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## CITY COUNCIL AGENDA

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Notice is hereby given that the Rockport City Council will hold a regular meeting on Tuesday, January 27, 2015, 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 which 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 January 13, 2015.
5. Deliberate and act on 1<sup>st</sup> quarter report from the Friends of the Fulton Mansion State Historical Site for Fiscal Year 2014-2015 marketing expenditures.
6. Deliberate and act on a Resolution of the Rockport City Council ordering a General Election and establishing procedures for said Election to be held on Saturday, May 9, 2015; the General Election shall be for the purpose of electing a Council Member to represent Ward #1 and a Council Member to represent Ward #3; providing other matters relating to the General Election; and finding and determining that the meeting at which this Resolution is passed is open to the public as required by law.  
*Deliberar y tomar medidas sobre la Resolución del Ayuntamiento de la Ciudad de Rockport en la que se ordena la realización de unas Elecciones Generales y se establecen procedimientos para dichas Elecciones, que se llevarán a cabo el sábado 9 de mayo de 2015; las Elecciones Generales se realizarán con el propósito de elegir un Concejal que represente el Distrito #1 y un Concejal que represente el Distrito #3; se estipulan otros asuntos relacionados con las Elecciones Generales, y se decide y determina que la reunión en la cual se aprueba esta Resolución estará abierta al público, como lo requiere la ley.*
7. Deliberate and act on May 9, 2015 Joint Election Contract for Election Services between the City of Rockport and Aransas County Independent School District in compliance with HB1.  
*Deliberar y tomar medidas sobre el Contrato de Elecciones Conjuntas del 9 de mayo de 2015 para Servicio Electorales entre la Ciudad de Rockport y el Distrito Escolar Independiente del Condado de Aransas, en conformidad con HB 1.*

8. Deliberate and act on awarding the bid for the South Rockport Drainage Improvements Phase 2.

### **Regular Agenda**

9. Deliberate and act on second reading of a proposed Ordinance authorizing the closing, vacating and abandonment of 0.197 acre of land embracing a portion of the south one-half of Airport Road, adjacent to Lot 1, Copano Village Subdivision, Rockport, Aransas County, Texas, according to the Plat of Record in Volume 1, Pages 72-73, 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 for the 0.197 acre of land to be closed, vacated and abandoned; and providing for an effective date.
10. Deliberate and act on authorizing the Mayor to negotiate and execute all necessary documents to purchase approximately 40.83 acres of land adjacent to the east side of Highway 35 Bypass and bordered by Teal and Corpus Christi Streets.
11. Reports from Council and Staff  
At this time, the City Council will report/update on all committee assignments which may include the following: County Storm Water Committee; Community Park, Park & Leisure Advisory Board, Chamber of Commerce, Coastal Bend Council of Governments, Coast Bend Bays & Estuaries, 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. Staff reports include the following: Building & Development – bi-weekly code enforcement, pending development report; Accounting & Finance – update on liens collection, financial and investment information, monthly financial reports; Police Department – grant update, quarterly police reports, Fulton law enforcement; Public Works – Building Maintenance, Construction Updates; Park & Leisure Services – grant updates, park projects; Municipal Court; Administration – interlocal agreements, public information, website, compressed natural gas fueling station, and hotel occupancy report. 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:

12. Section 551.071(1)(A) and Section 551.071(2) Consultation with Attorney: 1) Pending or contemplated litigation; and 2) Jail Services Agreement.
13. Section 551.072 Deliberation about Real Property: Acquisition of property for public purpose – Project Ibis
14. Section 551.074 Personnel Matters - City Manager evaluation.

### **Open Session**

15. 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.
16. 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](mailto: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, January 23, 2015, by 5:00 p.m. and on the City's website at [www.cityofrockport.com](http://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*.

  
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Ruby Beaven, Assistant City Secretary

**CITY COUNCIL AGENDA**  
**Regular Meeting: Tuesday, January 27, 2015**

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**AGENDA ITEM: 4**

Deliberate and act on approval of City Council Regular Meeting Minutes of January 13, 2015.

**SUBMITTED BY:** City Secretary Teresa Valdez

**APPROVED FOR AGENDA:** PKC

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**BACKGROUND:** Please see the accompanying minutes of the Regular Meeting of January 13, 2015.

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**FISCAL ANALYSIS:** N/A

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**RECOMMENDATION:** Staff recommends approval of the Minutes, as presented.

# CITY OF ROCKPORT

## MINUTES

### CITY COUNCIL REGULAR MEETING 6:30 p.m., Tuesday, January 13, 2015 Rockport City Hall, 622 East Market Street

On the 13<sup>th</sup> day of January 2015, the City Council of the City of Rockport, Aransas County, Texas, convened in Regular Session at 6:30 p.m., at the regular meeting place in City Hall, and notice of meeting giving time, place, date and subject was posted as described in V.T.C.A., Government Code § 551.041.

#### CITY COUNCIL MEMBERS PRESENT

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

#### CITY COUNCIL MEMBER(S) ABSENT

#### PLANNING & ZONING COMMISSION MEMBERS PRESENT

#### STAFF MEMBERS PRESENT

City Manager Kevin Carruth  
City Attorney Terry Baiamonte  
City Secretary Teresa Valdez  
Police Chief Tim Jayroe  
Public Works Director Mike Donoho  
Finance Director Patty Howard  
Information Technology Manager Brian Jacobs  
Parks & Leisure Services Director Tom Staley

#### 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 6:30 p.m. on Tuesday, January 13, 2015, in the Council Chambers of the Rockport City Hall, 622 E. Market Street, Rockport, Texas.

#### **2. Pledge of Allegiance.**

Council Member Gurtner led the Pledge of Allegiance.

#### **3. Citizens to be heard.**

At this time comments will be taken from the audience on any subject matter that is not on the agenda. To address the Council, please sign the speaker's card located on the table outside the Council Chamber and deliver to the City Secretary before the meeting begins. Please limit comments to three (3) minutes. In accordance with the Open Meetings Act, Council may not discuss or take any action on any item that has not been posted on the agenda.

There were no citizen comments.

### **Consent Agenda**

All consent agenda items listed are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member so requests, in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

- 4. Deliberate and act on approval of City Council Workshop Meeting Minutes of December 9, 2014, and Regular Meeting Minutes of December 9, 2014.**
- 5. Deliberate and act on approval of Memorandum of Understanding with Aransas County Independent School District on Law Enforcement.**
- 6. Deliberate and act on 1<sup>st</sup> quarter report from Rockport Center for the Arts for Fiscal Year 2014-2015 marketing expenditures.**
- 7. Deliberate and act on 1<sup>st</sup> quarter report from Texas Maritime Museum for Fiscal Year 2014-2015 marketing expenditures.**
- 8. Deliberate and act on 1<sup>st</sup> quarter report from Rockport-Fulton Chamber of Commerce for Fiscal Year 2014-2015 marketing expenditures.**
- 9. Deliberate and act on acceptance of a \$1,297.00 donation for purchase of a memorial park bench for placement along the Tule Hike & Bike Trail.**
- 10. Deliberate and act on Intergovernmental Cooperation Agreement between the City of Rockport, Town of Fulton and Aransas County for dispatching services.**

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:** Mayor Pro-Tem Rios moved to adopt the Consent Agenda Items as presented. Council Member Villa seconded the motion. Motion carried unanimously.

### **Public Hearing**

#### **11. Call to Order - Rockport Planning & Zoning Commission.**

There were no members of the Planning & Zoning Commission in attendance so the Joint Public Hearing was not conducted.

**12. Conduct and deliberate a Joint Public Hearing with the Planning & Zoning Commission to consider a request for rezoning from R-2 (2<sup>nd</sup> Single-Family Dwelling District) to B-1 (General Business District) on property located at 1903 Mathis Street; also known as parts of Lots 5-13 (1.525 acres) out of the John Kettle Survey A-91-92, Block 103, Manning Addition, Rockport, Aransas County, Texas.**

**13. Adjourn – Rockport Planning and Zoning Commission.**

**14. Conduct a Public Hearing to consider a request from Bryan Bracht for permanent closure/abandonment/vacation of 0.197 acre (previously called 0.384 acre) of land embracing a portion of the south one-half of Airport Road, adjacent to Lot 1, Copano Village Subdivision, Rockport, Aransas County, Texas.**

Mayor Wax opened the Public Hearing at 6:37 p.m.

Bryan Bracht addressed the Council. Mr. Bracht stated that the area he is requesting to be abandoned can be confusing because there are 30', 40' and 60' rights-of-way in that location. Mr. Bracht said the property has been described as 0.384 acre; part of which belongs to Aransas Pathways. Mr. Bracht added that he appreciated the opportunity to purchase the property and clean the property.

Mayor Wax stated he had transmitted to Aransas County Mr. Bracht's request along with a description of the area. Mayor Wax said Aransas County had stated they did not object to the requested abandonment as long as the kayak launch area is not disturbed.

Council Member Day asked Mr. Bracht what he planned to do with the property. Council Member Day asked if Mr. Bracht was planning to do anything on the water frontage. Council Member Day stated his concern was disruption of the kayak launch.

Mr. Bracht answered that he wants to build a home. Mr. Bracht added that if he does anything on the water frontage, it may be building a short pier. Mr. Bracht stated this area is not near the kayak launch. Mr. Bracht said this area has people camping on it, building fires and leaving trash.

Mayor Wax closed the Public Hearing at 6:44 p.m.

### **Regular Agenda**

**15. Hear and deliberate on presentation of Chamber of Commerce Keep Rockport-Fulton Moving quarterly report.**

Rockport-Fulton Chamber of Commerce President Karen Mella addressed the Council. Ms. Mella presented the Rockport-Fulton Chamber of Commerce's Keep Rockport-Fulton Moving quarterly report.

Discussion was held between Council and Chamber President & Chief Executive Officer Diane Probst, Ms. Mella and Director of Tourism and Events Sandy Jumper in regard to the quarterly report.

**16. Deliberate and act on first reading of a proposed Ordinance authorizing the closing, vacating and abandonment of 0.197 acre of land embracing a portion of the south one-half of Airport Road, adjacent to Lot 1, Copano Village Subdivision, Rockport, Aransas County, Texas, according to the Plat of Record in Volume 1, Pages 72-73, Plat Aransas County, Texas; providing for the terms and conditions of such vacation and abandonment; authorizing the Mayor to execute a Quitclaim Deed for the 0.197 acre of land to be closed, vacated and abandoned; and providing for an effective date.**

Mayor Wax stated the Council had received information and discussed this during the public hearing held tonight.

**MOTON:** Council Member Villa moved to approve the first reading of the Ordinance authorizing the closing, vacating and abandonment of 0.197 acre of land embracing a portion of the south one-half of Airport Road, adjacent to Lot 1, Copano Village Subdivision, Rockport, Aransas County, Texas, according to the Plat of Record in Volume 1, Pages 72-73, 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 for the 0.197 acre of land to be closed, vacated and abandoned; and providing for an effective date. Council Member Gurtner seconded the motion. Motion carried unanimously.

**17. Deliberate and act on second reading of an Ordinance amending Article 4 of the City of Rockport Zoning Ordinance Number 1027 by changing the zoning of land located at 2055-2139 State Highway 35 Bypass; also known as J. Smith Survey, being parts of Lots 55 & 58, 2.127 acres, Rockport Aransas County, Texas, from R-1 (Single Family Dwelling District) to B-1 (General Business District).**

Mayor Wax stated there had been no changes to the Ordinance in content or form since the first reading.

**MOTION:** Council Member Villa moved to approve the second reading of an Ordinance amending Article 4 of the City of Rockport Zoning Ordinance Number 1027 by changing the zoning of land located at 2055-2139 State Highway 35 Bypass; also known as J. Smith Survey, being parts of Lots 55 & 58, 2.127 acres, Rockport Aransas County, Texas, from R-1 (Single Family Dwelling District) to B-1 (General Business District). Council Member Day seconded the motion. Motion carried unanimously.

**18. Deliberate and act on second reading of an Ordinance amending Article 4 of the City of Rockport Zoning Ordinance Number 1027 by changing the zoning of land located at 1853 FM 2165; 2.745 acres, also known as Moore Farm Tracts, Part of Lot 49 and west one-half (1/2) of north part of Lot 50, Rockport, Aransas County, Texas, from R-1 (Single Family Dwelling District) to B-1 (General Business District).**

Mayor Wax stated there had been no changes to the Ordinance in content or form since the first reading.

**MOTION:** Mayor Pro-Tem Rios moved to approve the second reading of an Ordinance amending Article 4 of the City of Rockport Zoning Ordinance Number 1027 by changing the zoning of land located at 1853 FM 2165; 2.745 acres, also known as Moore Farm Tracts, Part of Lot 49 and west one-half (1/2) of north part of Lot 50, Rockport, Aransas County, Texas, from R-1 (Single Family Dwelling District) to B-1 (General Business District). Council Member Gurtner seconded the motion. Motion carried unanimously.

**19. Deliberate and act on first and only reading of an Ordinance authorizing the issuance, sale and delivery of \$2,000,000.00 in aggregate principal amount of "City of Rockport, Texas Combination Tax and Revenue Certificates of Obligation, Series 2015"; securing the payment thereof by authorizing the levy of an annual *ad valorem* tax and a pledge of certain surplus revenues of the City's waterworks and sewer system; and approving and authorizing the execution of a paying agent/registrar agreement, a purchase contract, an official statement and all other instruments and procedures related thereto.**

The City's financial advisor, Bob Henderson, addressed the Council. Mr. Henderson said the Council had received a presentation in December in regard to issuing Texas Combination Tax and Revenue Certificates of Obligation in an amount not to exceed \$2,000,000.00 for improvements to the City's park system. Mr. Henderson called the Council's attention to the Standard & Poor's Ratings Services "Ratings Direct" summary (below).

**STANDARD & POOR'S RATINGS SERVICES**  
McGraw Hill Financial

**RatingsDirect**

Summary:  
**Rockport, Texas; General Obligation**

**Credit Profile**

US\$ 1.5 mil CO Refg Bonds ser 2015 dtd 01/15/2015 due 02/15/2021	AA/Stable	New
US\$ 2 mil Comb Tax and Rev Certs of Obligation ser 2015 dtd 01/15/2015 due 02/15/2025	AA/Stable	New

**Rationale**

Standard & Poor's Ratings Services assigned its 'AA' long-term rating to Rockport, Texas' series 2015 general obligation (GO) refunding bonds and series 2015 combination tax and revenue certificates of obligation. At the same time, Standard & Poor's affirmed its 'AA' long-term rating and underlying rating (SPUR) on the city's GO debt outstanding. The outlook is stable.

The series 2015 bonds and series 2015 certificates are secured by the city's direct and continuing ad valorem tax levied annually against all taxable property, within limits prescribed by law. The certificates are further secured by a pledge of surplus revenue from the city's waterworks and sanitary sewer system. Bond proceeds will be used to refund a portion of the city's outstanding debt for savings purposes. Certificate proceeds will be used primarily to fund projects related to the city's park system.

The ratings reflect our view of the following factors for the city:

- Very strong economy, which benefits from its direct participation in the broad and diverse Corpus Christi metropolitan statistical area (MSA);
- Strong management with good financial policies;
- Very strong budgetary flexibility, with fiscal 2013 audited reserves greater than 30% of general fund expenditures;
- Strong budgetary performance, with estimated general fund and total governmental funds surpluses for fiscal 2014;
- Very strong liquidity providing very strong cash levels to cover expenditures and debt service as needed; and
- Weak debt and contingent liabilities position, although amortization is rapid.

**Very strong economy**

We consider Rockport's economy to be very strong, with access to and participation in the broad and diverse Corpus Christi MSA in Aransas County. The city is located 30 miles north of downtown Corpus Christi and roughly 140 miles southwest of San Antonio. Being close to the Gulf Coast, the economy is largely tourism based, only half of the city's population consists of permanent residents. However, the economy has diversified into retailing, light manufacturing, and oil production and refining. Recent development in Rockport includes continued residential development within the town and the expansion of several oil and gas-related projects in the area that city officials report should bring more residents to the city. Also, within the past year, two new hotels have opened.

The city has a projected per capita effective buying income of 116% of the U.S. and a per capita market value of

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Summary: Rockport, Texas; General Obligation

approximately \$168,000 for fiscal 2015. Since fiscal 2011, assessed value (AV) has increased an average of 1.8% per year. For fiscal 2015, AV increased roughly 2.3% to approximately \$1.47 billion, from \$1.43 billion in fiscal 2014. Management anticipates AV will continue to grow modestly between 1% and 2% in the next few years. There is no taxpayer concentration within the primary residential tax base, with the 10 leading taxpayers accounting for about 4% of fiscal 2015 AV.

