

CITY OF ROCKPORT

MINUTES

CITY COUNCIL WORKSHOP & REGULAR MEETING

6:30 p.m., Tuesday, March 22, 2022

Rockport Service Center, 2751 State Highway 35 Bypass

Video conferencing capabilities were utilized to allow individuals to view the City Council Workshop & Meeting. Public participation is valued and citizens wishing to express their views on any topic or agenda item can electronically submit a Citizen Participation Form in order to register to speak by going to <https://rockport.seamlessdocs.com/f/CouncilCitizenParticipation> or scanning the QR code provided on the Agenda, or if attending the meeting in person register before the meeting begins. Using the same form, citizens can also provide written comments to the City Secretary by 4:00 p.m. on the day of the meeting. The comments will be read and summarized in the minutes of the meeting.

On the 22nd day of March 2022, the City Council of the City of Rockport, Aransas County, Texas, convened in a Workshop and Regular Meeting at 6:30 p.m., at the Training Room of the Rockport Service Center, 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 Patrick R. Rios
Mayor Pro-Tem J.D. Villa, Ward 2
Council Member Katy Jackson, Ward 1
Council Member Brad Brundrett, Ward 3
Council Member Andrea Hattman, Ward 4

CITY COUNCIL MEMBER(S) ABSENT

PLANNING & ZONING COMMISSION MEMBERS PRESENT

Ric Young
Kim Hesley
Tom Blazek
W. Kent Howard

STAFF MEMBERS PRESENT

Interim City Manager Richard Morton
Assistant to City Manager Kimberly Henry
City Secretary Teresa Valdez
City Attorney Dan Santee
Director of Finance Katie Griffin
Parks & Leisure Services Administrative & Recreation Program Assistant Brittany Elkins
Director of Public Works and Building & Development Services Mike Donoho
Chief of Police Greg Stevens
Information Technology Director Bob Argetsinger
Community Planner & Assistant Building & Development Services Director Carey Dietrich

ELECTED OFFICIALS PRESENT

Opening Agenda

1. Call meeting to order.

With a quorum of the Council Members present, the Workshop and Regular Meeting of the Rockport City Council was called to order by Mayor Rios at 6:30 p.m. on Tuesday, March 22, 2022, in the Training Room of the Rockport Service Center, 2751 State Highway 35 Bypass, Rockport, Texas.

2. Pledge of Allegiance.

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

Council Member Brundrett requested a Point of Privilege and asked Planning & Zoning Commission Member Kim Hesley to give an invocation.

Ms. Hesley gave an Invocation.

3. Presentation: Friends of Aransas & Matagorda Island Wildlife Refuge – Whooping Crane Strut.

Mayor Rios said the City has partnered with the Friends of Aransas & Matagorda Island Wildlife Refuge beginning with the 2015 Whooping Crane Strut to donate \$5.00 of each registration to the group to assist with whooping crane habitat at the Refuge. Mayor Rios presented a check in the amount of \$1,300.00 to representatives of the Friends of Aransas and Matagorda Island Wildlife Refuge.

Workshop Agenda

4. Hear and deliberate on proposed amended Comprehensive Plan for the City.

Public Works and Building & Development Services Director Mike Donoho thanked everyone for attending the Workshop & Meeting and stated he knows the proposed Comprehensive Plan is a sensitive subject. Mr. Donoho said staff has received a lot of feedback from Council and Council Members have met with staff and the City Manager to discuss the Plan. Mr. Donoho declared the Comprehensive Plan can be amended at any time and it is not a regulatory document. Mr. Donoho expressed everyone should remember each development request has to go through the same City process and Council has the final authority; Council can grant certain variances. Mr. Donoho gave a PowerPoint presentation (below) on the City of Rockport Comprehensive Plan.

