

# CITY OF ROCKPORT

## MINUTES

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

On the 25<sup>th</sup> 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 J. D. Villa, Ward 2  
Council Member Barbara Gurtner, Ward 4

#### CITY COUNCIL MEMBER(S) ABSENT

#### PLANNING & ZONING COMMISSION MEMBERS PRESENT

Edward Bellion  
Shawn Johnston  
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 Chief Tim Jayroe  
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 Wax at 6:40 p.m. on Tuesday, July 25, 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.

## **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. 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. It is the prerogative of the Chair to limit or otherwise restrict commenters if comments are discourteous, inappropriate, repetitive, or uncivil.

Phil Koonce, 27 Sandpiper, addressed the Council. Mr. Koonce thanked the Council for allowing him to address them. Mr. Koonce stated his message to Council was to thank them for serving the community. Mr. Koonce said he previously served as a council member in Bay City and his father had told him that being a council member he would do a lot of good but it was a thankless job. Mr. Koonce expressed that it is important to give back to the community and that is what he saw each Rockport City Council Member doing.

Danado Saltarelli, 103 Lee Circle, addressed the Council. Mr. Saltarelli informed the Council that a new level of healthcare is coming into Rockport; the new Code III Emergency Room and Urgent Care. Mr. Saltarelli stated it is due to open on August 1, 2017, with the emergency room opening on August 22, 2017. Mr. Saltarelli added that the facility will have board certified emergency room residents and it will be open 24-7, 365 days a year.

Amy Boyd, 400 Enterprise, addressed the Council. Ms. Boyd stated she is the marketing and community liaison for Code III Emergency Room and Urgent Care. Ms. Boyd said the urgent care will be open 9:00 a.m. until 9:00 p.m.; the emergency room will have 23-hour observation rooms where someone can stay with you.

## **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 July 11, 2017.**
- 5. Deliberate and act on a Resolution adopting the Aransas County Multi-Jurisdictional Floodplain Management Plan.**

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

Mayor Wax stated he wished to remove Item 5 from the Consent Agenda in order to give the item the property amount of attention since there are so many citizens present at the meeting tonight.

**MOTION:** Council Member Gurtner moved to approve the Consent Agenda, minus Item 5, as presented. Mayor Pro-Tem Rios seconded the motion.

***Consent Agenda Item 5.***

Mayor Wax stated the Community Rating System could very easily result in a 15% reduction in flood insurance premiums for residents of Rockport. Mayor Wax extended a thank you to Community Planner Amanda who has been the prime mover for Rockport, Town of Fulton and Aransas County on this project. Mayor Wax thanked Ms. Torres on behalf of the City and the entire community.

**MOTION:** Mayor Wax moved to approve the Resolution adopting the Aransas County Multi-Jurisdictional Floodplain Management Plan. Council Member Villa seconded the motion. Motion carried unanimously.

Public Works Director Mike Donoho stated that Community Planner Amanda Torres and Building Inspector Frank Truitt completed the Certified Floodplain Manager course and Public Works Street Crew Leader Ryan Picarazzi will be enrolling in the course also.

Mayor Wax extended congratulations to Ms. Torres and Mr. Truitt.

**Public Hearings**

**6. 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, July 25, 2017, in the Council Chambers of the Rockport City Hall, 622 E. Market Street, Rockport, Texas.

Mayor Wax opened the Joint Public Hearings at 6:45 p.m.

- 7. Conduct a Joint Public Hearing with the Planning & Zoning Commission to consider a request for a rezone to B-1 (General Business District) and a Conditional Use Permit to allow a RV Resort and Boat/RV storage on property located at 684-750 State Highway 35 Bypass; also known as part of Lots 1, 2 and 3, and all of Lot 4 (13.625 acres), Abernathy Tracts, Rockport, Aransas County, Texas, and 760-818 State Highway 35 Bypass; also known as 5.528 acres, C.S. Zenn Survey A-226, Rockport, Aransas County, Texas, currently zoned R-1 (1<sup>st</sup> Single Family Dwelling District).**

There were no public comments.

Mayor Wax stated the Planning & Zoning Commission will consider this item at the July 31, 2017, meeting.