**Strong management conditions with good financial practices**

We view the city's management conditions as strong, with good financial practices under our Financial Management Assessment (FMA) methodology. This indicates financial practices exist in most areas but that governance officials might not formalize or regularly monitor all of them. Key practices include monthly budget updates and quarterly investment updates to the council, total revenue and expenditure projections for five years, and a long-term capital plan that is closely monitored and reviewed in an annual strategic session. The city adopted a policy to maintain 180 days' operations in the general fund balance in order to respond to unexpected events. The city does not have a formal debt management or long-term financial plan although it aims to develop a long-term strategic plan that will include financial and debt management policies.

**Very strong budgetary flexibility**

Budgetary flexibility remains very strong, with reserves averaging over 50% of expenditures for the past three fiscal years. While the city drew down reserves to \$2.8 million in fiscal 2013 from \$3.5 million in fiscal 2011, management estimates to have added roughly \$30,000 back for fiscal 2014, as per unaudited results. As a result, estimated fiscal 2014 reserves would equal approximately 56% of estimated expenditures. City officials do not have plans to significantly spend down on the city's reserves in the near term.

**Strong budgetary performance**

The city's budgetary performance has been strong overall, with a slight deficit of 1.7% for the general fund in fiscal 2013 and a surplus in total governmental funds of just under 14%, after making adjustments for one-time expenditures and recurring transfers. Property taxes and sales tax provided 49% and 23% of fiscal 2013 revenues, respectively. According to unaudited results for fiscal 2014, the city expects to have ended the year with a surplus of over 10% in the general fund and a surplus of about 8% in the total governmental funds. Management attributes the surpluses to property tax rate increases in fiscal years 2013 and 2014 and to stronger-than-anticipated sales tax receipts. The city has traditionally budgeted conservatively by overestimating expenditures and underestimating revenues. The fiscal 2015 budget reflects a surplus for the operating fund, and city officials report that the budget is trending positively for the year so far.

**Very strong liquidity**

Supporting the city's finances is liquidity we consider very strong, with total government available cash more than 100% of total governmental fund expenditures and 4.7x debt service. We believe the city has a strong access to external liquidity given its frequent debt issuances, primarily of GO debt, in the past decade.

**Weak debt and contingent liability profile**

In our opinion, the city's debt and contingent liability profile is weak, with total governmental fund debt service at about 34% of adjusted total governmental fund expenditures, and net direct debt at about 230% of total governmental fund revenue. The overall net debt burden is 4.2% of market value. The amortization schedule is rapid, in our view --

Summary: Rockport, Texas; General Obligation

about 70% of principal is due to retire within the next 10 years, and all debt is currently scheduled to retire by 2035 -- which we view as a credit strength. The city has no plans to issue GO debt in the near term.

The city currently participates in the Texas Municipal Retirement System (TMRS) to provide pension benefits for employees. Rockport contributed 99% in fiscal 2013 as prescribed by TMRS "phase-in" plan following changes in actuarial cost methods beginning in 2009. The annual required contribution for fiscal 2013 was approximately 8% of adjusted total governmental expenditures. As of the latest actuarial study, dated Dec. 31, 2013, the city's pension plan was 81% funded.

**Strong institutional framework**

We consider the institutional framework score for Texas municipalities strong. See Institutional Framework score for Texas.

**Outlook**

The stable outlook reflects our anticipation that management will continue to sustain very strong reserves and liquidity. The outlook also reflects our view that AV growth will continue to be modest and provide budgetary support in the next two years. Should the debt and liability profile moderate and the economy continue to expand and diversify, we could raise the ratings. Conversely, if the debt and liability profile worsens and reserve levels deteriorate, there could be downward pressure on the ratings.

**Related Criteria And Research**

**Related Criteria**

USFP Criteria: Local Government GO Ratings Methodology And Assumptions, Sept. 12, 2013

**Related Research**

- S&P Public Finance Local GO Criteria: How We Adjust Data For Analysis Consistency, Sept. 12, 2013
- Institutional Framework Overview: Texas Local Governments

**Ratings Detail (As Of January 9, 2015)**

Rockport GO Rating	Long Term Rating	AA/Stable	Affirmed
Rockport GO	AA(PUR)/Stable		Affirmed

Many issues are enhanced by S=AA(PUR)Stable.

Complete ratings information is available to subscribers of RatingsDirect at [www.globalcreditportal.com](http://www.globalcreditportal.com). All ratings affected by this rating action can be found on Standard & Poor's public Web site at [www.standardandpoors.com](http://www.standardandpoors.com). Use the Ratings search box located in the left column.

Mr. Henderson reviewed a handout (below) detailing the "Summary of Issue." Mr. Henderson informed the Council that the principal amount of issue was \$1,950,000.00 at 3.198% interest rate. Mr. Henderson recommended the Council accept the bid from Southwest Securities, Inc.

**Combination Tax & Revenue Certificates of Obligation, Series 2015**

**Summary of Issue**

- Detailed below are the estimated sources and uses of funds of the Combination Tax and Revenue Certificates of Obligation, Series 2015 issue:

Estimated Sources and Uses of Funds	
<b>Sources:</b>	
Principal Amount	\$1,950,000.00
Net Original Issue Premium	122,950.75
<b>Total Sources</b>	<b>\$2,072,950.75</b>
<b>Uses:</b>	
Deposit to Project Fund	\$2,000,000.00
Underwriter's Discount and Costs of Issuance	72,950.75
<b>Total Uses</b>	<b>\$2,072,950.75</b>

- The following are some of the summary statistics of the Combination Tax and Revenue Certificates of Obligation, Series 2015 issue:

Summary Statistics	
Pricing Date:	January 13, 2015
Delivery Date:	February 10, 2015
First Interest Payment Date:	August 15, 2015
Arbitrage Yield:	1.947%
All-In TIC:	3.198%
Final Maturity:	February 15, 2035
Call Date:	February 15, 2024
Average Life:	11.799 (yrs)

**Combination Tax & Revenue Certificates of Obligation, Series 2015**

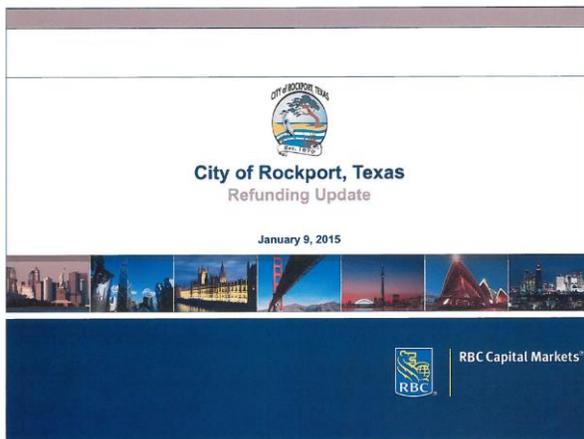
**Certificates Debt Service**

Fiscal Year Ending	Principal	Coupon Rate	Interest	Total Debt Service
09/30/2015			\$ 31,913	\$ 31,913
09/30/2016	\$ 30,000	2.00%	61,400	91,400
09/30/2017	75,000	2.00%	60,750	135,750
09/30/2018	80,000	2.00%	59,200	139,200
09/30/2019	80,000	2.00%	57,600	137,600
09/30/2020	85,000	2.00%	55,950	140,950
09/30/2021	90,000	2.00%	54,250	138,250
09/30/2022	85,000	2.00%	52,550	137,550
09/30/2023	80,000	3.25%	50,238	140,238
09/30/2024	90,000	3.25%	47,313	137,313
09/30/2025	95,000	3.25%	44,308	139,308
09/30/2026	100,000	3.25%	41,138	141,138
09/30/2027	100,000	3.25%	37,888	137,888
09/30/2028	105,000	3.25%	34,556	139,556
09/30/2029	110,000	3.75%	30,788	140,788
09/30/2030	115,000	3.75%	26,589	141,589
09/30/2031	115,000	3.75%	22,256	137,256
09/30/2032	120,000	3.75%	17,850	137,850
09/30/2033	125,000	4.00%	13,100	138,100
09/30/2034	130,000	4.00%	8,000	138,000
09/30/2035	135,000	4.00%	2,700	137,300
<b>Total</b>	<b>\$ 1,950,000</b>		<b>\$ 810,713</b>	<b>\$ 2,760,713</b>

**MOTION:** Council Member Gurtner moved to approve the first and only reading of an Ordinance authorizing the issuance, sale and delivery of \$1,950,000.00 in aggregate principal amount of "City of Rockport, Texas Combination Tax and Revenue Certificates of Obligation, Series 2015"; securing the payment thereof by authorizing the levy of an annual *ad valorem* tax and a pledge of certain surplus revenues of the City's waterworks and sewer system; and approving and authorizing the execution of a paying agent/registrar agreement, a purchase contract, an official statement and all other instruments and procedures related thereto. Council Member Day seconded the motion. Motion carried unanimously.

- 20. Deliberate and act on first and only reading of an Ordinance authorizing the issuance, sale and delivery of \$7,150,000.00 in aggregate principal amount of "City of Rockport, Texas General Obligation Refunding Bonds, Series 2015"; securing the payment thereof by authorizing the levy of an annual *ad valorem* tax; and approving and authorizing the execution of a paying agent/registrar agreement, a purchase contract, an escrow agreement, an official statement and all other instruments and procedures related thereto.

The City's financial advisor, Bob Henderson, addressed the Council. Mr. Henderson stated that in the spring of 2014, the Council considered refunding several General Obligation Bonds in an amount not to exceed \$10 million. Mr. Henderson said the Council made the decision to split the refunding into two (2) transactions. Mr. Henderson reviewed the Refunding Update handout (below) showing a savings of \$567,379.00.



**Preliminary Refunding Analysis - Update**

**Refunding Opportunity** Tax-Exempt Refunding: The City issues tax-exempt Refunding Bonds to refund the remaining callable portions its Combination Tax and Revenue Certificates of Obligation, Series 2007.

Summary of Bonds Being Refunded				
Series	Outstanding	Bonds Callable	Call Date	Maturities Refunded
Combination Tax & Revenue COs, Series 2007	\$9,269,000	\$6,880,000	02/15/17	2018-2023, 2027

Summary of Projected Debt Service Savings			
	As of:	09/19/2014	03/09/2015
Par Amount Refunded		\$6,880,000	\$6,880,000
Total Debt Service Savings		\$485,324	\$601,084
Present Value of Debt Service Savings		\$450,454	\$567,379
PV Savings as a % of Refunded Bonds		6.55%	8.25%
Average Coupon of Refunded Bonds		5.06%	5.06%
True Interest Cost of Refunding Bonds		2.26%	2.25%
Negative Arbitrage		\$199,238	\$136,240
Negative Arb. / PV of Savings		44.2%	24.0%

**Preliminary Refunding Analysis - Update**

FY	Cash Flows			
	Prior Debt Service	Refunding Debt Service	Savings	Present Value Savings
2015	\$340,705	\$335,846	\$4,859	\$6,189
2016	340,705	211,200	129,505	126,889
2017	340,705	211,200	129,505	124,856
2018	1,279,585	1,201,125	78,460	74,282
2019	1,280,350	1,205,450	74,900	69,812
2020	1,282,443	1,208,725	73,718	67,668
2021	1,278,644	1,201,100	77,544	70,147
2022	1,279,056	1,276,450	2,606	2,201
2023	1,281,188	1,279,550	1,638	1,410
2024	18,900	10,800	8,100	6,974
2025	18,900	10,800	8,100	6,863
2026	18,900	10,800	8,100	6,753
2027	369,450	365,400	4,050	3,336
<b>Total</b>	<b>\$9,129,530</b>	<b>\$8,526,446</b>	<b>\$601,084</b>	<b>\$567,379</b>

**SAVINGS**

City of Rockport - General Obligation  
General Obligation Refunding Bonds, Series 2015

Date	Prior Debt Service	Refunding Debt Service	Savings	Present Value @ 1.8471271%
09/30/2015	340,705.00	339,806.77	898.23	2,448.30
09/30/2016	340,705.00	228,737.50	111,967.50	109,396.70
09/30/2017	340,705.00	228,737.50	111,967.50	107,403.66
09/30/2018	1,279,585.00	1,194,037.50	85,547.50	80,506.74
09/30/2019	1,280,350.00	1,194,187.50	86,162.50	79,678.98
09/30/2020	1,282,442.50	1,193,437.50	89,005.00	80,896.23
09/30/2021	1,278,643.75	1,194,025.00	84,618.75	75,578.85
09/30/2022	1,279,056.25	1,274,300.00	4,756.25	4,079.88
09/30/2023	1,281,187.50	1,280,041.75	1,145.75	958.62
09/30/2024	18,900.00	11,700.00	7,200.00	6,072.44
09/30/2025	18,900.00	11,700.00	7,200.00	5,961.81
09/30/2026	18,900.00	11,700.00	7,200.00	5,853.20
09/30/2027	369,450.00	365,850.00	3,600.00	2,886.49
	9,129,530.00	8,528,263.02	601,266.98	561,721.90

**Savings Summary**

PV of savings from cash flow	561,721.90
Net PV Savings	561,721.90

Mayor Wax stated the total savings on the General Obligation and General Obligation Refunding Bonds is \$601,266.98.

**MOTION:** Council Member Day moved to approve the Ordinance authorizing the issuance, sale and delivery of \$7,125,000.00 in aggregate principal amount of "City of Rockport, Texas General Obligation Refunding Bonds, Series 2015"; securing the payment thereof by authorizing the levy of an annual *ad valorem* tax; and approving and authorizing the execution of a paying agent/registrar agreement, a purchase contract, an escrow agreement, an official statement and all other instruments and procedures related thereto. Council Member Gurtner seconded the motion. Motion carried unanimously.

**21. Deliberate and act on a contract with Aransas County Independent School District for a compressed natural gas facility.**

City Manager Kevin Carruth stated that as a result of many months of work by the City's and Aransas County Independent School District's (ACISD) legal counsels, the contract for the compressed natural gas facility has been finalized. Mr. Carruth added that because of the depth of understanding and cooperation between the City and ACISD and in order to expedite the project, construction of the facility was allowed to proceed concurrently with finalization of the contract. Mr. Carruth informed the Council that project startup is expected the first week of February.

Mayor Wax encouraged the Council to view the progress that has been made on the Compressed Natural Gas fueling station site.

**MOTION:** Council Member Villa moved to approve the contract with Aransas County Independent School District for a compressed natural gas facility. Council Member Day seconded the motion. Motion carried unanimously.

**22. Reports from Council and Staff.**

At this time, the City Council will report/update on all committee assignments which may include the following: Aransas County Storm Water Committee, Community Park Committee, Park & Leisure Advisory Board, Chamber of Commerce, Coastal Bend Council of Governments, Coastal Bend Bays & Estuaries, Texas Maritime Museum, Fulton Mansion, Rockport Center for the Arts, Rockport Tropical Christmas, and Texas Municipal League. Staff reports include the following: Building & Development – Bi-Weekly Code Enforcement, Proposed Development Report; Accounting & Finance – Update on Liens Collection, Financial & Investment Information, Monthly Financial Reports; Police Department – Grant Update, Quarterly Police Reports; Public Works – Building Maintenance, Construction Updates; Park & Leisure Services – Grant Updates, Miscellaneous park projects; Municipal Court; Administration – Interlocal Agreements, Public Information, and Hotel Occupancy Report. No formal action can be taken on these items at this time.

Mayor Wax shared with the Council a letter (below) received from Waddle Range Council (Beachport), Australia expressing their thanks to Terry and Rob Baiamonte for taking time out on their trip to Australia to visit Beachport and renew the Sister Cities relationship. Mayor Wax thanked City Attorney Terry Baiamonte for representing the City of Rockport so well.

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## OFFICE OF THE MAYOR

Our Ref: GF/10.50.1  
coulet mayor city of rockport 201014



Wattle Range  
COUNCIL  
PO Box 27, Millicent SA 5280  
www.wattlerange.sa.gov.au

RECEIVED

NOV 12 2014

ASST. CITY SECRETARY

21 October 2014

The Honourable Charles J Wax  
Mayor  
City of Rockport  
622E Market Street  
ROCKPORT TEXAS 78382  
UNITED STATES OF AMERICA

Dear Mayor Wax

I write on behalf of the Wattle Range Council to thank Terry and Rob Baiamonte for taking time out on their trip to Australia to visit Beachport and renew the Sister Cities relationship. We also thank you for the gifts you provided, especially the significant artwork depicting a Rockport City marina. This artwork is currently on display in our Council Chamber.

I enjoyed having dinner with Terry and Rob at Beachport and it was very interesting to hear and learn about Rockport City. I understand that Terry and Rob enjoyed touring with our CEO and learning about our area, particularly Beachport.