[This part of page left blank intentionally]

City of Rockport Comprehensive Plan

March 22, 2022

Existing Comprehensive Plan

- Adopted in 1999 and reaffirmed adoption with added land use plan supplement in 2012
- Accomplished many of the objectives set out in plan
 - ◆ Adopted Policies
 - ◆ Ordinances regarding Zoning, Subdivisions and Plats, Drainage and Flood Damage Prevention
 - ◆ Capital Improvement Plan
- The plan is out of date. We are a different City than we were in 1999 or 2012

What is a Comprehensive Plan

- Establishes guidelines for the future growth of Rockport
 - ◆ Transportation, housing, land use, economic development
- Guidelines provide options to citizens, staff, and developers for future development within the City
- Offers development strategies that may be used to meet the needs of our community.
- Protects established neighborhoods

What a Comprehensive Plan is NOT

- A Comprehensive Plan is NOT a document that any rights may be vested under, because it is a plan and not a regulatory document
- Just because the plan recommends something, a council is not obligated to grant the zoning or use the plan recommends
- Does not change the current zoning ordinance or change any zoning within the City
- Does not dictate high density development
- Other than existing zoning, does not dictate how a land owner may develop their property

What we have heard from the Community

- If City Council adopts the amended Comprehensive Plan, developers will have the legal RIGHT to force the City of Rockport to approve HIGH DENSITY rezoning requests
 - The comprehensive plan in no way obligates the City Council to approve High Density zoning, it merely identifies different development strategies that may be used to address the needs of the community.
- Rockport City Council is set to push through a 30-year Comprehensive Plan, a city-wide ordinance, adopting new land uses and zoning ordinances
 - The Comprehensive Plan does not change any of the existing zoning designations within the City. All current zoning remains the same, unchanged.
- HIGH DENSITY zoning in the amended Comprehensive Plan will abolish the current R1 residential zoning ordinances, cutting the city's current minimum 7,000 square foot lot size down to 2,200 square feet,
 - The plan does not abolish any current zoning designation it only allows for possible flexibility
- City-wide land use changes from residential to commercial in the Future Land Use Map
 - No residentially zoned property has been changed to commercial by the future land use map

What we have heard from the Community

- Inclusionary Zoning
 - The plan only mentions inclusionary zoning as a recommendation of what council could allow
- Density by Right
 - None existent, the plan does not give or create this right, nor can it be interpreted to do so.
- Reducing minimum lot sizes for R1 residential to 2,200 square feet -
 - There is no mandatory reduction as mentioned here. The plan only identifies feasible alternatives that may be considered
- Reducing minimum living spaces below the current 300 square feet -
 - There is no mandatory reduction as mentioned here. The plan only identifies feasible alternatives that may be considered
- Tax incentives or Tax Abatements -
 - These are merely tools that Council may utilize. The Council is never obligated to grant any incentives or abatements.

Excerpt from Comprehensive Land Use Plan 1999 & 2012:

“The Future Land Use Plan Map provides a general picture of how land uses may be arranged to reflect the growth goals and objectives of the city. It is important to note that this map does not serve the same purpose as the zoning map.”

Council Member Brundrett asked Mr. Donoho to review what things were talked about in his one-on-one with staff.

Mr. Donoho reviewed the slide on Workforce (below). Mr. Donoho declared these are recommendations and whether we have this Plan or not a developer could come in with a proposed development and the City must go through the development process and City Council can say “no.”

PLAN INTEGRATION

WORKFORCE HOUSING

Increase supply of permanent workforce and affordable housing.

- The existence of an Opportunity Zone south of the downtown area may provide opportunities for a developer to create more affordable housing options. The Opportunity Zone program could be used to attract needed investment to the area.

Allowing for Increased Density by Right

- The city should consider amending the zoning ordinance in the district to allow for more residential development near the downtown.
- To meet the need for more affordable service worker housing, adjustments to the zoning code will also be required. Right now, the smallest unit that can be built is 500 square feet. But zoning that would allow smaller micro units could allow for more efficiency.
- Reducing minimum lot sizes of 2,200 square feet per unit could also allow for higher density construction that is more economically efficient for workforce housing developers.

Council Member Brundrett asked if this could be taken out of the Comprehensive Plan.

Interim City Manager Richard Morton answered it could be and the Council motion would be to remove Page 63 of the Comprehensive Plan.

Mr. Donoho then reviewed the slide on Additional Housing Development Strategies (below). Mr. Donoho reiterated these are strategies the City can use; not law.



Council Member Brundrett asked if staff had reviewed the Implementation chapter for the words “should, could, may, shall?”

