
CITY COUNCIL AGENDA

Notice is hereby given that the Rockport City Council will hold a regular meeting on Tuesday, June 23, 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. Presentation: Federal Bureau of Investigation National Academy graduate - Nathan Garcia
4. Citizens to be heard.

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

Consent Agenda

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

5. Deliberate and act on approval of City Council Regular Meeting Minutes of June 9, 2015.
6. Deliberate and act on approval of Interlocal Agreement with Aransas County regarding a proposed 2015-2016 Texas Community Development Block Grant Colonia Construction Fund project to benefit the Smith and Wood colonia and approval of a Resolution in support of Aransas County's application for project funding.

Regular Agenda

7. Deliberate and act on first reading of an Ordinance amending Article 4 of the City of Rockport Zoning Ordinance Number 1027 by changing the zoning of land located at 3404 Highway 35 South; also known as Lot 1, 18.733 acres, Bays of Rockport, Rockport, Aransas County, Texas, from R-1 (1st Single-Family Dwelling District) to R-6 (Hotel/Motel District); repealing all ordinances in conflict therewith; providing for severability; and providing an effective date.
8. Deliberate and act on second reading of an Ordinance amending the City of Rockport, Texas Code of Ordinances Chapter 54 "Health and Sanitation," by renaming Article I "In General" to Article I "Regulation of Single-Use Plastic (checkout) Bags"; setting definitions, prohibitions and requirements, scope and applicability, and exemptions; establishing implementation of a voluntary ban and setting date of mandatory compliance; and providing for effective date, reading, publication and severance.
9. *Tabled June 9, 2015* - Deliberate and act on interlocal agreement with Aransas County for subdivision regulation within the extraterritorial jurisdiction of the City of Rockport.

10. Reports from Council.

At this time, the City Council will report/update on all committee assignments, which may include the following: Aransas Pathways Steering Committee; Building and Standards Commission; Coastal Bend Bays and Estuaries Program; Coastal Bend Council of Government; Environmental Committee for Water Issues; Keep Rockport Beautiful Advisory Board; Parks & Leisure Services Advisory Board; Planning & Zoning Commission; Rockport Heritage District Board; Rockport-Fulton Chamber of Commerce; Aransas County Storm Water Management Advisory Committee; Swimming Pool Operations Advisory Committee; Tourism Development Council; Tree & Landscape Committee; YMCA Project Committee; Texas Maritime Museum, Fulton Mansion, Rockport Center for the Arts, Aransas County, Aransas County Independent School District, Aransas County Navigation District, Town of Fulton, and Texas Municipal League. No formal action can be taken on these items at this time.

Executive Session

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

11. Section 551.071(1)(A) and Section 551.071(2) Consultation with Attorney: Pending or contemplated litigation: 1) Templeton, 2) Petty, 3) Aumada, and 4) Bay Education Center.
12. Section 551.087 Deliberation Regarding Economic Development Negotiations: Project Cardinal.

Open Session

13. 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.
14. Adjournment.

Special Accommodations

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

Certification

I certify that the above notice of meeting was posted on the bulletin board at City Hall, 622 E. Market Street, Rockport, Texas on Friday, June 19, 2015, by 5:00 p.m. and on the City's website at www.cityofrockport.com. I further certify that the following News Media were properly notified of this meeting as stated above: *The Rockport Pilot*, *Coastal Bend Herald*, and *Corpus Christi Caller Times*.


 Ruby Beaven, Assistant City Secretary

CITY COUNCIL AGENDA
Regular Meeting: Tuesday, June 23, 2015

AGENDA ITEM: 3

Presentation: Recognition of Federal Bureau of Investigation National Academy graduate Lt. Nathan Garcia.

SUBMITTED BY: Police Chief Tim Jayroe

APPROVED FOR AGENDA: PKC

BACKGROUND: The FBI National Academy, held in Quantico, Virginia, is an intensive 11 week training program for professional police officers. Graduates of the academy make up only 1% of all peace officers serving throughout the United States as well as a smaller percentage of all police officers serving around the world. Attendance to the academy requires sacrifice and commitment on the part of the attendee as well as their families and Lt. Garcia is highly commended for his accomplishment and his family is recognized for their support and dedication to law enforcement, our department and the city.

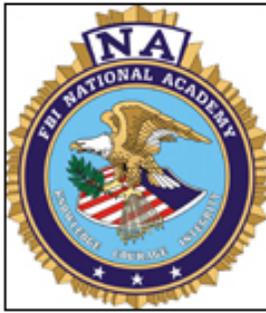
Lt. Garcia is the third City of Rockport FBI National Academy graduate: 1) Tim Jayroe - 123rd Session, graduated 12/12/1970; 2) Mark Cory - 198th Session, graduated 9/24/1999; and 3) Nathan Garcia - 259th Session, graduated 3/20/2015.

See the accompanying overview and news release for additional information.

FISCAL ANALYSIS: N/A

RECOMMENDATION: Not an action item.

The National Academy



The FBI National Academy is a professional development course for U.S. and international law enforcement leaders. It serves to improve the administration of justice in police departments and agencies at home and abroad and to raise law enforcement standards, knowledge, and cooperation worldwide.