It was a privilege to receive your Proclamation and, as you are aware, our CEO has been liaising with your General Manager to provide a report for our new Council following the elections which were held on November 8, 2014. I anticipate that this will be a significant step in rekindling our Sister City relationship.

Like you, I look forward to possibly meeting you in person in the future and on behalf of the Wattle Range Council, which includes Beachport, I thank you and your Council for your friendship.

Yours sincerely

Peter Gandolfi  
**MAYOR**

Email: [mayor@wattlerange.sa.gov.au](mailto:mayor@wattlerange.sa.gov.au)

STRENGTH AND VISION FROM COAST TO BORDER

Discussion was held among Council and Public Works Director Mike Donoho in regard to the Code Enforcement Report.

Finance Director Patty Howard stated the Monthly Financial Reports for the period ending December 31, 2014, and the Quarterly Investment Report for the period ending December 31, 2014, were included in the Agenda packet. Ms. Howard asked if the Council had any questions or comments.

Brief discussion was held among Council and Ms. Howard in regard to the Financial Reports.

City Secretary Teresa Valdez introduced newly hired Assistant City Secretary Ruby Beaven.

### **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:**

- 23. Section 551.071(1)(A) and Section 551.071(2) Consultation with Attorney: 1) Pending or contemplated litigation; and 2) Jail Services Agreement.**
- 24. Section 551.087 Deliberation Regarding Economic Development Negotiations: 1) Project Aransas; 2) Project Seagull; 3) Project Warbler, and 4) Project Blue Heron.**
- 25. Section 551.072 Deliberation about Real Property: Acquisition of property for public purpose - Project Ibis.**
- 26. Section 551.076 Deliberation Regarding Security Devices or Security Audits: Closed Meeting.**
- 27. Section 551.074 Personnel Matters - City Manager evaluation.**

At 7:32 p.m., Mayor Wax convened the Rockport City Council into an executive session pursuant to the provisions of Chapter 551 of the Texas Government Code, in accordance with the authority contained in Section 551.071(1)(A) and Section 551.071(2) Consultation with Attorney: 1) Pending or contemplated litigation; and 2) Jail Services Agreement; Section 551.087 Deliberation Regarding Economic Development Negotiations: 1) Project Aransas; 2) Project Seagull; 3) Project Warbler, and 4) Project Blue Heron; Section 551.072 Deliberation about Real Property: Acquisition of property for public purpose - Project Ibis; Section 551.076 Deliberation Regarding Security Devices or Security Audits: Closed Meeting; and Section 551.074 Personnel Matters - City Manager evaluation.

### **Open Session**

- 28. 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 8:45 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 actions necessary related to the executive sessions noted herein, or regular agenda items, noted above, and/or related items.

No action was taken.

City Manager Kevin Carruth stated he wanted to provide the Council an update on an item on Staff Reports. Mr. Carruth informed the Council that an employment offer had been extended for the Community Planner position and had been accepted but due to the fact that the individual

could not sell her home in San Antonio in order to purchase home in Rockport, she has withdrawn the acceptance. Mr. Carruth added that the individual's present employer has given her a promotion and a pay raise.

Council Member Rusty Day informed the Council that the City of Rockport is now the only city serviced by Republic Services that is not on automated collection carts.

**29. Adjournment**

At 8:47 p.m., Council Member Villa moved to adjourn. Motion was seconded by Mayor Pro-Tem Rios and carried unanimously.

**CITY OF ROCKPORT, TEXAS**

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Charles J. Wax, Mayor

ATTEST:

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Teresa Valdez, City Secretary

**CITY COUNCIL AGENDA**  
**Regular Meeting: Tuesday, January 27, 2015**

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**AGENDA ITEM: 5**

Deliberate and act on 1<sup>st</sup> quarter report from the Friends of the Fulton Mansion State Historical Site for Fiscal Year 2014-2015 marketing expenditures.

**SUBMITTED BY:** City Secretary Teresa Valdez

**APPROVED FOR AGENDA:** PKC

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**BACKGROUND:** The Friends of the Fulton Mansion State Historical Site has been allocated \$85,000.00 in FY 2014-15 Hotel Occupancy Tax (HOT) funds. According to our agreement with the Friends of the Fulton Mansion State Historical Site, HOT funds are paid in advance and a report of the previous quarter's expenditures is required. See the accompanying 1<sup>st</sup> quarter HOT expenditure report for additional information.

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**FISCAL ANALYSIS:** Charged to account 6602009. YTD expenses are \$2,500.00 out of \$85,000.00 budgeted.

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**STAFF RECOMMENDATION:** Staff recommends approval of the Friends of the Fulton Mansion State Historical Site FY 2014-2015 Hotel Occupancy Tax funds 1<sup>st</sup> quarter expenditures and authorization to disburse 2<sup>nd</sup> Quarter funds in the amount of \$21,250.00.

## **Fulton Mansion Restoration Report for the Rockport City Council January, 2015**

### **Project Overview**

Total project costs for the restoration of the Fulton Mansion were originally projected to be \$2.795 million. Construction was to begin in May 2013, with an estimated completion of May 2014. The project scope included roof, gutter, dormer, and lighting protection system restoration, wood window and door restoration, repairs to wood siding and water table, porch repair/restoration, and painting. It also included demolition, salvage and reinstallation of tile and wood floors, replacement of iron beams and shellcrete vaults, removal and reinstallation of first floor mechanical system, safety upgrade to the electrical system, polyurethane injection at perimeter of basement slab, installation of new basement sump pumps, and repairs to interior finishes.

### **Project Status**

The restoration of the Fulton Mansion began in June 2013 and continues to progress well, with a strong commitment on the part of the preservation architect and the construction contractor to “do it once and do it right.” The contractor has proceeded with appropriate caution in the disassembly and investigation of the historic building components, and both the architect and contractor have worked cooperatively with the THC to respond to hidden conditions as well as unexpected opportunities to make this a better, more complete project.

The following work has been completed or is in progress:

- Repairs to walls and floors related to termite damage
- Steel structural supports have been added
- Repairs and priming of exterior wood siding and decorative trim
- Window sashes and sills have been repaired, and specialized replacement glass is being installed
- Repair of foundation - cracks in the foundation walls have been injected with a material to consolidate the historic shellcrete and help waterproof the basement. Rusted iron beams have been replaced.
- Copper flashing has been added under the base of the exterior siding to prevent further water infiltration.
- The gallery foundations have been rebuilt and pavers are being installed this month (January).
- 90% of the exterior painting has been completed.
- Interior plaster repairs have begun.
- Roof repairs have been made and slate shingles will be replaced in February.

The current construction contract is \$2,623,723.79, of which \$1,426,852.81 (54%) has been expended as of December 30, 2014. The contract total has been modified and increased to \$3,400,000. With this increased amount, the following scope changes have been completed or are in the process of occurring:

- Disassembly and investigative work revealed more extensive wood deterioration in the first floor structure, which required additional structural interventions to correct. Interventions have included the addition of stainless steel beams and columns in some areas of the basement, as well as a structural plywood diaphragm at the basement ceiling in some areas. All of these materials will be concealed to the greatest possible degree in the interpreted areas of the basement, but where this is not possible they will become part of the story of how the building has performed and survived over the years.
- The decorative encaustic tile in the first floor hallway, foyer and dining room will now be fully addressed as part of this project. The deflection of the wooden floor structure due to rot and termite damage, as well as the spalling of the shellcrete vaults due to the expansion of the rusting iron beams, has caused extensive cracking, chipping, and delamination of the original floor tiles. Removal of a significant portion of the tile has been required for both investigation and correction of these issues. As much of the original tile is being saved as possible and badly damaged tiles are being replaced with authentic replacement tiles from England, which were produced using the same clays and craft methods as the original tile.
- Additional areas of vertical wood exterior siding have been removed, repaired, and reinstalled. This process also allowed modern water-resistant membranes to be installed behind the siding to protect the wood structure.
- The original project scope included removing and reinstalling the ductwork for the HVAC system in the basement serving the first floor. When ducts were removed severe corrosion was discovered, and the plaster ceiling had collapsed into the ducts. The severe deterioration and flawed design of the mechanical system serving the first floor will be fully addressed with the installation of a new air handling unit and new, re-designed ductwork. Because the grand staircase inside the building joins the atmosphere of all three floors, the mechanical system and ductwork serving the second and third floors will also be replaced, ensuring that both systems work together to enhance efficiency and provide the best environment for the artifacts and the building itself.
- The roof slate at the mansard, approximately 75% of which was original 1877 material, was found to be at the end of its service life, and is too thin and brittle to be reinstalled. A portion of the original material will be saved in the THC collection for research and interpretive purposes, and the roof will receive new slate shingles that match the historic in color, thickness and pattern that will withstand the harsh coastal weather for many years to come. Roof work will begin in January.

## **Project Completion**

The contractor's proposed "substantial completion" date is currently May, 2015. Upon completion of interior plaster repair and painting, new exhibits, artifacts, and furnishings will be re-installed in the Mansion. This process will take approximately two months.

The Mansion will reopen to the public late summer, 2015, and a grand opening will occur in the fall.

<b>CATEGORY</b>	Grant Amount	1st Qtr	2nd Qtr	3rd Qtr	4th Qtr	Total
Fulton Mansion Restoration	\$75,000.00					
Education & History Center	\$10,000.00	\$2,500.00				\$2,500.00
<b><i>TOTAL</i></b>	\$85,000.00					
<b>EXPENSES</b>						
<b>LIABILITIES</b>						
<b>HOT Funds Deposited</b>		\$21,250.00				



**ROCKPORT CITY COUNCIL**  
**Regular Meeting: Tuesday, January 27, 2015**

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**AGENDA ITEM: 6**

Deliberate and act on a Resolution of the Rockport City Council ordering a General Election and establishing procedures for said Election to be held on Saturday, May 9, 2015; the General Election shall be for the purpose of electing a Council Member to represent Ward #1 and a Council Member to represent Ward #3; providing other matters relating to the General Election; and finding and determining that the meeting at which this Resolution is passed is open to the public as required by law.

*Deliberar y tomar medidas sobre la Resolución del Ayuntamiento de la Ciudad de Rockport en la que se ordena la realización de unas Elecciones Generales y se establecen procedimientos para dichas Elecciones, que se llevarán a cabo el sábado 9 de mayo de 2015; las Elecciones Generales se realizarán con el propósito de elegir un Concejal que represente el Distrito #1 y un Concejal que represente el Distrito #3; se estipulan otros asuntos relacionados con las Elecciones Generales, y se decide y determina que la reunión en la cual se aprueba esta Resolución estará abierta al público, como lo requiere la ley.*

**SUBMITTED BY:** City Secretary Teresa Valdez

**APPROVED FOR AGENDA:** PKC

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**BACKGROUND:** The accompanying Resolution establishes the procedures for the May 9, 2015 General Election in accordance with the general laws and Constitution of the State of Texas, and the City's Home Rule Charter. The May 9, 2015 Election is called for the resident, qualified voters of Ward 1 and Ward 3 to vote for their respective Council Member.

Ms. Linda Garcia has agreed to serve as Presiding Judge, and Ms. Debbie Kahanek will serve as Alternate Presiding Judge with up to five clerks of the election to be appointed by the Presiding Judge. The appointment is for a single election to be held on Saturday, May 9, 2015. Election officials shall be paid \$8.25 per hour with the Presiding Judge receiving an additional \$25.00 for conducting the election. The polls on Election Day shall be open from seven o'clock (7:00) a.m. to seven o'clock (7:00) p.m.

Section 10 of the Resolution requires the Mayor to set the date and time of the Official Canvass for this Election. Mayor Wax has set Tuesday, May 12, 2015 at 6:30 pm for the official canvass.

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**FISCAL ANALYSIS:** Elections are charged to account 6072009.

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**RECOMMENDATION:** Staff recommends City Council approve the Resolution as presented.

## RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROCKPORT ORDERING A GENERAL ELECTION AND ESTABLISHING PROCEDURES FOR SAID ELECTION TO BE HELD ON SATURDAY, MAY 9, 2015; THE GENERAL ELECTION SHALL BE FOR THE PURPOSE OF ELECTING A COUNCIL MEMBER TO REPRESENT WARD #1 AND A COUNCIL MEMBER TO REPRESENT WARD #3; PROVIDING OTHER MATTERS RELATING TO THE GENERAL ELECTION; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROCKPORT, COUNTY OF ARANSAS, STATE OF TEXAS:**

In accordance with the general laws and Constitution of the State of Texas, and the Charter of the City, a General Election is hereby called and ordered for Saturday, May 9, 2015. All resident, qualified voters of the City of Rockport's Ward #1 and Ward #3 shall be permitted to vote for their representative in Ward #1 and #3, respectively, in said election.

**Section 1:** The City Secretary of the City of Rockport is hereby directed to cause notice to be given of said elections by publication in the official newspaper of the City of Rockport, Texas, in accordance with the State Election Code.

**Section 2:** Applications to have the name of a candidate placed on the ballot may not be filed earlier than thirty (30) days before the deadline prescribed by the Election Code for filing applications with the City Secretary, and that the earliest date for a candidate to file same will be Wednesday, January 28, 2015, at 8:00 a.m., with the last day for filing to be Friday, February 27, 2013, at 5:00 p.m., in accordance with Election Code Sec. 143.006 and 143.007.

**Section 3:** The order in which the names of the candidates are to be printed on the ballot for the positions of Council Member Ward #1 and Council Member Ward #3 on said Rockport City Council shall be determined by a drawing conducted by the City Secretary, as provided by Section 52.094 of the Texas Election Code, on Wednesday March 4, 2015, at 10:00 a.m. in the Office of the City Secretary, Rockport City Hall, 622 E. Market Street, Rockport, Texas.

**Section 4:** Rockport City Secretary Teresa Valdez is designated as the Early Voting Clerk and Aransas County Independent School District (ACISD) Executive Assistant Stephanie Garcia, City of Rockport Assistant City Secretary Ruby Beaven and Administrative Assistant Diana Leonard are designated as Deputy Early Voting Clerks. Early voting by personal appearance will be conducted each weekday at the Rockport City Hall, 622 E. Market Street, Rockport, Texas, between the hours of 8:00 a.m. and 5:00 p.m., beginning on Monday, April 27, 2015, and ending on Tuesday, May 5, 2015. The required two (2) days of extended early voting for the City of Rockport shall be held on the last two (2) days of Early Voting, from 7:00 a.m. to 7:00 p.m. on Monday, May 4<sup>th</sup> and Tuesday, May 5<sup>th</sup>, 2015.

**Section 5:** The Early Voting Clerk shall process all applications for early voting by mail. Applications for ballot by mail shall be mailed to: Teresa Valdez, Early Voting Clerk, 622 E.

Market Street, Rockport, TX 78382. The last day to receive an application from a voter in person for a ballot to be voted by mail is the close of business on Friday, April 24, 2015.

**Section 6:** A HAVA compliant voting system approved by the Texas Secretary of State shall be used for voting during Early Voting and Election Day. Paper ballots shall be used for voting by mail. The Early Voting Ballot Board shall canvass all ballots cast in the Saturday, May 9, 2015, General Election.

**Section 7:** That Linda Garcia will serve as Presiding Judge and Debbie Kahanek will serve as Alternate Presiding Judge, and the clerks of the election will be appointed by the Presiding Judge in a number not to exceed five (5) clerks. The appointment is for a single election to be held on Saturday, May 9, 2015.

Election officials shall be paid \$8.25 per hour, with the Presiding Judge receiving an additional \$25.00 for conducting said election.

The polls at the polling place on said Election Day shall be open from seven o'clock (7:00) a.m. to seven o'clock (7:00) p.m.

**Section 8:** A committee of the following persons is hereby established to hold three computer accuracy tests. The first test shall be conducted at least 48 hours before the count of voted ballots. The second test shall be conducted immediately prior to the start, and the third test immediately subsequent to the count of voted ballots, to ascertain that the computer will accurately count the votes cast for the offices to be voted upon in said election:

- a) Cheryl Pridden, Alternate Judge;
- b) ACISD Executive Assistant Stephanie Garcia and/or a representative of Aransas County Independent School District (if needed);
- c) City Secretary Teresa Valdez;
- d) City of Rockport IT Manager Brian Jacobs; and
- e) Consultant – Vendor representative.

**Section 9:** Notice of this election shall be given in accordance with the provisions of the Texas Election Code and returns of such notice shall be made as provided for in said Code. The Mayor shall issue all necessary orders and writs for such election, and returns of such election shall be made to the City Secretary immediately after the closing of the polls. In addition, the election materials as outlined in Section 272.005, Texas Election Code, shall be printed in both English and Spanish for use at the polling places and for early voting for said election.

