Gurtner addressed Larry Pierce and stated she was present when his son explained the plans for this property. Council Member Gurtner inquired as to what exactly he is planning for the property. Council Member Gurtner stated the original plan was for the storage unit facility to be built on the front portion of the land and the back part of the property would not be utilized. Council Member Gurtner asked if the developer would want to build something else on the property in the future.

Mr. Pierce answered that he would like to have a climate controlled storage facility on the property and he feels this would be a decent business adventure and his son would be managing the facility. Mr. Pierce said he was just concentrating on one thing at a time and he has no current plans to build on the back of the property.

Rick Thompson, 126 Marion, addressed the Council. Mr. Thompson expressed concern about security and the lights being on all night.

Council Member Day inquired about the concrete and drainage grade for the property.

Public Works Director Mike Donoho addressed Council Member Day's question and stated that an engineering plan would be required. Mr. Donoho said this is an excellent time to consider the residents' drainage issue in the area and that any development would only improve drainage.

Mayor Wax explained that the City's Zoning Ordinance requires that new development cannot negatively impact existing structures.

Adelaide Marlatt addressed Council and expressed concern about the negative impact on the adjacent homes.

Mark Uhr addressed the concern about the building and lighting. Mr. Uhr said that the buildings would be 14 feet tall and trees in the Country Club are taller than 14 feet high, and the lights would be facing down.

Mayor Pro-Tem Rios commented that this is a very difficult decision, and he is not sure if there is a compromise. Mayor Pro-Tem Rios added that growth and progress are inevitable and this is something everyone needs to consider.

Council Member Villa stated that a majority of the constituents do not want this piece of property to be developed. Council Member Villa asked if the Country Club Homeowners Association thought about purchasing the land to prevent development.

Adelaide Marlatt addressed this by stating the Homeowners Association dues are only \$75 and are voluntary. Ms. Marlatt stated the land is for sale at \$50,000 per acre.

Elizabeth Roberts addressed the Council. Ms. Roberts said she had heard at a couple meetings that if the storage unit is not wanted on that property, then what do the residents of the Country Club want. Ms. Roberts stated that residential seemed obvious.

Council Member Day stated that people should understand that the property will be developed if connected to a freeway and will go commercial at some point. Council Member Day added that no one wants anything on this property, but no one wants to buy it.

D.M. Kuertz addressed the Council. Mr. Kuertz stated that 24 years ago the Country Club plans were to expand to FM 3036.

Mark Uhr addressed Council and stated there are six specific areas not developed in the Country Club and no one owns this land.

Adelaide Marlatt explained that the original plats are property of Country Club, Inc.

Mayor Wax expressed that this is an argument for lawyers.

MOTION: Mayor Wax moved to approve the first reading of an Ordinance pursuant to Article 23 "Conditional Use Permit" (CUP), Rockport Zoning Ordinance Number 1027, granting a CUP to allow development of climate controlled storage units on six acres (Lot 2), being part of eighteen acres located at 1300 FM 3036; also known as Lots 2 and 3, Rockport Center, Rockport, Aransas County, Texas; with no conditions other than those stipulated under Article 23, Rockport Zoning Ordinance Number 1027; repealing all ordinances in conflict therewith; providing for severability; and providing an effective date. Council Member Day seconded the motion. Motion failed 2:3.

FOR MOTION: Council Member Day and Council Member Rios.

AGAINST MOTION: Council Member Villa, Council Member Gurtner, and Mayor Wax

12. Hear and deliberate on Wings Rescue Center status report and request for agreement to provide bird rescue services.

Ms. Kay Adams gave an update on the Wings Rescue Center (WRC) and the activity for the last year. Ms. Adams informed the Council that the Center has received 485 calls and 402 birds have been rescued in Aransas County in the last year. Ms. Adams stated that since January 2017, there have been 151 calls and 52 birds rescued in Rockport city limits. Ms. Adams said calls are starting to come in from the City Police Department, Sheriff's Department, Texas Parks and Wildlife, Navigation District, and the Animal Rehabilitation Keep (ARK). Ms. Adams stated the Center is performing a lot of public releases of rescued birds and keeping people informed on the status of rescued birds. Ms. Adams said the Center has acquired land, received a donated building that has been remodeled and bird cages, and permits have been applied for to open under the Center's own name. Ms. Adams added that the Center has received 501(c)3 tax exempt status. Ms. Adams declared that there has been a lot of media coverage with newspapers and Channel 3. Ms. Adams distributed a flyer with three photos to the Council (see below). Ms. Adams stated that the Wings Rescue Center held an international rehabilitation training class and certified all volunteers; veterinarians and people came from all over Texas to attend this class. Ms. Adams added that the Center joined with the Fulton Learning Center to publish a book with the efforts of the children. Ms. Adams expressed that Aransas County has been pleased with the Center's services and has renewed their service contract. Ms. Adams asked the City again for their support with a service contract to rescue birds within the City. Ms. Adams added that the Center is not asking for a donation or a grant, but would only bill for birds rescued in the City as outlined in the contract and those costs include veterinary service.



Mayor Wax congratulated the Wings Rescue Center on the progress made with property and building. Mayor Wax explained to Ms. Adams that this was not an action item for Council to consider. Mayor Wax advised Ms. Adams to return when the City approaches budget season and apply for Hotel Occupancy Tax (HOT) funding. Mayor Wax informed Ms. Adams that Ruby

Beaven or Teresa Valdez with the City Secretary's Department can provide her the HOT information.

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; Park & Leisure Services Advisory Board; Planning & Zoning Commission; Rockport Heritage District 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.

Mayor Wax stated he had received a call from the Emergency Management Coordinator that a storm is just passing Skidmore, Texas, with 80 knot winds on the ground. Mayor Wax said the City should expect this storm to arrive between 8:30 p.m. and 9:00 p.m., and to expect high winds and damaging hail.

Mayor Wax advised that Thursday, June 1, 2017, at 6:00 p.m., the Aransas County Flood Plain Management Public Awareness Meeting will be held at the Rockport Service Center.

Council Member Day stated he had spoken with Chris Fox and Mr. Fox he is onboard to be a member of the Sesquicentennial Committee.

Mayor Wax mentioned that Diana Leonard in the City Secretary Department has the list for Sesquicentennial Committee members.

Council Member Villa said he had visited the new gun range and commented that the Police Department had done a good job.

Police Chief Jayroe said that Officer Nathan Garcia put a lot of work into this project.

Mayor Pro-Tem Rios mentioned the following: Connie Hager dedication, Value Bank celebrating its 50th anniversary on Friday from Noon to 2:00 pm, and a reminder about Memorial Day observance.

City Manager Kevin Carruth said that Harold Ashley with AEP will have a retirement party on June 29, 2017, at the Paws and Taws Convention Center.

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:

- 14. Section 551.071(1)(A) Consultation with Attorney: Pending or contemplated litigation:**
(A) Bay Education Center; (B) Texaz Construction and AZ Southwest Properties.

15. 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.

At 8:02 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; and 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.

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 8:12 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.

16. Adjournment

At 8:13 p.m., Council Member Villa moved to adjourn. Motion was seconded by Mayor Pro-Tem Rios. Motion carried unanimously.



APPROVED:

Patrick Rios, Mayor Pro-Tem

ATTEST:

Teresa Valdez, City Secretary