- 8. Conduct a Joint Public Hearing with the Planning & Zoning Commission to consider a request for a rezone to B-1 (General Business District) to allow development of boat storage barns on property located at 1622 West Twelfth Street; also known as Lot 40, Block 252, Swickheimer Subdivision (7.603 acres), Rockport, Aransas County, Texas, currently zoned R-1 (Single Family Dwelling District).**

Lowell Odom, 111 Santa Clara, addressed the Council. Mr. Odom thanked the Council for allowing him to address them. Mr. Odom stated he wanted to bring to the Council's and public's attention that this area also fronts State Highway 35 Bypass.

John Blaha, 100 Ed Cid Drive, addressed the Council. Mr. Blaha stated he was speaking on behalf of the owner. Mr. Blaha said that prior to annexation of this property, its usage was commercial. Mr. Blaha expressed that the property does front State Highway 35 Bypass. Mr. Blaha commented that whatever the owner does with this property will be first class, will be the least intrusive to properties next to it, and will be something of which the community will be proud.

Mayor Wax stated the Planning & Zoning Commission will consider this item at the July 31, 2017, meeting.

*Mayor Wax stated that Agenda Items 9 & 10 address a single piece of property so they will be considered together.*

- 9. Conduct a Joint Public Hearing with the Planning & Zoning Commission to consider a request for a rezone to B-1 (General Business District) to allow development of resale on properties located at 2222-2352 FM 2165; being 6 acres of land out of a 152.735 acres tract, out of the George K. Taggart, III, Trustee 1108.79 acre tract, T.T. Williamson Survey A-219, Aransas County, Texas, and being a portion of the same property deeded by E.M. Spencer to George K. Taggart, III, Trustee in Volume 248, Pages 363-426, Deed Records, Aransas County, Texas, and being part of the same 152.735 acre tract, as described in Deed of record Clerk's File Number 274313, Official Public Records of Aransas County, Texas, currently zoned R-1 (Single Family Dwelling District).**
- 10. Conduct a Joint Public Hearing with the Planning & Zoning Commission to consider a request for a rezone to R-6 (Hotel/Motel District) to allow development of a multi-unit apartment complex on properties located at 3301-3401 State Highway 35 Bypass; also known as 26.67 acres of land out of a 152.735 acre tract, out of the George K. Taggart, III, Trustee 1108.79 acre tract, T.T. Williamson Survey A-219, Aransas County, Texas, and being a portion of the same property deeded by E.M. Spencer to George K. Taggart, III, Trustee in Volume 248, Pages 363-426, Deed Records, Aransas County, Texas, and being part of the same 152.735 acre tract, as described in Deed of Record Clerk's File Number 274313, Official Public Records of Aransas County, Texas, currently zoned R-1 (1<sup>st</sup> Single Family Dwelling District).**

Developer Jim Guidry addressed the Council. Mr. Guidry stated he owns the property and along with Paul Lippke and Kiki DeAyala, they have been working on this for about seven months. Mr. Guidry distributed a fact sheet (below) to the Council. Mr. Guidry reviewed the fact sheet, and stated this project will be developed in two phases. Mr. Guidry added that they intend to begin the project in 10-12 months.