**Section 10:** The City Secretary or a designated representative will provide Official Oath and Statement of Elected Officials to candidates who appear to have won or may win, on Tuesday, May 12, 2015. Mayor Charles J. Wax has set Tuesday, May 12, 2013 at 6:30 pm as the date of Official Canvass. The City Secretary is directed to record results in Election Register as soon as practicable after the Canvass.

**Section 11:** The City Secretary is directed to report early votes cast for each candidate by election precinct, to the Texas Secretary of State no later than Monday, June 8, 2015.

**Section 12:** Said election shall be held in accordance with the Texas Election Code and the Federal Voting Rights Act of 1965, as amended.

**Section 13:** Should any part, section, subsection, paragraph, sentence, clause or phrase contained in this resolution be held to be unconstitutional or of no force and effect, such holding shall not affect the validity of the remaining portion of this resolution, but in all respects said remaining portion shall be and remain in full force and effect.

**Section 14:** 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 that public notice of the time, place and purpose of said meeting was given as required.

**PASSED AND APPROVED** by the Rockport City Council, County of Aransas, State of Texas, on this 27<sup>th</sup> day of JANUARY 2015.

**CITY OF ROCKPORT, TEXAS**

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Charles J. Wax, Mayor

**ATTEST:**

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Teresa Valdez, City Secretary

**RESOLUCIÓN NO. \_\_\_\_\_**

**UNA RESOLUCIÓN DEL AYUNTAMIENTO DE LA CIUDAD DE ROCKPORT EN LA QUE SE ORDENA LA REALIZACIÓN DE UNAS ELECCIONES GENERALES Y SE ESTABLECEN PROCEDIMIENTOS PARA DICHAS ELECCIONES, QUE SE LLEVARÁN A CABO EL SÁBADO, 9 DE MAYO DE 2015; LAS ELECCIONES GENERALES SE REALIZARÁN CON EL PROPÓSITO DE ELEGIR UN CONCEJAL QUE REPRESENTA EL DISTRITO #1 Y UN CONCEJAL QUE REPRESENTA EL DISTRITO #3; SE ESTIPULAN OTROS ASUNTOS RELACIONADOS CON LAS ELECCIONES GENERALES, Y SE DECIDE Y DETERMINA QUE LA REUNIÓN EN LA CUAL SE APRUEBA LA RESOLUCIÓN ESTARÁ ABIERTA AL PÚBLICO, COMO LO REQUIERE LA LEY.**

**EL AYUNTAMIENTO DE LA CIUDAD DE ROCKPORT, CONDADO DE ARANSAS, ESTADO DE TEXAS, RESUELVE QUE:**

De acuerdo con las leyes generales y la Constitución del Estado de Texas, y con el Fuero de la Ciudad, se convoca a Elecciones Generales por medio de la presente y se ordena llevarlas a cabo el sábado 9 de mayo de 2015. Todos los votantes residentes de los Distritos #1 y #3 de la Ciudad de Rockport, que reúnan los requisitos, tendrán permiso para votar en dichas elecciones por su representante en el Distrito #1 y en el Distrito #3, respectivamente.

**Sección 1:** Por la presente se le ordena a la Secretaria Municipal de la Ciudad de Rockport notificar sobre dichas elecciones por medio de una publicación en el periódico oficial de la Ciudad de Rockport, Texas, de acuerdo con el Código Electoral Estatal.

**Sección 2:** Las solicitudes para poner el nombre de un candidato en la papeleta de votación no pueden presentarse con más de treinta (30) días de anticipación de la fecha límite prescrita por el Código Electoral para presentar solicitudes a la Secretaria Municipal. La primera fecha en que un candidato puede presentar dicha solicitud es el miércoles 28 de enero de 2015, a las 8:00 a.m., y el último día para presentar las solicitudes es el viernes 27 de febrero 2015, a las 5:00 p.m., de acuerdo con el Código Electoral, Sec. 143.006 y 143.007.

**Sección 3:** El orden en el cual se imprimirán los nombres de los candidatos en la papeleta de votación para los cargos de Concejal del Distrito #1 y Concejal del Distrito #3 en dicho Ayuntamiento de la Ciudad de Rockport se determinará por medio de un sorteo realizado por la Secretaria Municipal, como lo estipula la Sección 52.094 del Código Electoral de Texas, el miércoles 4 de marzo de 2015, a las 10:00 a.m. en la Oficina de la Secretaria Municipal, Ayuntamiento de la Ciudad de Rockport, 622 E. Market Street, Rockport, Texas.

**Sección 4:** La Secretaria Municipal de la Ciudad de Rockport, Teresa Valdez, queda designada como Secretaria de Votación Anticipada, y la Asistente Ejecutiva del Distrito Escolar

Independiente del Condado de Aransas (ACISD), Stephanie Garcia, la Secretaria Municipal Adjunta, Ruby Beaven, y la Asistente Administrativa, Diana Leonard, son designadas como Subsecretarias de Votación Anticipada. La votación anticipada en persona se llevará a cabo cada día de la semana en el Ayuntamiento de la Ciudad de Rockport, 622 E. Market Street, Rockport, Texas, entre las 8:00 a.m. y las 5:00 p.m., comenzando el lunes 27 de abril de 2015 y terminando el martes 5 de mayo de 2015. Los dos (2) días requeridos de votación anticipada extendida para la Ciudad de Rockport serán los últimos dos (2) días de votación anticipada, el lunes 4 de mayo y el martes 5 de mayo de 2015, de las 7:00 a.m. a las 7:00 p.m.

**Sección 5:** La Secretaria de Votación Anticipada tramitará todas las solicitudes para votación anticipada por correo. Las solicitudes para votar por correo deben enviarse por correo a: Teresa Valdez, Early Voting Clerk, 622 East Market Street, Rockport, TX 78382. Dichas solicitudes para votar por correo deben recibirse en persona a más tardar a la hora del cierre de oficinas del viernes 3 de abril de 2015.

**Sección 6:** Se usará un sistema de votación compatible con la Ley para Ayudar a América a Votar (HAVA, por sus siglas en inglés), aprobado por el Secretario de Estado de Texas, durante la votación anticipada y el día de elecciones. Las papeletas de votación se usarán para votar por correo. La Junta de 9 de mayo de 2015.

**Sección 7:** Linda Garcia servirá como Jueza Presidenta, y Debbie Kahanek servirá como Jueza Presidenta Suplente, y las secretarias de las elecciones serán nombradas por la Jueza Presidenta, sin exceder más de cinco (5) secretarias. Ese nombramiento es para que se realicen unas elecciones únicas el sábado 9 de mayo de 2015.

Los funcionarios de las elecciones recibirán un pago de \$8.25 por hora, y la Jueza Presidente recibirá \$25.00 adicionales por realizar dichas elecciones.

Las urnas en el sitio de votación durante el día de elecciones permanecerán abiertas desde las siete en punto de la mañana (7:00 a.m.) hasta las siete en punto de la noche (7:00 p.m.).

**Sección 8:** Por la presente se establece un comité, constituido por las siguientes personas, con el fin de realizar tres (3) pruebas de exactitud de la computadora. La primera prueba se llevará a cabo por lo menos 48 horas antes del conteo de los votos sufragados. La segunda prueba se realizará inmediatamente antes del comienzo del conteo, y la tercera prueba se hará inmediatamente después del conteo de los votos sufragados, con el fin de garantizar que la computadora contará con exactitud los votos sufragados para la elección de los funcionarios por los cuales se votará en dichas elecciones:

- a) Cheryl Pridgen, Jueza Presidenta Suplente;
- b) Asistente Ejecutiva del ACISD, Stephanie Garcia, y/o un representante del Distrito Escolar Independiente del Condado de Aransas (ACISD) (si es necesario);
- c) Secretaria Municipal, Teresa Valdez;
- d) Gerente de Tecnología de Información de la Ciudad de Rockport, Brian Jacobs; y
- e) Asesor – Representante del proveedor.

**Sección 9:** Se dará aviso de estas elecciones de acuerdo con las disposiciones del Código

Electoral de Texas, y los resultados de tal notificación se informarán como se estipula en dicho Código. El Alcalde expedirá todas las órdenes necesarias y los mandatos judiciales para dichas elecciones, y los resultados de tales elecciones se informarán a la Secretaria Municipal inmediatamente después del cierre de las urnas. Además, los materiales de las elecciones, como se explica en la Sección 272.005 del Código Electoral de Texas, se imprimirán tanto en inglés como en español para usarlos en los sitios de votación y durante la votación anticipada en dichas elecciones.

**Sección 10:** La Secretaria Municipal, o un representante designado, proporcionará el martes 12 de mayo de 2015 un Juramento Oficial y una Declaración de Funcionarios Electos a los candidatos que parezcan haber ganado o que puedan ganar. El Alcalde Charles J. Wax ha establecido que la fecha del escrutinio oficial será el martes 12 de mayo de 2015, a las 6:30 p.m. La Secretaria Municipal tiene la orden de registrar los resultados en el Registro Electoral tan pronto como sea posible después del escrutinio.

**Sección 11:** La Secretaria Municipal tiene la orden de informar al Secretario de Estado de Texas, a más tardar el lunes, 8 de junio de 2015, el resultado del escrutinio de los votos sufragados en la votación anticipada por cada candidato o disposición, por distrito electoral.

**Sección 12:** Dichas elecciones se realizarán de acuerdo con el Código Electoral de Texas y la Ley Federal de Derecho al Voto de 1965, y sus enmiendas.

**Sección 13:** Si alguna parte, sección, subsección, párrafo, oración, cláusula o frase contenida en esta resolución es considerada inconstitucional, nula o sin validez, dicha consideración no afectará la validez de la porción restante de esta resolución, sino que en todos los respectos dicha porción restante permanecerá en completa vigencia y efecto.

**Sección 14:** Por la presente se falla y se determina oficialmente que la reunión en la cual se aprueba esta resolución está abierta al público como lo requiere la ley, y que se hizo una notificación pública de la hora, lugar y propósito de dicha reunión, como es requerido.

**APROBADA** por el Ayuntamiento de la Ciudad de Rockport, Condado de Aransas, Estado de Texas, este día **27** de ENERO de 2015.

**CIUDAD DE ROCKPORT, TEXAS**

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Charles J. Wax, Alcalde

**ATESTIGUA:**

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Teresa Valdez, Secretaria Municipal

**CITY COUNCIL AGENDA**  
**Regular Meeting: Tuesday, January 27, 2015**

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**AGENDA ITEM: 7**

Deliberate and act on May 9, 2015 Joint Election Contract for Election Services between the City of Rockport and Aransas County Independent School District in compliance with HB 1.

*Deliberar y tomar medidas sobre el Contrato de Elecciones Conjuntas del 9 de mayo de 2015 para Servicios Electorales entre la Ciudad de Rockport y el Distrito Escolar Independiente del Condado de Aransas, en conformidad con HB 1.*

**SUBMITTED BY:** City Secretary Teresa Valdez

**APPROVED FOR AGENDA:** PKC

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**BACKGROUND:** In compliance with House Bill 1, which amended Section 11.01, Subchapter C, Chapter 11 “Elections” by adding 11.058, the City and Aransas County Independent School District (ACISD) have determined that it is in the public interest of the inhabitants of Rockport to enter into a contract for the purpose of voter convenience and public economy in connection with the May 2015 General Election. In this combined joint election, all races and/or propositions will be on one voting ballot for the City’s registered voters and a separate ballot for countywide registered voters. School districts are mandated to conduct joint elections with another government entity and ACISD has chosen the City to join in their general elections. See the accompanying contract for additional details.

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**FISCAL ANALYSIS:** Conducting ACISD’s election is budget neutral because ACISD will be responsible for any direct and *pro rata* expenses related to their election.

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**RECOMMENDATION:** Staff recommends City Council approve the May 9, 2015, Joint Election Contract for Election Services between the City of Rockport and Aransas County Independent School District in compliance with HB 1, as presented.

**May 9, 2015**  
**Joint Election Contract for**  
**Election Services**  
**City of Rockport/**  
**Aransas County Independent School**  
**District**

# May 9, 2015 Joint Election

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**ELECTION SERVICES  
CONTRACT**

§ **CITY OF ROCKPORT**  
 §  
 § **COUNTY OF ARANSAS**  
 §  
 § **THE STATE OF TEXAS**

**BY THE TERMS OF THIS CONTRACT** made and entered into by and between the CITY OF ROCKPORT, hereinafter referred to as the “City,” and the Aransas County Independent School District, hereinafter referred to as the “ACISD,” pursuant to Title 16, Chapter 271, Joint Elections, of the Texas Election Code, the parties hereto agree to the following particulars in regard to coordination, supervision and running of the City and ACISD May 9, 2015, Joint Election.

**THIS AGREEMENT** is entered into in consideration of the mutual covenants and promises hereinafter set out. **IT IS AGREED AS FOLLOWS:**

1. **INTENT.** The elections ordered by the City and the ACISD are to be held on the same day in all or part of the same territory. The governing bodies of both these political subdivisions may enter into an agreement to hold the elections jointly in the election precincts that can be served by common polling places.

In compliance with HB 1, amending Section 11.01, Subchapter C, Chapter 11 “Elections” as amended by adding 11.058, the parties have determined that it is in the public interest of the inhabitants of Rockport that this contract be made and entered into for the purpose of voter convenience and public economy in connection with the May 9, 2015, elections. The entities shall have a combined election, with all races and/or propositions on one voting ballot for the City’s registered voters and a separate ballot for countywide registered voters.

The terms of this joint election agreement shall be stated in an order, resolution or other official action adopted by each governing body of each party to this contract.

This Election Services Contract shall be preserved for the period for preserving precinct election records.

2. **CONTRACTING OFFICERS.** The Contracting Officer for the City is the Rockport City Council. The Contracting Officer for ACISD is its Board of Trustees.
3. **JOINT ELECTION AUTHORIZED:** If the elections ordered by the authorities of two or more political subdivisions are to be held on the same day in all or part of the same territory, the governing bodies of the political subdivisions may enter into an agreement to hold the elections jointly.

- A. **Election Officers**: A person who is eligible to serve as an election officer in an election of any participating political subdivision is eligible to serve in the same office in a joint election. An election officer for a joint election may be appointed to serve more than one of the participating political subdivisions.
- B. **Early Voting**: The City and the ACISD have made a determination to conduct their early voting jointly. The governing bodies shall appoint the City Secretary as the early voting clerk for the joint early voting. The joint early voting shall be conducted at the early voting polling place at which, and during the hours including any extended or weekend hours, the early voting clerk regularly conducts early voting for the City. The early voting clerk shall receive applications for early voting ballots to be voted by mail in accordance with Title 7.
- C. **Ballot**: A single ballot containing all the offices or propositions stating measures to be voted on at a particular polling place may be used in a joint election.
- D. **Ballot Boxes**: One set of ballot boxes will be used at common polling places in this joint election for the deposit of all the ballots for the two participating political subdivisions.
- E. **Combining Election Forms and Records**: The forms used and records maintained at the common polling places in this joint election may be combined in any manner convenient and adequate to record and report the results of the election for both of the participating political subdivisions.
- F. **Custodian of Election Records**: The City Secretary is hereby appointed general custodian of the voted ballots and all records of the General Election and Special Election as authorized by Section 31.096 of the Texas Election Code. An election services contract may not change the District to serve as custodian of voted ballots or other election records for a city.
- G. **Records Retention**: Records of the election will be retained and disposed of in accordance with the provisions of Title 6, Subtitle C, Chapters 201 through 205, Texas Local Government Code, including the minimum retention requirements established by the Texas State Library and Archives Commission. If records of the election are involved in any pending election contest, investigation or litigation, the City Secretary shall maintain the records until final resolution or until final judgment, whichever is applicable. It is the responsibility of the District to bring to the attention of the City Secretary any notice of any pending election contest, investigation or litigation that may be filed with the ACISD.
- H. **Records Destruction**: On the first business day that follows the date that the records of the election are eligible for destruction, the City Secretary will notify the ACISD in writing of the planned destruction of any records of the election. Within fifteen days of receipt of the City Secretary's notice of intent to destroy the

records, the ACISD will provide the City Secretary with written authorization to proceed with destruction or written instructions to withhold destruction.

