
CITY COUNCIL AGENDA

Notice is hereby given that the Rockport City Council will hold a regular meeting on Tuesday, April 26, 2016, at 6:30 p.m. The meeting will be held at Rockport City Hall, 622 E. Market, Rockport, Texas. The matters to be discussed and acted upon are as follows:

Opening Agenda

1. Call meeting to order.
2. Pledge of Allegiance.
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 action on any item that has not been posted on the agenda.

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 Regular Meeting Minutes of April 12, 2016.
5. Deliberate and act on request from Texas Maritime Museum for: 1) closure of Chamber Street, from Loop 70 to Navigation Circle on Thursday, May 26, 2016 from 2:00 p.m. to 12:00 a.m., and on Saturday, May 28, 2016 from 8:00 a.m. to 12:00 a.m., and on Sunday, May 29, 2016 from 8:00 a.m. to 12:00 a.m.; 2) Use of Festival Site for parking; and 3) Permission for beer and wine consumption on the grounds of the Texas Maritime Museum, for the 20th Annual Festival of Wines and Food.
6. Deliberate and act on Resolution amending Resolution 2016-06 authorizing certification of a cultural district to be named Rockport Arts District.
7. Deliberate and act on Resolution replacing Resolution No. 2016-04 authorizing the Rockport Police Department to apply for and operate a Local Border Security Program Grant.
8. Deliberate and act on Resolution finding that AEP Texas Central Company's application for approval of a distribution cost recovery factor to increase distribution rates within the City should be denied; and finding that the City's reasonable rate case expenses shall be reimbursed by the Company.

Regular Agenda

9. Deliberate and act on first reading of an Ordinance amending City of Rockport Code of Ordinances Chapter 54 Health and Sanitation, Article II, Food Establishments.

10. Deliberate and act on first reading of an Ordinance authorizing the closing, vacating and abandonment of a 20-foot wide alleyway lying between Lots 1 and 9, in Block 107, Manning Addition; and a 20-foot wide alleyway lying between Lots 15-16 and 7-8, in Block 108, Manning Addition, Rockport, Aransas County, Texas; providing for the terms and conditions of such vacation and abandonment; authorizing the Mayor to execute a Quitclaim Deed for the said alleyways to be closed, vacated and abandoned; and providing for an effective date.
11. Deliberate and act on a Resolution finding an imminent threat to public health and safety and public property due to shoreline erosion along Bayshore Drive between Curlew Drive and Albatross Lane.
12. Deliberate and act on authorizing emergency repairs to halt and/or correct shoreline erosion along segments of Bayshore Drive between Curlew Drive and Albatross Lane.
13. 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; Environmental Committee for Water Issues; Parks & 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 Project 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.

Executive Session

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

14. Section 551.071(1)(A) Consultation with Attorney on pending or contemplated litigation: (A) Bay Education Center, (B) Manning, (C) Pena/Dack, and (D) Texaz Construction and AZ Southwest Properties.
15. Section 551.071(2) Consultation with Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter.
16. Section 551.072 Deliberation regarding real property - deliberate the purchase, exchange, lease, or value of real property: (A) Project Red Fish, (B) 1100 block of East North Street, between Austin Street and Water Street.
17. Section 551.087 Deliberation Regarding Economic Development Negotiations: Project Cardinal.
18. Section 551.074 Personnel Matters: Appeal of Termination – Laura Clark.

Open Session

19. 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.

20. Adjournment.

Special Accommodations

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's office at (361) 729-2213, ext. 225 or FAX (361) 790-5966 or email citysec@cityofrockport.com for further information. Braille is not available. The City of Rockport reserves the right to convene into executive session under Government Code §§ 551.071-551.074 and 551.086.

Certification

I certify that the above notice of meeting was posted on the bulletin board at City Hall, 622 E. Market Street, Rockport, Texas on Friday, April 22, 2016, by 5:00 p.m. and on the City's website at www.cityofrockport.com. I further certify that the following News Media were properly notified of this meeting as stated above: *The Rockport Pilot, Coastal Bend Herald, and Corpus Christi Caller Times.*


Teresa Valdez, City Secretary

CITY COUNCIL AGENDA
Regular Meeting: Tuesday, April 26, 2016

AGENDA ITEM: 4

Deliberate and act on approval of Regular Meeting Minutes of April 12, 2016.

SUBMITTED BY: City Secretary Teresa Valdez

APPROVED FOR AGENDA: PKC

BACKGROUND: Please see the accompanying minutes of the Regular Meeting of April 12, 2016.

FISCAL ANALYSIS: N/A

RECOMMENDATION: Staff recommends Council approve the Minutes, as presented.

CITY OF ROCKPORT

MINUTES

CITY COUNCIL REGULAR MEETING 6:30 p.m., Tuesday, April 12, 2016 Rockport City Hall, 622 East Market Street

On the 12th day of March 2016, the City Council of the City of Rockport, Aransas County, Texas, convened in Regular Session at 6:30 p.m., at the regular meeting place in City Hall, and notice of meeting giving time, place, date and subject was posted as described in V.T.C.A., Government Code § 551.041.

CITY COUNCIL MEMBERS PRESENT

Mayor Charles J. Wax
Mayor Pro-Tem Pat Rios, Ward 3
Council Member Rusty Day, Ward 1
Council Member J. D. Villa, Ward 2
Council Member Barbara Gurtner, Ward 4

CITY COUNCIL MEMBER(S) ABSENT

STAFF MEMBERS PRESENT

City Manager Kevin Carruth
City Attorney Terry Baiamonte
City Secretary Teresa Valdez
Finance Director Patty Howard
Police Chief Tim Jayroe
Public Works Director Mike Donoho
Park & Leisure Services Director Tom Staley
Parks Maintenance Superintendent Rick Martinez
Community Planner Kimber Clark

ELECTED OFFICIALS

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 6:32 p.m. on Tuesday, April 12, 2016, in the Council Chambers of the Rockport City Hall, 622 E. Market Street, Rockport, Texas.

2. Pledge of Allegiance.

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

3. Presentation: Friends of Aransas & Matagorda Island Wildlife Refuge

Mayor Wax stated the Whooping Crane Strut was very successful. Mayor Wax presented a check in the amount of \$1,085.00 to Fred Lanoue, President of the Friends of Aransas and Matagorda Island Wildlife Refuge.

4. 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.

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.

- 5. Deliberate and act on approval of Special Joint Workshop Meeting Minutes of March 21, 2016, and Regular Meeting Minutes of March 22, 2016.**
- 6. Deliberate and act on Resolution approving and adopting Public Funds Investment Policy for the City of Rockport, Texas.**
- 7. Deliberate and act on 2016 Consumer Price Index adjustment to Municipal Telecommunications Right-of-Way Access Line Rates.**
- 8. Deliberate and act on 2nd quarter report from the Texas Maritime Museum for Fiscal Year 2015-2016 marketing expenditures.**
- 9. Deliberate and act on 2nd quarter report from the Rockport-Fulton Chamber of Commerce for Fiscal Year 2015-2016 marketing expenditures.**
- 10. Deliberate and act on report from Aransas County Council on Aging for marketing expenditures made for 2016 Bountiful Bowl Pottery Fair/Rockport Clay Expo.**
- 11. Deliberate and act on accepting a donation from Aransas County Leadership Class XX for the purchase of memorial park bench for placement at Spencer Park.**
- 12. Deliberate and act on a Resolution amending Resolution No. 2014-13 adding eligible certifications.**
- 13. Deliberate and act on approval of allocation of \$15,000.00 from Hotel Occupancy Tax Revenues toward the Aransas County Coast and Harbor Engineering contract for development of coastal resiliency engineering projects and grant applications.**

Mayor Wax called for requests to remove any item from the Consent Agenda for separate discussion. There being no requests, Mayor Wax called for a motion.

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

Regular Agenda

14. Deliberate and act on an agreement with Ameresco, Inc., to perform an energy audit of various city facilities.

City Manager Kevin Carruth stated the Council received a presentation from Ameresco during the March Workshop. Mr. Carruth said this is the next step in the process. Mr. Carruth informed the Council that the energy audit will cost \$45,000. Mr. Carruth added that if the City ultimately enters into an energy savings performance contract and completes the design and implementation of the energy and water conservation measures, that cost is rolled into the project and there is no cash expense for the City, however, if the City does not sign an energy savings performance contract, it is liable for paying that cost.

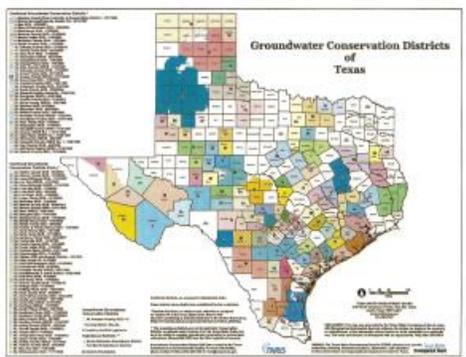
Discussion was held among Council, Mr. Carruth and Mr. George Rash with Ameresco Water & Energy Solutions.

Mr. Carruth recommended the Council authorize an agreement with Ameresco, Inc. to perform an energy audit of various city facilities.

MOTION: Council Member Villa moved to approve the agreement with Ameresco, Inc. to perform an energy audit of various city facilities. Mayor Pro-Tem Rios seconded the motion. Motion carried unanimously.

15. Hear and deliberate on presentation of Aransas County Groundwater Conservation District.

Aransas County Groundwater Conservation District Director at Large and President Tom Callan addressed the Council. Mr. Callan gave a presentation (below) on a local ballot measure to create the Aransas County Groundwater Conservation District authorized by Texas Legislature House Bill 4207.



Aransas County
Groundwater Conservation District



Organizational Details

- Legislature authorized the Aransas County District on request of Commissioners Court last May.
- Must be approved by voters of Aransas County.
- If approved, will be funded by a tax of up to one cent per hundred dollars property valuation
- Will be managed by a board of five Directors who are initially appointed by Commissioners Court.
- Directors serve staggered 4 year terms and after initial term will stand for election.

Some History Wild West – Rule of Capture applies

- 1904 Constitutional amendment adopted authorizing first public development of water resources
- 1913 33rd Texas Legislature created the Board of Water Engineers to regulate appropriations of water
- 1954-1956 Worst severe drought in state's history
- 1957 Texas Water Development Board created by legislative act and Constitutional amendment
- 1965 Water Resource Planning functions transferred to TWDB from Texas Water Commission
- 1997 State Water Plan adopted as consensus effort TWDB, Texas Parks and Wildlife and Texas Natural Resources Conservation Commission (now TCEQ)

Economic Value

- Trees are a tourist attraction and depend on groundwater.
- Groundwater as a resource may be required in future for industrial purposes.
- Groundwater (with treatment) can support residential subdivisions if City water is not available).

Purpose of a Conservation District

- To assure that there is sufficient groundwater to meet the needs of residents and businesses for the foreseeable future (next 50 Years)
- Prevent wasteful use of groundwater
- Prevent malicious use of groundwater
- Regulate sale of groundwater outside the county
- Set and manage annual drawdown of the water table.

Aransas County Water Management

Aransas County has no means to manage groundwater. Aransas is the only county in GMA 15 which does not have a Groundwater Conservation District.

Establishing a County Groundwater District will provide local control and management of groundwater resources.

An Aransas County Groundwater District gives the County the ability to participate in GMA decisions about the allocation of water from the Gulf Coast Aquifer.

Directors

- Temporary Directors were appointed by Commissioner's Court and sworn in on September 8th, 2015
- Tom Callan, Director at Large and President
- John Alexander, Director, Precinct 4/4A and Vice President
- Lynn Wildman, Director, Precinct 3 and Secretary
- Robert Walls, Director, Precinct 1
- Ed Hegen, Director, Precinct 2

Sources of Groundwater

Our source of groundwater is the Gulf Coast aquifer which includes:

- Dune ridge: 40 – 100 feet deep.
- Chicot Aquifer: surface to depths of 300-500 feet.
- Evangeline Aquifer: 500-1400 feet below surface.

All surrounding counties depend on the Gulf Coast Aquifer. It is a shared resource. Withdrawal quotas are coordinated within GMA15.

Current Situation

- Well drilling is unregulated in Aransas County.
- The number of producing wells and details about them is unknown.
- There has been interest in sale of water to business entities outside the County.
- This can be expected to continue with industrial growth if not controlled.
- There is no local control or rules for management of this important resource.

Management Plan

- Outlines goals and the steps needed to reach those goals.
- Provide for the most efficient use of groundwater
- Control and prevent waste of groundwater
- Control and prevent subsidence
- Address conjunctive surface water issues
- Address natural resources issues
- Address drought conditions
- Address conservation

Management Process

- Inventory wells and record production on a continuous basis tracking drawdown
- Monitor recharge rates
- Manage consumption by controlling the amount of water used within the District.
- Tools to reduce consumption and protect users include well spacing, permits for high volume wells, and permits for sales of water outside the District.

Management Process cont'd.

- Plans are approved by the Texas Water Development Board. They are coordinated with other Districts within Conservation Management Area.
- Plans are evaluated and revised if necessary every five years.

Mandated Duties

- Develop and adopt a management plan, coordinating planning with regional planning groups, state agencies and other GCDs.
- Adopt rules necessary to implement the plan
- Keep records of drilling, equipping, and completing of water wells and the production and use of water.
- Permit and register certain wells.

Benefits

- Ecological – our trees depend on groundwater and are a significant factor in our tourist driven economy.
- Planning can help to assure that commercial or industrial needs can be met in future.
- Local control of local resource.
- Within GMA15 our needs will be coordinated with water planning by other Districts.

Benefits

- Economic: Aquifers support our trees which are a major attraction for our County and reserve water for commercial purposes which may be required in future years
- Assure equitable sharing and access to the ground water supply.
- Compared to the rule of capture a GCD can protect your water availability
- Adoption, election of board of directors and administration are all locally controlled.

Benefits cont'd

- The local board is closest to the issues of evaluating and monitoring water use.
- There is local management of administrative tasks.
- The GCD can offer services unavailable elsewhere.

Downside

- Some people prefer the rule of capture.
- A GCD creates another layer of government.
- Taxes may be imposed.
- Water usage may be limited
- Additional regulations may be adopted.
- A GCD cannot prevent water from being exported outside the boundaries of the District.

Mr. Callan stated the proposed district can impose an *ad valorem* tax of up to \$0.01 per \$100 valuation. Mr. Callan informed everyone that early voting begins on April 23, 2016.

Cindy Duck stated all the other counties around Aransas County have a voice in managing groundwater, but we do not.

16. Hear and deliberate on presentation of Rockport-Fulton Chamber of Commerce Compass Report: Guidance, Promotion and Support.

Rockport-Fulton Chamber of Commerce Board Chair Tiffanie Hoover addressed the Council. Ms. Hoover presented the Rockport-Fulton Chamber of Commerce Compass Report: Guidance, Promotion and Support.

17. Deliberate and act on approving the purchase and installation of a natural cedar fence at the new City property located at 1501-1505 Broadway.

Park & Leisure Services Director Tom Staley addressed the Council. Mr. Staley stated that a few months ago the City Council started discussing fencing the newly purchased property located at 1501-1505 Broadway. Mr. Staley added that there would be 715 feet of fencing as shown on the map (below). Mr. Staley said three companies, including one local, were solicited for bids and D & C Fence Company of Corpus Christi responded at a cost of \$30,562.00.



Discussion was held among Council and Mr. Staley.

MOTION: Mayor Pro-Tem Rios approved the purchase and installation of a natural cedar fence from D & C Fence Company at the cost of \$30,562.00 for the new City property located at 1501-1505 Broadway. Council Member Gurtner seconded the motion. Motion carried unanimously.

18. Hear and deliberate on a presentation by Rockport Center for the Arts for a license, long-term lease, or sale of the 1100 block of East North Street, between Austin Street and Water Street.

Rockport Center for the Arts Executive Director Luis Purón and President of the Board Terry Baiamonte addressed the Council. Mr. Purón read a letter (below) presenting a petition for the long-term lease or purchase of the 1100 block of East North Street.



April 6, 2016

Honorable Mayor C. J. Wax,
 Mayor Pro-Tem Patrick R. Rios, Council Members James Russell Day Jr., Joe David Villa, and
 Barbara Gutzler
 City of Rockport
 622 E. Market St.
 Rockport, Texas 78382

Subject: North St. between S. Austin St. and Water St.

Honorable Mayor and Distinguished Members of Council:

On February 9, 2016 Rockport Center for the Arts executed a real estate contract for the following two sets of property that sit adjacent to North St.: 106 S. Austin St. (on the North side of North St.), and 204 S. Austin St. and 203 Water St. (on the South side of North St.) in Rockport, Texas. The executed contract has a feasibility period of 90 days, which expires May 9, 2016.

The Art Center is considering purchasing these properties for future development of a new and improved Art Center facility. The vision is to create a campus environment between the two properties by using North St. as a safe pedestrian walkway. To accomplish that vision we are petitioning the City of Rockport for a long-term lease or an outright purchase of North St. to bridge the aforementioned properties. North St. would become a landscaped pedestrian walkway that will comply with the line of sight requirements in the City of Rockport's Master Plan and provide an easement for the passage of emergency vehicles.

Inclusion of North St. in the overall vision for this development weighs heavily on the Art Center's decision to purchase the properties. The deadline for this decision is May 9, 2016.

There are many benefits to having the Art Center in a high visibility location in the Heritage District. The Art Center's marketing efforts for programs, events and festivals have been successful for over four and half decades and reach an established customer base of over 35,000 customers. This project will revitalize an important sector of the community and it will have a positive economic domino-effect for the downtown area as a whole.

Respectfully yours,

Luís Parón
 Luís Parón
 Executive Director

802 Navigation Circle • Rockport, Texas 78382 • Tel: (361) 728-8416 • Fax: (361) 728-0653 • www.rockportcenterforthearts.com

In a long term development plan for the Art Center, would your business support creating a safe pedestrian walkway on North Street between South Austin and Water. This pedestrian walkway would allow the creation of a campus environment between two properties on South Austin Street and align with the city's master plan and furthering a walkable environment in the downtown area.	Is business owner in favor (Yes) or against (No) ?
Marcelo Borch	+
Marwood Kitchen	Yes
Maguola's Tacos	Yes
Charles Ham's Central Deli	Yes
Classic Salon	Yes
The Antiques	+
Pinch's Music	+
Orchids Market	+
Bark's	Yes
Good Grub	Yes
John Marlow Photography	Yes
Coastal Bend Health Foods	Yes
Ulrich's Jewels	Yes
Groovy Smoothie	Yes
EastNorth of Home	Yes
Two Birds One	+
Blackout Hairdress	Yes
Wild Way Gallery	Yes
Heads by Design	Yes
Pearl's Gallery	Yes
Hidden Treasures	Yes
Polina's Salon	Yes
Procedural Coasters	Yes
Victoria's Jewelry	Yes
Relaxer	Yes
Gay Breeze Animal Clinic	Yes
Ruff Paws Barber	Yes
For the Birds	Yes
Dianna Lloyd Photography	Yes
Coastal Creations	Yes
Gallery of Rockport	Yes
Dramatic J Arts	Yes
Henry's Boutique	Yes
Water Street Studios	Yes
Sarah Moody (owns commercial and residential property)	Yes
Artisettes and Lattades	+
Harvesters Eggs	Yes
City Arts	Yes
Mary Ulrich, Licensed Massage Therapist	Yes

Tally: 33 of 39
 Percentage: 85%

Legend: + (voter was not reached)

10 Pinewood Circle
Houston TX 77058
April 10, 2016

Rockport City Council
622 E. Market St.
Rockport TX 78362

Dear Council Members,

I am writing to you in support of the Rockport Center for the Arts' potential purchase of property on South Austin Street in order to expand their facilities.

