

# CITY OF ROCKPORT

## MINUTES

### CITY COUNCIL REGULAR MEETING 6:30 p.m., Tuesday, June 13, 2017 Rockport City Hall, 622 East Market Street

On the 13<sup>th</sup> day of June 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  
Public Works Director Mike Donoho  
Parks & Leisure Services Director Rick Martinez  
Finance Director Patty Howard  
Community Planner Amanda Torres  
Police Commander Larry Sinclair

#### 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, June 13, 2017, in the Council Chambers of the Rockport City Hall, 622 E. Market Street, Rockport, Texas.

##### 2. Pledge of Allegiance.

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

Mayor Pro-Tem Rios asked that the audience join him in a moment of silence in remembrance of former Mayor Glenda Burdick who had devoted much of her life to the City.

### 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.

Dudley McDaniel addressed the Council. Mr. McDaniel stated the City Council may not be aware of the hard work that the Public Works staff had done in Key Allegro while working on the storm drain. Mr. McDaniel said the Public Works staff went above and beyond in assisting with and repairing the storm drain.

George Riekers addressed the Council. Mr. Riekers informed the Council of an Alzheimer's awareness walk to be held on Saturday, June 24, 2017 beginning at 10:00 a.m. at Veterans Memorial Park.

### 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 23, 2017, and Special Meeting Minutes of June 6, 2017.**
5. **Deliberate and act on request for use of Festival Grounds and closure of certain sections of S. Ann Street, E. Market Street, and S. Magnolia Street, for the Seafair parade; closure of Laurel Street from Business 35 to Seabreeze for Seafair Festival; and approval for temporary signage at various locations for the Seafair and HummerBird Celebration, including street banners at the Walmart entryway on Highway 35 No. and FM 3036 and Broadway, and various off-street directional signs.**
6. **Deliberate and act on Resolution approving cooperation with the cities served by AEP to review AEP Texas Inc.'s requested approval of an adjustment to its energy efficiency cost recovery factor; hiring legal and consulting services to negotiate with the company and direct any necessary litigation and appeals; finding that the meeting at which this Resolution is passed is open to the public as required by law; requiring notice of this Resolution to legal counsel.**

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

**MOTION:** Council Member Gurtner moved to adopt the Consent Agenda items as presented. Council Member Villa seconded the motion. Motion carried unanimously.

## Public Hearing

- 7. Conduct a Public Hearing on a proposed application by THF Saltgrass Landing, LLC, to the Texas Department of Housing and Community Affairs for 2017 Housing Tax Credits for Saltgrass Landing Apartments, located at 1602 S. Church Street.**

At 6:38 p.m., Mayor Pro-Tem Rios opened the Public Hearing.

Allison Milliorn, Chief Financial Officer of Texas Housing Foundation, addressed the Council. Ms. Milliorn said the intention of the Texas Housing Foundation is to rehabilitate the Saltgrass Landing Apartments.

Discussion was held among Council, City Manager Kevin Carruth and Ms. Milliorn.

Amelia Lopez Saltarelli addressed the Council. Ms. Saltarelli stated she had been involved in a lot of housing projects and usually the developer will project the different levels of housing support. Ms. Saltarelli added that usually the Council can ask for that information.

Mayor Pro-Tem Rios stated that information was included in the Agenda packet that is on the City's website.

Chris Crowley addressed the Council. Mr. Crowley asked where the complex is located and how much subsidy was being requested.

Mayor Pro-Tem Rios answered that the Saltgrass Landing Apartments are located at 1602 South Church Street. Mayor Pro-Tem Rios stated there was no subsidy being requested.

## Regular Agenda

- 8. Deliberate and act on a Resolution authorizing the Texas Housing Foundation to exercise its powers within the territorial boundaries of the City of Rockport and authorizing the Mayor to negotiate and execute all necessary documents.**

**MOTION:** Council Member Villa moved to approve a Resolution the Texas Housing Foundation to exercise its powers within the territorial boundaries of the City of Rockport and authorizing the Mayor to negotiate and execute all necessary documents. Council Member Gurtner seconded the motion. Motion carried unanimously.