Mr. Donoho stated the Implementation chapter is a summary chapter and the Council can revise or amend it.

Mr. Morton expressed those are all recommendations in that Chapter.

Mr. Donoho expressed it does not mean we have to do it; it’s not law.

Mayor Pro-Tem Villa said that does not mean that future Council has to do those recommendations; even it is not in the Plan they still can do it. Mayor Pro-Tem Villa expressed he wanted to make sure the audience understood this.

Council Member Brundrett said his concern was the word “shall.”

Mr. Morton stated staff had conducted a word search for “shall” throughout the document and it would be struck; again, it is a recommendation, but we can certainly strike those words.

Council Member Hattman stated when she is talking to citizens there is a desperate need for workforce housing and this document gives the City options which we desperately need and we need to think outside the box.

Council Member Jackson said the general issue, as she sees it is people think these things seem to mean we will be turning Rockport into Port Aransas. Council Member Jackson expressed Council can make any changes and what this Council decides does not bind the future Council.

Mr. Donoho said one of the emails received about the Plan related to the City’s water supply as the City grows and purchasing it from Corpus Christi. Mr. Donoho explained the City does not purchase its water from Corpus Christi and the City is constantly aware of ensuring water supply for the future.

Regular Agenda

5. Citizens to be heard.

At this time, comments limited to three (3) minutes will be taken from the audience from persons who have signed the speaker's card located on the table in the back of the Training Room of the Service Center and delivered to the City Secretary before the meeting begins, or written comments received by 4:00 p.m. on the day of the meeting, on any subject matter that is not on the agenda, will be read and summarized in the minutes of the meeting. Persons wishing to address the Council and who have registered using the Citizen Participation Form will have up to three minutes to speak. 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. While civil public criticism is not prohibited, disorderly conduct or disturbance of the peace as prohibited by law shall be cause for the chair to terminate the offender's time to speak.

Nancy Bolting, 201 Spanish Woods, addressed the Council and voiced concern about City Council using personal electronic devices during Council meetings. Ms. Bolting stated City Council members are here to conduct City business.

Kristie Rutledge, 1411 Dana Drive, addressed the Council and began to voice opposition to the Comprehensive Plan.

Mayor Rios stated this portion of the Agenda was "Citizens to be heard" for any subject matter that is not on the Agenda and Ms. Rutledge could address the Council when Agenda Item 10 will be addressed.

Mayor Rios stated Pat Rousseau had signed up to speak during "Citizens to be heard" but she wanted to speak about the Comprehensive Plan so he asked her to speak when Agenda Item 10 will be addressed.

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.

6. Deliberate and act on approval of Strategic Planning Workshop Minutes of March 8, 2022, and Regular Meeting Minutes of March 8, 2022.

7. Deliberate and act on report from Aransas County Council on Aging for marketing expenditures made for 2022 Bountiful Bowl Pottery Fair/Rockport Clay Expo.

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

MOTION: Council Member Brundrett moved to approve the Consent Agenda Items, as presented. Council Member Jackson seconded the motion. Motion carried unanimously.

Public Hearings

With a quorum of the members present, the meeting of the Rockport Planning & Zoning Commission was called to order at 7:15 p.m., on Tuesday, March 22, 2022, in the Training

Room of the Rockport Service Center, 2751 State Highway 35 Bypass, Rockport, Texas.

Mayor Rios opened the Joint Public Hearings at 7:15 p.m.

- 8. Conduct a Joint Public Hearing with the Planning & Zoning Commission to consider the request to rezone property located at 520 West Market Street; also known as Smith and Wood Division, Block 73, Lot 8-R, City of Rockport, Aransas County, Texas, to B-1 (General Business District) to develop office and warehouse space; currently zoned R-1 (1st Single Family Dwelling District).**

Travis Kelley, 2124 St. Charles, Portland, addressed the Council. Mr. Kelley said he owns the property, and he intends to develop a small office space and to relocate his office to this property.

Mayor Rios stated the Planning & Zoning Commission will consider this item at their meeting on Monday, April 4, 2022, at 5:30 p.m.