My husband and I have a home in Houston, and several years ago we were looking for a second home with good fishing and a vibrant community. Rockport fit the bill. We bought a home in Harbor Oaks and travel back and forth frequently, with possible full-time plans.

Many places along the Texas coast, within range of Houston, have wonderful fishing. Rockport is unique in its combination of outdoor recreation and culture, with the Art Center being the source and focus of so many classes, exhibits, and events. The fact that there was such an active and lively institution was a key factor in our decision to purchase a home in Rockport, and we have enjoyed every minute of our part-time residence. The Art Center is a special place reaching all ages and kinds of people, and enriching the fabric of the community. Its expansion would, I believe, further enhance Rockport's attractiveness.

Thank you for your consideration. If you have any questions, you can reach me at the above mailing address or by email at carolreihan@mac.com.

Sincerely,

Carol Reihan

Luis Purón

From: b Unger <tsaxcc55@yahoo.com>
Sent: Tuesday, April 12, 2016 4:50 PM
To: Luis Purón
Subject: Letter of Support from Dinah Bowman

Dear Mr. Puron,

The following is a letter of support for the vision of expansion of the Rockport Art Center. My involvement with RAC began in 1989 taking art

courses that helped me develop as the professional artist that I am today....Later, I have volunteered, launched my art career/business by

showing in the Rockport 4th of July Art Festival, and instructed classes..... The art center is in dire need of expansion to meet the needs of our

growing community. Increasing programs and art exhibitions is a vital part of providing important quality of life opportunities for all residents on

the North Shore!

Sincerely,

Dinah Bowman
Bowman Design and Framing
312 5th Ave.
Portland, Texas 78374
361-643-4922 gallery

Ms. Baiamonte gave a presentation (below) on the requested petition.

Rockport Center for the Arts



*Petition to City Council
April 12, 2016*

Fact:

The Art Center has grown tremendously and reached beyond its genesis as an Art Guild where members of Rockport's celebrated Art Colony exchange ideas.

Fact:

Mission-oriented educational and visual arts programming was developed and promoted, enhancing the Art Center's reputation beyond our region.

Explore. Discover. Express.

Educational Programming:



Fact:

Annual Program Free Art Education Programming June 2015-May 2016	Youth	Parents / Family Members	Total
WEST Family Saturdays			890
April's Summer Art Camp for Kids and Teens	385	565	950
Art Festival Kids Tent	385	525	910
Halloween on the Harbor			1,100
Trunk-or-Treat Workshop	200	150	350
Coloring Christmas Challenge	800	0	800
Art Festival Toddler Contest	125	2	127
Art in Residence to High School	120	0	120
Student Shows, Midway Run	82	76	158
Oldway After School	80	0	80
Field Trips to the Art Center	120	0	120
Like Making Partnership	80	0	80
Hummer Bird Signs	180	0	180
Total Annual Impact (number of people impacted)			6,798

Fact:

The Art Center sustains a solid base of special events that has become a staple attraction for cultural tourism drawing over 14,000 visitors per year

Spring Tour of Homes 27 years
Summer Art Festival 47 years
Fall Film Festival 10 years

Important Art Center Economic Drivers (per annum):

Over 19,000 people visit the Art Center

18 art exhibits per year including traveling shows from prestigious museums

2015 arts sales exceeded \$110,000 primarily benefiting working artists

A growing membership base of 650+

**Space Demands:
Rockport Center for the Arts**

Exhibits - Education - Offices - Gift Shop - Archives - Collections - Meetings - Youth Storage



Operating-in and sustaining the current facility has become burdensome. The Art Center could be doing more to fulfill its mission in a larger and more efficient facility.

Strategic Planning Board Retreat:

In September 2015, the board of directors held a strategic planning retreat for the organization.

Non-profit consultant, Marion Lee of Bacon Lee and Associates (San Antonio), was contracted to lead the effort.

The activity yielded forward momentum to plan for expansion.

Goals identified as significant continue to be worked on today.

A working committee looked at 11 properties in a variety of locations before deciding on 2 properties in the Heritage District.



Our Vision: Create a Campus Environment

Safe, visitor friendly pedestrian walkway on North St. that will bridge the two properties

Water Street dead-ends at one of the properties of interest to the Art Center – 106 S. Austin

Easement for emergency vehicles

Our Vision: Consistent with the City's Master Plan

- Diversification
- Development of Blighted and Transitional Property
- Forming Street Character & Streetscape
- Walkable & Accessible via Bicycle
- Pedestrian Connectivity
- Year Round vs. Seasonal
- Using Art to add Character

Our goal: To enhance downtown's attraction as a walkable destination for the community, visitors and cultural tourists

Business Support:

A survey of 39 businesses on South Austin St. has complete support for the Art Center's petition to use North St. to bridge the two properties of interest.



Mayor Wax asked what the importance of ownership was versus a long-term license/lease.

Ms. Baiamonte answered that ownership means security for the Art Center.

Discussion was held among Council and Ms. Baiamonte.

Mayor Wax informed everyone this was posted for discussion in Executive Session tonight.

Jack Wright addressed the Council. Mr. Wright stated in his research of licensing, he could not find anything, but did find a lease with option to purchase. Mr. Wright added that licensing can be taken away at any time and that is his concern.

Bill Katon addressed the Council. Mr. Katon stated he understood the Council's concern for access to the waterfront. Mr. Katon said it could be possible that the Art Center grant an easement to the City.

John Jackson addressed the Council. Mr. Jackson stated if the Council did not take any action tonight on this request, he was concerned because his understanding was that an ordinance approving a sale would require a public hearing and two readings of an ordinance; and the Art Center's deadline for the escrowed contract on the two sets of property is May 9, 2016.

Anita Diebel addressed the Council. Ms. Diebel stated she has been involved in arts for 37 years and she has seen a lot of things happen, good and bad. Ms. Diebel said she has not witnessed anything that would impact positive growth and change in Rockport, as this project would.

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; Environmental Committee for Water Issues; 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.

Council Member Rusty Day stated he had received a concern from a constituent regarding 18-wheelers on Austin Street.

Police Chief Jayroe stated that some businesses on Austin Street do not have backdoor entrances so they take their deliveries on Austin Street.

City Manager Kevin Carruth stated that if someone sees an 18-wheeler on Austin Street and they have a concern, they should call Dispatch and the Police Department will check into it.

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:

- 20. Section 551.071(1)(A) Consultation with Attorney on pending or contemplated litigation: (A) Bay Education Center, (B) Manning, and (C) Pena/Dack.**
- 21. 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.**
- 22. Section 551.072 Deliberation about Real Property: Deliberate the purchase, exchange, lease, or value of real property: (A) Project Red Fish, and (B) 1100 block of East North Street, between Austin Street and Water Street.**

At 7:55 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 551.071910(A) Consultation with Attorney on pending or contemplated litigation: (A) Bay Education Center, (B) Manning, and (C) Pena/Dack; 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 Rule of Professional Conduct of the State Bar of Texas clearly conflicts with the chapter; and Section 551.072 Deliberation about Real Property: Deliberate the purchase, exchange, lease, or value of real property: (A) Project Red Fish, and (B) 1100 block of East North Street, between Austin Street and Water Street.

Open Session

- 23. 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 8:32 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.

MOTION: Mayor Wax moved that Council direct the City Manager to contact the City's Special Counsel (Attorney) and have the draft License Agreement for the Rockport Center for the Arts rewritten into a Lease Agreement and sent to the Rockport Center for Arts for their coordination and return it to be placed on the April 26th City Council Agenda for deliberation and action. Council Member Villa seconded the motion. Motion carried unanimously.

24. Adjournment

At 8:33 p.m., Council Member Villa moved to adjourn. Motion was seconded by Mayor Pro-Tem Rios and carried unanimously.

APPROVED:

Charles J. Wax, Mayor

ATTEST:

Teresa Valdez, City Secretary

CITY COUNCIL AGENDA
Regular Meeting: Tuesday, April 26, 2016

AGENDA ITEM: 5

Deliberate and act on request from Texas Maritime Museum for: 1) Closure of Chamber Street, from Loop 70 to Navigation Circle on Thursday, May 26, 2016, from 2:00 p.m. to 12:00 a.m., and on Saturday, May 28, 2016, and Sunday, May 29, 2016, from 8:00 a.m. to 12:00 a.m.; 2) Use of Festival Site for parking; and 3) Permission for beer and wine consumption on the grounds of the Texas Maritime Museum, for the 20th Annual Festival of Wines and Food.

SUBMITTED BY: Kathy Roberts-Douglass, Texas Maritime Museum

APPROVED FOR AGENDA: PKC

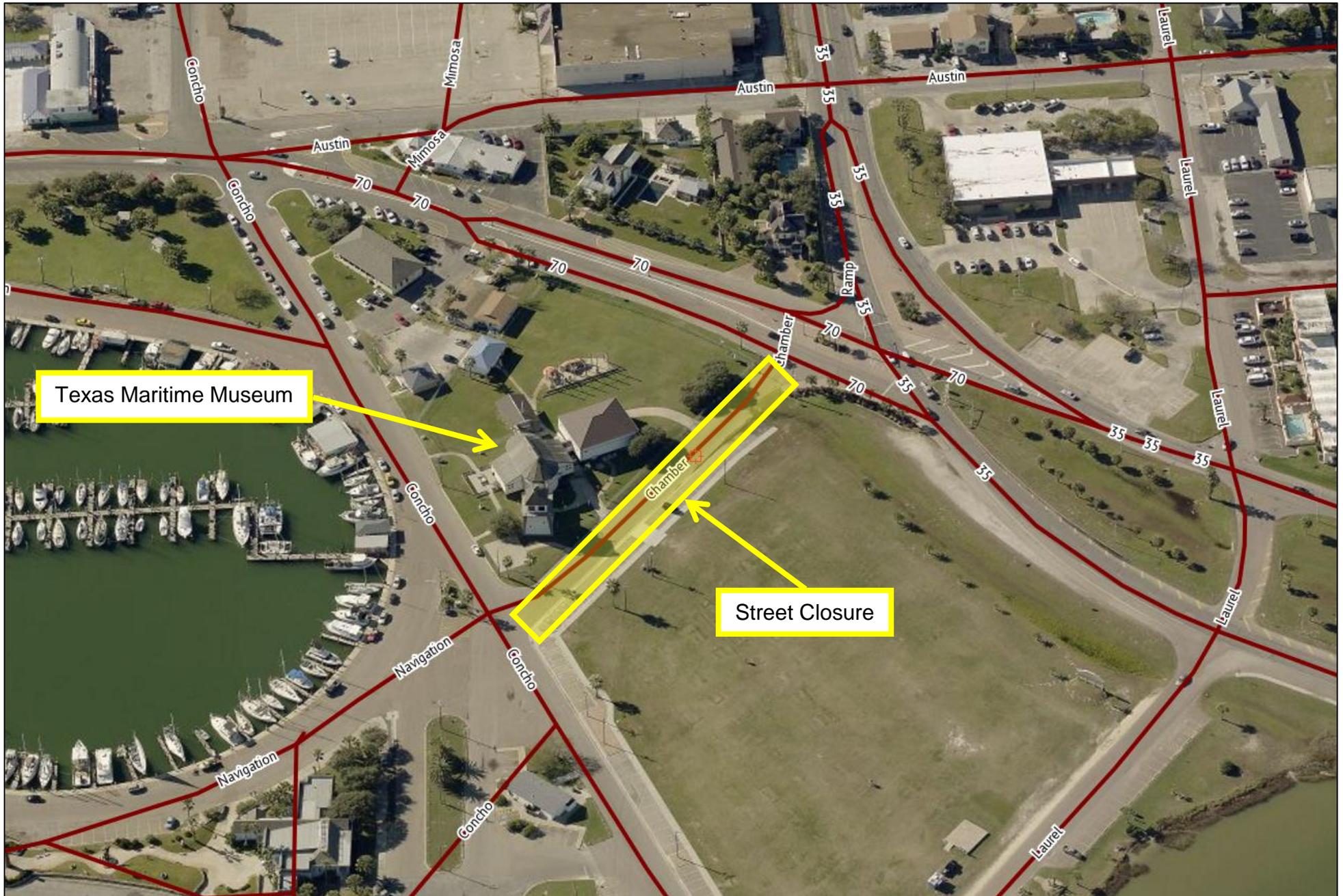
BACKGROUND: The Texas Maritime Museum is sponsoring their 20th Annual Festival of Wines and Food. See the accompanying letter requesting street closure, use of the Festival Site for parking, and permission for beer and wine consumption on the grounds of the Texas Maritime Museum. This request is similar to their requests in recent years. The Aransas County Navigation District has already granted their approval.

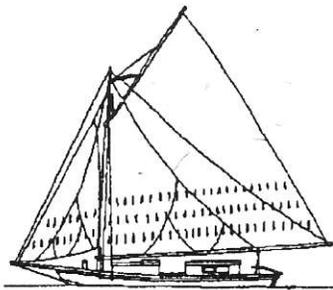
FISCAL ANALYSIS: N/A

RECOMMENDATION: Staff recommends Council approve the request for street closure, use of Festival Site for parking, and permission for beer and wine consumption on the grounds of the Texas Maritime Museum, as presented.

Texas Maritime Museum Street Closure Request

04/26/16





TEXAS MARITIME MUSEUM



1202 Navigation Circle • Rockport, Texas 78382 • (361) 729-1271 • Fax (361) 729-9938 • (866) 729-AHOY • E-mail:klrdouglass@gmail.com

March 11, 2016

**2015-2016
Board of Trustees**

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Rockport City Council
City of Rockport
622 E. Market St.
Rockport, TX 78382

Dear City Council Members:

It's that time of year again. Time for the 20th Annual Festival of Wines and Food.

We would like to request the closing of Chamber Street, from Loop 70 to Navigation Circle on the following dates:

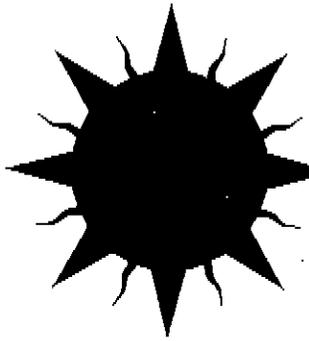
1. Thursday, May 26, 2016 from 2:00 p.m. to 12:00 a.m. for the Patron Party
2. Saturday, May 28, 2016 from 8:00 a.m. to 12:00 a.m. and Sunday, May 29, 2016 from 8:00 a.m. to 12:00 a.m., for the above-mentioned event.

In addition to the street closing, we are requesting use of the Festival Site for parking the same days, as well as the permission for beer and wine consumption on the grounds of the Texas Maritime Museum.

If you should have any questions about this request, please contact the Texas Maritime Museum office.

Sincerely,

Kathy Roberts-Douglass
Chief Executive Officer



ARANSAS COUNTY NAVIGATION DISTRICT

February 3, 2016

Ms. Kathy Roberts-Douglass
Texas Maritime Museum
1202 Navigation Circle
Rockport, Texas 78382

Re: 20th Annual Rockport Festival of Wines

DIRECTOR OR TO WHOM IT MAY CONCERN:

The Aransas County Navigation District has granted permission to the Texas Maritime Museum to use the Navigation District festival site as a parking facility during the 20th Annual Rockport Festival of Wines on Saturday, May 28, 2016 and Sunday, May 29, 2016 and during the Patron Party on May 26, 2016, along with the sale/consumption of alcoholic beverages.

The Texas Maritime Museum is solely responsible for the sales and serving of any alcoholic beverages. The Aransas County Navigation District does not share in any of the liability with respect to the use of alcohol on its leasehold property and/or other uses on navigation district properties.

Sincerely,

ARANSAS COUNTY NAVIGATION
DISTRICT

Keith Barrett
Harbor Master

copy/file

CITY COUNCIL AGENDA
Regular Meeting: Tuesday, April 26, 2016

AGENDA ITEM: 6

Deliberate and act on Resolution amending Resolution 2016-06 authorizing certification of a cultural district to be named Rockport Arts District.

SUBMITTED BY: City Secretary Teresa Valdez

APPROVED FOR AGENDA: PKC

BACKGROUND: At the March 8, 2016, City Council Meeting, the City Council received a presentation on the creation of a cultural arts district. The Council voted to adopt Resolution No. 2016-06 support the creation of Rockport Heritage and Arts District.

At the time of the Resolution submission to the City, the arts district initiative intended to use the name Rockport Heritage and Arts District, however, since that time the arts district sponsor, Rockport Heritage District Association, has officially changed their name with the State of Texas to Rockport Heritage and Arts District. Therefore, the arts district initiative has changed their name to Rockport Arts District (dropping “Heritage and”) and the change needs to be reflected on the City Resolution that will be submitted with the Texas Commission on the Arts application.

In addition to that requested change, there has been a request to changed Section 4 of the Resolution to read: “Will appoint a City official to represent the City on the advisory board of said cultural district.” The reason for this requested change is that Jennifer Day is chairing the governing board and City Council Member Rusty Day is the appointed City official, creating a potential conflict of interest on approval of agenda items.

FISCAL ANALYSIS: N/A

RECOMMENDATION: Staff recommends Council approve the Resolution as presented.

RESOLUTION NO. ~~2016-06~~ _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROCKPORT AMENDING RESOLUTION NO. 2016-06 WHICH AUTHORIZED CERTIFICATION OF A CULTURAL DISTRICT FOR AT LEAST TEN (10) YEARS TO BE NAMED ROCKPORT ~~HERITAGE AND~~ ARTS DISTRICT.

WHEREAS, a cultural district has been designated to assist the district and community to develop a public-private partnership to support said district, and,

WHEREAS, the goals of the cultural district include attracting artists and cultural enterprises to the community, encouraging business and job development, addressing specific needs of our community, establishing tourism destinations, preserving and reusing historic buildings, enhancing property values, and fostering local cultural development, and

WHEREAS, Charles J. Wax, Mayor, City of Rockport, has signed a ~~Resolution~~ Resolution No. 2016-06 of support for said cultural district and,

WHEREAS, the Texas Commission on the Arts will be petitioned to designate said cultural district and,

WHEREAS, Resolution No. 2016-06 listed the name of the Cultural District as Rockport Heritage and Arts District wherein is should be shown as Rockport Arts District.