- I. **Canvass:** The authority responsible for canvassing the precinct returns for the elections of one of the political subdivisions participating in a joint election may be designated to canvass the returns for the other participating political subdivision. In the event such designation is not made, the presiding officer of the joint canvassing authority shall deliver the appropriate part of the tabulation of the precinct results to the Presiding Officer of the ACISD and Presiding Officer of the Rockport City Council. Each tabulation shall then be processed in the same manner as for an election not canvassed jointly.
  - J. **Compensation of Judges and Clerks:** Compensation for election officers serving at the common polling places, including early voting, in this joint election is the same as that paid to election officers serving at regular and early voting polling places.
  - K. **Conflicting Authorities:** The Texas Election Laws ("Election Code") apply to all general, special, and primary elections held in the State of Texas. This joint election shall be conducted in accordance with the requirements of the Code. The Election Code requires the Secretary of State as Chief Election Officer to prescribe all forms required to be used by the Election Code and no other statute shall mandate information in excess of that promulgated by the Office of the Secretary of State.
4. **DUTIES AND SERVICES OF THE CITY OF ROCKPORT CITY SECRETARY.**  
The City Secretary shall be responsible for performing the following duties and shall furnish the following services and equipment:
- A. **Election Judges, Clerks and Other Election Personnel:** The City Secretary will be responsible for requesting the Rockport City Council to appoint the election judges for each polling place and the Early Voting Balloting Board. The appointment of election judges must be made by written order; however, the order of appointment need not be recorded in the minutes of the appointing authority. The City Secretary shall arrange for the training and compensation of all presiding judges and clerks.
    - 1. The Rockport City Council will determine the number of clerks secured to work in each polling place. The Board of Trustees of ACISD shall submit a list of five (5) names to the City Secretary, recommending such names that are willing to work as election clerks.
    - 2. The City Secretary is responsible for notifying all election judges of the eligibility requirements of Subchapter C of Chapter 32 of the Texas Election Code, and will take the necessary steps to ensure that all election judges appointed for the General and Special Election are eligible to serve.

The presiding judge with the assistance of the City Secretary will be responsible for ensuring the eligibility of each appointed clerk hired to assist the judge in the conduct of the election.

3. The City Secretary will hold a mandatory public school of instruction on election laws.
  4. The City Secretary shall compensate each election judge and worker. Each judge and worker shall receive \$8.25 per hour for services rendered. The presiding judge shall receive an additional \$25.00.
  5. The City Secretary will employ other personnel necessary for proper administration of the election, including but not limited to such part-time help as is necessary to prepare for or carry out the election, to ensure the timely delivery of supplies and equipment during the period of early voting and to provide security for the voting location.
- B. **Notice of Election:** The City Secretary shall publish and post the Notice of General Election and Special Election. The City Secretary shall also prepare a certification of tabulation and an unofficial "canvass report" that will assist the City and ACISD with the official canvass.
- C. **Election Supplies:** The City Secretary shall procure, prepare and distribute ballots, election kits and election supplies.
1. The City Secretary shall provide all lists of registered voters required for use on Election Day and for the early voting period required by law.
  2. The City Secretary will arrange for all election supplies and election printing. The City Secretary shall procure and arrange for the retrieval by presiding judges of all election equipment and supplies required to hold an election at the voting locations. Equipment and supplies include ballot boxes, voting signs, directional poles, tote boxes, maps, color coded materials, instructions, ballots, sample ballots, early voting mail ballots, pens, tape, markers, etc.
- D. The City Secretary shall serve as the Early Voting Clerk for the City and the Authority in compliance with Sections 83.005 of the Texas Election Code. The Early Voting Clerk will appoint deputies to assist in the conduct of early voting.
1. Early Voting by personal appearance for the City and ACISD on May 9, 2015, Joint Election shall be conducted during the time period prescribed by law at the Rockport City Hall, 622 East Market Street.
  2. Any qualified voter may vote early by personal appearance at:

City of Rockport  
 Rockport City Hall  
 622 East Market Street  
 Rockport, Texas 78382

3. The regular early voting clerk must receive applications for early voting by mail [EC §271.006(c)]. Applications for an early voting mail ballot for the City and ACISD shall be received and processed by the Office of the City Secretary, 622 East Market Street, Rockport, Texas 78382.
  4. All Early Voting ballots (those cast by mail and those cast by personal appearance) shall be prepared for count by the Early Voting Ballot Board in accordance with Section 87.000 of the Texas Election Code.
- E. **Voting Locations:** The City Secretary shall arrange for the use of the Election Day polling place. Voting location will be the usual voting location for the City. The City and ACISD shall assume the responsibility of remitting the cost of all employee services required to provide access, security or custodial services for the polling locations.
1. Election night reports will be available to the City and ACISD at City Hall on election night.
  2. The City Secretary will provide a copy of the unofficial canvass to the City and ACISD as soon as possible after all returns have been tallied.
  3. The City Secretary shall serve as the custodian of the voted ballots and shall retain all election material for a period of 22 months, pending no litigation and as prescribed by law.
5. **DUTIES AND SERVICES OF THE CITY AND DISTRICT.** The City and ACISD shall assume the following responsibilities:
- A. The City shall prepare the election orders, resolutions, notices, justice department submissions, official canvass and other pertinent documents for adoption by the appropriate office or body.
  - B. The City assumes the responsibility of posting all notices and likewise promoting the schedules for Early Voting and Election Day.
  - C. The City shall post the publication of election notice by the proper methods with the proper media.
  - D. The ACISD shall furnish the City Secretary with exact ballot text in both English and Spanish, showing the exact manner in which it will appear on the official ballot. The official ballot wording shall be delivered as soon as possible after

being determined by the ACISD. The City and ACISD shall approve the ballot format prior to the final printing.

- E. The ballot allocation for this election is based on providing enough ballots in every precinct to handle the same turnout as in comparable elections plus twenty-five percent (25%) of that number, with the final number of ballots.
- F. The City will deliver unofficial reports of the election results, as precincts and wards are tabulated, to the ACISD, the press and general public.
- G. The City shall prepare and submit to the U. S. Department of Justice under the Federal Voting Rights Act of 1965, any required submissions on voting changes.
- H. The ACISD shall compensate the City of Rockport for any additional cost incurred in the process of running this election or for any required re-count.
- I. In the event legal action is filed challenging the ACISD, the ACISD shall provide for, at the expense of the ACISD, legal representation for the City, the City Secretary and additional election personnel, as necessary.
- J. The ACISD shall pay fifty percent (50%) of the cost of conducting said election. It is estimated that the ACISD's obligation hereunder to run said election shall not exceed \$5,000.00 and the ACISD agrees to pay a deposit of \$75.00 to the City of Rockport within seven (7) days after the ACISD's execution of this Contract. The deposit should be delivered within the mandatory timeframe to:

Finance Director Patty Howard  
 City of Rockport  
 622 East Market Street  
 Rockport, Texas 78382

6. **ALLOCATION OF ELECTION EXPENSES.** The expenses of a joint election are allocated as provided by this joint election agreement. The reasonable and necessary expense of holding said joint election will be shared by two entities (City and ACISD) entering into the joint agreement and the proportionate share of expenses shall be reimbursed to the City. See anticipated expenses for the election as outlined in Exhibit "D", Estimated Election Expense, attached and incorporated by reference into this contract.

Final election expenses will be determined within approximately 120 days after the election. If additional funds are needed, the City Secretary will bill the ACISD or any amount remaining will be refunded.

7. **GENERAL PROVISIONS.**

- A. Nothing contained in this contract shall authorize or permit a change in the officer with whom or the place at which any document or record relating to the City and ACISD's May 9, 2015, Joint Election is to be filed or the place at which any function is to be carried out, or any nontransferable functions set out below.
- B. Upon request, the City Secretary will provide copies of all invoices and other charges received in the process of running said election for the ACISD.
- C. If the ACISD cancels its election, the City will be paid a contract preparation fee of \$75.00. An entity canceling an election will not be liable for any further costs incurred by the City in conducting the May 9, 2015, General Election.

8. **NOTICE:** Whenever this agreement requires any consent, approval, notice, request or demand, it must be in writing to be effective and shall be delivered to the party intended to receive it as shown below:

If to ACISD:

Aransas County Independent School District  
 Attn: Joseph Patek, Superintendent  
 P.O. Box 907  
 Rockport, TX 78381-0907

If to the City:

City of Rockport  
 Attn: Teresa Valdez, City Secretary  
 622 East Market Street  
 Rockport, Texas 78382

EXECUTED in multiple originals on this \_\_\_\_\_ day of January 2015.

**CITY OF ROCKPORT, TEXAS**

\_\_\_\_\_  
 Charles J. Wax, Mayor

**ATTEST:**

\_\_\_\_\_  
 Teresa Valdez, City Secretary

**ARANSAS COUNTY  
INDEPENDENT SCHOOL DISTRICT**

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Jack Wright, Board President

**ATTEST:**

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June Anne Ashley, Board Secretary

## EXHIBIT A

### JOINT ELECTION AGREEMENT

between

The City Council of the City of Rockport, Texas ("City") and the Board of Trustees of the Aransas County Independent School District ("ACISD").

**BY THE TERMS OF THIS AGREEMENT**, the City and the ACISD do hereby agree, pursuant to the provisions of the Texas Election Code, to hold a joint election of the City's and ACISD's General Election to be held on Saturday, May 9, 2015. The City of Rockport City Secretary shall perform various duties and responsibilities on behalf of the two entities.

The two entities shall equally share expenses, which include but are not limited to: polling location expenses, election officials, supplies, ballots and any other and all necessary expenses for the election upon receipt of satisfactory billing and invoices reflecting the total of such election. Expenses unique to one entity shall be billed solely to that entity.

Subject to the Aransas County Independent School District ordering a General Election, this Joint Election Agreement was APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKPORT in its meeting held the \_\_\_\_\_day of January 2015, and executed by its authorized representative.

**CITY OF ROCKPORT, TEXAS**

\_\_\_\_\_  
Charles J. Wax, Mayor

**ATTEST:**

\_\_\_\_\_  
Teresa Valdez, City Secretary

APPROVED ON BEHALF OF THE ARANSAS COUNTY INDEPENDENT SCHOOL DISTRICT BOARD OF TRUSTEES on this the \_\_\_\_\_ day of \_\_\_\_\_ 2015 and executed by:

\_\_\_\_\_  
Jack Wright, Board President

\_\_\_\_\_  
June Anne Ashley, Board Secretary

## EXHIBIT B

### Early Voting/Election Day Location and Hours

Polling Place		Address			City	
Rockport City Hall		622 E. Market Street			Rockport	
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
<i>April 26</i>	<i>April 27</i>	<i>April 28</i>	<i>April 29</i>	<i>April 30</i>	<i>May 1</i>	<i>May 2</i>
	<b>8am – 5pm</b>	<b>8am – 5pm</b>	<b>8am - 5pm</b>	<b>8am - 5pm</b>	<b>8am - 5pm</b>	
<i>May 3</i>	<i>May 4</i>	<i>May 5</i>	<i>May 6</i>	<i>May 7</i>	<i>May 8</i>	<i>May 9</i>
	<b>7am – 7pm</b>	<b>7am – 7pm</b>				<b>7am – 7pm Election Day</b>

**EXHIBIT C****Election Day Polling Locations – City of Rockport – Aransas County  
Independent School District**

<b>Entities</b>	<b>Location</b>	<b>Address</b>	<b>City</b>
All	Rockport City Hall	622 East Market Street	Rockport

**EXHIBIT D**  
**ESTIMATED ELECTION EXPENSE**

<b>DESCRIPTION</b> (Estimate only)		<b>CITY</b>	<b>ACISD</b>
<b>Personnel</b>			
Clerk(s)	\$1686.00	\$843.00	\$843.00
<b>Supplies</b>			
Hart InterCivic	\$286.00	\$143.00	\$143.00
HAVA Compliant Machines	\$4884.00	\$2442.00	\$2442.00
<b>Printing</b>			
Notices	\$338.00	\$169.00	\$169.00
Ballots	<u>\$324.00</u>	<u>\$162.00</u>	<u>\$162.00</u>
<b>Estimated Total</b>	\$7518.00	\$3759.00	\$3759.00

**CITY COUNCIL AGENDA**  
**Regular Meeting: Tuesday, January 27, 2015**

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**AGENDA ITEM: 8**

Deliberate and act on awarding the bid for the South Rockport Drainage Improvements Phase 2.

**SUBMITTED BY:** Public Works Director, Michael S. Donoho, Jr

**APPROVED FOR AGENDA:** PKC

**BACKGROUND:** The City On January 15, 2015, City staff and Urban Engineering conducted a bid opening for the second phase of drainage improvements in South Rockport, funded through the DRS 2.2 grant. As detailed in the table below, two bids were received with J. J. Fox Construction submitting the low bid (a third bidder had a bid approximately \$2,000 less than J.J. Fox but was disqualified because they did not make the deadline).

<b>Description</b>	<b>Base Bid</b>	<b>Alternate</b>	<b>Total</b>
Engineer's Estimate	\$787,866.00	\$45,150.00	\$833,016.00
<b>J.J. Fox Construction</b>	<b>\$747,240.00</b>	<b>\$56,175.00</b>	<b>\$803,415.00</b>
Salinas Construction Technologies	\$1,247,269.24	\$75,075.00	\$1,322,974.24

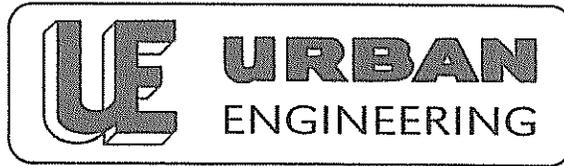
This project will make drainage improvements along the following street segments and is scheduled to take 140 working days:

1. King Street, from Kossuth to Fuqua
2. Lamar Street, from Kossuth to Bronte
3. Corpus Christi Street, from Kossuth to Bronte
4. First Street, from Verne to Bronte
5. Second Street, from Kossuth to Bronte
6. Third Street, from Kossuth to Bronte
7. Verne Street, from King to Third
8. Fuqua Street, from King to Third
9. Bronte Street, from Lamar to Third

Please see the accompanying letter from Bradi Karl and the bid tabulation for additional information.

**FISCAL ANALYSIS:** This expense will be charged to Fund 40, account 631-8012. There have been no expenses charged to date against the \$987,102 budgeted. This grant project is 100 percent funded by the grant and there is no match requirement.

**RECOMMENDATION:** Staff recommends awarding the bid for drainage improvements, including base bid and Additive Alternate No. 1, to J. J. Fox Construction in the amount of \$803,415.00, as presented.



Job No. 1560.B3.00

January 21, 2015

Mr. Mike Donoho  
City of Rockport  
2751 SH 35 Bypass  
Rockport, Texas 78382

Subject: South Rockport Drainage Improvements Phase 2

Dear Mike:

Transmitted herewith is a bid tabulation of bids received for the subject project. We have reviewed these bids and recommend award of project to J.J. Fox Construction for a base bid of \$747,240.00 plus additive alternate in the amount of \$56,175.00 for a total contract amount of \$803,415.00. If you have any questions, please call.

Sincerely,

URBAN ENGINEERING

A handwritten signature in cursive script that reads 'Brandi B. Karl'.

Brandi B. Karl, P.E.