- 9. Deliberate and act on a Resolution determining that notice has been provided to the City Council concerning a proposed application by the THF Saltgrass Landing, LLC, to the Texas Department of Housing and Community Affairs for 2017 Housing Tax Credits for Saltgrass Landing Apartments, located at 1602 S. Church Street; City Council has had sufficient opportunity to obtain a response to any questions or concerns; a hearing to receive public comments on the project has been held; and the City Council does not object to the proposed application.**

**MOTION:** Council Member Villa moved to approve a Resolution determining that notice has been provided to the City Council concerning a proposed application by the THF Saltgrass Landing, LLC, to the Texas Department of Housing and Community Affairs for 2017 Housing Tax Credits for Saltgrass Landing Apartments, located at 1602 S. Church Street; City Council has had sufficient opportunity to obtain a response to any questions or concerns; a hearing to receive public comments on the project has been held; and the City Council does not object to the proposed application. Council Member Gurtner seconded the motion. Motion carried unanimously.

**10. Tabled May 23, 2017 - 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 (1<sup>st</sup> 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 an effective date.**

**MOTION:** Council Member Villa moved to remove this item from the table. Motion was seconded by Council Member Day. Motion carried unanimously.

Kay Clark, 760 Sunset Drive, addressed the Council. Ms. Clark called the Council's attention to an email she had sent to each of them regarding the action taken by the Planning & Zoning Commission at the May 15, 2017 meeting. Ms. Clark requested Council follow the Planning & Zoning Commission's recommendation to rezone only 2035-2053 State Highway 35 Bypass property and deny the request for rezoning 800 Sunset Drive and 1740 W. Corpus Christi Street properties.

Community Planner Amanda Torres addressed the Council. Ms. Torres stated the Planning & Zoning Commission May 15, 2017, meeting minutes were not completed in time to be included in the Agenda packet, but staff did review the audio tape of that meeting. Ms. Torres said Council had requested clarification of the Planning & Zoning Commission motion regarding the requests for rezoning. Ms. Torres said the action taken by the Planning & Zoning Commission was: recommendation to approve the rezoning of property located at 2035-2053 State Highway 35 Bypass from R-1 (1<sup>st</sup> Single Family District) to B-1 (General Business District), and deny rezoning request for properties located at 800 Sunset Drive and 1740 W. Corpus Christi Street.

Brief discussion was held among Council and Ms. Torres regarding clarification of the location of the property recommended for rezoning.

**MOTION:** Council Member Day 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 (1<sup>st</sup> 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 Villa seconded the motion. Motion carried unanimously.

- 11. Deliberate and act on second and final 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 (1<sup>st</sup> 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 Villa moved to approve the second and final 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. Council Member Day seconded the motion. Motion carried unanimously.

## **12. Reports from Council.**

At this time, the City Council will report/update on all committee assignments, which may include the following: Aransas Pathways Steering Committee; Building and Standards Commission; Coastal Bend Bays and Estuaries Program; Coastal Bend Council of Government; 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.

Council Member Day said he had attended an informational meeting last night at the beach pavilion held by the Aransas County Navigation District and the Rockport Cultural Arts District for the downtown merchants. Council Member Day said there are to be more informational meetings of this type in the future.

City Manager Kevin Carruth reminded everyone that the Texas Game Warden Fishing Tournament is scheduled for this weekend and they could expect the City to be busy.

**Executive Session**

**City Council will hold an executive session pursuant to the provisions of Chapter 551 of the Texas Government Code, in accordance with the authority contained in:**

- 13. Section 551.071(1)(A) Consultation with Attorney: Pending or contemplated litigation: Bay Education Center.**
- 14. 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 7:03 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: Bay Education Center; 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 7:19 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.

No action was taken.

**15. Adjournment**

At 7:20 p.m., Council Member Villa moved to adjourn. Motion was seconded by Council Member Day. Motion carried unanimously.



**APPROVED:**

*[Handwritten signature of Charles J. Wax]*  
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Charles J. Wax, Mayor

**ATTEST:**

*[Handwritten signature of Teresa Valdez]*  
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Teresa Valdez, City Secretary