Whereas, Section 4 of Resolution No. 2016-06 will also be changed to state that the City Council will appoint an official to serve on the advisory board of said Rockport Arts District.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROCKPORT THAT THE CITY:

- Section 1.** Endorses the submission of this application and agrees to participate in the development and financial support of said cultural district.
- Section 2.** Endorses the goal of economic development of said cultural district within the context of preservation and rehabilitation of our historic buildings.
- Section 3.** Endorses the goal of tourism development of said cultural district within the context of contributing to the overall visitor development goals of the City.
- Section 4.** Will appoint a City official to represent the City on the governing advisory board of said cultural district.
- Section 5.** By this action, directs City staff to actively support and cooperate with governing board to develop and maintain said cultural district.
- Section 6.** By this action, requests all residents of city/county and especially those citizens who own property or businesses within said district to support, promote and help maintain activities and events in said district.
- Section 7.** Directs the Mayor to sign and submit such Resolution on creation of said Cultural District.

PASSED and **APPROVED** this the 826th day of ~~March~~ April 2016.

CITY OF ROCKPORT, TEXAS

Charles J Wax, Mayor

ATTEST:

Teresa Valdez, City Secretary

CITY COUNCIL AGENDA
Regular Meeting: Tuesday, April 26, 2016

AGENDA ITEM: 7

Deliberate and act on Resolution replacing Resolution No. 2016-04 authorizing the Rockport Police Department to apply for and operate a Local Border Security Program Grant.

SUBMITTED BY: Police Chief Tim Jayroe

APPROVED FOR AGENDA: PKC

BACKGROUND: At the March 8, 2016, City Council Meeting, the City Council adopted Resolution No. 2016-04 authorizing the Rockport Police Department to apply for and operate a \$194,731.92 Local Border Security Program Grant. The Resolution stated that the Grant was administered by the Texas Department of Public Safety – Texas Rangers Division for Fiscal Year 2016. In preparation of the grant submission it was brought to the Police Department’s attention that the Border Star Grant is now administered by the Office of the Governor, Homeland Security Grants Division, and that this should be changed in the Resolution before submission.

The Resolution proposed for adoption by Council has been rewritten containing the correct information and is a replacement of Resolution No. 2016-04.

The objective of the Local Border Security Program is to disrupt, deter, interdict, and dominate criminal activity associated with the northbound and southbound movement of illicit traffic through the Texas border region in order to reduce border-related crime, reduce potential acts of terror, and increase the security and quality of life of Texans. As detailed in the accompanying application, this is a reimbursement program that will primarily allow the Rockport Police Department to pay overtime to officers to increase visible patrol and engage in enhanced traffic enforcement. The Department received and successfully implemented a similar grant for FY 2014 and FY 2015. A requirement of the grant is a resolution from the City authorizing the operation of the Local Border Security Program FY 2016.

The City lost its \$194,732 Border Star grant in FY 2015-2016 because Aransas County did not meet the State of Texas’ requirement to have a 90 percent or better completion rate on its CJIS disposition reporting. With assistance from the City of Rockport, Aransas County is expected to meet the State’s minimum requirement by the August 31 deadline for the current grant request. The completion rate as of April 15, 2016, is 91 percent.

FISCAL ANALYSIS: Border Star is in Fund 18 with revenue is credited to account 40420 and overtime and fuel expenses charged to accounts 6181008 and 6187044, respectively.

RECOMMENDATION: Staff recommends Council approve the Resolution as presented.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF ROCKPORT, TEXAS, AUTHORIZING THE ROCKPORT POLICE DEPARTMENT TO APPLY FOR AND OPERATE A \$194,731.92 LOCAL BORDER SECURITY PROGRAM (BORDER STAR) GRANT ADMINISTERED BY THE OFFICE OF THE GOVERNOR, HOMELAND SECURITY GRANTS DIVISION FOR FISCAL YEAR 2017; AND AUTHORIZING THE MAYOR TO ACT AS THE EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE PARTICIPATION IN THIS GRANT PROGRAM.

WHEREAS, Operation Border Star was launched in 2007 to provide local and state agencies funds to pay officers overtime to beef up border patrols and to coordinate intelligence gathering about crime on the border. The local and state agencies also coordinate and share information with federal agencies; and

WHEREAS, the City of Rockport finds it is the best interest of our citizens that the City of Rockport participate in the Local Border Security Program joining together with local, state and federal partners, to support the men and women of the U.S. Border Patrol, and protect our community by securing our international borders; and

WHEREAS, the City of Rockport agrees that in the event of loss or misuse of the Office of the Governor funds, the City of Rockport assures that the funds will be returned to the Office of the Governor in full.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF ROCKPORT, TEXAS:

Section 1. That a Local Border Security Program application is hereby authorized to be filed for funding consideration;

Section 2. That the Mayor is designated as the Chief Executive Officer and Authorized Representative to act in all matters in connection with this application and participation in the Local Border Security Program.

PASSED and APPROVED this the ____ day of _____.

CITY OF ROCKPORT, TEXAS

Mayor Charles J. Wax, Mayor

ATTEST:

Teresa Valdez, City Secretary

RESOLUTION NO. 2016-04

A RESOLUTION OF THE CITY OF ROCKPORT, TEXAS, AUTHORIZING THE ROCKPORT POLICE DEPARTMENT TO APPLY FOR AND OPERATE A \$194,731.92 LOCAL BORDER SECURITY PROGRAM (BORDER STAR) GRANT ADMINISTERED BY THE TEXAS DEPARTMENT OF PUBLIC SAFETY – TEXAS RANGERS DIVISION FOR FISCAL YEAR 2016; AND AUTHORIZING THE MAYOR TO ACT AS THE EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE PARTICIPATION IN THIS GRANT PROGRAM.

WHEREAS, Operation Border Star was launched in 2007 to provide local and state agencies funds to pay officers overtime to beef up border patrols and to coordinate intelligence gathering about crime on the border. The local and state agencies also coordinate and share information with federal agencies; and

WHEREAS, the City of Rockport finds it is the best interest of our citizens that the City of Rockport participate in the Local Border Security Program joining together with local, state and federal partners, to support the men and women of the U.S. Border Patrol, and protect our community by securing our international borders.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF ROCKPORT, TEXAS:

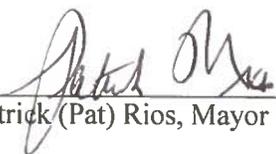
Section 1. That a Texas Border Star Grant application is hereby authorized to be filed for funding consideration;

Section 2. That the Mayor is designated as the Chief Executive Officer and Authorized Representative to act in all matters in connection with this application and participation in the Texas Border Star Grant.

PASSED and APPROVED this the 8th day of March 2016.



CITY OF ROCKPORT, TEXAS



 Patrick (Pat) Rios, Mayor Pro-Tem

ATTEST:



 Teresa Valdez, City Secretary

CITY COUNCIL AGENDA
Regular Meeting: Tuesday, April 26, 2016

AGENDA ITEM: 8

Deliberate and act on Resolution finding that AEP Texas Central Company's application for approval of a distribution cost recovery factor to increase distribution rates within the City should be denied; and finding that the City's reasonable rate case expenses shall be reimbursed by the Company.

SUBMITTED BY: City Manager Kevin Carruth

APPROVED FOR AGENDA: PKC

BACKGROUND: On April 6, 2016, AEP Texas Central Company ("TCC" or "Company") filed an Application for Approval of a Distribution Cost Recover Factor ("DCRF") to Increase Distribution Rates with each of the cities in their service area. In the filing, the Company asserts that it is seeking an increase in distribution revenues of \$54,012,978. The Public Utility Commission of Texas's rules allow cities 60 days to act on this application. That deadline is June 6, 2016.

The resolution authorizes the City to join with the Cities Served by AEP TCC ("Steering Committee") to evaluate the filing, determine whether the filing complies with law, and if lawful, to determine what further strategy, including settlement, to pursue. The purpose of the Resolution is to deny the DCRF application proposed by TCC and authorizes the hiring of Lloyd Gosselink and consultants to review the filing, negotiate with the Company, and make recommendations to the City regarding reasonable rates. Additionally, it authorizes the Steering Committee to direct any necessary administrative proceedings or court litigation associated with an appeal of this application filed with the Public Utility Commission.

See the accompanying resolution for additional information.

FISCAL ANALYSIS: As required by law, AEP will reimburse the cities for their reasonable rate case expenses. Legal counsel and consultants approved by the Cities will submit monthly invoices that will be forwarded to AEP for reimbursement.

RECOMMENDATION: Staff recommends adoption of the Resolution, as presented.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF ROCKPORT, TEXAS FINDING THAT AEP TEXAS CENTRAL COMPANY'S APPLICATION FOR APPROVAL OF A DISTRIBUTION COST RECOVERY FACTOR TO INCREASE DISTRIBUTION RATES WITHIN THE CITY SHOULD BE DENIED; FINDING THAT THE CITY'S REASONABLE RATE CASE EXPENSES SHALL BE REIMBURSED BY THE COMPANY; 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 THE COMPANY AND LEGAL COUNSEL.

WHEREAS, the City of Rockport, Texas ("City") is an electric utility customer of AEP Texas Central Company ("TCC" or "Company"), and a regulatory authority with an interest in the rates and charges of TCC; and

WHEREAS, the City is a member of the Cities Served by AEP TCC ("Steering Committee"), a membership of similarly situated cities served by TCC that have joined together to efficiently and cost effectively review and respond to electric issues affecting rates charged in TCC's service area; and

WHEREAS, on or about April 6, 2016 TCC filed with the City an Application for Approval of a Distribution Cost Recovery Factor ("DCRF"), PUC Docket No. 45787, seeking to increase electric distribution rates by \$54,012,978; and

WHEREAS, all electric utility customers residing in the City will be impacted by this ratemaking proceeding if it is granted; and

WHEREAS, the Steering Committee is coordinating its review of TCC's DCRF filing with designated attorneys and consultants to resolve issues in the Company's application; and

WHEREAS, the Steering Committee's members and attorneys recommend that members deny the DCRF.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCKPORT, TEXAS:

Section 1. That the City is authorized to participate in the Steering Committee in PUC Docket No. 45787.

Section 2. That subject to the right to terminate employment at any time, the City of Rockport hereby authorizes the hiring of the law firm of Lloyd Gosselink and consultants to negotiate with the Company, make recommendations to the City regarding reasonable rates, and

to direct any necessary administrative proceedings or court litigation associated with an appeal of this application filed with the PUC.

Section 3. That the rates proposed by TCC to be recovered through its DCRF charged to customers located within the City limits, are hereby found to be unreasonable and shall be denied.

Section 4. That the Company shall continue to charge its existing rates to customers within the City.

Section 5. That the City's reasonable rate case expenses shall be reimbursed in full by TCC within 30 days of presentation of an invoice to TCC.

Section 6. That it is hereby officially found and determined that the meeting at which this Resolution is passed is open to the public as required by law and the public notice of the time, place, and purpose of said meeting was given as required.

Section 7. That a copy of this Resolution shall be sent to Jay Toungate, American Electric Power Service Corporation, 1201 Elm Street, Suite 800, Dallas, Texas 75270 and to Thomas Brocato, General Counsel to the Steering Committee, at Lloyd Gosselink Rochelle & Townsend, P.C., P.O. Box 1725, Austin, Texas 78767-1725.

PASSED AND APPROVED this 26th day of April 2016.

Charles J. Wax, Mayor

ATTEST:

Teresa Valdez, City Secretary

CITY COUNCIL AGENDA
Regular Meeting: Tuesday, April 26, 2016

AGENDA ITEM: 9

Deliberate and act on first reading of an Ordinance amending City of Rockport Code of Ordinances Chapter 54 Health and Sanitation, Article II. Food Establishments.

SUBMITTED BY: City Manager Kevin Carruth

APPROVED FOR AGENDA: PKC

BACKGROUND: The City of Rockport has an interlocal agreement with Aransas County to perform health and sanitation inspections for food services. Aransas County Environmental Health is requesting that our ordinance be revised to match changes in state statutes. The other substantive change is taking the fee schedule out and referencing the County's annual fee schedule. This will eliminate the need to revise the City's ordinance whenever the County changes its fees. The proposed changes will match the County's regulations. A representative from Environmental Health will be available to answer any questions.

See the accompanying memo from Environmental Health for additional detail.

FISCAL ANALYSIS: The proposed changes have no impact on the fee schedule, which is revised from time to time by Commissioners Court. The service is supported through customer fees paid directly to Aransas County. There is no impact on the City's budget.

STAFF RECOMMENDATION: Staff recommends approval on first reading of an Ordinance amending City of Rockport Code of Ordinances Chapter 54 Health and Sanitation, Article II. Food Establishments, as presented.

Memorandum

To: City of Rockport
CC: James S Jackson
From: Aransas County Environmental Health
Date: 04/21/2016
Re: New Food Service Ordinance

In Ordinance 1168 Article II Section 54-26(a), the City of Rockport adopted the Texas Food Establishment Rules which were cited as 25 TAC §229; however, the current regulations as amended in October 2015 by the State of Texas changed the chapter citations to 25 TAC §228. As such, to reflect the current regulations as adopted by the State of Texas we have proposed a change in Article II of all §229 citations to read §228.

The fees for food establishments are approved yearly by Aransas County Commissioners' Court. Thus, the fee schedule previously in place in Section 54-28 (c) has been deleted and updated to mirror the language within the Aransas County food establishment order. Also within that above mentioned section, the proposed ordinance states all permit fees must be submitted on or before December 31 rather than the last working day of January, this change is being put into place to prevent permit expiration.

In Ordinance 1168 Article II Section 54-34 Food Service Education, has been removed due to its inclusion in 25TAC §228.

36 **Sec. 54-27. Permits and exemptions.**

37 (a) A person may not operate a food establishment without a permit issued by the regulatory
 38 authority. Permits are not transferable from one ~~period~~ person to another or from one location to
 39 another location, except as otherwise permitted by this Ordinance. A valid permit must be posted
 40 in or on every food establishment regulated by this Ordinance.

41 (b) A food establishment operated solely by a nonprofit organization is exempt from the
 42 permitting requirements of this Ordinance, but is not exempt from compliance with state rules.
 43 The regulatory authority may require any information necessary to determine whether an
 44 organization is nonprofit for purposes of this exemption.

45 (Ord. No. 1168, § 2, 22-28-00)

46 **Sec. 54-28. Application for permit and fees.**

47 (a) Any person desiring to operate a food establishment must make a written application for a
 48 permit on forms provided by the regulatory authority. The application must contain the name
 49 and address of each applicant, the location and type of the proposed food establishment and the
 50 applicable fee. An incomplete application will not be accepted. Failure to provide all required
 51 information, or falsifying information required may result in denial or revocation of the permit.
 52 Renewals of permits are required on an annual basis and the same information is required for a
 53 renewal permit as for an initial permit.

54 (b) Prior to the approval of an initial permit or the renewal of an existing permit, the regulatory
 55 authority shall inspect the proposed food establishment to determine compliance with state laws
 56 and rules. A food establishment that does not comply with state laws and rules will be denied a
 57 permit or the renewal of a permit.

58 ~~(c) The following fee schedule applies to permits issued under this article:~~

<i>Permit Type</i>	<i>Fee</i>
Daycare/Nursing Homes Inspections, License Renewal	\$50.00
Food Handler Commercial Permit	5.00
Foster Home Inspection	20.00
Food Service and Bar/Lounge Permit	-
—0-3 Employees/Establishment	50.00
—4-6 Employees/Establishment	100.00
—7-9 Employees/Establishment	200.00
—10-15 Employees/Establishment	300.00
—16 and Over Employees/Establishment	400.00
Temporary Events - Carnivals, Festivals, 14 days only	25.00
Mobile Vendors, Annual/per vehicle	50.00

59 (c) Fees applicable to permits issued for food establishments are approved on a yearly basis by
60 Aransas County Commissioners' Court.

61 (d) Permits are required for all temporary events such as carnivals, festivals or other related
62 events if they sell food or beverages to the public. The regulatory authority does not differentiate
63 between full-time and part-time employees. All food-service permits are required and must be
64 paid prior to the last working day in January.

65 (Ord. No. 1168, § 2, 22-28-00)

66 **Sec. 54-29. Review of plans.**

67 (a) In addition to any other regulatory requirements and review by other local, state or federal
68 agencies, ~~W~~ whenever a food establishment is constructed or extensively remodeled and
69 whenever an existing structure is converted to use as a food establishment, properly prepared
70 plans and specifications for such construction, remodeling or conversion shall be submitted to
71 the city regulatory authority for review before work is begun. Extensive remodeling means that
72 20 percent or greater of the area of the food establishment is to be remodeled. The plans and
73 specifications shall indicate the proposed layout, equipment arrangement, mechanical plans and
74 construction of materials of work areas, and the type and model of proposed fixed equipment
75 and facilities. ~~The city will approve~~ The plans and specifications will be approved by the
76 regulatory authority if they meet the requirements of the rules adopted by this Ordinance. The
77 approved plans and specifications must be followed in construction, remodeling or conversion.

78 (b) Failure to follow the approved plans and specifications will result in a permit denial,
79 suspension, or revocation.

80 (Ord. No. 1168, § 2, 22-28-00)

81 **Sec. 54-30. Suspension of permit.**

82 (a) The regulatory authority may, without warning, notice, or hearing suspend any permit to
83 operate a food establishment if the operation of the food establishment constitutes an imminent
84 hazard to public health. Suspension is effective upon service of the notice required by paragraph
85 (b) of this section. When a permit is suspended, food operations shall immediately cease.
86 Whenever a permit is suspended, the holder of the permit shall be afforded an opportunity for a
87 hearing within 20 days of receipt of a request for a hearing.

88 (b) Whenever a permit is suspended, the holder of the permit or the person in charge shall be
89 notified in writing that the permit is, upon service of the notice, immediately suspended and that
90 an opportunity for a hearing will be provided if a written request for a hearing is filed with the
91 regulatory authority by the holder of the permit within ten days. If no written request for hearing
92 is filed within ten days, the suspension is sustained. The regulatory authority may end the
93 suspension at any time if reasons for suspension no longer exist.

94 (Ord. No. 1168, § 2, 22-28-00)

95

96 **Sec. 54-31. Revocation of permit.**

97 (a) The regulatory authority may, after providing opportunity for a hearing, revoke a permit
 98 for serious or repeated violations of any of the requirements of these rules or for interference
 99 with the regulatory authority in the performance of its duties. Prior to revocation, the regulatory
 100 authority shall notify the holder of the permit or the person in charge, in writing, of the reason
 101 for which the permit is subject to revocation and that the permit shall be revoked at the end of
 102 the ten days following service of such notice unless a written request for a hearing is filed with
 103 the regulatory authority by the holder of the permit within such ten-day period.

104 (b) If no request for hearing is filed within the ten-day period, the revocation of the permit
 105 becomes final.

106 (Ord. No. 1168, § 2, 22-28-00)

107 **Sec. 54-32. Administrative process.**

108 (a) A notice as required in these rules is properly served when it is delivered to the holder of
 109 the permit or the person in charge, or when it is sent by registered or certified mail, return receipt
 110 requested, to the last known address of the holder of the permit. A copy of the notice shall be
 111 filed in the records of the regulatory authority.