- 9. Conduct a Joint Public Hearing with the Planning & Zoning Commission to consider the request to rezone property located at 1702 Eighteenth Street; also known as Lot 103, Block 250, Foor & Swickheimer Subdivision; being 9.99 acres, City of Rockport, Aransas County, Texas, to R-5 (2nd Multi-Family Dwelling District) to develop 6-8 residential houses for long term rental; currently zoned R-1 (1st Single Family Dwelling District).**

Property owner Robby Varner, 1702 Eighteenth Street, addressed the Council. Mr. Varner said he is planning to build 6-8 long-term single-family homes on the property.

Mayor Rios stated the Planning & Zoning Commission will consider this item at their meeting on Monday, April 4, 2022, at 5:30 p.m.

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

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

Regular Agenda

- 10. *Postponed: February 22, 2022* -Deliberate and act on second & final reading of an Ordinance of the City of Rockport, Texas, adopting an amended Comprehensive Plan for the City; providing that the adopted Comprehensive Plan shall supersede and replace any Comprehensive Plan previously adopted; providing a repealer clause; providing a severability clause; and providing an effective date.**

Mayor Rios said forms had been submitted to speak or have their comments read on this item and he will take them in the order received as follows:

- 1) Judy Sanders, 705 Raven Drive – opposed (Mayor Rios read comments).
- 2) Jennifer Shaw, 904 Dunes Street - opposed (Mayor Rios read comments).

- 3) Mark Hagen, 604 Silverado Street – opposed.
- 4) Arthur Perez, 126 Norwood Oaks Drive – opposed (Council Member Jackson read comments).
- 5) Chris Walsh, 1908 Johnson Avenue - opposed (Requested to speak but did not attend meeting)
- 6) Candace Sargent, 214 Portia Avenue – opposed (Mayor Pro-Tem Villa read comments).
- 7) Fran & JP Greve, 1304 South Church Street – opposed (Council Member Jackson read comments).
- 8) Karen McGehee, 607 Henderson Street – opposed (Council Member Hattman read comments).
- 9) Michael Whitney, 321 Champions Drive – opposed (Council Member Jackson read comments).
- 10) Curtis McGehee, 607 Henderson Street - opposed (Mayor Pro-Tem Villa read comments).
- 11) Irene Dubicka, 1108 South Austin Street – opposed (Mayor read comments).

Point of Clarification: Mayor Rios said Ms. Dubicka was correct that the State of Texas does not require a City to have a Comprehensive Plan, however, the City of Rockport Charter does require one.

- 12) Madeleine Legner, 105 Oakmont Drive - opposed (Council Member Brundrett read comments).
- 13) Noreen Settembre, 110 Bay Court – opposed (Council Member Hattman read comments).
- 14) Andrew Kane, 2106 Lakeview Drive – opposed, addressed Council.
- 15) Ron Rorex & Skip Carrier – opposed (Council Member Jackson read comments).
- 16) Matt Hesley, 2003 Tule Park Drive – in support (Mayor Pro-Tem Villa read comments).
- 17) John Berlet, 1315 South Church Street -in support (Council Member Brundrett read comments).
- 18) Carolyn Matthews, 1368 35 Bypass #12 – in support (Council Member Hattman read comments).
- 19) H. Kerry Garner, San Antonio & own 6 Clam Drive in Rockport – in support (Council Member Jackson read comments).
- 20) Mark Eshelman, 49 Flamingo Road – in support (Mayor Pro-Tem Villa read comments).
- 21) Richard Smith, 131 Pecan Harbor Street – in support (Council Member Cunningham read comments).
- 22) Kim Hesley, 2003 Tule Park Drive – in support, addressed Council.
- 23) Michael Meek, New Braunfels – in support (Council Member Jackson read comments).
- 24) Warren Hassinger, 2517 Turkey Neck Circle – in support (Mayor Pro-Tem Villa read comments).
- 25) Nancy Bolting, 201 Spanish Woods Drive – in support, addressed Council.
- 26) John Jackson, 312 Olympic Drive – in support (Council Member Hattman read comments).
- 27) Jonathon Heffron, 210 Champions Drive – in support (Council Member Hattman