BBK/ph  
Enclosure

BID TABULATION

PROJECT:									
SOUTH ROCKPORT DRAINAGE IMPROVEMENTS PHASE 2									
JOB NO. 1560.B3.00									
DATE: January 15, 2015									
Description	Quantity	Unit	Engineer's Estimate		J.J. Fox Construction		Salinas Construction Technologies		
			Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	
<b>A. King Street From Kossuth to Fuqua</b>									
1 15" RCP	139	LF	\$ 60.00	\$ 8,340.00	\$ 55.00	\$ 7,645.00	\$ 87.60	\$ 12,176.40	
2 18" RCP	120	LF	\$ 70.00	\$ 8,400.00	\$ 60.00	\$ 7,200.00	\$ 99.94	\$ 11,992.80	
3 Ditch Grading	628	LF	\$ 15.00	\$ 9,420.00	\$ 12.50	\$ 7,850.00	\$ 20.00	\$ 12,560.00	
4 Limestone Drive Repair	59	SY	\$ 45.00	\$ 2,655.00	\$ 20.00	\$ 1,180.00	\$ 70.50	\$ 4,159.50	
5 Asphalt Pavement/Drive Repair	105	SY	\$ 65.00	\$ 6,825.00	\$ 55.00	\$ 5,775.00	\$ 102.00	\$ 10,710.00	
6 Water Servie Adjustment	7	EA	\$ 750.00	\$ 5,250.00	\$ 250.00	\$ 1,750.00	\$ 2,900.00	\$ 20,300.00	
7 8" Waterline Adjustment	1	EA	\$ 5,000.00	\$ 5,000.00	\$ 4,500.00	\$ 4,500.00	\$ 5,185.00	\$ 5,185.00	
8 Pollution Prevention Measures	1	LS	\$ 1,250.00	\$ 1,250.00	\$ 2,500.00	\$ 2,500.00	\$ 3,085.00	\$ 3,085.00	
9 Asphalt Overlay	77	SY	\$ 40.00	\$ 3,080.00	\$ 25.00	\$ 1,925.00	\$ 83.50	\$ 6,429.50	
<b>PART A SUBTOTAL:</b>				\$ 50,220.00		\$ 40,325.00		\$ 86,598.20	
<b>B. Lamar Street From Kossuth to Bronte</b>									
1 15" RCP	313	LF	\$ 60.00	\$ 18,780.00	\$55.00	\$ 17,215.00	\$ 87.60	\$ 27,418.80	
2 18" RCP	71	LF	\$ 70.00	\$ 4,970.00	\$60.00	\$ 4,260.00	\$ 99.94	\$ 7,095.74	
3 Double 18" RCP	42	LF	\$ 130.00	\$ 5,460.00	\$120.00	\$ 5,040.00	\$ 158.50	\$ 6,657.00	
4 Ditch Grading	1785	LF	\$ 15.00	\$ 26,775.00	\$12.50	\$ 22,312.50	\$ 17.75	\$ 31,683.75	
5 Limestone Driveway Repair	132	SY	\$ 45.00	\$ 5,940.00	\$20.00	\$ 2,640.00	\$ 52.35	\$ 6,910.20	
6 Asphalt Pavement/Drive Repair	105	SY	\$ 65.00	\$ 6,825.00	\$55.00	\$ 5,775.00	\$ 102.00	\$ 10,710.00	
7 Water Servie Adjustment	8	EA	\$ 750.00	\$ 6,000.00	\$250.00	\$ 2,000.00	\$ 2,900.00	\$ 23,200.00	
8 8" Waterline Adjustment	2	EA	\$ 5,000.00	\$ 10,000.00	\$4,500.00	\$ 9,000.00	\$ 5,185.00	\$ 10,370.00	
9 Pollution Prevention Measures	1	LS	\$ 1,250.00	\$ 1,250.00	\$2,500.00	\$ 2,500.00	\$ 3,730.00	\$ 3,730.00	
<b>PART B SUBTOTAL:</b>				\$ 86,000.00		\$ 70,742.50		\$ 127,775.49	
<b>C. Corpus Christi Street From Kossuty to Bronte</b>									
1 15" RCP	101	LF	\$ 60.00	\$ 6,060.00	\$ 55.00	\$ 5,555.00	\$ 87.60	\$ 8,847.60	
2 18" RCP	139	LF	\$ 70.00	\$ 9,730.00	\$ 60.00	\$ 8,340.00	\$ 99.94	\$ 13,891.66	
3 24" RCP	42	LF	\$ 75.00	\$ 3,150.00	\$ 75.00	\$ 3,150.00	\$ 141.50	\$ 5,943.00	
4 30" RCP	58	LF	\$ 90.00	\$ 5,220.00	\$ 100.00	\$ 5,800.00	\$ 121.85	\$ 7,067.30	
5 2-15" RCP w/6:1 S.E.T.	58	LF	\$ 200.00	\$ 11,600.00	\$ 175.00	\$ 10,150.00	\$ 152.80	\$ 8,862.40	
6 Ditch Grading	1225	LF	\$ 15.00	\$ 18,375.00	\$ 12.50	\$ 15,312.50	\$ 17.75	\$ 21,743.75	
7 Limestone Driveway Repair	29	SY	\$ 45.00	\$ 1,305.00	\$ 20.00	\$ 580.00	\$ 70.50	\$ 2,044.50	
8 Asphalt Pavement/Drive Repair	168	SY	\$ 65.00	\$ 10,920.00	\$ 55.00	\$ 9,240.00	\$ 102.00	\$ 17,136.00	
9 TxDOT Pavement Repair	53	SY	\$ 58.00	\$ 3,074.00	\$ 85.00	\$ 4,505.00	\$ 102.00	\$ 5,406.00	
10 Water Service Adjustment	3	EA	\$ 750.00	\$ 2,250.00	\$ 250.00	\$ 750.00	\$ 2,900.00	\$ 8,700.00	
11 10" Waterline Replacement	95	LF	\$ 50.00	\$ 4,750.00	\$ 75.00	\$ 7,125.00	\$ 75.00	\$ 7,125.00	

**BID TABULATION**

	Description	Quantity	Unit	Engineer's Estimate		J.J. Fox Construction		Salinas Construction Technologies	
				Unit Price	Total Price	Unit Price	Total Price	Total Price	Total Price
12	4" Waterline Adjustment	1	EA	\$ 1,200.00	\$ 1,200.00	\$ 3,200.00	\$ 3,200.00	\$ 4,900.00	\$ 4,900.00
13	Pollution Prevention Measures	1	LS	\$ 1,250.00	\$ 1,250.00	\$ 2,500.00	\$ 2,500.00	\$ 5,135.00	\$ 5,135.00
<b>PART C SUBTOTAL:</b>					<b>\$ 78,884.00</b>		<b>\$ 76,207.50</b>		<b>\$ 116,802.21</b>
<b>D. First Street From Verne to Bronte</b>									
1	15" RCP	13	LF	\$ 60.00	\$ 780.00	\$ 55.00	\$ 715.00	\$ 93.90	\$ 1,220.70
2	18" RCP Extension	1	LS	\$ 750.00	\$ 750.00	\$ 500.00	\$ 500.00	\$ 1,115.00	\$ 1,115.00
3	24" RCP	34	LF	\$ 75.00	\$ 2,550.00	\$ 75.00	\$ 2,550.00	\$ 141.50	\$ 4,811.00
4	36" RCP	164	LF	\$ 100.00	\$ 16,400.00	\$ 125.00	\$ 20,500.00	\$ 158.20	\$ 25,944.80
5	48" RCP	58	LF	\$ 130.00	\$ 7,540.00	\$ 150.00	\$ 8,700.00	\$ 192.40	\$ 11,159.20
6	Concrete Lined Ditch	9234	SF	\$ 6.50	\$ 60,021.00	\$ 10.00	\$ 92,340.00	\$ 8.12	\$ 74,980.08
7	6'x5' Junction Box with Grate Top	1	LS	\$ 7,500.00	\$ 7,500.00	\$ 7,000.00	\$ 7,000.00	\$ 8,115.00	\$ 8,115.00
8	6'x4' Junction Box with Grate Top	1	LS	\$ 7,200.00	\$ 7,200.00	\$ 6,500.00	\$ 6,500.00	\$ 7,530.00	\$ 7,530.00
9	2'x2' Grate Inlet	1	EA	\$ 2,500.00	\$ 2,500.00	\$ 2,000.00	\$ 2,000.00	\$ 2,400.00	\$ 2,400.00
10	Ditch Grading	1239	LF	\$ 15.00	\$ 18,585.00	\$ 12.50	\$ 15,487.50	\$ 17.75	\$ 21,992.25
11	3"-5" Bull Rock with Mortar Slurry	63	SY	\$ 40.00	\$ 2,520.00	\$ 75.00	\$ 4,725.00	\$ 97.00	\$ 6,111.00
12	Limestone Driveway Repair	15	SY	\$ 45.00	\$ 675.00	\$ 20.00	\$ 300.00	\$ 70.50	\$ 1,057.50
13	Asphalt Pavement/Drive Repair	74	SY	\$ 50.00	\$ 3,700.00	\$ 55.00	\$ 4,070.00	\$ 102.00	\$ 7,548.00
14	Water Service Adjustment	4	EA	\$ 750.00	\$ 3,000.00	\$ 250.00	\$ 1,000.00	\$ 2,900.00	\$ 11,600.00
15	8" Waterline Adjustment	1	EA	\$ 5,000.00	\$ 5,000.00	\$ 4,500.00	\$ 4,500.00	\$ 5,185.00	\$ 5,185.00
16	Well-Pointing	263	LF	\$ 18.00	\$ 4,734.00	\$ 15.00	\$ 3,945.00	\$ 127.45	\$ 33,519.35
17	OSHA Trench Protection	255	LF	\$ 3.00	\$ 765.00	\$ 3.00	\$ 765.00	\$ 24.50	\$ 6,247.50
18	Project Sign	1	LS	\$ 1,500.00	\$ 1,500.00	\$ 500.00	\$ 500.00	\$ 1,000.00	\$ 1,000.00
19	Pollution Prevention Measures	1	LS	\$ 1,250.00	\$ 1,250.00	\$ 2,500.00	\$ 2,500.00	\$ 3,085.00	\$ 3,085.00
<b>PART D SUBTOTAL:</b>					<b>\$ 146,970.00</b>		<b>\$ 178,597.50</b>		<b>\$ 234,621.38</b>
<b>E Second Street From Kossuth to Bronte</b>									
1	12" RCP	19	LF	\$ 45.00	\$ 855.00	\$ 50.00	\$ 950.00	\$ 71.00	\$ 1,349.00
2	15" RCP	95	LS	\$ 60.00	\$ 5,700.00	\$ 55.00	\$ 5,225.00	\$ 87.60	\$ 8,322.00
3	18" RCP	76	LF	\$ 70.00	\$ 5,320.00	\$ 60.00	\$ 4,560.00	\$ 99.95	\$ 7,596.20
4	24" RCP	130	LF	\$ 75.00	\$ 9,750.00	\$ 75.00	\$ 9,750.00	\$ 141.50	\$ 18,395.00
5	30" RCP	57	LF	\$ 90.00	\$ 5,130.00	\$ 100.00	\$ 5,700.00	\$ 121.85	\$ 6,945.45
6	36" RCP	63	LF	\$ 100.00	\$ 6,300.00	\$ 125.00	\$ 7,875.00	\$ 158.20	\$ 9,966.60
7	42" RCP	305	LF	\$ 115.00	\$ 35,075.00	\$ 150.00	\$ 45,750.00	\$ 143.75	\$ 43,843.75
8	6'x5' Junction Box with Grate Top	1	LS	\$ 7,500.00	\$ 7,500.00	\$ 7,000.00	\$ 7,000.00	\$ 8,115.00	\$ 8,115.00
9	Ditch Grading	1351	LF	\$ 15.00	\$ 20,265.00	\$ 12.50	\$ 16,887.50	\$ 17.75	\$ 23,980.25
10	Limestone Driveway Repair	103	SY	\$ 45.00	\$ 4,635.00	\$ 20.00	\$ 2,060.00	\$ 52.35	\$ 5,392.05
11	Asphalt Pavement/Drive Repair	147	SY	\$ 50.00	\$ 7,350.00	\$ 55.00	\$ 8,085.00	\$ 102.00	\$ 14,994.00
12	Water Service Adjustment	5	EA	\$ 750.00	\$ 3,750.00	\$ 250.00	\$ 1,250.00	\$ 2,900.00	\$ 14,500.00
13	8" Waterline Adjustment	1	EA	\$ 5,000.00	\$ 5,000.00	\$ 4,500.00	\$ 4,500.00	\$ 5,185.00	\$ 5,185.00
14	Well-Pointing	424	LF	\$ 18.00	\$ 7,632.00	\$ 15.00	\$ 6,360.00	\$ 127.45	\$ 54,038.80
15	OSHA Trench Protection	424	LF	\$ 3.00	\$ 1,272.00	\$ 3.00	\$ 1,272.00	\$ 24.50	\$ 10,388.00
16	Pollution Prevention Measures	1	LS	\$ 1,250.00	\$ 1,250.00	\$ 2,500.00	\$ 2,500.00	\$ 6,785.00	\$ 6,785.00
<b>PART E SUBTOTAL:</b>					<b>\$ 126,784.00</b>		<b>\$ 129,724.50</b>		<b>\$ 239,796.10</b>

BID TABULATION

Description	Quantity	Unit	Engineer's Estimate		J.J. Fox Construction		Salinas Construction Technologies		
			Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	
<b>F. Third Street from Kossuth to Bronte</b>									
1 18" RCP	122	LF	\$ 70.00	\$ 8,540.00	\$ 60.00	\$ 7,320.00	\$ 99.95	\$ 12,193.90	
2 24" RCP	42	LF	\$ 75.00	\$ 3,150.00	\$ 75.00	\$ 3,150.00	\$ 141.50	\$ 5,943.00	
3 Ditch Grading	795	LF	\$ 15.00	\$ 11,925.00	\$ 12.50	\$ 9,937.50	\$ 20.00	\$ 15,900.00	
4 Limestone Driveway Repair	44	SY	\$ 45.00	\$ 1,980.00	\$ 20.00	\$ 880.00	\$ 52.35	\$ 2,303.40	
5 Asphalt Pavement/Drive Repair	42	SY	\$ 50.00	\$ 2,100.00	\$ 55.00	\$ 2,310.00	\$ 102.00	\$ 4,284.00	
6 8" Waterline Adjustment	1	EA	\$ 5,000.00	\$ 5,000.00	\$ 4,500.00	\$ 4,500.00	\$ 5,185.00	\$ 5,185.00	
7 2" Waterline Adjustment	1	EA	\$ 1,500.00	\$ 1,500.00	\$ 1,500.00	\$ 1,500.00	\$ 2,900.00	\$ 2,900.00	
8 Water Service Adjustment	2	EA	\$ 750.00	\$ 1,500.00	\$ 250.00	\$ 500.00	\$ 2,900.00	\$ 5,800.00	
9 Asphalt Overlay	53	SY	\$ 40.00	\$ 2,120.00	\$ 25.00	\$ 1,325.00	\$ 83.50	\$ 4,425.50	
10 Pollution Prevention Measures	1	LS	\$ 1,250.00	\$ 1,250.00	\$ 2,500.00	\$ 2,500.00	\$ 3,085.00	\$ 3,085.00	
<b>PART F SUBTOTAL:</b>				\$ 39,065.00		\$ 33,922.50		\$ 62,019.80	
<b>G. Verne Street from King to 3RD</b>									
1 15" RCP	247	LF	\$ 60.00	\$ 14,820.00	\$ 55.00	\$ 13,585.00	\$ 87.60	\$ 21,637.20	
2 18" RCP	128	LF	\$ 70.00	\$ 8,960.00	\$ 60.00	\$ 7,680.00	\$ 99.95	\$ 12,793.60	
3 30" RCP	139	LF	\$ 90.00	\$ 12,510.00	\$ 100.00	\$ 13,900.00	\$ 121.85	\$ 16,937.15	
4 Ditch Grading	1698	LF	\$ 15.00	\$ 25,470.00	\$ 12.50	\$ 21,225.00	\$ 17.75	\$ 30,139.50	
5 Limestone Driveway Repair	194	SY	\$ 45.00	\$ 8,730.00	\$ 20.00	\$ 3,880.00	\$ 52.34	\$ 10,153.96	
6 Asphalt Pavement/Drive Repair	16	SY	\$ 65.00	\$ 1,040.00	\$ 55.00	\$ 880.00	\$ 102.00	\$ 1,632.00	
7 Concrete Drive Repair	840	SF	\$ 8.00	\$ 6,720.00	\$ 12.00	\$ 10,080.00	\$ 8.12	\$ 6,820.80	
8 Water Service Adjustment	10	EA	\$ 750.00	\$ 7,500.00	\$ 250.00	\$ 2,500.00	\$ 2,900.00	\$ 29,000.00	
9 Pollution Prevention Measures	1	LS	\$ 1,250.00	\$ 1,250.00	\$ 2,500.00	\$ 2,500.00	\$ 6,785.00	\$ 6,785.00	
<b>PART G SUBTOTAL:</b>				\$ 87,000.00		\$ 76,230.00		\$ 135,899.21	
<b>H. Fuqua Street From King to 3RD</b>									
1 15" RCP	452	LF	\$ 60.00	\$ 27,120.00	\$ 55.00	\$ 24,860.00	\$ 87.60	\$ 39,595.20	
2 24" RCP	246	LF	\$ 75.00	\$ 18,450.00	\$ 75.00	\$ 18,450.00	\$ 99.95	\$ 24,587.70	
3 30" RCP	164	LF	\$ 90.00	\$ 14,760.00	\$ 100.00	\$ 16,400.00	\$ 121.85	\$ 19,983.40	
4 2'x2' Grate Inlet	2	EA	\$ 2,500.00	\$ 5,000.00	\$ 2,000.00	\$ 4,000.00	\$ 2,400.00	\$ 4,800.00	
5 Ditch Grading	2617	LF	\$ 15.00	\$ 39,255.00	\$ 12.50	\$ 32,712.50	\$ 17.75	\$ 46,451.75	
6 Limestone Driveway Repair	326	SY	\$ 45.00	\$ 14,670.00	\$ 20.00	\$ 6,520.00	\$ 52.34	\$ 17,062.84	
7 Concrete Drive Repair	168	SF	\$ 8.00	\$ 1,344.00	\$ 12.00	\$ 2,016.00	\$ 8.12	\$ 1,364.16	
8 Water Service Adjustment	4	EA	\$ 750.00	\$ 3,000.00	\$ 250.00	\$ 1,000.00	\$ 2,900.00	\$ 11,600.00	
9 Well-Pointing	164	LF	\$ 18.00	\$ 2,952.00	\$ 15.00	\$ 2,460.00	\$ 127.45	\$ 20,901.80	
10 OSHA Trench Protection	164	LF	\$ 3.00	\$ 492.00	\$ 3.00	\$ 492.00	\$ 24.50	\$ 4,018.00	
11 Pollution Prevention Measures	1	LS	\$ 1,250.00	\$ 1,250.00	\$ 2,500.00	\$ 2,500.00	\$ 5,785.00	\$ 5,785.00	
<b>PART H SUBTOTAL:</b>				\$ 128,293.00		** \$ 111,410.50		\$ 196,149.85	