112 (b) ~~The hearings provided for in these rules shall be conducted by~~ The regulatory authority
 113 ~~shall conduct the hearings provided for in these rules~~ at a time and place designated by it. Based
 114 upon the recorded evidence of such hearing, the regulatory authority shall make final findings,
 115 and shall sustain, modify or rescind any notice or order considered in the hearing. A written
 116 report of the hearing decision shall be furnished to the holder of the permit by the regulatory
 117 authority.

118 (Ord. No. 1168, § 2, 22-28-00)

119 **Sec. 54-33. Remedies.**

120 (a) Any person who violates a provision of these rules and any person who is the permit holder
 121 of or otherwise operates a food service establishment that does not comply with the requirements
 122 of these rules and any responsible officer of that permit holder or those persons ~~shall be guilty~~
 123 ~~of a class C misdemeanor and~~ shall be ~~punished by a fine not exceeding~~ fined not more than
 124 \$500.00.

125 (b) The regulatory authority may seek to enjoin violations of these rules.

126 (Ord. No. 1168, § 2, 22-28-00)

127 ~~**Sec. 54-34. Food service education.**~~

128 ~~The food service sanitation course (two hour course), food service manager's sanitation course~~
 129 ~~and food service manager's refresher course shall be required for all employees, owners or~~
 130 ~~managers of any food service operation respectively. The city will contract with the Aransas~~

131 ~~County Environmental Health Office by interlocal agreement to provide and arrange food service~~
 132 ~~education classes. Upon completion of the course the student shall receive a certificate of~~
 133 ~~completion. Where possible, the food service permit shall indicate whether the manager or owner~~
 134 ~~has completed the appropriate course.~~

135 (Ord. No. 1168, § 2, 22-28-00)

136 **Sec. 54-35. Examination and condemnation of food.**

137 The authorized agent or employee may examine food as often as necessary for the enforcement
 138 of this article and the state laws and rules. The authorized agent may, upon written notice to the
 139 owner or person in charge, place a hold order on any food, which it believes is in violation of
 140 any state laws. A written notice must specify the reason for the hold order. The authorized agent
 141 shall tag, label, or otherwise identify any food subject to the hold order. No food subject to the
 142 hold order shall be used, served or moved from the establishment. The authorized agent shall
 143 permit storage of the food under conditions specified in the hold order, unless storage is not
 144 possible without risk to the public health, in which case immediate destruction shall be ordered
 145 and accomplished.

146 (Ord. No. 1168, § 2, 22-28-00)

147 **Secs. 54-36—54-55. Reserved.**

148
149

150 **SECTION 2: REPEALER**

151

152 Any previously adopted ordinances, and any subsequent amendments to them, which are in
 153 conflict with this ordinance, are hereby repealed .

154

155 **SECTION 3: SEVERABILITY**

156

157 If at any provision, section, sentence, clause or phrase of this ordinance, or the application of same
 158 to any person or set of circumstances is, for any reason held to be unconstitutional, void, or
 159 invalid, the validity of the remaining portions of this ordinance shall not be affected thereby, it
 160 being the intent of the City Council in adopting this ordinance that no portion hereof, or provisions
 161 or regulations contained herein, shall become inoperative or fail by reason of any unconstitutionality
 162 of any other portion hereof, and all provisions of this ordinance are declared severable for that
 163 purpose.

164

165 **SECTION 4: EFFECTIVE DATE**

166

167 This ordinance shall become effective immediately upon adoption by second and final reading.
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173 **APPROVED and PASSED** on first reading this _____ day of April 2016.

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CITY OF ROCKPORT

Charles J. Wax, Mayor

ATTEST:

Teresa Valdez, City Secretary

APPROVED, PASSED and ADOPTED on second and final reading this _____ day of May 2016.

CITY OF ROCKPORT

Charles J. Wax, Mayor

ATTEST:

Teresa Valdez, City Secretary

CITY COUNCIL AGENDA
Regular Meeting: Tuesday, April 26, 2016

AGENDA ITEM: 10

Deliberate and act on first reading of an Ordinance authorizing the closing, vacating and abandonment of a 20-foot wide alleyway lying between Lots 1 and 9, in Block 107, Manning Addition, and a 20-foot wide alleyway lying between Lots 15-16 and 7-8 in Block 108, Manning Addition, Rockport, Aransas County, Texas, aka 1803 Young Street; providing for the terms and conditions of such vacation and abandonment; authorizing the Mayor to execute a Quitclaim Deed for the said alleyways to be closed, vacated and abandoned; and providing for an effective date.

SUBMITTED BY: City Manager Kevin Carruth

APPROVED FOR AGENDA: PKC

BACKGROUND: On December 11, 2015, the City received a Petition from Mr. Steve Pham for closure, abandonment, and vacating of a 20-foot wide alleyway lying between Lots 1 and (, in Block 107, Manning Addition, and a 20-foot wide alleyway lying between Lots 15-16 and 7-8 in Block 108, Manning Addition, Rockport, Aransas County, Texas, aka 1803 Young Street. Mr. Pham owns property abutting both alleyways. The Public Works and Building and Development Departments have evaluated the request and state that granting the petition will have no negative impact on current or expected future utilities, transportation needs, or development.

City Ordinance 1092 which established the policy and procedure for the permanent closure of streets requires the following:

1. A petition for closure listing all of the abutting property owners.
2. Payment of an administrative fee (\$50 for the first 100 linear feet and \$10 for each 35 feet thereafter).
3. A survey of the street segment to be closed.
4. Review by city staff.
5. Notice of public hearing published 15-30 days prior to the public hearing.
6. Appraisal conducted by the City.
7. Conduct a public hearing.
8. Passage of the ordinance closing the street by a $\frac{3}{4}$ super majority (i.e. four votes).

Items 1, 2, 3, 4, 5, 6, and 7 have been completed. The City received payment from Mr. Pham for the administrative fee as well as the cost of the survey. The public hearing was conducted prior to this agenda item at the February 9, 2016, City Council Meeting.

The City Manager met with Mr. Pham and his plans are for:

1. 16 Cottages at 600 sq. ft. each
2. Construction schedule of 2-3 per year, completion within 5 years
3. Cost of \$490/sq.ft. or \$54,000/unit

4. Total development cost of \$864,032

As a condition of sale, Mr. Pham agreed to adding at least 40 percent of the total value within four years, i.e. \$345,613.

See the accompanying request from Mr. Pham, aerial map, appraisal report, Ordinance 1092, and the quitclaim deed for more detail.

FISCAL ANALYSIS: An appraisal by Lynch Appraisal Services has determined the fair market value of the property to be \$2,250.00.

RECOMMENDATION: Staff recommends approval of the Ordinance on first reading, as presented.

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE CLOSING, VACATING AND ABANDONMENT OF A 20-FOOT WIDE ALLEYWAY, APPROXIMATELY 0.06887 LYING BETWEEN LOTS 1 AND 9, IN BLOCK 107, MANNING ADDITION, AND A 20-FOOT WIDE ALLEYWAY LYING BETWEEN LOTS 15-16 AND 7-8, IN BLOCK 108, MANNING ADDITION, ROCKPORT, ARANSAS COUNTY, TEXAS; ACCORDING TO THE PLAT OF RECORD IN VOLUME 1, PAGE 7, PLAT RECORDS OF ARANSAS COUNTY, TEXAS; PROVIDING FOR THE TERMS AND CONDITIONS OF SUCH VACATION AND ABANDONMENT; AUTHORIZING THE MAYOR TO EXECUTE A QUITCLAIM DEED WITH CONDITIONS AND REVERSIONARY CLAUSE FOR THE THREE (3) 20-FOOT ALLEYS TO BE CLOSED, VACATED AND ABANDONED; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Rockport, Texas is a Home-Rule City incorporated and operating under the laws of the State of Texas, which has the authority under its Charter and Chapters 282 and 253 of the Local Government Code, as amended, to close, vacate and abandon municipal rights-of-way, streets or alleys, by ordinance, when such action is in the best interest of and serves the public purpose; and

WHEREAS, the City of Rockport has received a request from the abutting property owner Steve Pham, for the City to close, vacate and abandon a 20-foot wide alleyway lying between Lots 1 and 9, in Block 107, Manning Addition, and a 20-foot wide alleyway lying between Lots 15-16 and 7-8, in Block 108, Manning Addition, Rockport, Aransas County, Texas, for a total of approximately 0.06887 acre; and

WHEREAS, the property owners are the sole property owners abutting the Right-of-Way, such that there are no other abutting property owners to be notified of the vacation and abandonment; and

WHEREAS, the City Manager and Public Works Department have reviewed the requested vacation and abandonment of the 20-foot wide alleyway lying between Lots 1 and 9, in Block 107, Manning Addition, and the 20-foot alleyway lying between Lots 15-16 and 7-8, in Block 108, Manning Addition, Rockport, Aransas County, Texas; and the sale of said 20-foot alleyways to Steve Pham and Stephanie Pham; and the City Council now finds that the drainage easements and utilities currently existing, or that will exist in the future, if any, in the area of the unopened street and/or public right-of-way will be sufficiently protected by existing easements, or by being either relocated or placed into easements, and that the utility companies serving the

area including and surrounding the right-of-way have determined that their utilities, if existing, will also be sufficiently protected by the same means; and

WHEREAS, the City of Rockport did cause to be published a Notice in the official newspaper of the City on Saturday, January 23, 2016, advising of a Public Hearing to be held on Tuesday, February 9, 2016, at 6:30 p.m. at the Rockport City Hall; and

WHEREAS, the City Council of the City of Rockport, Texas, finds and declares that it is in the best interest of all citizens of the City of Rockport, Texas that the 20-foot wide alleyway lying between Lots 1 and 9, in Block 107, Manning Addition, and the 20-foot wide alleyway lying between Lots 15-16 and 7-8, in Block 108, Manning Addition, Rockport, Aransas County, Texas, be vacated and abandoned and sold, with conditions, to Steve Pham and Stephanie Pham for fair market value and deposited in the street maintenance fund, as required by state law.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCKPORT, TEXAS:

Section 1: That the identified 20-foot wide alleyway, or approximately 0.06887 acre, lying between Lots 1 and 9, in Block 107, Manning Addition, and the 20-foot wide alleyway lying between Lots 15-16 and 7-8, in Block 108, Manning Addition, Rockport, Aransas County, Texas, on Exhibit "B," attached hereto and made a part of this Ordinance for all purposes, be, and the same is hereby closed, abandoned and vacated insofar as the right, title or interest of the public is concerned.

Section 2: That said alleyways are not needed for public roadway purposes and it is in the public interest of the City of Rockport to close, abandon and vacate said described portion of the street and/or public right-of-way for use as roads and roadways.

Section 3: That said alleyways to be closed, abandoned and vacated, as shown by the survey and metes and bounds attached hereto as Exhibit "A" and made a part hereof for all purposes, be deeded by quitclaim deed to Steve Pham and Stephanie Pham, said quitclaim to include reversionary and development conditions;

Section 4: That the Mayor is hereby authorized and directed to convey and transfer by quitclaim deed, with conditions, the 20-foot wide alleyway, of approximately 0.06887 acre, lying between Lots 1 and 9, in Block 107, Manning Addition, and the 20-foot wide alleyway lying between Lots 15-16 and 7-8, in Block 108, Manning Addition, Rockport, Aransas County, Texas; and is to be closed, abandoned and vacated for the fair market value of the street, which is the interest of the City of Rockport, Texas, in and to the said streets and/or public rights-of-ways, except for any past, present, or future utility easement or drainage easement previously granted to or belonging to the City.

Section 5: That the closing, vacation, abandonment and transfer provided for herein shall extend only to the public right and title in and to the tract of land described in this Ordinance, and shall be construed only to that interest the governing body of the City of Rockport may legally and lawfully close, abandon, vacate and convey.

Section 6: That the consideration for said transfer to Steve Pham and Stephanie Pham shall be deposited in the street maintenance fund of the City of Rockport as is required by provisions of the state law as set forth in the Local Government Code, Section 253.001, as amended.

Section 7: Any previously adopted ordinances, and any subsequent amendments to them that are in conflict with this Ordinance are all hereby repealed.

Section 8: If any provision, section, sentence, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void, or invalid, the validity of the remaining portions of this Ordinance shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof, or provisions or regulations contained herein, shall become inoperative or fail by reason of any unconstitutionality of any other portion hereof, and all provisions of this Ordinance are declared severable for that purpose.

Section 9: This ordinance shall become effective upon adoption on second reading by the Rockport City Council.

APPROVED on first reading, this ___ day of April 2016.

CITY OF ROCKPORT, TEXAS

Charles J. Wax, Mayor

ATTEST:

Teresa Valdez, City Secretary

APPROVED, PASSED and ADOPTED on second and final reading, this _____ day of _____ 2016.

CITY OF ROCKPORT, TEXAS

Charles J. Wax, Mayor

ATTEST:

Teresa Valdez, City Secretary

QUITCLAIM DEED WITH CONDITIONS AND REVERSIONARY CLAUSE

THE STATE OF TEXAS	§	KNOW ALL MEN
	§	
COUNTY OF ARANSAS	§	BY THESE PRESENTS:

That, the City of Rockport, of the County of Aransas, State of Texas, hereinafter referred to as Grantor, for and in consideration of the total sum of \$2, 250.00, plus attorneys fees, and other good and valuable consideration, to Grantor in hand paid by STEVE PHAM and STEPHANIE PHAM hereinafter referred to as Grantees, the receipt of which is hereby acknowledged, was Quitclaimed and by these presents do Quitclaim unto Grantees, any of Grantor's right, title, interest, claim and demand in and to a portion of the 20' alley that exists between Lot numbers 7 and 15, lot numbers 8 and 16, and runs between Lot numbers 1 and 9, Block 108, Manning Addition, City of Rockport, Aransas County, Texas, (said alley vacated and abandoned, pursuant to Ordinance # _____, approved April ____, 2016) , approximately 0.06887 acre, in the City of Rockport, Aransas County, Texas, save and except:

1. for any past, present or future utility easements belonging to the City of Rockport; and,
2. for the drainage easement off of the North 30.0 feet of Fourth Street from Bronte Street east to Young St. and being a part of that strip of land 30.0 feet by 290 feet or 0.1997 acres in the Manning Addition, Rockport, Aransas County, Texas and more particularly described in EASEMENT GRANT TO CITY, by William J. B. Hughes, by easement dated March 1, 1979, recorded in Volume 251, Page 370, File No. 103979, Deed Records, Aransas County, Texas

Said property is described as:

A portion of the 20 foot alley bounded on the east side by Lots 7, 8, of Block No. 108, and bounded on the west side by Lots 15, 16, Block 108, and on the west side by Lot 9, and on the east side by Lot 1, Block No. 107 and Manning Addition, City of Rockport, Aransas County, Texas, according to the map or plat thereof, recorded in Volume 1, page 7, Plat Records, Aransas County, approximately 0.06887 acre, and being more particularly described by metes and bounds in **Exhibit "A"** attached hereto and incorporated herein for any and all purposes.

SUBJECT HOWEVER, to the following conditions:

1. Grantee shall develop the above described property [Lots 1, 7, 8, 9, 15, and 16, Fourth St. and the alley] by building single family homes, architecturally harmonious with the neighborhood, with a minimum square footage of six hundred (600) square feet, excluding garage;
2. Grantee shall add a minimum *ad valorem* value of \$345,613 and have completed and received a certificate of occupancy for at least six (6) homes within four (4) years of the execution of this agreement;
3. Grantee shall not sell, or otherwise transfer any portion of the adjoining property currently owned by GRANTEE, which adjoins said 0.06887 acre alleyway, described herein until conditions number 1 and 2 have been met.

In the event any of the above conditions are violated, the 0.06887 acre of property transferred herein, together with any improvements thereon, shall revert to the City of Rockport, free and clear of any claims of the GRANTEE.

TO HAVE AND TO HOLD for said purposes together with all and singular the rights, privileges, and appurtenances thereto in any manner that does not interfere with the City’s access to and use of any public easements belonging unto Grantee forever.

SAVE AND EXCEPT FOR any past, present, or future utility easements or drainage easements located above, on or below said property, belonging to the City of Rockport, Aransas County, Texas.

IN WITNESS WHEREOF, this instrument is executed on this the ____ day of April, 2016.

GRANTOR:
CITY OF ROCKPORT

GRANTEE:
STEVE AND STEPHANIE PHAM

Charles J. Wax, Mayor

Steve Pham

Stephanie Pham

STATE OF TEXAS §
 §
COUNTY OF ARANSAS §

BEFORE ME, the undersigned authority, on this day personally appeared **Mayor Charles J. Wax**, of Rockport, Texas, and being known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed, as the act and deed of said municipality, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the ____ day of _____ 2016

Notary Public, State of Texas

My Commission Expires: _____

STATE OF TEXAS §
 §
COUNTY OF ARANSAS §

BEFORE ME, the undersigned authority, on this day personally appeared **Steve Pham**, Rockport, Texas, and being known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the ____ day of _____ 201

Notary Public, State of Texas

My Commission Expires: _____

STATE OF TEXAS §
 §
COUNTY OF ARANSAS §

BEFORE ME, the undersigned authority, on this day personally appeared **Stephanie Pham**, Rockport, Texas, and being known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the ____ day of _____ 201

Notary Public, State of Texas

My Commission Expires: _____



PUBLIC HEARING
Rockport City Council

NOTICE is hereby given that the Rockport City Council will hold a Public Hearing on Tuesday, February 9, 2016, at 6:30 p.m., Rockport City Hall, 622 E. Market, Rockport, Texas, to consider a request from Steve Pham for permanent closure/abandonment/vacation of: 1) a 20-foot wide alleyway lying between Lots 1 and 9, in Block 107, Manning Addition; and 2) a 20-foot wide alleyway lying between Lots 15-16 and 7-8, in Block 108, Manning Addition, Rockport, Aransas County, Texas.

The City encourages citizens to participate and make their views known at this Public Hearing. For further information on this request please contact the City Secretary at (361) 729-2213. This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's office at (361) 729-2213 ext. 225 or FAX (361) 790-5966 or e-mail citysec@cityofrockport.com for further information. Braille is not available.