- read comments).
- 28) Karen Mella – in support (Council Member Jackson read comments).
 - 29) Shana Brader, 703 South Verne Street – in support (Mayor Pro-Tem Villa read comments).
 - 30) Liz Murray, 13 Kingfisher Lane – in support (Council Member Brundrett read comments).
 - 31) Donna Townsend, 439 Augusta Drive – in support (Council Member Hattman read comments).
 - 32) Pat Rousseau, 187 Heron Oaks – opposed, addressed Council.
 - 33) Marcella Wright, 418 Cherry Hills – in support (Council Member Jackson read comments).
 - 34) Chad Lee, 115 N. Sierra Woods – in support (Mayor Pro-Tem Villa read comments).
 - 35) Linda Holzman, 338 Spanishwoods Drive – in support (Council Member Brundrett read comments).
 - 36) George Riekers, 802 East Market Street – opposed, addressed Council.
 - 37) Kristie Rutledge, 1411 Dana Drive – opposed, addressed Council.
 - 38) Christy Hutt, 2201 Prairie Road – opposed, addressed Council.
 - 39) Jeff Hutt, 2201 Prairie Road – opposed, addressed Council.

Point of Information: Mayor Rios stated the Charter was voted upon by citizens.

- 40) Jatin Bhakta, 2450 Business Highway 35 – in support, addressed Council.
- 41) Brett Bolting, 201 Spanishwoods Drive – in support (Mayor Rios read comments).

Comments in opposition to adopting an amended Comprehensive Plan included: reducing zoning regulations for single family homes; what is enacted in the words of a Comprehensive Plan must be adopted through zoning regulations; Plan is not for Rockport; shelve Plan until after the next Mayoral election; do not decrease lot sizing or minimum home square footage sizing, do not increase heights of apartment buildings; no tax incentives or abatements for opportunity zones; keep Rockport small and respect individual homeowners properties; do not support the rezoning and reduction of lot sizes; adopting the plan opens us up to future lawsuits by developers; the future recommended land use map is basically a massive rezoning of private property that developers will state follows the Plan when they come to develop; Put on May ballot, let us vote on it; remind you that when you hear this is just a plan that statement is factually incorrect – our charter and the plan itself state that ordinances and zoning must be changed to follow the comprehensive plan; people not familiar with our community developed this plan – scrape this plan and begin again with diverse groups from this community; have 25 people from South Rockport here tonight that want you to vote “no”; 102 high school students were used in a study from college students as a basis for creating inclusionary zoning; add Plan to May ballot – will not cost any additional money; if you don’t put on ballot in May there is enough opposition to bet it on the ballot; and the type of workforce housing the plan talks about is 51% low-income housing where the developer owns the land and the government pays for it.

Comments in support adopting an amended Comprehensive Plan included: a strategic plan such as this Plan merely serves as a flexible set of guideposts – this documents poses no direct constraint or ordinance, nor does it establish any future binding actions on the part of the City of Rockport or any other governing entity; the Plan has been adequately discussed and

explained to the community multiple times; we need this Plan to be implemented now to provide concurrency for the long-term success of our City; enough time has been wasted trying to appease the few that only want to sew discord in our community; the Plan is a roadmap for the future of our City and can be amended in the future; I have faith that when development projects come before the Planning & Zoning Commission and the Council that you will make decisions in our best interest; there were some area of concern in the Plan but they have been addressed by amendments, removal and correction; as a member of the Planning & Zoning Commission the future land use map is one of several criteria used in our decision making – we really need this updated future land use map to make fully informed decisions that affect the future of Rockport; incorrect information has been distributed by various means in recent days – Council is not obligated to zoning other than what is already in their current zoning ordinance and the Plan does not change any current zoning ordinances of the City; there is no adopting of inclusionary zoning and there is no “density by right” in the Plan – comprehensive plans do not impose such rights; the examples and possible strategies included in the Plan do not mandate that any City Council utilize these strategies; find it odd that not one of the vocal opponents has ever volunteered to serve on a board or commission, but rather have chosen to become “keyboard warriors” by spreading half-truths, rumors, and outright lies and inaccuracies, many times making personal attacks to each of you as Mayor and Council Members; the Plan can be reviewed and modified as circumstances and the passage of time may necessitate; apologize to Council for not harassing you outside of these Council Chambers; social media posts are all false and there is so much incorrect information; I was one of the post Harvey Planning Committee members and was among the approximately 200 citizens who participated in this process; we’ve been kicking this can down the road long enough, it’s time to adopt this plan and move on; this Plan does not deny citizens’ rights to protest future rezoning requests; limiting the size of homes to 500 square feet is very limiting and in my opinion unreasonable – my full time residence is 448 square feet and is a gem; many experts as well as local citizens have been involved in the planning stages over the past few years and we are blessed that our elected officials sought this invaluable help and that it was at no cost due to assistance after Hurricane Harvey; there will always be detractors to change and growth, as there are now, but without input and discussion, there is no progress; and urge you to approve this Comprehensive Plan.