**BID TABULATION**

	Description	Quantity	Unit	Engineer's Estimate		J.J. Fox Construction		Salinas Construction Technologies	
				Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
<b>I.</b>	<b>Bronte Street from Lamar to 3RD</b>								
1	40' x 18" RCP w/6:1 S.E.T.	2	EA	\$ 6,000.00	\$ 12,000.00	\$ 4,500.00	\$ 9,000.00	\$ 7,335.00	\$ 14,670.00
2	Ditch Grading	1360	LF	\$ 20.00	\$ 27,200.00	\$ 12.50	\$ 17,000.00	\$ 17.75	\$ 24,140.00
3	Asphalt Pavement/Drive Repair	56	SY	\$ 75.00	\$ 4,200.00	\$ 55.00	\$ 3,080.00	\$ 102.00	\$ 5,712.00
4	Pollution Prevention Measures	1	LS	\$ 1,250.00	\$ 1,250.00	\$ 1,000.00	\$ 1,000.00	\$ 3,085.00	\$ 3,085.00
	<b>PART I SUBTOTAL:</b>				\$ 44,650.00		\$ 30,080.00		\$ 47,607.00
	<b>BASE BID TOTAL</b>				\$ 787,866.00	**	\$ 747,240.00		\$ 1,247,269.24
<b>J.</b>	<b>Additive Alternate No. 1</b>								
1	3"-5" Bull Rock with Mortar Slurry	525	SY	\$ 40.00	\$ 21,000.00	\$ 75.00	\$ 39,375.00	\$ 97.00	\$ 50,925.00
2	Install Sod around inlets and ditch slopes	10500	SF	\$ 1.50	\$ 15,750.00	\$ 1.00	\$ 10,500.00	\$ 0.56	\$ 5,880.00
3	Gas Line Adjustment 3"	105	LF	\$ 30.00	\$ 3,150.00	\$ 25.00	\$ 2,625.00	\$ 85.00	\$ 8,925.00
4	Gas Line Adjustment 4"	105	LF	\$ 50.00	\$ 5,250.00	\$ 35.00	\$ 3,675.00	\$ 95.00	\$ 9,975.00
	<b>ADDITIVE ALTERNATE SUBTOTAL:</b>				\$ 45,150.00		\$ 56,175.00		\$ 75,705.00
	<b>BASE BID + ADD ALT 1:</b>				\$ 833,016.00	**	\$ 803,415.00		\$ 1,322,974.24
	<b>WORKING DAYS:</b>				140	140		140	
NOTES * Indicates discrepancy between unit extension and total bid. Value shown is correct.									
** Indicates does not equal total of unit price extensions.									

**CITY COUNCIL AGENDA**  
**Regular Meeting: Tuesday, January 27, 2015**

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**AGENDA ITEM: 9**

Deliberate and act on the second reading of a proposed Ordinance authorizing the closing, vacating and abandonment of 0.197 acre of land embracing a portion of the south one-half of Airport Road, adjacent to Lot 1, Copano Village Subdivision, Rockport, Aransas County, Texas, according to the Plat of Record in Volume 1, Pages 72-73, 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 for the 0.197 acre of land to be closed, vacated and abandoned; and providing for an effective date.

**SUBMITTED BY:** City Manager Kevin Carruth

**APPROVED FOR AGENDA:** PKC

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**BACKGROUND:** On September 24, 2014, the City received a Petition for closure, abandonment and vacating of a portion of Sixth Street from Bryan Bracht. City Ordinance 1092 which establishes 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. Bracht for the administrative fee as well as the cost of the survey. The public hearing was conducted prior to this agenda item at the January 13, 2015, City Council Meeting.

Aransas County, the abutting property owner was contacted by Mayor Wax and they have stated they do not wish to purchase one-half of the requested 0.197 acre of land.

See the accompanying request from Mr. Bracht, aerial map, and Ordinance 1092 for more detail.

There have been no changes to the ordinance in form or content since first reading on January 13.

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**FISCAL ANALYSIS:** The first appraisal by Lynch Appraisal Services had determined the fair market value of the property to be \$50,000.00. A second appraisal (using the value in use methodology, recognizing the absence of city sewer and that the size of the lot did not allow for use of a septic system) was conducted and the value of the property was determined to be \$25,000.00.

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**RECOMMENDATION:** Staff recommends approval of the Ordinance closing a 0.197 acre of land embracing a portion of the south one-half of Airport Road, as presented.

**ORDINANCE NO.**

**AN ORDINANCE AUTHORIZING THE CLOSING, VACATING AND ABANDONMENT OF 0.197 ACRE OF LAND EMBRACING A PORTION OF THE SOUTH ONE-HALF OF AIRPORT ROAD, ADJACENT TO LOT 1, COPANO VILLAGE SUBDIVISION, ROCKPORT, ARANSAS COUNTY, TEXAS, ACCORDING TO THE PLAT OF RECORD IN VOLUME 1, PAGES 72-73, 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 FOR THE 0.197 ACRE OF LAND TO BE CLOSED, VACATED AND ABANDONED; AND PROVIDING FOR AN EFFECTIVE DATE.**

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**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 owners Bryan & Cheryl Bracht, for the City to close, vacate and abandon 0.197 acre of land embracing a portion of the south one-half of Airport Road, adjacent to Lot 1, Copano Village Subdivision; and

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

**WHEREAS**, the abutting property owner Aransas County does not wish to purchase one-half of the 0.197 acre of land; and

**WHEREAS**, the City Manager and Public Works Department have reviewed the requested vacation and abandonment of a 0.197 acre of land embracing a portion of the south one-half of Airport Road, adjacent to Lot 1, Copano Village Subdivision; City of Rockport, Aransas County, Texas, and the sale of the abandoned 0.197 acre of land to Bryan & Cheryl Bracht; and the City Council now finds that the 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 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, December 27, 2014, advising of a Public Hearing to be held on Tuesday, January 13, 2015 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 0.197 acre of land embracing a portion of the south one-half of Airport Road, adjacent to Lot 1, Copano Village Subdivision; City of Rockport, Aransas County, Texas, be vacated and abandoned and sold to Bryan & Cheryl Bracht 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 0.197 acre of land embracing a portion of the south one-half of Airport Road, adjacent to Lot 1, Copano Village Subdivision; City of Rockport, Aransas County, Texas,, on Exhibit "A," 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 0.197 acre of land is 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 the said 0.197 acre of land 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 Bryan & Cheryl Bracht.

**Section 4:** That the Mayor is hereby authorized and directed to convey and transfer by quitclaim deed the 0.197 acre of land embracing a portion of the south one-half of Airport Road, adjacent to Lot 1, Copano Village Subdivision; City of Rockport, Aransas County, Texas, that 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 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 Bryan & Cheryl Bracht 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 13<sup>th</sup> day of January 2015.

**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 January 2015.

**CITY OF ROCKPORT, TEXAS**

\_\_\_\_\_  
Charles J. Wax, Mayor

**ATTEST:**

\_\_\_\_\_  
Teresa Valdez, City Secretary

**EXHIBIT "A"**

**BEING THE DESCRIPTION OF 0.197 ACRES OF LAND EMBRACING A PORTION OF THE SOUTH ONE-HALF OF AIRPORT ROAD, ADJACENT TO LOT 1, COPANO VILLAGE SUBDIVISION, ACCORDING TO THE PLAT RECORDED IN VOLUME 1, PAGES 72-73, PLAT RECORDS OF ARANSAS COUNTY, TEXAS, WITH SAID 0.197 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

**COMMENCE**, at a the point of intersection of the Westerly R.O.W. line of Loop 1781 and the Southerly R.O.W. line of Airport Road, and being the Northeast corner of said Lot 1; **THENCE**, North 80°07'00" West, along and with the South R.O.W. line of Airport Road, a distance of 398.0 feet to a point at the end of barrier posts across Airport Road, and being the Southwest corner of a 0.384 acre tract described this date, and being the **SOUTHEAST** corner of this description;

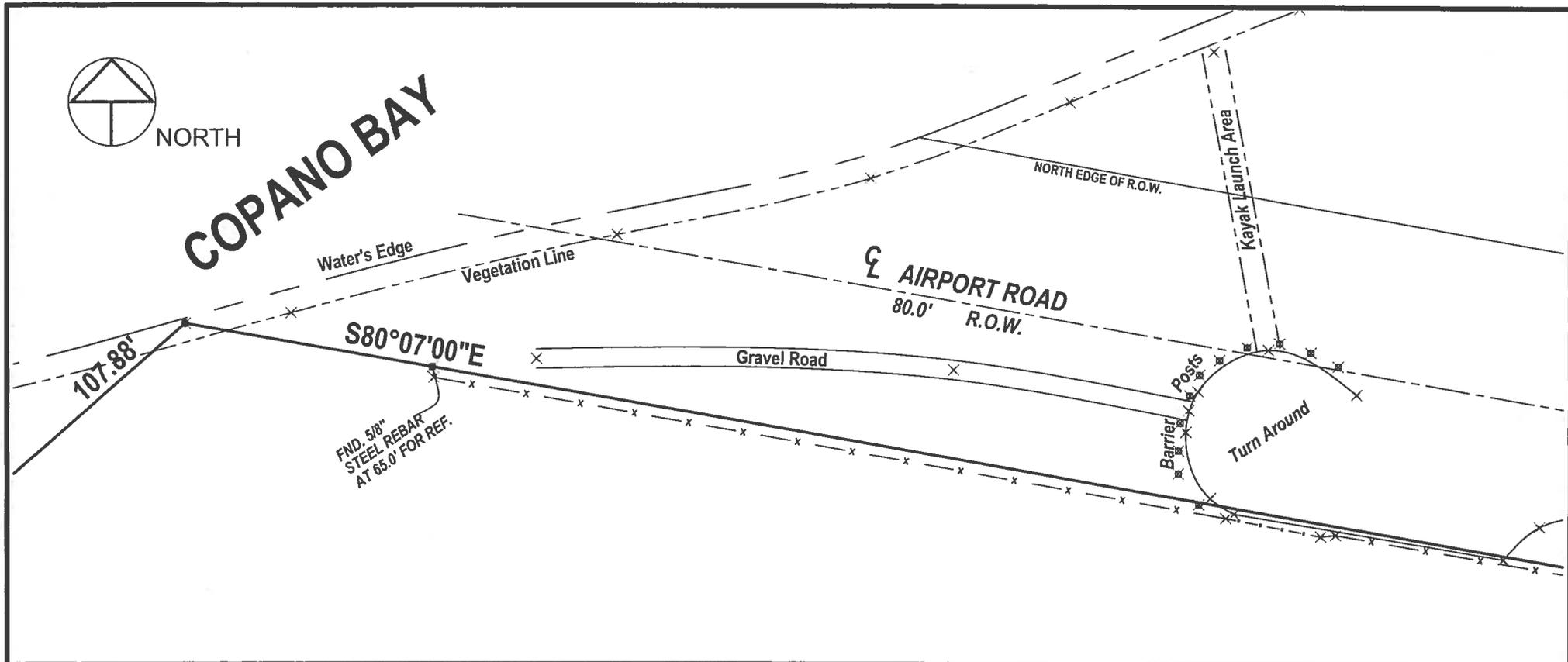
**THENCE**, continuing North 80°07'00" West, along and with the South R.O.W. line of Airport Road, a distance of 257.0 feet to a point along the water's edge of Copano Bay, and being the Northwest corner of said Lot 1, and being the **SOUTHWEST** corner of this description;

**THENCE**, North 74°47'56" East, along and with the water's edge of Copano Bay, a distance of 94.35 feet to a point in the centerline of Airport Road, and being the **NORTHWEST** corner of this description;

**THENCE**, South 80°07'00" East, along and with the centerline of Airport Road, a distance of 171.55 feet to a point for the Northwest corner of said 0.384 acre tract, described this date, and being the **NORTHEAST** corner of this description;

**THENCE**, South 09°53'00" West, crossing said Airport Road, a distance of 40.0 feet to the **PLACE OF BEGINNING** of this description and containing **0.197 acres or 8,571 square feet** of land, more or less.

140714FN2



# EXHIBIT

## Exhibit showing Airport Road R.O.W.

**G** **Griffith & Brundrett**  
 Surveying & Engineering, Inc.

411 S. Pearl St., P.O. Box 2322  
 Rockport, Texas 78381  
 Phone: 361-729-6479  
 Fax: 361-729-7933  
 Email: jerry@gbsurveyor.com  
 Website: www.gbsurveyor.com

DATE: SEPTEMBER 24, 2014

SCALE: 1" = 30'

FILE NAME: 140924DM3

REVISED  
DATE: \_\_\_\_\_



Arkansas County property

Bracht property

Airport Rd



**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 13<sup>th</sup> 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 27<sup>th</sup> day of JULY 1999.

CITY OF ROCKPORT, TEXAS

  
Glenda Burdick, Mayor

ATTEST:

  
Irma G. Parker, City Secretary

**CITY COUNCIL AGENDA**  
**Regular Meeting: Tuesday, January 27, 2015**

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**AGENDA ITEM: 10**

Deliberate and act on authorizing the Mayor to negotiate and execute all necessary documents to purchase approximately 40.83 acres of land adjacent to the east side of Highway 35 Bypass and bordered by Teal and Corpus Christi Streets.

**SUBMITTED BY:** City Manager Kevin Carruth

**APPROVED FOR AGENDA: PKC**

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**BACKGROUND:** The City has been in need of additional sports fields to meet local demand for a number of years and is also part of the 2013 Parks Master Plan. In addition, Rockport has lost opportunities in the past to host tournaments and regional competitions because we do not have enough competition level fields. The 40.83 acres shown in the accompanying aerial photograph presented a unique opportunity to secure land large enough to develop a sports complex that was also near a major transportation artery and did not require significant demolition of preexisting structures. While it will be some time before the property can be developed, the City needs to take advantage of this window of opportunity.

The purchase of the five parcels (identified on the map as R62222, R33800, R33738, R54714, and 8.636 acres out of R66565) will be from Gordon Speer and is tentatively scheduled to close on February 9, 2015, contingent upon Council approval.

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**FISCAL ANALYSIS:** The \$1,500,000 purchase price will be charged to Fund 94, account 661-8010. Funding is provided by the 2015 Certificate of Obligation.

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**RECOMMENDATION:** Staff recommends approval of 40.83 acres from Gordon Speer for \$1,500,000, as presented.



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**AGENDA ITEM: 11**

**Reports from Council and Staff**

At this time, the City Council will report/update on all committee assignments which may include the following: County Storm Water Committee; Community Park, Park & Leisure Advisory Board, Chamber of Commerce, Coastal Bend Council of Governments, Coast Bend Bays & Estuaries, 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. Staff reports include the following: Building & Development – bi-weekly code enforcement, pending development report; Accounting & Finance – update on liens collection, financial and investment information, monthly financial reports; Police Department – grant update, quarterly police reports, Fulton law enforcement; Public Works – Building Maintenance, Construction Updates; Park & Leisure Services – grant updates, park projects; Municipal Court; Administration – interlocal agreements, public information, website, compressed natural gas fueling station, and hotel occupancy report. No formal action can be taken on these items at this time.

**SUBMITTED BY:** Council and Staff.

**APPROVED FOR AGENDA:** PKC

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**BACKGROUND:** See the accompanying reports for detailed information.

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**FISCAL ANALYSIS:** N/A.