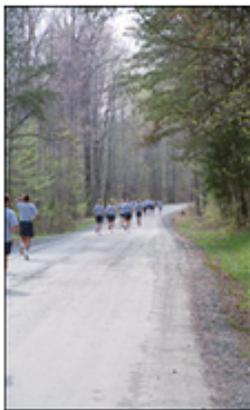
Its mission is "to support, promote, and enhance the personal and professional development of law enforcement leaders by preparing them for complex, dynamic, and contemporary challenges through innovative techniques, facilitating excellence in education and research, and forging partnerships throughout the world."

National Academy candidates

Leaders and managers of state, local, county, tribal police, military, federal, and international law enforcement agencies attend the FBI National Academy. Participation is by invitation only, through a nomination process. Participants are drawn from every U.S. state and territory and from international partner nations.

The course of study

Sessions of approximately 220 officers take undergraduate and/or graduate courses at the FBI campus in Quantico, Virginia. Classes are offered in the following areas: law, behavioral science, forensic science, understanding terrorism/terrorist mindsets, leadership, communication, and health/fitness. Officers participate in a wide range of leadership and specialized training, where they share ideas, techniques, and experiences with each other, creating lifelong partnerships that transcend state and national borders.



The "Yellow Brick Road"

National Academy graduates fondly recall their experience on the "Yellow Brick Road." The final test of the fitness challenge, the Yellow Brick Road is a grueling 6.1-mile run through a hilly, wooded trail built by the Marines. Along the way, the participants must climb over walls, run through creeks, jump through simulated windows, scale rock faces with ropes, crawl under barbed wire in muddy water, maneuver across a cargo net, and more. When (and if) the students complete this difficult test, they receive an actual yellow brick to memorialize their achievement. The course came to be known as the "Yellow Brick Road" years ago, after the Marines placed yellow bricks at various spots to show runners the way through the wooded trail. The overall fitness challenge began at the National Academy in 1981 and has evolved over the years; we started awarding yellow bricks in 1988.



**U.S. Department of Justice
Federal Bureau of Investigation**

Washington, D.C. 20535-0001

FOR IMMEDIATE RELEASE

March 20, 2015

Two Hundred and twenty Law enforcement officers graduated today from the FBI National Academy Program at Quantico, Virginia. The 259th Session of the National Academy consisted of men and women from 49 states. Included in the class are members of law enforcement agencies from the District of Columbia, 24 international countries, six military organizations, and five federal civilian organizations.

Internationally known for its academic excellence, the National Academy Program, held at the FBI Academy, offers 10 weeks of advanced investigative, management, and fitness training for selected officers having proven records as professionals within their agencies. On average, these officers have 19 years of law enforcement experience and usually return to their agencies to serve in executive-level positions.

FBI Director James Comey, will be the principal speaker at the ceremony.

Training for the program is provided by the FBI Academy instructional staff, Special Agents, and other staff members holding advanced degrees, many of whom are recognized internationally in their fields of expertise.

Since 1972, National Academy students have been able to earn undergraduate and graduate credits from the University of Virginia due to the accreditation by the university of the many courses offered.

The graduating officers will be represented by the class spokesperson, Joshua Lamb, Sergeant First Class, with the Georgia Department of Public Safety, in Atlanta, Georgia. A total of 48,118 graduates now represent the FBI National Academy since it began in July 1935. Of this number, approximately 16,683 are still active in law enforcement work.

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CITY COUNCIL AGENDA
Regular Meeting: Tuesday, June 23, 2015

AGENDA ITEM: 5

Deliberate and act on approval of City Council Regular Meeting Minutes of June 9, 2015.

SUBMITTED BY: City Secretary Teresa Valdez

APPROVED FOR AGENDA: PKC

BACKGROUND: Please see the accompanying minutes of the Regular Meeting of June 9, 2015.

FISCAL ANALYSIS: N/A

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

CITY OF ROCKPORT

MINUTES

CITY COUNCIL REGULAR MEETING 6:30 p.m., Tuesday, June 9, 2015 Rockport City Hall, 622 East Market Street

On the 9th day of June 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 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

Mayor Charles J. Wax

PLANNING & ZONING COMMISSION MEMBERS PRESENT

Edward Bellion
Graham Wilson
Brian Olsen
Frank Lynch
Ruth Davis
Diana Severino-Saxon

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 Director Brian Jacobs
Parks & Leisure Services Director Tom Staley

ELECTED OFFICIALS

Aransas County Navigation District Commissioner
Precinct 3 Malcolm Dieckow

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 Pro-Tem Rios at 6:31 p.m. on Tuesday, June 9, 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 Regular Meeting Minutes of May 26, 2015, and Special Meeting Minutes of June 2, 2015.**
5. **Deliberate and act on approval of request from American Fireworks to perform a fireworks display show at Little Bay on August 29, 2015.**
6. **Deliberate and act on report from the Rockport Yacht Club for marketing expenditures made for 2015 Nautical Flea Market.**
7. **Deliberate and act to appoint citizen to the YMCA Project Committee.**
8. **Deliberate and act on the Texas Municipal League Intergovernmental Employee Benefits Pool Continuation of Coverage Administrative Agreement for the Fiscal Year 2015-2016.**
9. **Deliberate and act on the Texas Municipal League MultiState Intergovernmental Employee Benefits Pool Rerate Notice for active employees and retired employees not eligible for Medicare.**

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

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

Public Hearing

10. **Call to Order - Rockport Planning & Zoning Commission.**

With a quorum of the Rockport Planning & Zoning Commission present, the meeting of the Rockport Planning & Zoning Commission was called to order by Chairman Frank Lynch at 6:34 p.m. on Tuesday, June 9, 2015, in the Council Chambers of the Rockport City Hall, 622 E. Market Street, Rockport, Texas.