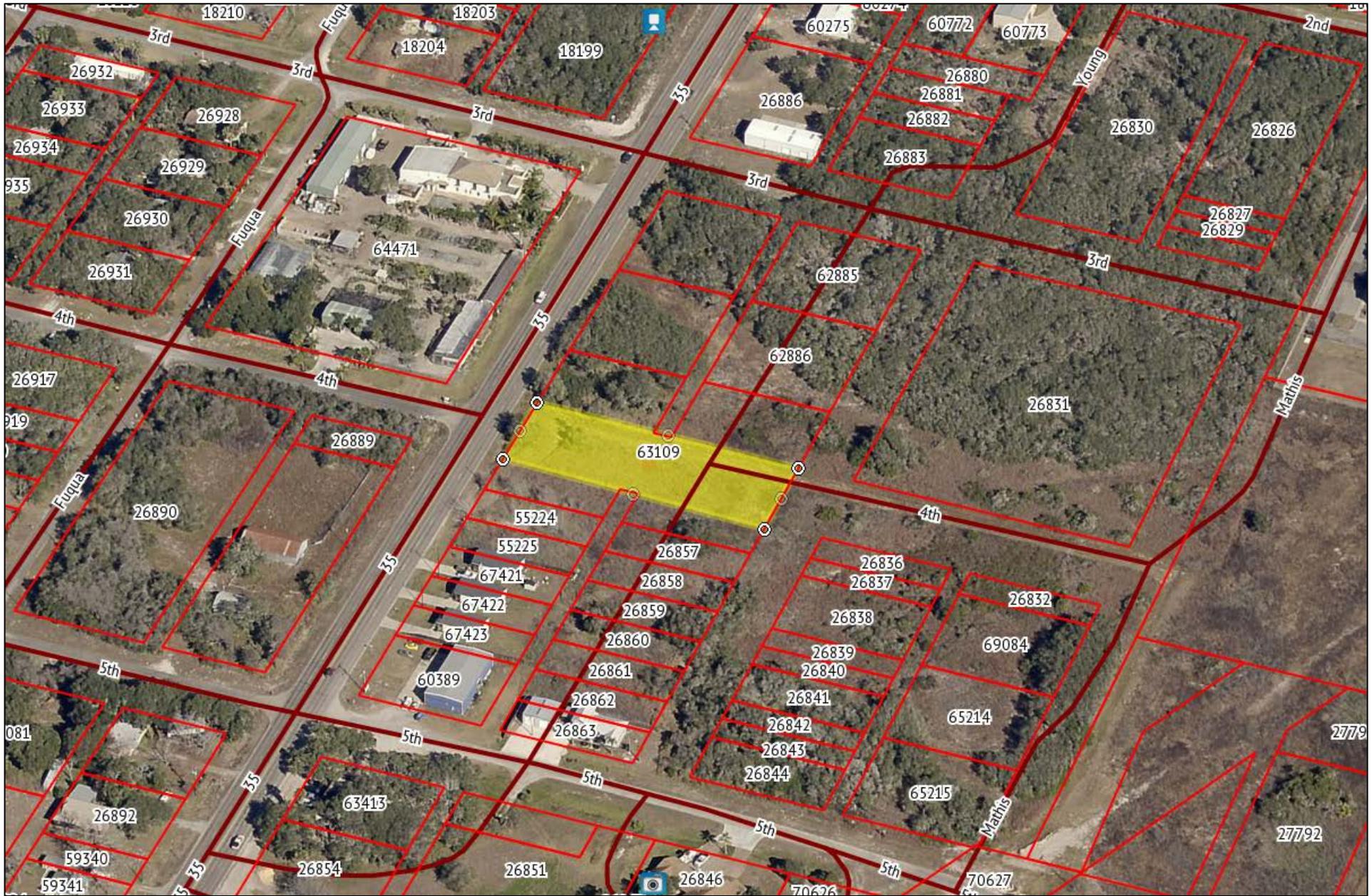
POSTED: this the 18th day of January 2016, by 5:00 p.m., on the bulletin board at Rockport City Hall, 622 E. Market Street, Rockport, Texas and on the webpage www.cityofrockport.com.

PUBLISHED: in *The Rockport Pilot* in the Saturday, January 23, 2016, Edition, in accordance with the City of Rockport Code of Ordinances.

CITY OF ROCKPORT, TEXAS


Teresa Valdez, City Secretary

1803 Young Street



12-11-15
(Date)

The Honorable Mayor and City Council
c/o Mr. Kevin Carruth, City Manager
City of Rockport
622 E. Market Street
Rockport, TX 78382

RE: Petition for closure, abandonment and vacating of EASEMENT ALLEY

Dear Mayor and Council Members:

We, the undersigned petitioners, respectfully request that the undeveloped

EASEMENT BETWEEN LOT 15 & 7, LOT 16 & 8 Block 108. AND EASEMENT BETWEEN LOT 9 & 10 Block 10
(description of property to be vacated, closed, abandoned)

be closed, abandoned, and vacated. The requested section to be closed is more particularly described in the attached survey. The petitioners are the only property owners abutting the requested closure.

If approved, this request will 16 VACATION COTTAGES
(describe reason for request and how it will benefit petitioners)

The closure will will not affect any existing utilities.
(select one)

Petitioner No. 1

STEVE PHAM
(Printed Name of Owner)

[Signature]
(Signature of Owner)

12-11-15
(Date Signed)

Physical Address of Property:

BRONTE ST
Rockport, TX 78382

Mailing Address of Owner:

2322 PATTON ST
ROCKPORT TX 78382

361-739-5175

Petitioner No. 2

(Printed Name of Owner)

(Signature of Owner)

(Date Signed)

Physical Address of Property:

Rockport, TX 78382

Mailing Address of Owner:

Exhibit "A"

FIELD NOTE DESCRIPTION

BEING THE DESCRIPTION OF A 20-FOOT WIDE ALLEYWAY LYING BETWEEN LOTS 1 AND 9, IN BLOCK ONE HUNDRED SEVEN (107), MANNING ADDITION, ARANSAS COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN VOLUME 1, PAGE 7, PLAT RECORDS OF ARANSAS COUNTY, TEXAS, WITH SAID 20-FOOT WIDE ALLEYWAY BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGIN at the Southwest corner of Lot 1, Block 107, Manning Addition and being the **SOUTHEAST** corner and also the **PLACE OF BEGINNING** of this description;

THENCE, North 20°00'00" East along and with the West boundary line of Lot 1, of said Block 107 a distance of 50.00 feet to the Northwest corner of Lot 1, and being the **NORTHEAST** corner of this description;

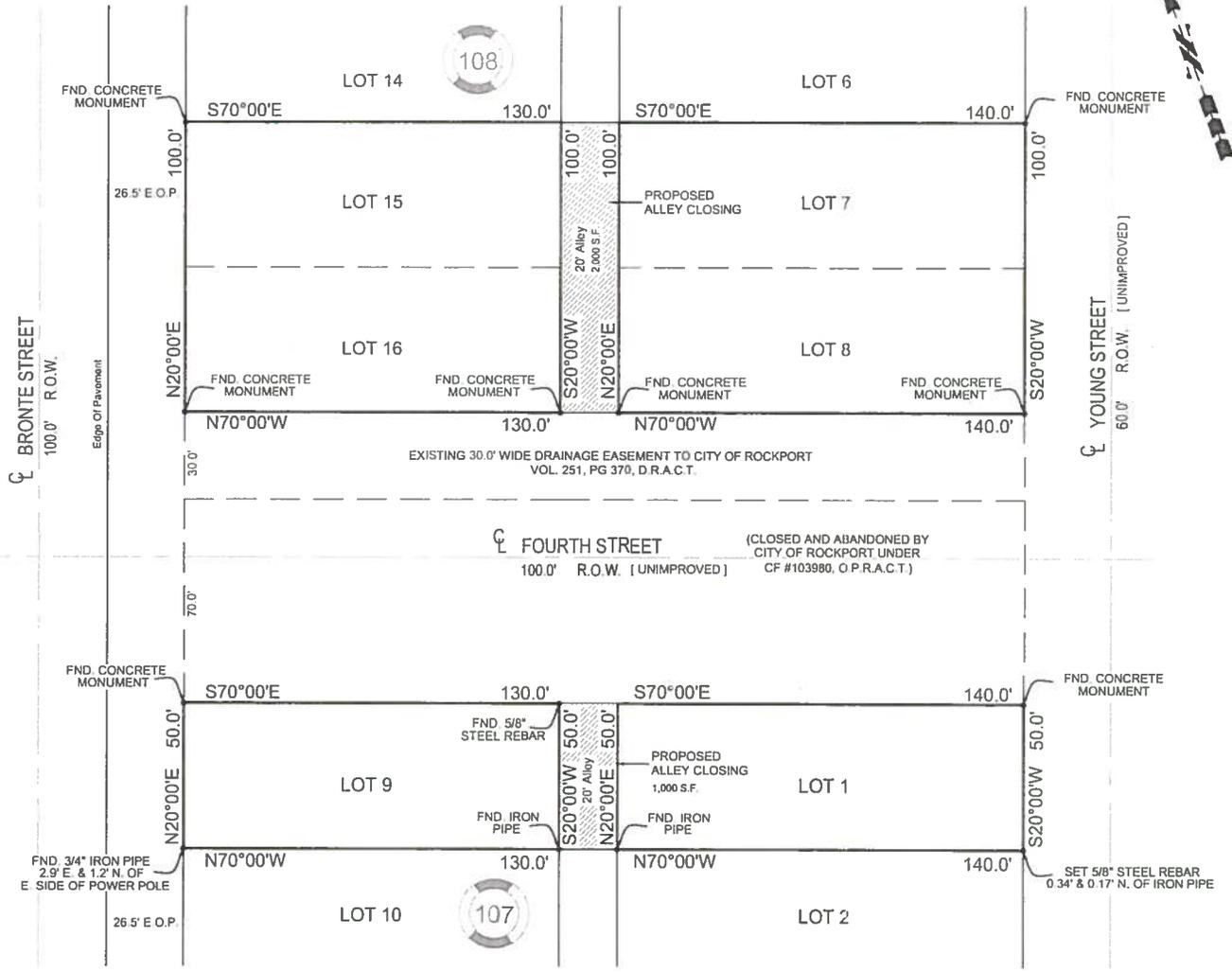
THENCE, North 70°00'00" West a distance of 20.00 feet along the South Right of Way of Fourth Street, that was closed and abandoned by the City of Rockport under CF #103980, Official Public Records of Aransas County to a point being the Northeast corner of Lot 9 and being the **NORTHWEST** corner of this description;

THENCE, South 20°00'00" West along and with the West boundary line of Lot 9, of said Block 107 a distance of 50.00 feet to the common corner of Lots 9 and 10, and being the **SOUTHWEST** corner of this description;

THENCE, South 70°00'00" East a distance of 20.00 feet to the Southwest corner of said Lot 1, Block 107 and also being the **PLACE OF BEGINNING** and containing **1,000 square feet** of land more or less.

NOTE: Property has not been surveyed on the ground.

151218dm2fn



NOTE: SURVEY REVISED 12-16-15 TO SHOW REQUEST FOR ALLEY CLOSINGS.

- NOTES
1. Plat bearing used for directional control unless otherwise shown.
 2. This survey is in violation of "Copyright Laws" if not accompanied by original seal and signature.

LEGAL DESCRIPTION

LOTS 1 AND 9, BLOCK 107, AND LOTS 7, 8, 15, AND 16, BLOCK 108, MANNING ADDITION, ARANSAS COUNTY, TEXAS, VOLUME 1, PAGE 7, PLAT RECORDS OF ARANSAS COUNTY, TEXAS.

Scale: 1" = 40' April 14, 2004

FLOOD DATA

This is to certify that I have consulted the Federal Flood Hazard Map dated 3-4-1985, and found that the property described herein, is (or) is not X located in a "Special Flood Hazard Area".
 Zone B & C
 Base Elevation N/A
 Panel No. 0003D
 Community No. 485504

CURRENT PARTY

Prepared For: Steve Pham
 1511 Bluebird Lane
 Rockport, Tx. 78382
 361-739-5175

COPYRIGHT NOTICE

This survey is being provided solely for use of the current parties and that no license has been created, expressed or implied, to copy the survey except as is necessary in conjunction with the original transaction, which shall take place within six (6) months from the date of this survey.

SURVEYOR CERTIFICATION

I, J. L. Brundrett, Jr., a Registered Professional Land Surveyor in the State of Texas, do hereby certify that this plat correctly shows a survey on the ground of the foregoing property and that there are no intrusions or protrusions (except as shown hereon.)

J. L. Brundrett, Jr., R.P.L.S.
 Reg. No. 2133

FIRM NAME & ADDRESS

GRIFFITH & BRUNDRETT
 Surveying & Engineering
 P. O. Box 2322
 Rockport, Texas 78382
 Phone: (361) 729-6479
 Fax: (361) 729-7933

FILE NAME: 040414DT2

ORDINANCE NO. 1092

AN ORDINANCE ESTABLISHING A POLICY AND PROCEDURE FOR CITIZENS TO REQUEST THE ABANDONING, ALTERING, CLOSING OR VACATING OF STREETS, ALLEYS AND OTHER PUBLIC WAYS OR PORTIONS THEREOF; ESTABLISHING ADMINISTRATIVE FEES TO BE PAID BY PETITIONERS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Rockport, Texas, has the power to establish, construct, alter, close, vacate and abandon public streets, alleys and other public ways to the City; and

WHEREAS, the City Council of the City of Rockport, Texas, deems it reasonable and proper to establish a policy and a procedure whereby persons may initiate, by petition, a request for the City to proceed in the exercise of said powers by the City where such is not deemed necessary for future use; and

WHEREAS, the City Council of the City of Rockport, Texas, deems it reasonable and proper that any person or persons requesting by petition that the City consider and exercise said powers regarding street, alleys and other public ways, should give notice of such request, provide certain other documents, and pay the expenses associated with the request:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCKPORT, TEXAS:

Section 1. AMENDMENT AND ADDITION OF POLICY TO CHAPTER 86

Article IV of Chapter 86, "Streets, Sidewalks and Other Public Places," is amended by creating "Division 1. - Generally" from existing Sections 86-76 through 86-80; and by adding "Division 2. - Public Ways Closure Policy," Sections 86-85 through 86-95, as follows:

ARTICLE IV. STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

DIVISION 1. GENERALLY

(No change to §§ 86.76 through 86-80)

DIVISION 2. PUBLIC WAY CLOSURE POLICY

Sec. 86-85. Policy. No street, alley or other public way, or portion thereof, shall ever be closed, narrowed or vacated if doing so would result in a violation of or be in conflict with the City of Rockport's land development codes, or otherwise be contrary to the best interest of the public, considering all reasonable future use of such street, alley or other public way. Any petitioner requesting a street, alley or other public way, or portion thereof, be closed, narrowed or vacated must comply with all the following sections of this policy, but such shall constitute only a request and not be permitted except pursuant to the provisions hereof.

Sec. 86-86. Petition Required. Any person or persons (herein "petitioner") desiring to have the City Council exercise its powers regarding the closing, narrowing or vacating of streets, alleys or other public ways, or portions thereof, must file with the City Secretary a petition, on a form acceptable by the City, directed to the City Council requesting that such action be taken. The petition must be signed and acknowledged by all current owners of property abutting the street, alley or public way or portion thereof sought to be closed. The petitioner may not rely solely on the most recent county certified tax rolls to determine the current names

and addresses of all abutting property owners. A list of the owners' names and addresses of all property abutting the street, alley, public way or portion thereof that is the subject of the petition must be attached to the petition. The City may require the petitioner to provide copies of documents filed in the Aransas County Deed Records to evidence the current abutting owners. The petition shall not be accepted unless and until all requirements of this policy have been met and the City is satisfied that all current abutting property owners have signed the petition. Upon acceptance, the City Secretary shall provide copies of the petition to the City Manager and all other City staff or officials whom the City Manager directs.

Sec. 86-87. Fee. Upon the filing of a petition with the City Secretary, an administration fee shall be paid to the City in an amount equal to Fifty and No/100 Dollars (\$50.00) for the first one hundred feet (100') linear length of affected property and Ten and No/100 Dollars (\$10.00) for each thirty-five feet (35') of affected length, or portion, thereafter.

Sec. 86-88. Survey Required. For a petition to be accepted, petitioner must provide a survey or plat, together with a typed legal description, of the street, alley or other public way, or portion thereof, sought to be abandoned, altered, closed or vacated and the property abutting thereon, prepared by a licensed land surveyor. The costs of the survey or plat shall be paid by the petitioner.

Sec. 86-89. Review by City Staff. The City staff shall review the request as to the impact on utilities, drainage and/or the future traffic needs and circulation, and shall issue a report to the City Secretary and City Manager, outlining the staff's findings and its recommendation for consideration by the City Council. A staff report finding no objection to the request shall not bind the City Council to grant the petition, and is as such only advisory upon the Council.

Sec. 86-90. Notice of Public Hearing on the Petition. After receipt of the staff report, the City Secretary shall cause a public hearing to be set on this petitioner's request. Notice of such public hearing on the petition must be given by publication in the official newspaper of the City no more than thirty (30) days nor fewer than fifteen (15) days proceeding the date of that set for public hearing on the proposed request. Such notice shall fairly state the action requested giving a description of the property or street affected.

Sec. 86-91. Appraisal. The City Manager or the City Council may, at any time, request and obtain an independent appraisal of the value of the property sought by petitioner to be closed, narrowed or abandoned. Such appraisal may be used to determine what consideration, if any, may be required to be paid by petitioner or anyone else to be benefited by the petitioner's request, should final action be taken by the City Council pursuant to this policy.

Sec. 86-92. Public Hearing. The City Council shall hear evidence as to the reasons why such street, alley, public way or portion thereof should or should not be abandoned, altered, vacated or closed. The City Council may adjourn or continue the public hearing as it alone deems necessary and in the best interest of the public. Upon close of the public hearing, the Council shall either grant or deny the request by petitioner. Such petition, if not acted upon at the meeting at which it appears on the agenda for public hearing, may at such time be passed, tabled or continued on the agenda to any subsequent City Council meeting.

Sec. 86-93. Passage of Ordinance. The Council may grant the petition only by adoption of an ordinance, pursuant to its Charter. However, a three-fourths (3/4) majority of votes of the City Council shall be necessary to adopt an ordinance to abandon, alter, vacate or close the street, alley, public way or portion thereof.

Sec. 86-94. Conditions Precedent to Granting of Petition.

- a) The Council shall determine what consideration, if any, shall be paid by the abutting property owners, pursuant to Chapter 272 of the Local Government Code, which may be equal to or less than the fair market value as determined by recent City appraisal obtained pursuant to this policy.
- b) The Council may retain utility and/or drainage easements across those portions of the street, alley or other public way, or portion thereof, if it deems such reservation necessary.
- c) The Council may require written verification from any or all franchised utilities, including but not limited to electric, gas, telephone or cable, evidencing such utilities' current or

anticipated future use of the street, alley or other public way sought to be closed, narrowed or vacated.

- d) Prior to granting the petition, the Council may require all the abutting property owners to execute with the City a written agreement accepting any and all Council-imposed conditions required pursuant to this section.
- e) Prior to granting the petition, the Council may require all abutting property owners to execute with the City a written agreement between themselves, stating what interest each claims or will claim, if any, in the underlying fee simple, should the petition be later granted.

Sec. 86-95. City May Act Without Petition. Nothing herein shall be construed so as to limit the City of Rockport's right to close, narrow or abandon any dedicated street, alley, public way or portion thereof in the valid exercise of its police power.

Section 2. REPEALER

Any previously adopted ordinances, and any subsequent amendments to them, that are in conflict with this ordinance are all hereby repealed.

