

CITY OF ROCKPORT

MINUTES

CITY COUNCIL REGULAR MEETING 6:30 p.m., Tuesday, July 11, 2017 Rockport City Hall, 622 East Market Street

On the 11th day of July 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 Barbara Gurtner, Ward 4

CITY COUNCIL MEMBER(S) ABSENT

Council Member J. D. Villa, Ward 2

STAFF MEMBERS PRESENT

City Manager Kevin Carruth
City Secretary Teresa Valdez
City Attorney Terry Baiamonte
Public Works Director Mike Donoho
Finance Director Patty Howard
Community Planner Amanda Torres
Police Chief Tim Jayroe

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, July 11, 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.

There were no citizen comments.

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 Workshop and Regular Meeting Minutes of June 27, 2017, and Special Meeting Minutes of July 5, 2017.**
5. **Deliberate and act on 3rd quarter report from the Rockport-Fulton Chamber of Commerce for Fiscal Year 2016-2017 marketing expenditures.**
6. **Deliberate and act on 3rd quarter report from the Rockport Center for the Arts for Fiscal Year 2016-2017 marketing expenditures.**
7. **Deliberate and act on 3rd quarter report from the Texas Maritime Museum for Fiscal Year 2016-2017 marketing expenditures.**
8. **Deliberate and act on the Texas Municipal League Intergovernmental Employee Benefits Pool Continuation of Coverage Administrative Agreement or the Fiscal Year 2017-2018.**
9. **Deliberate and act on Section 125 Flexible Spending Arrangement agreement with Texas Municipal League MultiState Intergovernmental Employee Benefits Pool.**
10. **Deliberate and act on cancellation of October 10, 2017, Council Regular Meeting, and the Council Workshops and Regular Meetings for November 28 and December 26, 2017.**
11. **Deliberate and act on a Resolution nominating City Manager Kevin Carruth as a qualified candidate to the Texas Municipal League MultiState Intergovernmental Employee Benefits Pool Board of Trustees for Region 11.**

Mayor Wax called for requests to remove any item from the Consent Agenda for separate discussion.

MOTION: Council Member Day moved to adopt the Consent Agenda items as presented. Mayor Pro-Tem Rios seconded the motion. Motion carried unanimously.

Regular Agenda

12. **Hear and deliberate on presentation of Rockport-Fulton Chamber of Commerce Set Sail with the Chamber Report.**

Rockport-Fulton Chamber of Commerce Chair Betty Hattman addressed the Council. Ms. Hattman presented the Rockport-Fulton Chamber of Commerce Set Sail with the Chamber Report.

Brief discussion was held among Ms. Hattman and the Council regarding the Chamber Report.

- 13. Deliberate and act on first reading of an Ordinance amending the Official Zoning Map as stipulated under 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 R-6 (Hotel/Motel District) for property located at 1117 Sixteenth Street, also known as Lot 70-C, Block 256, Swickheimer Subdivision, 1 acre, Rockport, Aransas County, Texas, to allow development of short-term cottage rentals.**

Community Planner Amanda Torres addressed the Council. Ms. Torres informed the Council this property was annexed into the City in 2010. Ms. Torres said adjacent land parcels vary in uses. Ms. Torres stated the Planning & Zoning Commission met on Monday, July 10, 2017, and voted unanimously to recommend Council approve the rezoning request.

Council Member Gurtner asked what the plans were for the property.

Ms. Torres answered that there has been a draft-like plan discussed but the applicant was waiting for Council approval of the rezoning before moving forward.

MOTION: Council Member Day moved to approve the first reading of an Ordinance amending the Official Zoning Map as stipulated under 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 R-6 (Hotel/Motel District) for property located at 1117 Sixteenth Street, also known as Lot 70-C, Block 256, Swickheimer Subdivision, 1 acre, Rockport, Aransas County, Texas, to allow development of short-term cottage rentals. Council Member Gurtner seconded the motion. Motion carried unanimously.

- 14. Deliberate and act on first reading of an Ordinance amending the Official Zoning Map as stipulated under Article 4.1 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 3579-3589 State Highway 35 Bypass, also known as T.T. Williamson Survey A-219, 17.3 acres, Rockport, Aransas County, Texas, to subdivide property into several tracts for resale for commercial use.**

Community Planner Amanda Torres addressed the Council. Ms. Torres stated the Planning & Zoning Commission met on Monday July 10, 2017, and voted unanimously to recommend Council approve the rezoning request.