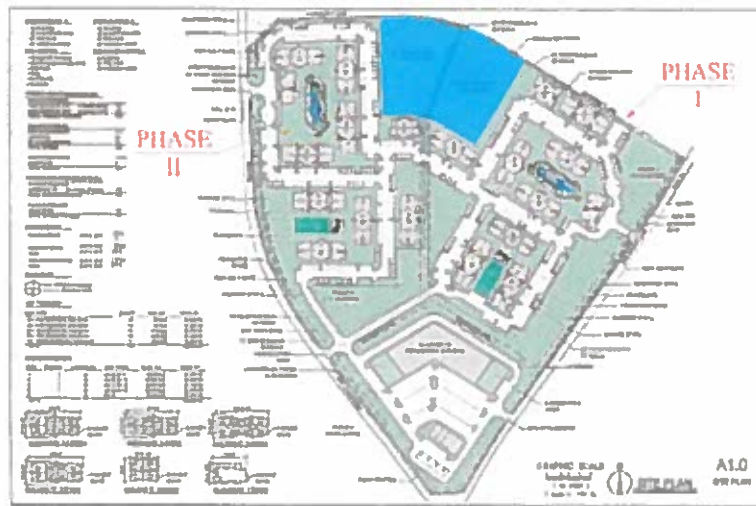
**APARTMENT SITE DATA**

**PROPOSED APARTMENT SITE**

**FM 2165 AND SH 35 BY-PASS**

- Total Area = 28.14 Acres
- Total Units: 2 Phases with 182 units in each phase
- Apartment Type: Class A - One, two, and three bedrooms with 12 foot ceilings
- Site Features: Each phase includes a clubhouse, swimming pool, play area, and dog park.
- Total GreenSpace = 95%. The developer will be working with local environmental groups to preserve wildlife habitat.
- Developer's proposed rents range from \$550/month to \$1,500 / month
- Developer proposes an initial discount for teachers and public service employees.
- Community support includes Rockport - Fulton ISD, City of Rockport and Aransas County

**SUBMITTED BY: JIM GUIDRY**



Discussion was held among Council and Mr. Guidry.

Terry Fisher, 2303 Traylor Boulevard, addressed the Council. Mr. Fisher stated he is a resident of Rockport and he is the Human Resources and Safety Manager of an employer in the area. Mr. Fisher stated he supported this project. Mr. Fisher commented that Taft, Ingleside, Portland and

Gregory are preparing for growth with the new industries coming to the area and he would like to see Rockport profit as well with adequate housing.

Scott Lewis, 216 Champions, addressed the Council. Mr. Lewis stated he supported the project. Mr. Lewis said he works for MMR which has 1425 employees and an upscale apartment complex would be nice for the City. Mr. Lewis expressed that he also want to see Rockport grow. Mr. Lewis commented that he has known Mr. Guidry for 21 years and Mr. Guidry does not do anything half-heartedly.

Mayor Wax read two letters (below) from Aransas County Independent School District supporting the rezoning request.

Aransas County Independent School District  
P. O. Box 907  
Rockport, TX 78282  
Phone (361) 748-2212

April 16, 2017


Jeff Cook,  
World Bank Asset Management, LLC  
6821 Wilshire Dr  
Houston, TX 77036


Dear Mr. Cook  
and to whomsoever it may concern,

I have had the pleasure of meeting with Mr. Guidry and Mr. Barkan about their plans to build new apartments on Highway 36 South of Rockport. I am impressed on every level, but the primary concern to the community is the impact on the area. A very large percentage of ACISD employees do not live in Aransas County because they cannot afford to. Our employees after being notified, Rockport, Chapel Camp and their staff, which is a mixture of all ethnic and race. That is a tremendous diversity and a quality of life that we as a community value. Through various other factors at L.M.A. Inc.

Aransas County has very little vacant land properties that are suitable for long term. The majority of vacant properties are held for short to mid-term needs. That is good for the economy and increasing values, but not for the long-term and other quality who often cannot afford to purchase a home here on a teacher's salary.

The apartments that Mr. Cook and Mr. Barkan plan to build would offer our ACISD employees an opportunity to enjoy quality housing locally. That provides a truly excellent. These sites are excellent and are able to bring the project to fruition. I would be pleased to talk with you further about what the land-use is ACISD. I can be reached at 361-748-2212. Thank you

Sincerely,  
  
Joseph P. Farris  
Board President  
Aransas County Independent School District

  
ARANSAS COUNTY  
GOVERNMENT  
Aransas County ISD  
P.O. Box 907  
Rockport, TX 78282  
361-748-2212 Fax 361-748-2277

July 26, 2017

Mayor C.A. Wax  
City of Rockport  
622 S. Market St.  
Rockport, TX 78282

Mayor Wax and City Council Members


As superintendent of Aransas County ISD, I want to voice my support for the rezoning of the property located on Highway 36 South of Rockport. I am referring to the property owned by Mr. Cook.

It is my understanding that Mr. Cook intends to build a 120-unit apartment complex there should the Rockport City Council approve the rezoning request.

The proposed rezoning complies with the Aransas County ISD's plan to:

1. Provide housing for low-to-mid income to our community as a result of the jobs created by the manufacturing plants located in the Rockport area that housing the number of employees in ACISD. These students in our school district come from all over the county being supported by the state. Currently, ACISD spends 5-million dollars (\$5,000,000) of our local tax money sent to the state of Texas in the form of the federal direct payments program. As a result of this students could reduce our property tax approximately 1 million dollars (\$1,000,000) per year allowing us to use this money to benefit our students and staff.
2. Provide affordable quality housing for our working staff which will help in retaining and recruiting workers to our district.