Section 3. NO RETROACTIVE EFFECT

The adoption of this policy shall not alter or affect any previous acts or actions that may have been taken by the City Council of the City of Rockport regarding prior street or alleyway closures, it being intended that such policy be prospective and operate only as to future requests made to the City of Rockport to close narrow or abandon any street, alley or other public way.

Section 4. SEVERABILITY

If any provision, section, sentence, clause or phrase of this ordinance, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this ordinance shall not be affected thereby, it being the intent of the City Council in adopting this ordinance that no portion hereof, or provisions or regulations contained herein, shall become inoperative or fail by reason of any unconstitutionality of any other portion hereof, and all provisions of this ordinance are declared severable for that purpose.

Section 5. EFFECTIVE DATE

This ordinance shall be in full force and effect as soon as all necessary publication requirements have been met.

PASSED AND APPROVED on first reading this 13th day of JULY 1999.

CITY OF ROCKPORT, TEXAS


Glenda Burdick, Mayor

ATTEST:

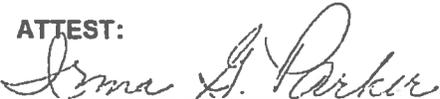

Irma G. Parker, City Secretary

PASSED, APPROVED AND ADOPTED on second and final reading this 27th day of JULY 1999.

CITY OF ROCKPORT, TEXAS


Glenda Burdick, Mayor

ATTEST:


Irma G. Parker, City Secretary



**APPRAISAL OF
THE PROPERTY LOCATED AT**

Highway 35 South

Rockport, TX 78382

as of

02/22/2016

for

City of Rockport
622 E Market St
Rockport, TX
78382

by

Lynch Appraisal Services

506 South Live Oak
Rockport, TX 78382

February 22, 2016

City of Rockport
622 East Market St
Rockport, TX 78382

Re: Two properties located to on either side of Fourth Street and between State Highway 35 on the West side and Young Street on East, City of Rockport, Aransas County, Texas. The properties are:

SITE 1: LOTS 1 AND 9, Block 107, Manning Addition, City of Rockport, Aransas County, Texas.

SITE 2: LOTS 7, 8, 15 AND 16, Block 108 Manning Addition, City of Rockport, Aransas County, Texas.

In accordance with your request, I have prepared an appraisal of the two properties described above. All of the land is unimproved and the only frontage is on Highway 35.

Attached please find the Summary Report which describes certain data gathered during our investigation of the property. The methods of approach and reasoning in the valuation of the various physical and economic factors of the subject property are contained in this report.

An inspection of the property and a study of the pertinent factors, including valuation trends and an analysis of the neighborhood data, led the appraiser to the conclusion that the market value, as of February 22, 2016, is:

SITE 1	\$750.00
SITE 2	\$1,500.00
TOTAL	\$2,250.00

The opinion of value expressed in this report is contingent upon the Limiting Conditions attached to this report.

It has been a pleasure to assist you. If I may be of further service to you in the future, please let me know.

Respectfully submitted,


Francis L. Lynch
State Certified General Appraiser.

LAND APPRAISAL REPORT

File No. **D-01-45**

IDENTIFICATION

Owner City of Rockport Census Tract 007-9505 Map Reference N/A

Property Address Highway 35 South

City Rockport County Aransas State TX Zip Code 78382

Legal Description Lots 1 & 9, Block 107 and Lots 7, 8, 15 & 16, Block 108, Manning Addition. See attached Field Notes.

Sale Price \$N/A Date of Sale N/A Property Rights Appraised Fee Leasehold De Minimis PUD

Actual Real Estate Taxes \$N/A (yr.)

Client City of Rockport Address 622 E Market St, Rockport, TX, 78382

Occupant Vacant Appraiser Francis L. Lynch Instructions to Appraiser Market Value

Intended User: City of Rockport Intended Use: Closing of subject alleys.

NEIGHBORHOOD

Location	<input checked="" type="checkbox"/> Urban	<input type="checkbox"/> Suburban	<input type="checkbox"/> Rural	Employment Stability	<input type="checkbox"/> Good	<input checked="" type="checkbox"/> Avg	<input type="checkbox"/> Fair	<input type="checkbox"/> Poor
Built Up	<input checked="" type="checkbox"/> Over 75%	<input type="checkbox"/> 25% to 75%	<input type="checkbox"/> Under 25%	Convenience to Employment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Growth Rate	<input type="checkbox"/> Fully Dev.	<input type="checkbox"/> Rapid	<input checked="" type="checkbox"/> Steady	Convenience to Shopping	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Property Values	<input type="checkbox"/> Increasing	<input checked="" type="checkbox"/> Stable	<input type="checkbox"/> Declining	Convenience to Schools	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Demand/Supply	<input type="checkbox"/> Shortage	<input checked="" type="checkbox"/> In Balance	<input type="checkbox"/> Over Supply	Adequacy of Public Transportation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marketing Time	<input type="checkbox"/> Under 3 Mos.	<input checked="" type="checkbox"/> 4-8 Mos.	<input type="checkbox"/> Over 8 Mos.	Recreational Facilities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Present Land Use	<u>40</u> % 1 Family	<u>5</u> % 2-4 Fam	<u>15</u> % Apts.	Adequacy of Utilities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<u>100.000000</u> % Industrial	<u>20</u> % Vacant	<u>20</u> % Commercial	Property Compatibility	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Change in Present Land Use	<input checked="" type="checkbox"/> Not Likely	<input type="checkbox"/> Likely (*)	<input type="checkbox"/> Taking Place (*)	Protection from Detrimental Conditions	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Predominant Occupancy	<input checked="" type="checkbox"/> Owner	<input type="checkbox"/> Tenant	<input type="checkbox"/> % Vacant	Police and Fire Protection	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Single Family Price Range	<u>\$ 75,000</u> to <u>\$ 400,000</u>	Predominant Value <u>\$ 175,000</u>		General Appearance of Properties	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Single Family Age	<u>New</u> yrs. to <u>60</u> yrs.	Predominant Age <u>30</u> yrs.		Appeal to Market	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments including those factors, favorable or unfavorable, affecting marketability (e.g. public parks, schools, noise) The subject is located in the southern part of Rockport on the east side of Highway 35 along Sixth Street. The area along the highway is primarily commercial with residential properties back off either side of Hwy 25. Distance to schools, shopping and employment is average.

SITE

Dimensions Site #1: 20 x 50 Site #2: 20 x 100 = Site 1: 1000 sf Site 2: 2000 sf Corner Lot

Zoning Classification B-1: General Business Present Improvements do do not conform to zoning regulations

Highest and best use: Present use Other (specify) As proposed-Residential

Elec.	<input checked="" type="checkbox"/> Public	OFF SITE IMPROVEMENTS	Topo	<u>Level</u>
Gas	<input type="checkbox"/>	Street Access:	<input checked="" type="checkbox"/> Public	<input type="checkbox"/> Private
Water	<input type="checkbox"/>	Surface	<u>Unopened alley-dirt</u>	
San. Sewer	<input type="checkbox"/>	Maintenance:	<input checked="" type="checkbox"/> Public	<input type="checkbox"/> Private
	<input type="checkbox"/> Underground Elect. & Tel.	<input type="checkbox"/> Storm Sewer	<input type="checkbox"/> Curb/Gutter	View
		<input type="checkbox"/> Sidewalk	<input type="checkbox"/> Street Lights	<u>Residential</u>
				Drainage
				<u>Appears Adequate</u>

is the property located in a HUD identified Special Flood Hazard Area? No Yes

Comments (favorable or unfavorable including any apparent adverse easements, encroachments or other adverse conditions) Typical utility easements. All easements, restrictions, etc. are considered acceptable. Site size is from the Aransas County Appraisal District and assumed accurate. Sizes are from a survey dated April 14, 2004. The only road frontage on either of the properties is on Highway 35 S. Young St and Fourth St are not open. See attached Field Notes.

The undersigned has recalled three recent sales of properties most similar and proximate to subject and has considered these in the market analysis. The description includes a dollar adjustment, reflecting market reaction to those items of significant variation between the subject and comparable properties. If a significant item in the comparable property is superior to, or more favorable than, the subject property, a minus (-) adjustment is made, thus reducing the indicated value of subject; if a significant item in the comparable is inferior to, or less favorable than, the subject property, a plus (+) adjustment is made, thus increasing the indicated value of the subject.

For the Market Data Analysis See grid below. See narrative attachment.

MARKET DATA ANALYSIS

ITEM	Subject Property	COMPARABLE NO. 1	COMPARABLE NO. 2	COMPARABLE NO. 3
Address	Highway 35 South Rockport, TX 78382	1611 Ruby Allen Rockport, TX 78382	2201 Fort Worth Rockport, TX 78382	1003 S Kossuth Rockport, TX 78382
Proximity to Subj.		0.76 miles W	1.24 miles SW	0.43 miles NW
Sales Price	\$ N/A	\$ 15,000	\$ 14,000	\$ 16,200
Price	\$ N/A	\$ 0.52/sf	\$ 1.00/sf	\$ 0.77/sf
Data Source	Inspection	MLS#124127	MLS#121643	MLS#123054
Date of Sale and Time Adjustment	DESCRIPTION 01/31/2016	DESCRIPTION 12/2/2015	DESCRIPTION 9/25/2015	DESCRIPTION 3/9/2015
Location	Average	Average	Average	Average
Site/View	Average/Average	Average/Average	Average/Average	Average/Average
Site Area	3000 sf	29000 sf	14000 sf	21000 sf
Water/Sewer	None	None	None	None
Sales or Financing Concessions			Conventional None	Cash None
Net Adj. (Total)		Plus Minus \$	Plus Minus \$	Plus Minus \$
Indicated Value of Subject		Gross 0.0% Net 0.0% \$ 15,000	Gross 0.0% Net 0.0% \$ 14,000	Gross 0.0% Net 0.0% \$ 16,200

Comments on Market Data: The per square foot data from the comparable sales was analyzed to extract a unit value for the subject. The mean of the three sales was \$0.76 per square foot. This was rounded to \$0.75 per square foot. See addendum for analysis.

RECONCILIATION

Comments and Conditions of Appraisal: The appraisal is subject to the attached Certification and Contingent and Limiting Conditions.

Final Reconciliation: The Sales Comparison Approach is the only approach to value used and is considered the best for vacant land. In reconciliation equal weight was placed on all sales.

ADDITIONAL COMMENTS

Intended User **City of Rockport**

Property Address **Highway 35 South**

City **Rockport**

County **Aransas**

State **TX**

Zip Code **78382**

Client **City of Rockport**

COMMENTS ON MARKET DATA ANALYSIS:

Site 1: 1000 sf x \$0.75 = \$750

Site 2: 2000 sf x \$0.75 = \$1,500

TOTAL: \$2,250

This appraisal report is subject to the scope of work, intended use, intended user, definition of market value, statement of assumptions and limiting conditions, and certifications. The appraiser may expand the scope of work to include any additional research or analysis necessary based on the complexity of this appraisal assignment.

SCOPE OF WORK: The scope of work for this appraisal is defined by the complexity of this appraisal assignment and the reporting requirements of this appraisal report form, including the following definition of market value, statement of assumptions and limiting conditions, and certifications. The appraiser must, at a minimum: (1) perform a complete visual inspection of the subject property, (2) inspect the neighborhood, (3) inspect each of the comparable sales from at least the street, (4) research, verify, and analyze data from reliable public and/or private sources, and (5) report his or her analysis, opinions, and conclusions in this appraisal report.

DEFINITION OF MARKET VALUE: The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller, each acting prudently, knowledgeably and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby: (1) buyer and seller are typically motivated; (2) both parties are well informed or well advised, and each acting in what he or she considers his or her own best interest; (3) a reasonable time is allowed for exposure in the open market; (4) payment is made in terms of cash in U. S. dollars or in terms of financial arrangements comparable thereto; and (5) the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions* granted by anyone associated with the sale.

*Adjustments to the comparables must be made for special or creative financing or sales concessions. No adjustments are necessary for those costs which are normally paid by sellers as a result of tradition or law in a market area; these costs are readily identifiable since the seller pays these costs in virtually all sales transactions. Special or creative financing adjustments can be made to the comparable property by comparisons to financing terms offered by a third party institutional lender that is not already involved in the property or transaction. Any adjustment should not be calculated on a mechanical dollar for dollar cost of the financing or concession but the dollar amount of any adjustment should approximate the market's reaction to the financing or concessions based on the appraiser's judgment.

STATEMENT OF ASSUMPTIONS AND LIMITING CONDITIONS: The appraiser's certification in this report is subject to the following assumptions and limiting conditions:

1. The appraiser will not be responsible for matters of a legal nature that affect either the property being appraised or the title to it, except for information that he or she became aware of during the research involved in performing this appraisal. The appraiser assumes that the title is good and marketable and will not render any opinions about the title.
2. The appraiser has examined the available flood maps that are provided by the Federal Emergency Management Agency (or other data sources) and has noted in this appraisal report whether any portion of the subject site is located in an identified Special Flood Hazard Area. Because the appraiser is not a surveyor, he or she makes no guarantees, express or implied, regarding this determination.
3. The appraiser will not give testimony or appear in court because he or she made an appraisal of the property in question, unless specific arrangements to do so have been made beforehand, or as otherwise required by law.
4. The appraiser has noted in this appraisal report any adverse conditions (such as the presence of hazardous wastes, toxic substances, etc.) observed during the inspection of the subject property or that he or she became aware of during the research involved in performing this appraisal. Unless otherwise stated in this appraisal report, the appraiser has no knowledge of any hidden or unapparent deficiencies or adverse conditions of the property (such as, but not limited to, the presence of hazardous wastes, toxic substances, adverse environmental conditions, etc.) that would make the property less valuable, and has assumed that there are no such conditions and makes no guarantees or warranties, express or implied. The appraiser will not be responsible for any such conditions that do exist or for any engineering or testing that might be required to discover whether such conditions exist. Because the appraiser is not an expert in the field of environmental hazards, this appraisal report must not be considered as an environmental assessment of the property.

APPRAISER'S CERTIFICATION: The Appraiser certifies and agrees that:

1. I have, at a minimum, developed and reported this appraisal in accordance with the scope of work requirements stated in this appraisal report.
2. I performed a complete visual inspection of the subject property.
3. I performed this appraisal in accordance with the requirements of the Uniform Standards of Professional Appraisal Practice that were adopted and promulgated by the Appraisal Standards Board of The Appraisal Foundation and that were in place at the time this appraisal report was prepared.
4. I developed my opinion of the market value of the real property that is the subject of this report based on the sales comparison approach to value. I have adequate comparable market data to develop a reliable sales comparison approach for this appraisal assignment. I further certify that I considered the cost and income approaches to value but did not develop them, unless otherwise indicated in this report.
5. I researched, verified, analyzed, and reported on any current agreement for sale for the subject property, any offering for sale of the subject property in the twelve months prior to the effective date of this appraisal, and the prior sales of the subject property for a minimum of three years prior to the effective date of this appraisal, unless otherwise indicated in this report.
6. I researched, verified, analyzed, and reported on the prior sales of the comparable sales for a minimum of one year prior to the date of sale of the comparable sale, unless otherwise indicated in this report.
7. I selected and used comparable sales that are locationally, physically, and functionally the most similar to the subject property.
8. I have reported adjustments to the comparable sales that reflect the market's reaction to the differences between the subject property and the comparable sales.
9. I verified, from a disinterested source, all information in this report that was provided by parties who have a financial interest in the sale of the subject property.
10. I have knowledge and experience in appraising this type of property in this market area.
11. I am aware of, and have access to, the necessary and appropriate public and private data sources, such as multiple listing services, tax assessment records, public land records and other such data sources for the area in which the property is located.
12. I obtained the information, estimates, and opinions furnished by other parties and expressed in this appraisal report from reliable sources that I believe to be true and correct.
13. I have taken into consideration the factors that have an impact on value with respect to the subject neighborhood, subject property, and the proximity of the subject property to adverse influences in the development of my opinion of market value. I have noted in this appraisal report any adverse conditions (such as, the presence of hazardous wastes, toxic substances, adverse environmental conditions, etc.) observed during the inspection of the subject property or that I became aware of during the research involved in performing this appraisal. I have considered these adverse conditions in my analysis of the property value, and have reported on the effect of the conditions on the value and marketability of the subject property.
14. I have not knowingly withheld any significant information from this appraisal report and, to the best of my knowledge, all statements and information in this appraisal report are true and correct.
15. I stated in this appraisal report my own personal, unbiased, and professional analysis, opinions, and conclusions, which are subject only to the assumptions and limiting conditions in this appraisal report.
16. I have no present or prospective interest in the property that is the subject of this report, and I have no present or prospective personal interest or bias with respect to the participants in the transaction. I did not base, either partially or completely, my analysis and/or opinion of market value in this appraisal report on the race, color, religion, sex, age, marital status, handicap, familial status, or national origin of either the prospective owners or occupants of the subject property or of the present owners or occupants of the properties in the vicinity of the subject property or on any other basis prohibited by law.
17. My employment and/or compensation for performing this appraisal or any future or anticipated appraisals was not conditioned on any agreement or understanding, written or otherwise, that I would report (or present analysis supporting) a predetermined specific value, a predetermined minimum value, a range or direction in value, a value that favors the cause of any party, or the attainment of a specific result or occurrence of a specific subsequent event.
18. I personally prepared all conclusions and opinions about the real estate that were set forth in this appraisal report. If I relied on significant real property appraisal assistance from any individual or individuals in the performance of this appraisal or the preparation of this appraisal report, I have named such individual(s) and disclosed the specific tasks performed in this appraisal report. I certify that any individual so named is qualified to perform the tasks. I have not authorized anyone to make a change to any item in this appraisal report; therefore, any change made to this appraisal is unauthorized and I will take no responsibility for it.
19. I identified the client in this appraisal report who is the individual, organization, or agent for the organization that ordered and will receive this appraisal report.
20. I am aware that any disclosure or distribution of this appraisal report by me or the client may be subject to certain laws and regulations. Further, I am also subject to the provisions of the Uniform Standards of Professional Appraisal Practice that pertain to disclosure or distribution by me.
21. If this appraisal report was transmitted as an "electronic record" containing my "electronic signature," as those terms are defined in applicable federal and/or state laws (excluding audio and video recordings), or a facsimile transmission of this appraisal report containing a copy or representation of my signature, the appraisal report shall be as effective, enforceable and valid as if a paper version of this appraisal report were delivered containing my original hand written signature.