Mayor Rios asked if Council had any comments.

Council Member Jackson stated her Ward has been very loud and very vehement.

Council Member Hattman stated she keeps hearing reference to Local Government Code Section 211.004 Compliance with Comprehensive Plan. Council Member Hattman read the following: “Zoning regulations must be adopted in accordance with a comprehensive plan and must be designed to:” Council Member Hattman expressed we’re forgetting the latter part of this and she read the following: “lessen congestion in the streets; secure safety from fire, panic, and other dangers; promote health and the general welfare; provide adequate light and air; prevent the overcrowding of land; avoid undue concentration of population; or facilitate the adequate provision of transportation...” Council Member Hattman asked City Attorney Dan Santee to clarify that so we can have the clarification out there.

City Attorney Dan Santee stated the following: You are correct, the other seven items that

zoning regulations must be designed to do are pretty critical here. It's the reason why, despite the adoption of a Comprehensive Plan, requests that don't fit the zoning that is in place have to come through the process, because regardless of what the Comprehensive Plan recommends, if that individual requests does not meet those objectives, there's never an obligation for the Planning and Zoning Commission to recommend approval and there's no requirement that the City Council adopt. I've been doing land use law for over 20 years, I deal with Comprehensive Plans all over the place and I could give you example after example of situations where when a Comprehensive Plan was adopted it recommended a particular use in a particular area and by the time an application actually came forward to accomplish that times had changed, development had changed in the area and Council did not want to adopt that and they didn't adopt that when those scenarios happen. Ideally because it's a living document, that portion, whatever that corridor is, wherever that location is, needs to be reviewed for amendment of the Comprehensive Plan because the situation on the ground has changed. By the same token, I have seen situations where there was no particular use in place because it was open space and the Plan had to be amended before any kind of zoning could be recommended there because it was just in the Plan reflected as it should be open space. So before anything could happen these amendments have to take place. It is not accurate saying once this is adopted, you must adopt regulations. That is not what that says, that is not how that is interpreted, that is not how any case law that you'll ever find dealing with comprehensive plans and zoning plays out. There has been some mischaracterization about a very recent case that came out of 13th Court of Appeals that happened in Austin. That case is dealing with the City of Austin doing something that we never recommend cities do and that was they tried to accomplish a massive rezone without individual notification. Had nothing to do with the comprehensive plan. This was zoning. Their comprehensive plan is in place already. What zoning requires when it's an actual zoning case, as you know, and as our Planning & Zoning Commission knows, individual notification within 200 feet radius of wherever that request is. That case that was distributed around Rockport, is talking about when you try to rezone a larger area, not an individual piece and bypass all that individual notification. The 13th Court of Appeals correctly ruled. That is not the intent of the Statute. None of that case had anything to do with comprehensive plan. A comprehensive plan is not zoning, and that is not applicable. That situation is not the scenario here. That would only come into play down the road when actual zoning cases are done. You heard Mike and Staff talk about that. There are still processes to be followed."