Thank you for the opportunity to express my support for the approval of Mr. Cook's rezoning request.

Respectfully,  
  
Joseph P. Farris  
Superintendent of Schools  
Aransas County ISD

Mayor Wax stated the Planning & Zoning Commission will consider these items at the July 31, 2017, meeting.

Mayor Wax closed the Joint Public Hearings at 7:08 p.m.

Mayor Wax reminded everyone that the Planning & Zoning Commission will consider these items at a meeting on Monday, July 31, 2017.

### 11. Adjourn – Rockport Planning & Zoning Commission.

At 7:08 p.m., the Rockport Planning & Zoning Commission adjourned.

## Regular Agenda

12. **Deliberate and act on an Ordinance authorizing the execution and delivery of an energy performance contract with Ameresco, Inc., and an equipment lease/purchase agreement (taxable direct pay Qualified Energy Conservation Bond) with Banc of America Leasing & Capital, LLC, each with respect to the acquisition, purchase, financing, and leasing of certain equipment or capital items for the public benefit and totaling an amount not to exceed \$9,700,000, authorizing the execution and delivery of all other documents required in connection therewith; and authorizing all other actions necessary to the consummation of the transactions contemplated by this Ordinance.**

George Rash and Tim Farkas with Ameresco addressed the Council. Mr. Rash said the Council reviewed and deliberated on Ameresco's investment grade audit and performance contract at the March 28, 2017, City Council Meeting.

Tim Farkas called the Council's attention to the proposed Ordinance. Mr. Farkas stated the City's Bond Counsel had reviewed the documents and is present tonight if the Council has any questions. Mr. Farkas said the new fixed interest rate should be around 1.25% for the entire 18-year term of financing.

Mayor Wax said he had been asked by a citizen what impact this would have on employees of the City of Rockport. Mayor Wax stated this is completely separate from the City hiring employees. Mayor Wax added that with implementation of automated meter reading some employees of the City will have their duties changed.

Council Member Day asked when the project will begin and when it will be finished.

Mr. Rash answered that the project will begin immediately after closing which is scheduled for August 8, 2017. Mr. Rash stated from start to finish the project should take approximately 10 months.

Discussion was held among Council and Mr. Rash.

Mayor Wax reiterated that this project pays for itself; there is no money coming from the City.

City Manager Kevin Carruth recommended Council approve the Ordinance pending final approval of the performance agreement by the City Attorney.

**MOTION:** Mayor Wax moved to approve first and only reading of an Ordinance authorizing execution and delivery of an energy performance contract with Ameresco, Inc., and an equipment lease/purchase agreement (taxable direct pay Qualified Energy Conservation Bond) with Banc of America Leasing & Capital, LLC, each with respect to the acquisition, purchase, financing, and leasing of certain equipment or capital items for the public benefit and totaling an amount not to exceed \$9,700,000; authorizing execution and delivery of all other documents required in connection therewith; and authorizing all other actions necessary to the consummation of the transactions contemplated by this Ordinance, pending final approval of the performance

agreement by the City Attorney. Mayor Pro-Tem Rios seconded the motion. Motion carried unanimously.

- 13. Deliberate and act on second and final 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 (1<sup>st</sup> 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.**

Mayor Wax stated there had been no changes in format or content since the first reading of the Ordinance on July 11, 2017.

**MOTION:** Council Member Villa moved to approve the second and final 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 (1<sup>st</sup> 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 second and final 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 (1<sup>st</sup> 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.**

Mayor Wax stated there had been no changes in format or content since the first reading of the Ordinance on July 11, 2017.

**MOTION:** Council Member Gurtner moved to approve the second and final 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 (1<sup>st</sup> 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 Villa seconded the motion. Motion carried unanimously.