SUPERVISORY APPRAISER'S CERTIFICATION: The Supervisory Appraiser certifies and agrees that:

1. I directly supervised the appraiser for this appraisal assignment, have read the appraisal report, and agree with the appraiser's analysis, opinions, statements, conclusions, and the appraiser's certification.
2. I accept full responsibility for the contents of this appraisal report including, but not limited to, the appraiser's analysis, opinions, statements, conclusions, and the appraiser's certification.
3. The appraiser identified in this appraisal report is either a sub-contractor or an employee of the supervisory appraiser (or the appraisal firm), is qualified to perform this appraisal, and is acceptable to perform this appraisal under the applicable state law.
4. This appraisal report complies with the Uniform Standards of Professional Appraisal Practice that were adopted and promulgated by the Appraisal Standards Board of The Appraisal Foundation and that were in place at the time this appraisal report was prepared.
5. If this appraisal report was transmitted as an "electronic record" containing my "electronic signature," as those terms are defined in applicable federal and/or state laws (excluding audio and video recordings), or a facsimile transmission of this appraisal report containing a copy or representation of my signature, the appraisal report shall be as effective, enforceable and valid as if a paper version of this appraisal report were delivered containing my original hand written signature.

APPRAISER

Signature *Francis L. Lynch*
 Name Francis L. Lynch
 Company Name Lynch Appraisal Services
 Company Address 506 South Live Oak
Rockport, TX 78382
 Telephone Number 361-729-1309
 Email Address _____
 Date of Signature and Report 02/22/2016
 Effective Date of Appraisal 02/22/2016
 State Certificatop # TX-1321356-G
 or State License # _____
 or Other _____ State # _____
 State TX
 Expiration Date of Certification or License 06/30/2017

ADDRESS OF PROPERTY APPRAISED
Highway 35 South
Rockport, TX 78382
 APPRAISED VALUE OF SUBJECT PROPERTY \$ 2,250
 CLIENT
 Name _____
 Company Name City of Rockport
 Company Address 622 E Market St
Rockport, TX 78382
 Email Address _____

SUPERVISORY APPRAISER (ONLY IF REQUIRED)

Signature _____
 Name _____
 Company Name _____
 Company Address _____
 Telephone Number _____
 Email Address _____
 Date of Signature _____
 State Certification # _____
 or State License # _____
 State _____
 Expiration Date of Certification or License _____

SUBJECT PROPERTY

- Did not inspect subject property
- Did inspect exterior of subject property from street
Date of Inspection _____
- Did inspect interior and exterior of subject property
Date of Inspection _____

COMPARABLE SALES

- Did not inspect exterior of comparable sales from street
- Did inspect exterior of comparable sales from street
Date of Inspection _____

DISCLOSURE ADDENDUM

Intended User	City of Rockport		
Property Address	Highway 35 South		
City	Rockport	County	Aransas
		State	TX
		Zip Code	78382
Client	City of Rockport		

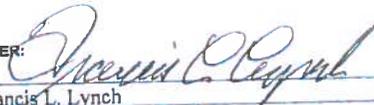
DEFINITION OF INSPECTION:

The term "Inspection", as used in this report, is not the same level of inspection that is required for a "Professional Home Inspection". The appraiser does not fully inspect the electrical system, plumbing system, mechanical systems, foundation system, floor structure, or subfloor. The appraiser is not an expert in construction materials and the purpose of the appraisal is to make an economic evaluation of the subject property. If the client needs a more detailed inspection of the property, a home inspection, by a Professional Home Inspector, is suggested.

DIGITAL SIGNATURES:

The signature(s) affixed to this report, and certification, were applied by the original appraiser(s) or supervisory appraiser and represent their acknowledgements of the facts, opinions and conclusions found in the report. Each appraiser(s) applied his or her signature electronically using a password encrypted method. Hence these signatures have more safeguards and carry the same validity as the individual's hand applied signature. If the report has a hand-applied signature, this comment does not apply.

APPRAISER:

Signature: 
 Name: Francis L. Lynch
 Date Signed: 02/22/2016
 State Certification #: TX-1321356-G
 or State License #: _____
 State: TX
 Expiration Date of Certification or License: 06/30/2017

SUPERVISORY APPRAISER (ONLY IF REQUIRED):

Signature: _____
 Name: _____
 Date Signed: _____
 State Certification #: _____
 or State License #: _____
 State: _____
 Expiration Date of Certification or License: _____
 Did Did Not Inspect Property

USPAP Compliance Addendum

File No. D-01-45

Borrower/Client City of Rockport
 Property Address Highway 35 South
 City Rockport County Aransas State TX Zip Code 78382
 Lender/Client City of Rockport

APPRAISAL AND REPORT IDENTIFICATION

This Appraisal Report is one of the following types:

- Appraisal Report This report was prepared in accordance with the requirements of the Appraisal Report option of USPAP Standards Rule 2-2(a).
- Restricted Appraisal Report This report was prepared in accordance with the requirements of the Restricted Appraisal Report option of USPAP Standards Rule 2-2(b). The intended user of this report is limited to the identified client. This is a Restricted Appraisal Report and the rationale for how the appraiser arrived at the opinions and conclusions set forth in the report may not be understood properly without the additional information in the appraiser's workfile.

ADDITIONAL CERTIFICATIONS

I certify that, to the best of my knowledge and belief:

- The statements of fact contained in this report are true and correct.
- The report analyses, opinions, and conclusions are limited only by the reported assumptions and are my personal, impartial, and unbiased professional analyses, opinions, and conclusions.
- I have no (or the specified) present or prospective interest in the property that is the subject of this report and no (or specified) personal interest with respect to the parties involved.
- I have no bias with respect to the property that is the subject of this report or the parties involved with this assignment.
- My engagement in this assignment was not contingent upon developing or reporting predetermined results.
- My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
- My analyses, opinions, and conclusions were developed and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice.
- This appraisal report was prepared in accordance with the requirements of Title XI of FIRREA and any implementing regulations.

PRIOR SERVICES

- I have NOT performed services, as an appraiser or in any other capacity, regarding the property that is the subject of the report within the three-year period immediately preceding acceptance of this assignment.
- I HAVE performed services, as an appraiser or in another capacity, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment. Those services are described in the comments below.

PROPERTY INSPECTION

- I have NOT made a personal inspection of the property that is the subject of this report.
- I HAVE made a personal inspection of the property that is the subject of this report.

APPRAISAL ASSISTANCE

Unless otherwise noted, no one provided significant real property appraisal assistance to the person signing this certification. If anyone did provide significant assistance, they are hereby identified along with a summary of the extent of the assistance provided in the report.

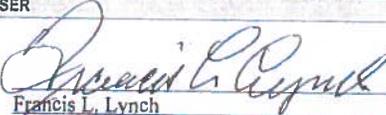
ADDITIONAL COMMENTS

Additional USPAP related issues requiring disclosure and/or any state mandated requirements:

MARKETING TIME AND EXPOSURE TIME FOR THE SUBJECT PROPERTY

- A reasonable marketing time for the subject property is 3-6 months day(s) utilizing market conditions pertinent to the appraisal assignment.
- A reasonable exposure time for the subject property is 3-6 months day(s).

APPRAISER

Signature 
 Name Francis L. Lynch
 Date of Signature 02/22/2016
 State Certification # TX-1321356-G
 or State License # _____
 State TX
 Expiration Date of Certification or License 06/30/2017

SUPERVISORY APPRAISER (ONLY IF REQUIRED)

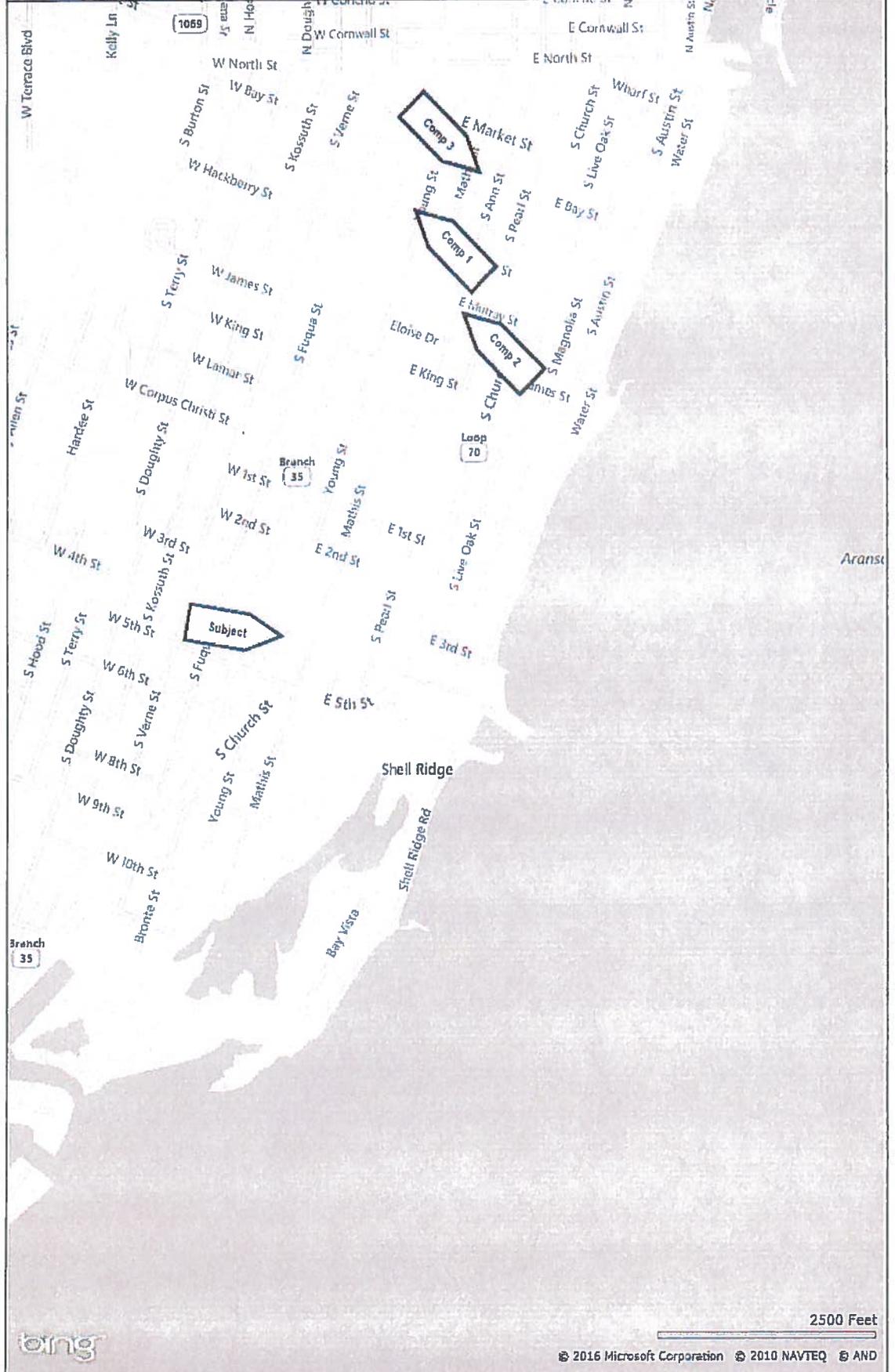
Signature _____
 Name _____
 Date of Signature _____
 State Certification # _____
 or State License # _____
 State _____
 Expiration Date of Certification or License _____

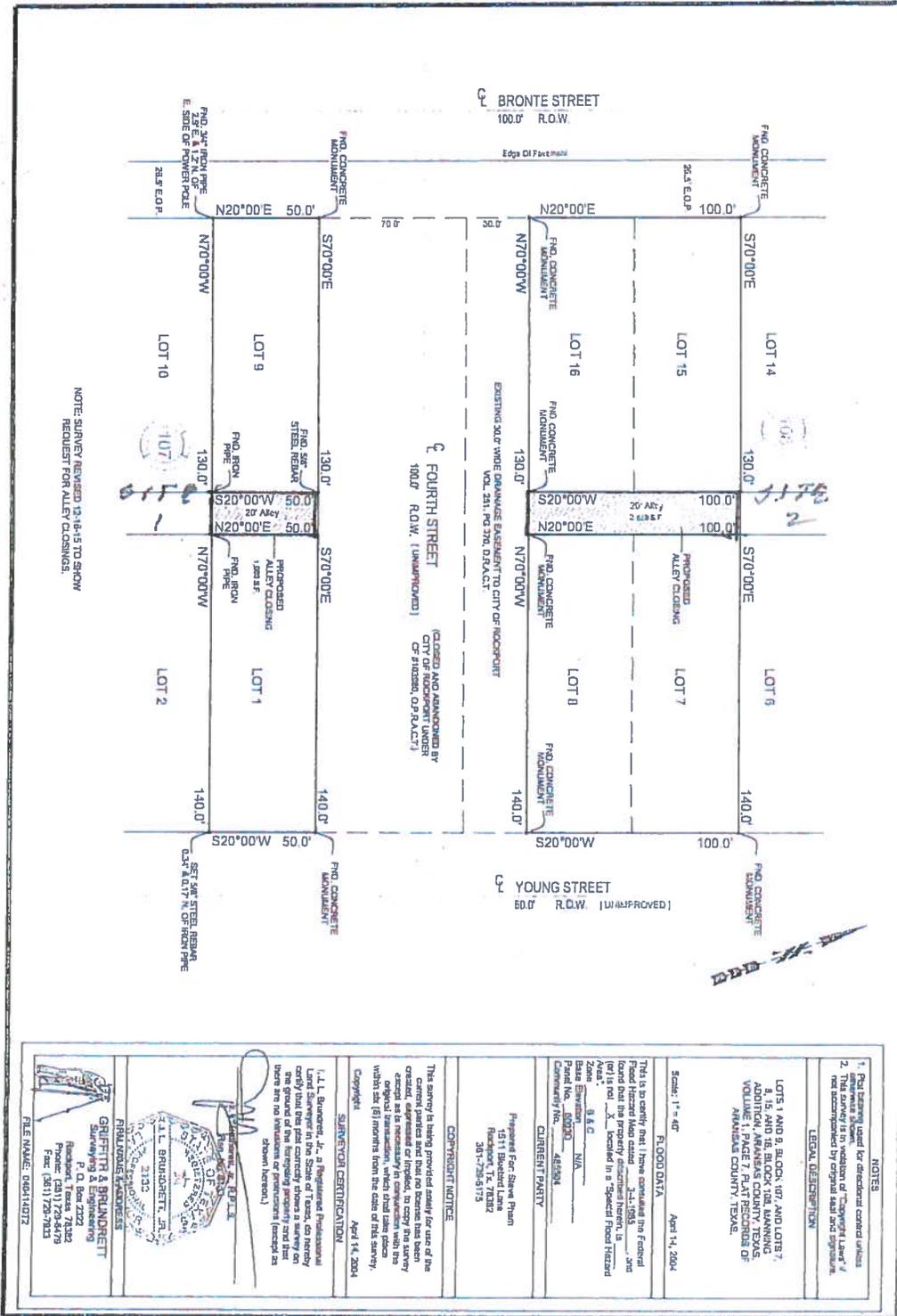
Effective Date of Appraisal 02/22/2016

Supervisory Appraiser Inspection of Subject Property:
 Did Not Exterior-only from Street Interior and Exterior

Location Map

Intended User	City of Rockport		
Property Address	Highway 35 South		
City	Rockport	County	Aransas
		State	TX
		Zip Code	78382
Client	City of Rockport		





NOTE: SURVEY REVIEWED 12-18-15 TO SHOW REQUEST FOR ALLEY CLOSINGS.

NOTES
 1. Not to be used for detached control unless...
 2. This survey is in violation of "Copyright Law" if not accompanied by original seal and signature.

LEGAL DESCRIPTION
 LOTS 1 AND 9, BLOCK 107 AND LOTS 7, 8, 15 AND 16, BLOCK 108, ANNEXING ADDITION, ARLING COUNTY, TEXAS, VOLUME 1, PAGE 7, PLAT RECORDS OF ARLING COUNTY, TEXAS.

Scale: 1" = 40'
 April 14, 2004

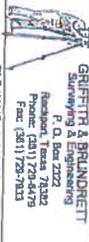
FLOOD DATA
 This is to certify that I have consulted the Federal Flood Hazard Map dated 3-24-1983 and that the subject property is in a Special Flood Hazard Area. Zone: X-1 S & C. Panel No. 00000. Community No. 481904.

CURRENT PARTY
 Prepared For: Shalee Pagan
 1511 Bluestad Lane
 Houston, TX 77032
 281-295-1175

COPYRIGHT NOTICE
 This survey is being provided solely for use of the current parties and that no license has been granted to any other person to copy this survey or to use the information contained herein for any other purpose without the written consent of the surveyor, which shall last for a period of 60 months from the date of this survey.
 Copyright © April 14, 2004

SURVEYOR CERTIFICATION
 I, J. L. Brunard, Jr., a Registered Professional Surveyor in the State of Texas, do hereby certify that the data correctly describe and that there are no omissions or inaccuracies (except as shown herein).