City Attorney Dan Santee stated there was another thing he would like to touch on and stated the following: "This idea that taking things out of comprehensive plan. Absolutely, Council has the discretion to remove some things from the comprehensive plan. Those things that are mentioned; nothing prevents a developer from coming in today with those same ideas and those same desires and those same questions, and if the property that they own is zoned appropriately they can proceed. They don't need anyone's permission if it's zoned accordingly. If it's not, then they have to go through the process. Whether it's mentioned in the comprehensive plan or not is when we talk about types of housing. If I'm a developer and building an apartment complex I can certainly set aside, on my own decision, as many units as I want for whatever income level I want, whether it's in your plan or not and I don't need your permission to do that. So, when we talk about this controls all those things, I think that's giving too much credit to the comprehensive plan because it absolutely doesn't. When we talk about tax abatements, enterprise zones, you can adopt these anytime you want to, whether that is in your comprehensive plan or not. It's only listed in the plan because it's a tool often seen in

development. It's available through the Tax Code whether it's in your comprehensive plan or not. If I'm a developer and I request a TIRZ (Tax Increment Reinvestment Zone) you'll be able to tell me yes or no, either way. I don't want people to misunderstand what this does or does not do."

Council Member Hattman stated she wanted to point out that written on our Future Land Use Map it states: "A Comprehensive Plan shall not constitute zoning regulations or establish zoning district boundaries". Council Member Hattman expressed that gives us more of a steady hand and we are not changing zoning. Council Member Hattman added that she wanted to clear up about the RVs: "I don't want to tell anyone where to live. I want to give people options. Our community needs options. We have middle class, we have workers, we have people who are not being able to live in their homes, yes from the hurricane, they need options and we're not giving it to them. RVs, duplexes, apartments, small homes, whatever we can. Why would we not want to give them options to live and take care of their families and their loved ones. I want to make sure that is clarified, that's where I'm coming from." Council Member Hattman declared this Plan opens us up for these options and we don't have to do anything; we still have to get everything approved through every channel, just options.

MOTION: Council Member Brundrett moved to approve the second & final reading of an Ordinance of the City of Rockport, Texas, adopting an amended Comprehensive Plan for the City; providing that the adopted Comprehensive Plan shall supersede and replace any Comprehensive Plan previously adopted and strike Pages 63 and 64 of the Comprehensive Plan and do a word search and remove the words "shall, should, will" in Chapter 9 and replace with "may". Mayor Pro-Tem Villa seconded the motion.

Mayor Pro-Tem Villa stated this does not have to return to the Planning & Zoning Commission.

AMENDED MOTION: Council Member Jackson moved to AMEND the MOTION to strike Chapter 9 of the Comprehensive Plan and review at a later date. Council Member Brundrett seconded the motion.

Mayor Rios called roll for the vote on the AMENDED MOTION:

FOR MOTION: Council Member Jackson, Council Member Brundrett.

AGAINST MOTION: Mayor Pro-Tem Villa, Council Member Hattman and Mayor Rios.

Motion failed: 2:3.

Mayor Rios called roll for the vote on the MAIN MOTION:

FOR MOTION: Mayor Pro-Tem Villa, Council Member Brundrett, Council Member Hattman and Mayor Rios.

AGAINST MOTION: Council Member Jackson.

Motion carried: 4:1.

11. Reports from Council.

At this time, the City Council will report/update on all committee assignments, which may include the following: Aransas County Alliance Local Government Corporation; Aransas Pathways Steering Committee; Building and Standards Commission; Coastal Bend Bays and Estuaries Program; Coastal Bend Council of Government; Coastal Bend Mayors Group; Park & Leisure Services Advisory Board; Planning & Zoning

Commission; 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.

Council Member Jackson said it was a great weekend in Rockport; Market Days, Crawfish Boil and the beach was crowded.

Council Member Brundrett stated it was a busy weekend and he thanked the Navigation District for allowing the Market Days and Crawfish Boil to happen. Council Member Brundrett reminded everyone the Rockport-Fulton Little League opening is this weekend on Saturday starting at 9:00 a.m.

Council Member Hattman said she attended the Rockport Country Club annual meeting at which Chief of Police Greg Stevens addressed the attendees and it was a good meeting. Council Member Hattman thanked everyone for speaking at the Council Meeting and she appreciates your voice.

Mayor Rios echoed Council Member Hattman's thanks for citizens being part of the process.

12. Adjournment.

At 8:36 p.m., Mayor Pro-Tem Villa moved to adjourn. Motion was seconded by Council Member Hattman. Motion carried unanimously.



APPROVED:


Patrick R. Rios, Mayor

ATTEST:


Teresa Valdez, City Secretary