- 15. Deliberate and act on first reading of an Ordinance of the City of Rockport, Texas, providing for the annexation into the City of Rockport, Aransas County, Texas of the hereinafter described territory, located adjacent to the City's corporate limits within the extraterritorial jurisdiction of the City and not being a part of any incorporated area; extending the boundary limits of the City so as to include the territory consisting of approximately 107 acres of land, more or less, along Market Street between Kelly Lane and Verne Street, 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, into**



**the City's municipal limits, for all purposes; providing for related annexation services plans; repealing conflicting ordinances and resolutions; including a severability clause; granting to all the inhabitants of the annexed territory all the rights and privileges of other citizens and binding the inhabitants by all of the acts, ordinances, resolutions, and regulations of the City; and establishing an effective date.**

Mayor Wax stated that this area is known as the Market Street B area being considered for annexation.

Mayor Pro-Tem Rios stated this would bring what is left of Market Street into the City limits.

**MOTION:** Council Member Gurtner moved to approve the first reading of an Ordinance of the City of Rockport, Texas, providing for the annexation into the City of Rockport, Aransas County, Texas of the hereinafter described territory, located adjacent to the City's corporate limits within the extraterritorial jurisdiction of the City and not being a part of any incorporated area; extending the boundary limits of the City so as to include the territory consisting of approximately 107 acres of land, more or less, along Market Street between Kelly Lane and Verne Street, 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, into the City's municipal limits, for all purposes; providing for related annexation services plans; repealing conflicting ordinances and resolutions; including a severability clause; granting to all the inhabitants of the annexed territory all the rights and privileges of other citizens and binding the inhabitants by all of the acts, ordinances, resolutions, and regulations of the City; and establishing an effective date. Council Member Day seconded the motion. Motion carried 4:1.

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

AGAINST MOTION: Council Member Villa.

**16. Deliberate and act on first reading of an Ordinance of the City of Rockport, Texas, providing for the annexation into the City of Rockport, Aransas County, Texas of the hereinafter described territory, located adjacent to the City's corporate limits within the extraterritorial jurisdiction of the City and not being a part of any incorporated area; extending the boundary limits of the City so as to include the territory consisting of approximately 182 acres of land, more or less, along State Highway 35 Bypass between 214 feet north of Holly Road and 1030 feet southwest of Eighteenth Street, being out of portions of the Paul McCombs Survey A-317, the C.W. Egery Survey A-63 and the Samuel Highland Survey A-73, into the City's municipal limits, for all purposes; providing for related annexation services plans; repealing conflicting ordinances and resolutions; including a severability clause; granting to all the inhabitants of the annexed territory all the rights and privileges of other citizens and binding the inhabitants by all of the acts, ordinances, resolutions, and regulations of the City; and establishing an effective date.**

Mayor Wax stated this area is known as Gap 35 area being considered for annexation.

**MOTION:** Council Member Day moved to approve the first reading of an Ordinance of the City of Rockport, Texas, providing for the annexation into the City of Rockport, Aransas County, Texas of the hereinafter described territory, located adjacent to the City's corporate limits within

the extraterritorial jurisdiction of the City and not being a part of any incorporated area; extending the boundary limits of the City so as to include the territory consisting of approximately 182 acres of land, more or less, along State Highway 35 Bypass between 214 feet north of Holly Road and 1030 feet southwest of Eighteenth Street, being out of portions of the Paul McCombs Survey A-317, the C.W. Egery Survey A- 63 and the Samuel Highland Survey A-73, into the City's municipal limits, for all purposes; providing for related annexation services plans; repealing conflicting ordinances and resolutions; including a severability clause; granting to all the inhabitants of the annexed territory all the rights and privileges of other citizens and binding the inhabitants by all of the acts, ordinances, resolutions, and regulations of the City; and establishing an effective date. Council Member Gurtner seconded the motion. Motion carried 4:1.

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

AGAINST MOTION: Council Member Villa.

17. **Deliberate and act on first reading of an Ordinance of the City of Rockport, Texas, providing for the annexation into the City of Rockport, Aransas County, Texas of the hereinafter described territory, located adjacent to the City's corporate limits within the extraterritorial jurisdiction of the City and not being a part of any incorporated area; extending the boundary limits of the City so as to include the territory consisting of approximately 176 acres of land, more or less, along Maple Street between Steart Street and 128 feet east of Pearl Street, being out of portions of the Thomas Green Survey A-72, John W. Paup 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, into the City's municipal limits, for all purposes; providing for related annexation services plans; repealing conflicting ordinances and resolutions; including a severability clause; granting to all the inhabitants of the annexed territory all the rights and privileges of other citizens and binding the inhabitants by all of the acts, ordinances, resolutions, and regulations of the City; and establishing an effective date.**

Mayor Wax stated this area being considered for annexation is being referred to as the Pearl Street area.