Council Member Day commented that he had been told that water drains through that area.

Public Works Director Mike Donoho stated the developer will meet the drainage regulations.

Brief discussion was held among Council and property owner Jim Guidry.

Dr. Ron Bruce, 2662 F.M. 3036, addressed the Council. Dr. Bruce stated he owns property immediately adjacent to this tract. Dr. Bruce commented that he chose to live there because of the trees and he voiced concern regarding the Planning & Zoning Commission allowing developers to develop the City at will. Dr. Bruce added he was here voicing concern because he loves the trees and if development continues in this manner, there will be no trees in the future.

Mayor Wax responded that the Planning & Zoning Commission look at rezoning request in conjunction with the City's long-range plan and this request fits that plan. Mayor Wax explained that this property was annexed into the City in 2010, and when property is annexed into the City it is zoned as R-1 (1st Single Family Dwelling), which is the most restrictive, and can then be adjusted based on the highest and best use of the property.

MOTION: Mayor Pro-Tem Rios moved to approve the first reading of an Ordinance amending the Official Zoning Map as stipulated under Article 4.1 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 3579-3589 State Highway 35 Bypass, also known as T.T. Williamson Survey A-219, 17.3 acres, Rockport, Aransas County, Texas, to subdivide property into several tracts for resale for commercial use. Council Member Day seconded the motion. Motion carried unanimously.

15. 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 (1st Single Family Dwelling District) to B-1 (General Business District) and granting a Conditional Use Permit for newly annexed property located at 652 State Highway 35 Bypass, Rockport, Aransas County, Texas, currently zoned R-1 (1st Single Family Dwelling District) to B-1 (General Business District), to allow expansion of a recently annexed RV park.

Mayor Wax stated there had been no changes in format or content since the first reading of the Ordinance on June 27, 2017.

MOTION: Council Member Day 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) and granting a Conditional Use Permit for newly annexed property located at 652 State Highway 35 Bypass, Rockport, Aransas County, Texas, currently zoned R-1 (1st Single Family Dwelling District) to B-1 (General Business District), to allow expansion of a recently annexed RV park. Council Member Gurtner seconded the motion. Motion carried unanimously.

16. 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 spent some time at the Art Festival and there had been a good crowd and it appeared that the silent auction had been very successful.

Mayor Wax informed everyone that today was the official call for the Legislature to return to office for a special session. Mayor Wax stated that by 1:00 p.m. today, 54 bills had been filed.

Mayor Pro-Tem Rios suggested simpler directions on how to place the new garbage carts along the street for pickup be put on the City's website.

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:

- 17. Section 551.072 Deliberations about Real Property: Purchase, exchange, lease, or value of real property.**
- 18. Section 551.071(1)(A) Consultation with Attorney: Pending or contemplated litigation: Bay Education Center.**
- 19. 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 6:51 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 551.072 Deliberation about Real Property: Purchase, exchange, lease, or value of real property; 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 7:40 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.

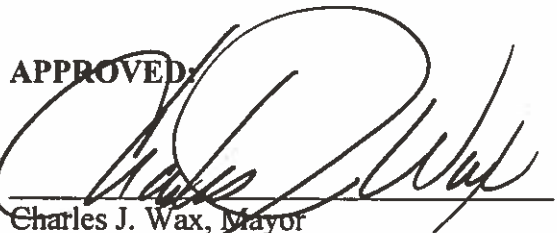
No action was taken but Mayor Wax stated the following:

- He will contact the President of the Board of Realtors to establish a realtor for the purpose of listing property currently owned by the City and has been trying to market for a couple of years.
- The Bay Education Center (BEC) is a big part of City attractions and educational opportunities not only for our schools but surrounding areas. The City has been denied use of BEC for quite some time and we are about to approach a new school year. Council has directed the City Attorney to advise our external counsel that they expect some positive movement at the mediation on this Friday, and if not, the Council will pursue alternative legal means with our external counsel with terminal date set prior to beginning of new school year.

20. Adjournment

At 7:45 p.m., Council Member Day moved to adjourn. Motion was seconded by Mayor Pro-Tem Rios. Motion carried unanimously.



APPROVED:


Charles J. Wax, Mayor

ATTEST:



Teresa Valdez, City Secretary