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**RECOMMENDATION:**



DEPARTMENT OF BUILDING & DEVELOPMENT  
 CODE ENFORCEMENT REPORT AS OF 1/20/15

PROPERTY ADDRESS	ALLEGED VIOLATION	DATE OF INSPECTION	ACTION TAKEN/FOLLOW UP ACTION	ESTIMATED completion date	DATE OF COMPLETION
206 Royal Oaks Dr.	Abandoned Home, Unsecured & Unsanitary Pool	8/11/12 <b>I.B.</b>	Property has been sold. Violation abated.		1/16/15
1800 N. Live Oak St.	HIGH GRASS AND/OR WEEDS, JUNK & TRASH, UNSECURED STRUCTURES	9/8/14 <b>A.W.</b>	1/7/15 Re-inspected. Work continues on mowing and cleanup of junk & trash at location. Spoke to manager to secure refrigerators and to board up unsecured structures. 1/16/15 staff confirmed that work is still in progress.	12/21/15	
124 Breezy St.	POSSIBLE ZONING VIOLATION	10/8/14 <b>I.B.</b>	Per Staff. Violation abated. No violation found.		1/19/15
2105 Crescent St.	HIGH GRASS AND/OR WEEDS	11/17/14 <b>A.W.</b>	Re-inspected 1/6/15, no work observed, contractor will be hired week of 1/12/15.	1/22/14	
302 N. Salt Lake Rd.	HIGH GRASS AND/OR WEEDS	11/20/14 <b>I.B.</b>	1/19/15 Per staff, violation abated.		1/19/15



DEPARTMENT OF BUILDING & DEVELOPMENT  
 CODE ENFORCEMENT REPORT AS OF 1/20/15

2104 Picton Ln.	JUNK & TRASH	11/21/14 A.W.	12/22/14 Progress has been made to remove junk & trash. Receipt returned unsigned 1/5/15. On 1/6/15 work continues at location.	1/21/15	
1117 N. Live Oak St.	HIGH GRASS AND/OR WEEDS	12/10/14 A.W.	Property was placard on 1/6/15. Per staff, violation abated.		1/19/15
2501 San Antonio St.	ZONING VIOLATION; WORKING W/O PERMIT	12/15/14 A.W.	This case is scheduled to be heard by the Joint Public Hearing for Tuesday, February 10, 2015	2/10/15	
809 S. Live Oak St.	HIGH GRASS AND/OR WEEDS	1/7/15 A.W.	12/15/14 citizen complaint of alleged violation. Officer placed on watch list for two weeks. 1/7/15 sent letter giving property owner 10 days from receipt of letter to mow.	1/21/15	
909 – 935 Hwy 35 S.	HIGH GRASS AND/OR WEEDS	1/7/15 I.B.	Contractor hired to mow property.		1/9/15
307 E. Nopal St.	TRASH, MOTOR OIL CONTAINERS, VEHICLE TIRES, DAMAGED AUTO AND GARBAGE	1/7/15 I.B.	Staff is in the process of filling charges against property owner.		1/19/15
1021 Raven Dr.	ILLEGAL USE OF PROPERTY	1/6/15 I.B.	1/6/15 Anonymous citizen complaint of illegal use of property. RV set up on property. Staff investigated and did find this violation. Certified letter mailed 1/7/14 to property owner advising they will have 10 days to comply with city ordinance.	1/26/15	



DEPARTMENT OF BUILDING & DEVELOPMENT  
 CODE ENFORCEMENT REPORT AS OF 1/20/15

1910 Johnson Ave.	HIGH GRASS AND/OR WEEDS	12/30/14 <b>A.W.</b>	Property to be placard.	1/21/15	
809 S. Live Oak St.	HIGH GRASS AND/OR WEEDS	1/7/15 <b>A.W.</b>	1/19/15 Per staff, violation has been abated.		1/19/15
<b>NEW</b>					
618 E. Laurel St.	WORKING WITHOUT A PERMIT	1/9/15 <b>I.B.</b>	1/9/15 Staff observed work being done without a permit. Staff spoke with the property owner and advised they need to obtain a building permit along with fees. Property owner obtained a general remodel permit. Violation abated.		1/14/15
602 S. Pearl St.	PUBLIC NUISANCE	1/9/15 <b>I.B.</b>	1/9/15 Citizen complaint of barking dog. Staff investigated and observed unsanitary conditions. Case was referred to Animal Control.		1/19/15
111 Woodland Dr.	HIGH GRASS AND/OR WEEDS	1/13/15 <b>I.B.</b>	<b>**REPEAT OFFENDER**</b> 1/13/15 Complaint, via "Fix-It" on the City website, of high grass and weeds. Staff investigated and found violation. Contractor has been notified to mow property according to code.	1/30/15	
1608 Cherry St.	WORKING WITHOUT A PERMIT	1/14/15 <b>I.B.</b>	1/14/15 City Council complaint of working without a permit. Staff investigated complaint and found property owner does have a permit. Permit #B130103.		1/14/15
1035 S. Church St.	HIGH GRASS AND/OR WEEDS TRASH	1/14/15 <b>I.B.</b>	1/14/15 Staff observed violation at this property. Certified letter mailed 1/19/14 to property owner advising they will have 10 days to comply with city ordinance.	1/30/15	



CITY OF ROCKPORT BUILDING INSPECTION DEPARTMENT - PLAN REVIEW STATUS  
AS OF 1/20/15

PROJECT ADDRESS		APPLICANT		RESIDENTIAL	COMMERCIAL	NEW	REMODEL	ADDITION	ENGINEER	
DATE	COMPLETED	PLAN REVIEWED RETURNED	ON HOLD	ELAPSED BUSINESS DAYS	ACTION TAKEN					DATE IN
62 NASSAU		SCHEUMACK		X		X				
11/14/2014			11/18/2014		NEED ENGINEER 2 HR PARAPIT FIRE WALL					
2124 HWY 35 S		WESTERN STEEL			X			X		
11/18/2014		11/18/2014			NO SITE PLAN					
445 S FUQUA		PETER MORIN		X				X		
12/15/2014		12/16/2014			VIOLATES METEL BUILDING ORDINANCE					
1302 HWY 35 N		TEXAS REPLULIC			X					
12/29/2015	01/09/2015				SIGN					
950 HICKORY		MAVERICK		X		X				
01/08/2015	01/09/2015									
1009 HWY 35 N		CANTERBURY			X		X			
01/09/2015	01/14/2015									
306 S KOSSUTH		ALLEN CONST		X				X		
01/14/2015	01/16/2015									
328 S VERNE		ALLEN CONST		X		X				
01/14/2015	01/16/2014									
332 S VERNE		ALLEN CONST		X		X				
01/14/2015	01/16/2015									
3701 LOOP 1781		TIEWATER		X		X				
01/15/2015		01/19/2016			NEED FULL SET OF PLANS					



**CITY OF ROCKPORT**  
**DEPARTMENT OF BUILDING & DEVELOPMENT**  
**2751 S.H. 35 BYPASS – ROCKPORT, TEXAS 78382**  
**(361) 790-1125 – FAX (361) 729-6476**

**PENDING DEVELOPMENT REPORT: ENDING DATE OF 1/20/15**

ADDRESS	TYPE OF DEVELOPMENT	NAME OF DEVELOPMENT	DATE OF FILING	PROJECT VALUATION	TYPE OF APPLICATION
317 S FULTON BEACH	HISTORICAL	FULTON MANSION	6/1/13	\$1,491,420	BUILDING
2796 HWY 35 S	RESTAURANT	UNKNOWN	2/13/14	\$706,000	BUILDING
1302 HWY 35 N	RESTAURANT – REMODEL	MCDONALDS	4/28/14	\$350,000	BUILDING
STADIUM DR	CNG FACILITY	UNKNOWN	6/10/14	UNKNOWN	BUILDING
1602 HWY 35 N	OFFICE	REAL ESTATE	6/20/14	\$64,000	BUILDING
2347 HWY 35 N	LIQUOR STORE	W B LIQUOR	8/11/14	\$47,000	BUILDING
2399 HWY 35 N	RETAIL	A T & T	10/9/14	\$75,000	BUILDING
2517 SH 35 BYPASS	STORAGE BUILDING	COOL STORAGE	11/24/14	\$300,000	BUILDING
2355 HWY35 N	CAFE	TROPICAL SMOOTHIE CAFÉ	12/1/14	\$120,000	BUILDING



## BUILDING ABATEMENT REPORT 1/20/15

PROPERTY ADDRESS	ALLEGED VIOLATION	DATE OF INSPECTION	ACTION TAKEN/FOLLOW UP ACTION	ESTIMATED DATE OF COMPLETION	DATE OF COMPLETION
402 E HACKBERRY	WORK W/O PERMIT	1/20/14	28 additional charges filed. TRIAL DATE SET December. FTA warrant issued.	1/31/15	
1107 S FUQUA ST	SUBSTANDARD BLDG	1/23/14	<b>Letter sent 1.20.15, notifying property owner demolition will proceed in 30 days.</b>	2/20/15	
814 N ANN ST	SUBSTANDARD BLDG	1/23/14	<b>Letter sent 1.20.15, notifying property owner demolition will proceed in 30 days.</b>	2/20/15	
2324 LADY CLAIRE	SUBSTANDARD STRUCTURE	5/28/14	Property transferred to the State of Texas. State reviewing bids to demo.	1/31/15	
1909 COCHRAN	DILAPIDATED STRUCTURE	7/2/14	Charges filed with the Building and Standards Commission.	1/31/15	
1721 BAYSHORE	SUBSTANDARD BUILDING	9/3/14	Owner contacted staff and requested 90 days to make repairs. Request granted.	1/30/15	
1913 COCHRAN	ZONING VIOLATION	10/10/14	Charges will be filed week of 1/12/15	1/31/15	
111 PALM	WORK W/O PERMIT	10/20/14	Charges filed 11/21/14. Waiting on court.	1/31/15	
123 PALM	WORK W/O PERMIT	10/20/14	Permit obtain 12.26.14, #B131521, waiting on court decision	1/31/15	

# Municipal Courts

71

## Activity Detail

December 1, 2014 to December 31, 2014

100.0 Percent Reporting Rate

1 Reports Received Out of a Possible 1

Court: Rockport

CRIMINAL CASES							
	Traffic Misdemeanors			Non-Traffic Misdemeanors			
	Non-Parking	Parking	City Ordinance	Penal Code	Other State Law	City Ordinance	Total
<b>Cases Pending 12/1/2014:</b>							
Active Cases	2,665	5	0	1,042	537	116	4,365
Inactive Cases	829	0	0	424	125	22	1,400
Docket Adjustments	0	0	0	3	0	0	3
<b>Cases Added:</b>							
New Cases Filed	124	0	0	44	69	23	260
Cases Reactivated	50	0	0	12	10	4	76
All Other Cases Added	0	0	0	0	0	0	0
<b>Total Cases on Docket</b>	<b>2,839</b>	<b>5</b>	<b>0</b>	<b>1,098</b>	<b>616</b>	<b>143</b>	<b>4,701</b>
<b>Dispositions:</b>							
Dispositions Prior to Court Appearance or Trial:							
Uncontested Dispositions	45	0	0	5	4	3	57
Dismissed by Prosecution	0	0	0	0	0	0	0
<b>Total Dispositions Prior to Court Appearance or Trial</b>	<b>45</b>	<b>0</b>	<b>0</b>	<b>5</b>	<b>4</b>	<b>3</b>	<b>57</b>
Dispositions at Court Appearance or Trial:							
Convictions:							
Guilty Plea or Nolo Contendere	2	0	0	6	2	1	11
By the Court	3	0	0	2	0	1	6
By the Jury	0	0	0	0	0	0	0
Acquittals:							
By the Court	0	0	0	0	0	0	0
By the Jury	0	0	0	0	0	0	0
Dismissed by Prosecution	4	0	0	0	1	0	5
<b>Total Dispositions at Court Appearance or Trial</b>	<b>9</b>	<b>0</b>	<b>0</b>	<b>8</b>	<b>3</b>	<b>2</b>	<b>22</b>
Compliance Dismissals:							
After Driver Safety Course	6	---	---	---	---	---	6
After Deferred Disposition	7	0	0	4	9	1	21
After Teen Court	0	0	0	0	0	0	0
After Tobacco Awareness Course	---	---	---	---	0	---	0
After Treatment for Chemical Dependency	---	---	---	0	0	---	0
After Proof of Financial Responsibility	15	---	---	---	---	---	15
All Other Transportation Code Dismissals	17	0	0	0	3	0	20
<b>Total Compliance Dismissals</b>	<b>45</b>	<b>0</b>	<b>0</b>	<b>4</b>	<b>12</b>	<b>1</b>	<b>62</b>
All Other Dispositions	0	0	0	0	0	0	0
<b>Total Cases Disposed</b>	<b>99</b>	<b>0</b>	<b>0</b>	<b>17</b>	<b>19</b>	<b>6</b>	<b>141</b>
<b>Cases Placed on Inactive Status</b>	<b>57</b>	<b>0</b>	<b>0</b>	<b>21</b>	<b>12</b>	<b>1</b>	<b>91</b>
<b>Cases Pending 12/31/2014:</b>							
Active Cases	2,683	5	0	1,060	585	136	4,469
Inactive Cases	836	0	0	433	127	19	1,415
Show Cause Hearings Held	3	0	0	0	0	2	5
<b>Cases Appealed:</b>							
After Trial	0	0	0	0	0	0	0
Without Trial	0	0	0	0	0	0	0

**Municipal Courts**  
**Activity Detail**  
**December 1, 2014 to December 31, 2014**  
**100.0 Percent Reporting Rate**  
**1 Reports Received Out of a Possible 1**  
**Court: Rockport**

CIVIL/ADMINISTRATIVE CASES	
	Total
<b>Cases Pending 12/1/2014:</b>	
<i>Active Cases</i>	0
<i>Inactive Cases</i>	0
Docket Adjustments	0
<b>Cases Added:</b>	
New Cases Filed	0
Cases Reactivated	0
All Other Cases Added	0
<b>Total Cases on Docket</b>	<b>0</b>
<b>Dispositions:</b>	
Uncontested Civil Fines or Penalties	0
Default Judgments	0
Agreed Judgments	0
Trial/Hearing by Judge/Hearing Officer	0
Trial by Jury	0
Dismissed for Want of Prosecution	0
All Other Dispositions	0
<b>Total Cases Disposed</b>	<b>0</b>
<b>Cases Placed on Inactive Status</b>	<b>0</b>
<b>Cases Pending 12/31/2014:</b>	
<i>Active Cases</i>	0
<i>Inactive Cases</i>	0
<b>Cases Appealed:</b>	
After Trial	0
Without Trial	0
JUVENILE/MINOR ACTIVITY	
	Total
Transportation Code Cases Filed.....	2
Non-Driving Alcoholic Beverage Code Cases Filed.....	31
Driving Under the Influence of Alcohol Cases Filed.....	0
Drug Paraphernalia Cases Filed.....	0
Tobacco Cases Filed.....	0
Failure to Attend School Cases Filed.....	0
Education Code (Except Failure to Attend) Cases Filed.....	0
Violation of Local Daytime Curfew Ordinance Cases Filed.....	0
All Other Non-Traffic Fine-Only Cases Filed.....	0
Transfer to Juvenile Court:	
<i>Mandatory Transfer</i> .....	0
<i>Discretionary Transfer</i> .....	0
Accused of Contempt and Referred to Juvenile Court (Delinquent Conduct).....	0
Held in Contempt by Criminal Court (Fined or Denied Driving Privileges).....	0
Juvenile Statement Magistrate Warning:	
<i>Warnings Administered</i> .....	0
<i>Statements Certified</i> .....	0
Detention Hearings Held.....	0
Orders for Non-Secure Custody Issued.....	0
Parent Contributing to Nonattendance Cases Filed.....	0

# Municipal Courts

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## Activity Detail

December 1, 2014 to December 31, 2014

100.0 Percent Reporting Rate

1 Reports Received Out of a Possible 1

Court: Rockport

ADDITIONAL ACTIVITY		
	Number Given	Number Requests for Counsel
Magistrate Warnings:		
Class C Misdemeanors .....	8	---
Class A and B Misdemeanors .....	54	15
Felonies .....	34	13
		<b>Total</b>
Arrest Warrants Issued:		
Class C Misdemeanors .....		68
Class A and B Misdemeanors .....		0
Felonies .....		0
Capiases Pro Fine Issued .....		16
Search Warrants Issued .....		0
Warrants for Fire, Health and Code Inspections Filed .....		0
Examining Trials Conducted .....		0
Emergency Mental Health Hearings Held .....		0
Magistrate's Orders for Emergency Protection Issued .....		0
Magistrate's Orders for Ignition Interlock Device Issued .....		0
All Other Magistrate's Orders Issued Requiring Conditions for Release on Bond .....		0
Driver's License Denial, Revocation or Suspension Hearings Held .....		0
Disposition of Stolen Property Hearings Held .....		0
Peace Bond Hearings Held .....		0
Cases in Which Fine and Court Costs Satisfied by Community Service:		
Partial Satisfaction .....		1
Full Satisfaction .....		1
Cases in Which Fine and Court Costs Satisfied by Jail Credit .....		16
Cases in Which Fine and Court Costs Waived for Indigency .....		0
Amount of Fines and Court Costs Waived for Indigency .....		\$ 0
Fines, Court Costs and Other Amounts Collected:		
Kept by City .....		\$ 23,648
Remitted to State .....		\$ 9,903
Total .....		\$ 33,551