City Manager Kevin Carruth stated the Council's first budget hearing is scheduled for Thursday, July 27, 2017, and the City received the rollback tax rate from the County today. Mr. Carruth said that of all the areas being considered for annexation, this area will be the most expensive because of the demand it will place on the City for services of the Police Department, Street Department and Code Enforcement. Mr. Carruth added that the City does not have enough resources to fund service demand for this entire area. Mr. Carruth suggested this area be reconfigured or downsized and he thought it important to bring in the entire area of Pearl Street.

**MOTION:** Mayor Wax moved to deny the first reading of the Ordinance. Mayor Pro-Tem Rios seconded the motion.

Discussion was held among Council, Mr. Carruth and Community Planner Amanda Torres regarding the suggested revision.

**MOTION:** Mayor Wax moved to withdraw his motion. Mayor Pro-Tem Rios seconded the motion.

**MOTION:** Council Member Villa moved to table Agenda Items No. 17 and 18. Council Member Gurtner seconded the motion. Motion carried unanimously.

- 18. Deliberate and act on first reading of an Ordinance of the City of Rockport, Texas, providing for the annexation into the City of Rockport, Aransas County, Texas, of the hereinafter described territory, located adjacent to the City's corporate limits within the extraterritorial jurisdiction of the City and not being a part of any incorporated area; extending the boundary limits of the City so as to include the territory consisting of approximately 38 acres of land, more or less, along Ann Street between Litron Street and 128 feet east of Pearl Street, being out of a portion of the T.T. Williamson Survey A-221, into the City's municipal limits, for all purposes; providing for related annexation services plans; repealing conflicting ordinances and resolutions; including a severability clause; granting to all the inhabitants of the annexed territory all the rights and privileges of other citizens and binding the inhabitants by all of the acts, ordinances, resolutions, and regulations of the City; and establishing an effective date.**

Rebecca Johnson addressed the Council. Ms. Johnson stated she canvassed a block in this area and there are 20 manufactured homes and 15 travel trailers. Ms. Johnson said she owns property in this area and has been renting the property. Ms. Johnson expressed she is a teacher and depends on this income and the two months' notice she received regarding this annexation is not enough time to make an adjustment to that loss of income. Ms. Johnson added that in addition to that loss of income she will also be paying City property tax. Ms. Johnson expressed that she would like to see if the Council would grant a variance for 12 months which would give her time to take care of matters due to the annexation of her property.

***NOTE: Motion under Item 17 tabled this Item also.***

### **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 reminded everyone that the first Budget Workshop is scheduled for Thursday, July 27, 2017, at 9:00 a.m. at the Rockport Service Center.

Mayor Wax then read a letter (below) from Fred & Cynthia Waring who had requested it be read into the record regarding the proposed annexation of property.



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 8:26 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.

Mayor Wax stated there was no action for Agenda items 20 and 21.

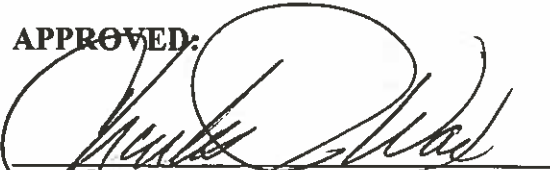
Mayor Wax addressed Agenda item 21. Mayor Wax stated the Council had reviewed a proposal by Teal Construction Company and two corrections were made: 1) Under number one of the proposal the word “half” was inserted as follows - “Upon commencement of the work, Teal will pay half the sum of \$58,699.35 which represents the City of Rockport’s attorneys incurred expenses as of July 14, 2017”; and 2) Under number two of the proposal the word “half” was inserted as follows – “Teal will pay half an amount not to exceed \$20,000.00, which represents Mr. Krismer’s charges for his involvement in the remediation.”

**MOTION:** Mayor Wax moved to approve the proposal by Teal Construction Company as presented by attorney with the corrections as made my Mayor Wax. Mayor Pro-Tem Rios seconded the motion. Motion carried unanimously.

**23. Adjournment**

At 8:29 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:**

  
Teresa Valdez, City Secretary