GRIFFITH & BRUNDRETT
 Surveyors & Engineers
 P. O. Box 5223
 Houston, Texas 77241-7323
 Phone: (281) 726-4475
 Fax: (281) 726-7833
 FILE NAME: 00414072



PHOTOGRAPH ADDENDUM

Intended User **City of Rockport**

Property Address **Highway 35 South**

City **Rockport**

County **Aransas**

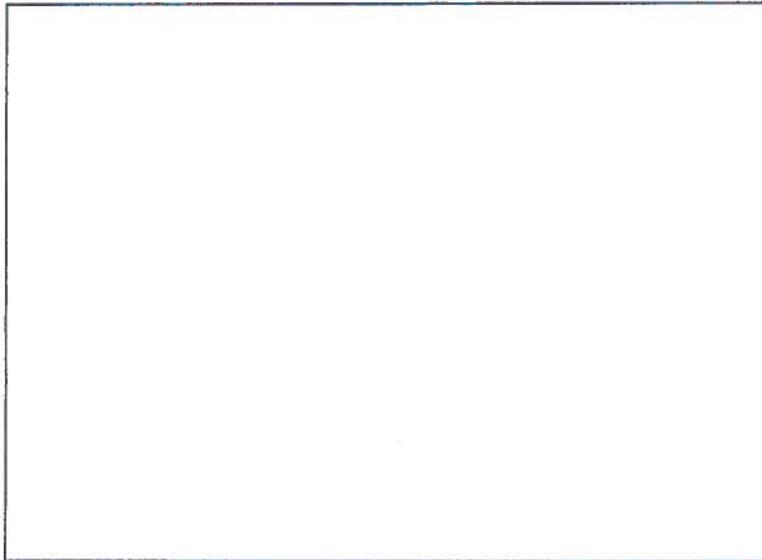
State **TX**

Zip Code **78382**

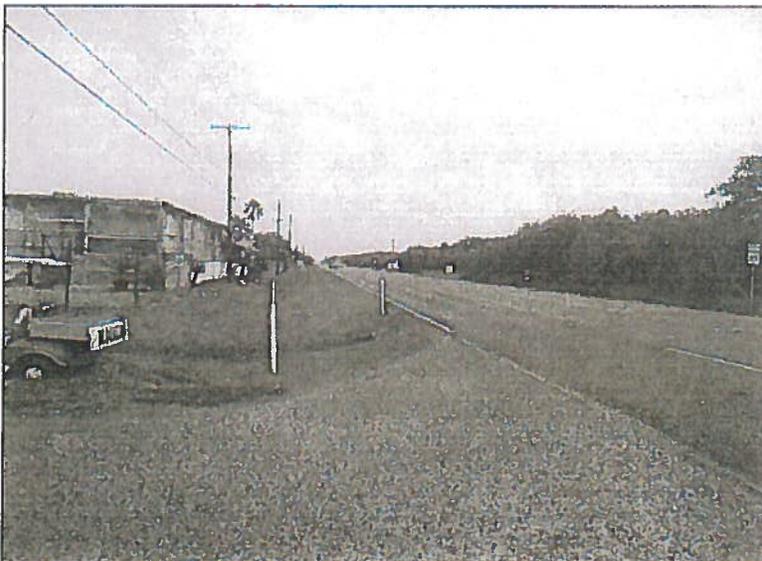
Client **City of Rockport**



**FRONT VIEW OF
SUBJECT PROPERTY**



**REAR VIEW OF
SUBJECT PROPERTY**



**STREET SCENE OF
SUBJECT PROPERTY**

PHOTOGRAPH ADDENDUM

Intended User	City of Rockport		
Property Address	Highway 35 South		
City	Rockport	County	Aransas
		State	TX
		Zip Code	78382
Client	City of Rockport		

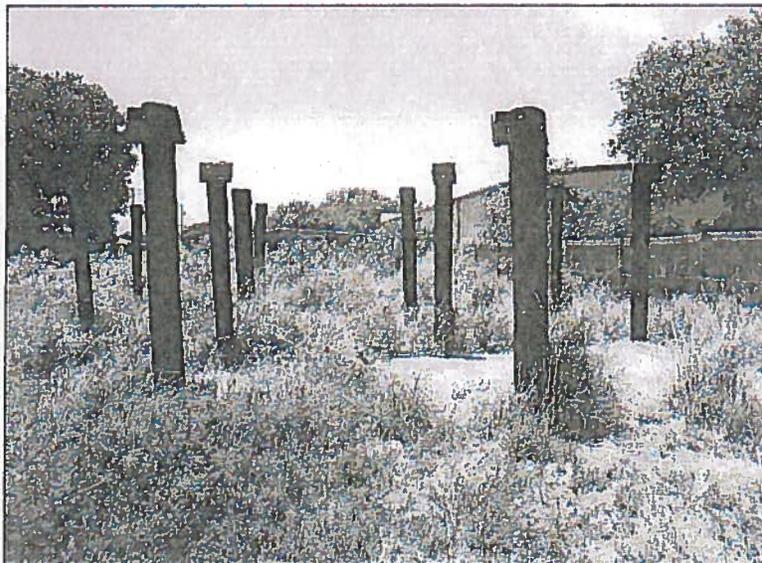


COMPARABLE #1

1008 S Ann St
Rockport, TX 78382

Price \$13,000
Price/SF 2.60/sf
Date 12/3/2013
Living Area 5000 sf

Value Indention \$2.60/sf



COMPARABLE #2

829 Young St
Rockport, TX 78382

Price \$33,000
Price/SF 2.00/sf
Date 7/24/2015
Living Area 16500 sf

Value Indention \$2.00/sf



COMPARABLE #3

704 S Mathis St
Rockport, TX 78382

Price \$38,500
Price/SF 2.57/sf
Date 7/15/2015
Living Area 15000 sf

Value Indention \$2.57/sf

RESUME OF FRANCIS L. LYNCH
 LYNCH APPRAISAL SERVICES, INC.
 506 SOUTH LIVE OAK
 ROCKPORT, TX 78382
 PHONE: 361-729-1309
 FAX: 361-729-9086
 email: lynchapp@swbell.net

EDUCATION:

1. Brooklyn Technical High School - 1952
2. Manhattan College - November 1952 through January 1954
3. United States Air Force - November 1954, Flight Training
4. Del Mar College - Accounting and Business Law - 1976
5. American College of Real Estate, Sales License - 1978
6. Society of Real Estate Appraisers - Course 101, Introduction To Appraising Real Property & Applied Residential Property Valuation - 1985
7. The Appraisal Institute:
 - 3-91: Capitalization Theory and Techniques - A
 - 4-91: Capitalization Theory and Techniques - B
 - 10-91: Case Studies in Real Estate Valuation
 - 10-91: Report Writing & Valuation Analysis
 - 2-04: Fifteen Hour USPAP Course
 - 3-2009: Seven Hour USPAP Update Course

EMPLOYMENT EXPERIENCE:

1. United States Air Force from November 1954 to July 1976.
2. Full time Real Estate Sales from 1978 to 1982.
3. April 1982 - Established Lynch Appraisal Services

PROFESSIONAL

1. State Certified General Real Estate Appraiser - State of Texas. Certificate Number TX-1321356-G.
2. State of Texas, Real Estate Broker. License No. 0245870
3. Affiliate Member, The Appraisal Institute
4. Rockport Area Board of Realtors
5. San Patricio County Board of Realtors.

TYPES OF PROPERTIES APPRAISED:

Residential, office buildings, retail stores, warehouses, shopping centers, mobile home parks, vacant land both rural and urban.

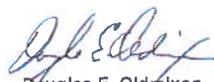
REPRESENTATIVE LIST OF CLIENTS:

Banks, Mortgage Companies, Governmental Agencies, Estates, Attorneys, Relocation Companies, Developers and Individuals.

Texas Appraiser Licensing and Certification Board
P.O. Box 12188 Austin, Texas 78711-2188
Certified General Real Estate Appraiser

Number: **TX 1321356 G**
Issued: **06/30/2015** Expires: **06/30/2017**
Appraiser: **FRANCIS LAWRENCE LYNCH**

Having provided satisfactory evidence of the qualifications required by the Texas Appraiser Licensing and Certification Act, Texas Occupations Code, Chapter 1103, is authorized to use this title, Certified General Real Estate Appraiser.


Douglas E. Oldmixon
Commissioner

CITY COUNCIL AGENDA
Regular Meeting: Tuesday, April 26, 2016

AGENDA ITEM: 11

Deliberate and act on Resolution finding an imminent threat to public health and safety and public property due to shoreline erosion along Bayshore Drive between Curlew Drive and Albatross Lane.

SUBMITTED BY: City Manager Kevin Carruth

APPROVED FOR AGENDA: PKC

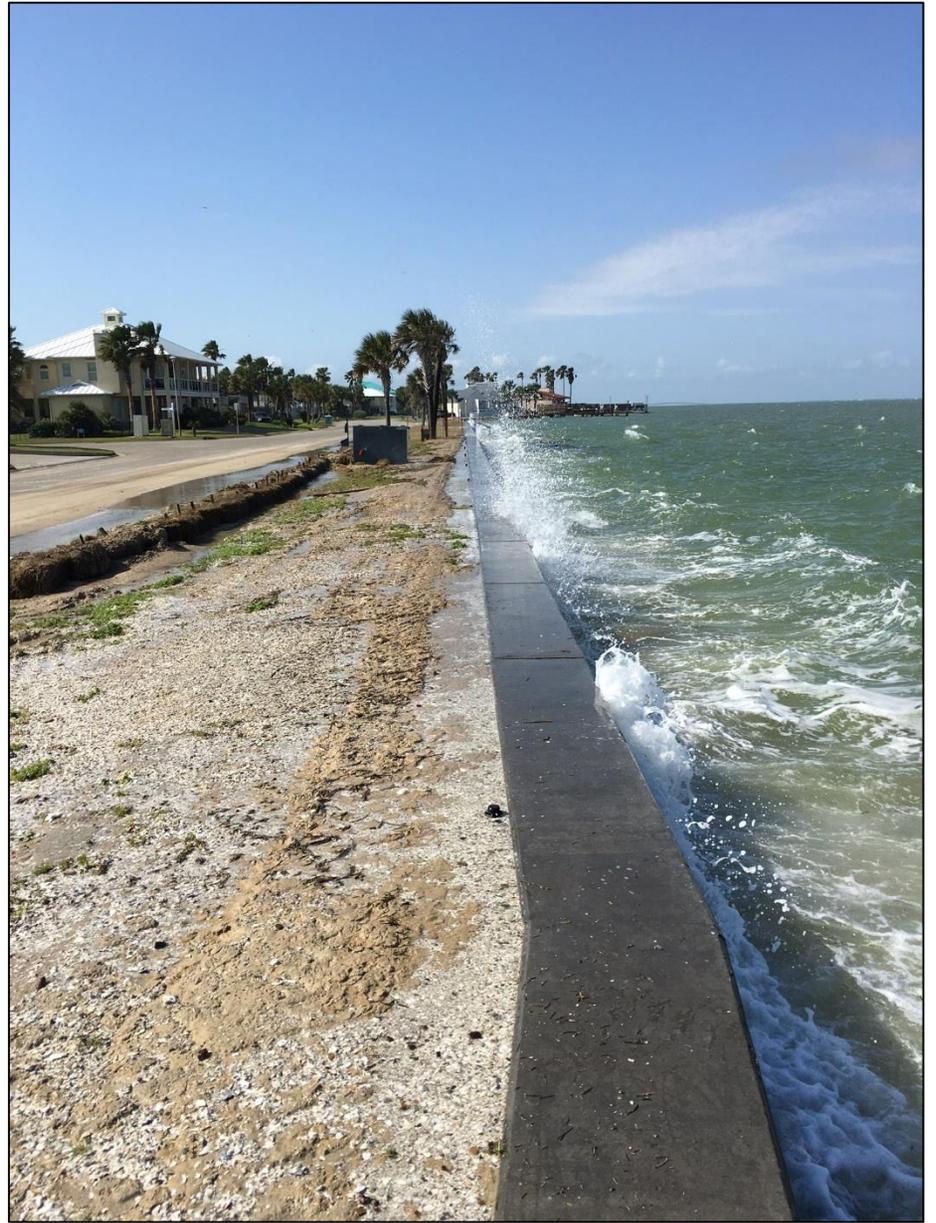
BACKGROUND: The high tide and high winds on April 17-18, 2016, accelerated the erosion of the shoreline on Bayshore Drive, between Curlew Drive and Albatross Lane. Some sections of the shoreline retreated by approximately two feet in those two days. Coast and Harbor Engineering has prepared specifications for a temporary measure to halt the erosion that is within the US Army Corps of Engineers national permit 13 but the cost is above the \$50,000 mandatory bid threshold. The imminent destruction of public and private utilities and sections of Bayshore Drive as well as the start of the 2016 hurricane season in 35 days does not provide enough time to do the competitive bid or proposal process that would normally be required.

Fortunately, Section 252.022(a)(2) of the Local Government Code exempts municipalities from competitive bids or proposals in order to preserve or protect the public health or safety of the municipality's residents. Additionally, Section 252.022(a)(3) also exempts municipalities from competitive bids or proposals due to unforeseen damage to public property. The accompanying resolution states the Council's finding that both conditions exist.

FISCAL ANALYSIS: Three contractors will be contacted for price quotes to assure competitive pricing.

RECOMMENDATION: Staff recommends Council approve the Resolution, as presented.







RESOLUTION NO. 2016 - __

A RESOLUTION OF THE CITY OF ROCKPORT, TEXAS, FINDING AN IMMIDENT THREAT TO PUBLIC HEALTH AND SAFETY AND PUBLIC PROPOERTY DUE TO SHORELINE EROSION ALONG BAYSHORE DRIVE BETWEEN CURLEW DRIVE AND ALBATROSS LANE.

WHEREAS, Section 252.01 of the Local Government Code generally requires municipalities to seek competitive bids or proposals for expenditures of more than \$50,000.00; and

WHEREAS, Section 252.022(a)(2) of the Local Government Code exempts municipalities from competitive bids or proposals in order to preserve or protect the public health or safety of the municipality's residents; and

WHEREAS, Section 252.022(a)(3) of the Local Government Code exempts municipalities from competitive bids or proposals due to unforeseen damage to public property; and

WHEREAS, section of the shoreline along Bayshore Driver between Curlew Drive and Albatross Lane have suffered significant erosion; and

WHEREAS, recent high tides and winds have accelerated the erosion to the point that public utility lines and roads are in imminent danger of destruction; and

WHEREAS, the 2016 Hurricane season and its increased probability of major storms begins before repairs could be made using the competitive bid or proposal process.

NOW THEFORE BE IT RESOLVED that the City Council has determined that:

- Section 1.** The amount of time required to follow the competitive bid or proposal process will lead to the loss of critical public infrastructure.
- Section 2.** The destruction of utilities and the only ingress and egress street would imperil the health and safety of the residents of Key Allegro.
- Section 3.** The longer it takes to begin repairs, the more public funds will be required to make the repairs.

PASSED and **APPROVED** this the 26th day of April 2016.

CITY OF ROCKPORT, TEXAS

Charles J. Wax, Mayor

ATTEST:

Teresa Valdez, City Secretary

CITY COUNCIL AGENDA
Regular Meeting: Tuesday, April 26, 2016

AGENDA ITEM: 12

Deliberate and act on authorizing emergency repairs to halt and/or correct shoreline erosion along segments of Bayshore Drive between Curlew Drive and Albatross Lane.

SUBMITTED BY: City Manager Kevin Carruth

APPROVED FOR AGENDA: PKC

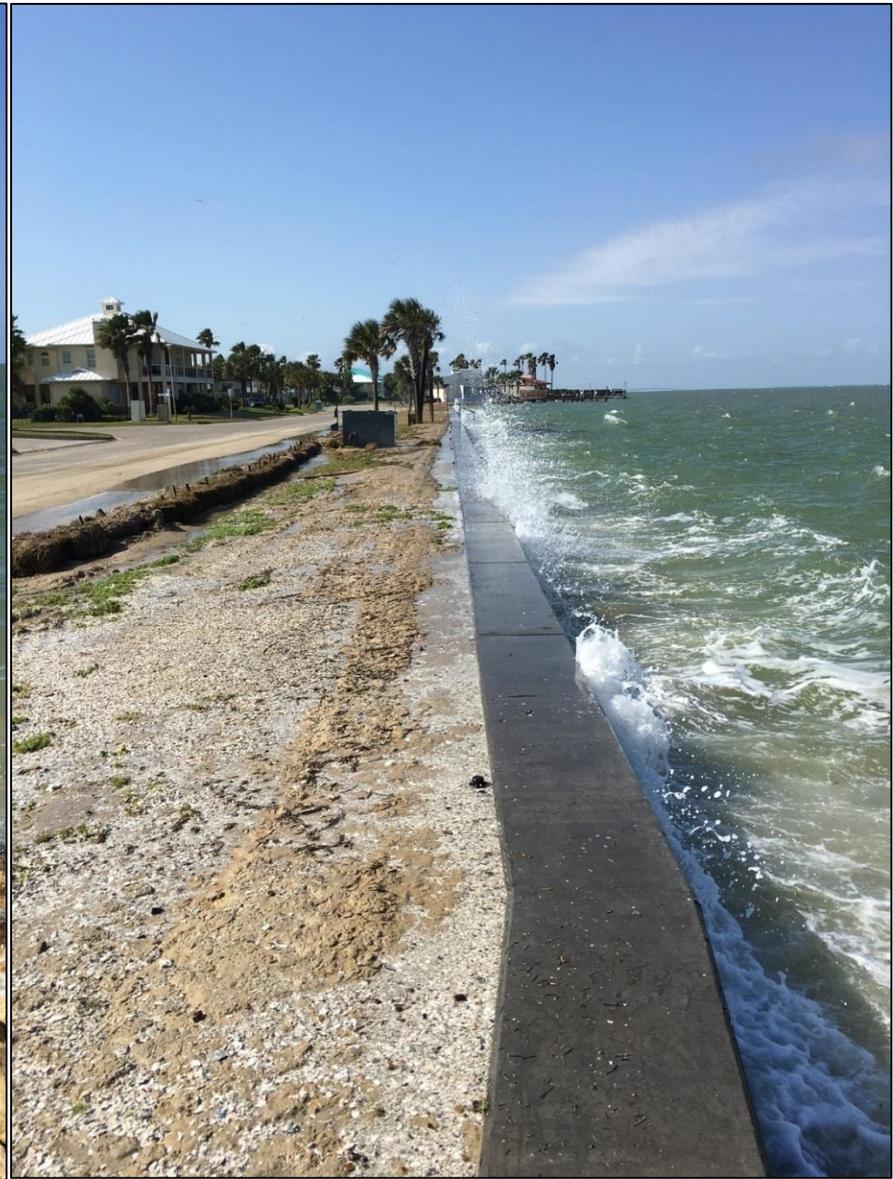
BACKGROUND: The high tide and high winds on April 17-18, 2016, accelerated the erosion of the shoreline on Bayshore Drive, between Curlew Drive and Albatross Lane. Some sections of the shoreline retreated by approximately two feet in those two days. The sudden acceleration of the erosion and the onset of the 2016 hurricane season has placed public and private utilities as well as Bayshore Drive in imminent danger of destruction. Coast and Harbor Engineering has prepared specifications for a temporary measure to halt the erosion that is within the US Army Corps of Engineers national permit 13, at a preliminary estimated 30% design cost of \$161,759.

Coast and Harbor Engineering will not have preliminary 30% design drawings available until Monday, April 25. The drawings will be sent to Council as soon as they are received. See the accompanying engineer's opinion of probable cost for more information.

FISCAL ANALYSIS: Shoreline stabilization is an eligible use of hotel occupancy taxes. Expenses for the repairs will be charged to account 27-6602095. The year end fund balance, given anticipated revenues for the remaining year and existing obligations, should be \$1,089,049 or 530 operating days. If the expenditure is approved, it will lower the fund balance by approximately 79 days. The Council's fund balance goal is 365 days.

RECOMMENDATION: Staff recommends approval of emergency repairs to halt and/or correct shoreline erosion along segments of Bayshore Drive between Curlew Drive and Albatross Lane, as presented.









**Bay Shore Drive Emergency Shoreline Repair Project
Rockport, TX**

Engineer's Opinion of Probable Cost - 30% Design

Item	Description	Est Quantity	Units	Unit Price	Extended Price
1	Mobilization and Demobilization	1	LS	\$ 25,000	\$ 25,000
2	Construction Surveying	1	LS	\$ 16,000	\$ 16,000
3	Excavation	699	CY	\$ 5	\$ 3,493
4	Revetment Stone	772	TONS	\$ 75	\$ 57,897.31
5	Existing Stone Re-use	283	TONS	\$ 2	\$ 565.60
6	Scour Protection Stone	130	TONS	\$ 75	\$ 9,714
7	Geotextile Fabric	1,680	SY	\$ 7	\$ 11,760
Subtotal					\$ 124,430
<i>Contingency (30%)</i>					<i>\$ 37,328.95</i>
Total Base					\$ 161,759

April 22, 2016

Notes:

1. All costs are in 2016 Dollars.
2. Costs do not include final engineering, bidding phase support, construction oversight, construction administration, contractor bonding, profit, or overhead
3. Approximately 100 LF of bulkhead scour protection to be installed within USACE jurisdiction
4. Approximately 100 LF of bulkhead scour protection to be installed within USACE jurisdiction
5. No excavation assumed for section of bulkhead adjacent to water