11. Conduct and deliberate a Joint Public Hearing with the Planning & Zoning Commission to consider a request for rezoning from R-1 (1st Single-Family Dwelling District) to R-6 (Hotel/Motel District) on property located at 3404 Highway 35 South; also known as Lot 1 (18.733 acres), Bays of Rockport, Rockport, Aransas County, Texas.

Mayor Pro-Tem Rios opened the Joint Public Hearing at 6:34 p.m.

Brad Coleman addressed the Council. Mr. Coleman stated he is the applicant requesting the rezoning because there have been a lot of requests for cottage type rentals from people who like to wade fish.

Council Member Day asked Mr. Coleman how many units he is planning to build and the square footage of the units.

Mr. Coleman said he plans to build a couple of units and see if there is a market for additional units. Mr. Coleman stated the units will be around 500 square feet.

Brief discussion was held among Council and Mr. Coleman.

Planning & Zoning Commission Chairman Frank Lynch stated the Planning & Zoning Commission will consider the rezoning request at the meeting on Monday, June 15, 2015 at 5:30 p.m.

Mayor Pro-Tem Rios closed the Joint Public Hearing at 6:37 p.m.

12. Adjourn - Rockport Planning and Zoning Commission.

At 6:37 p.m., the Rockport Planning & Zoning Commission adjourned.

Regular Agenda

13. *Tabled May 12, 2015* - Deliberate and act on first reading of an Ordinance amending the City of Rockport, Texas Code of Ordinances Chapter 54 "Health and Sanitation," by renaming Article I "In General" to Article I "Regulation of Single-Use Plastic (checkout) Bags"; setting definitions, prohibitions and requirements, scope and applicability, and exemptions; establishing implementation of a voluntary ban and setting date of mandatory compliance; and providing for an effective date, reading, publication and severance.

MOTION: Council Member Villa moved to remove this item from the table. Council Member Gurtner seconded the motion. Motion carried unanimously.

Council Member Gurtner stated she had proposed the City adopt an ordinance regulating single-use plastic bags. Ms. Gurtner said she had reviewed the proposed Ordinance and had suggested some

changes regarding the use of the terms "checkout" and/or "carryout." Ms. Gurtner indicated that the terms were not consistent throughout the Ordinance. Ms. Gurtner added that she wanted to discuss the definition of the term "recyclable bag." Ms. Gurtner suggested "recyclable bag" be defined as: "Recyclable Bag means a checkout bag made of paper or other non-plastic material that is provided by a retail establishment to a customer at the point of sale for purposes of transporting groceries or other goods and is 100% recyclable."

Steven Lanoux, 207 Beachwalk Lane, Port Aransas, Texas, addressed the Council. Mr. Lanoux stated he is Mayor Pro-Tem for the City of Port Aransas and he supports the proposed Ordinance. Mr. Lanoux said he is unaware of any city or state that has suffered any economic downfall or business failure after adoption of an ordinance banning plastic bags. Mr. Lanoux added the City of Port Aransas has not received any complaints since the adoption of an ordinance banning plastic bags.

Neli Spurrell, 166 Heron Oaks, Rockport, Texas, addressed the Council. Ms. Spurrell stated she is a new citizen in Rockport, originally from Brazil. Ms. Spurrell said she has spent the last 15 years in environmental education. Ms. Spurrell expressed that she has seen the trash in the Gulf of Mexico and that is why she came to Rockport, to help the community be better. Ms. Spurrell said the plastic bag itself is not "bad," it is because of humans that there is a problem.

Richard Rock, 1635 S. Water Street, Rockport, Texas, addressed the Council. Mr. Rock stated he supports the proposed Ordinance banning single-use plastic bags. Mr. Rock added that we live in a very pristine area and he wants to keep it that way; we owe it to our grandchildren to save our bays.

Annette Hegen, 1105 Oak Avenue, Rockport, Texas, addressed the Council. Ms. Hegen said she was representing staff and volunteers from The Aquarium at Rockport Harbor. Ms. Hegen stated they have seen evidence of the harmful effects of plastic on birds, fish and other wildlife. Ms. Hegen expressed that they supported the ban on single-use plastic bags.

Pat Romero, 1905 Prairie Road, Rockport, Texas, addressed the Council. Ms. Romero said she agrees with everything that has previously been said and this is such a simple thing for people to do. Ms. Romero stated some people just need a little nudge and then there are those who will need a big nudge; give them a big nudge.

Savanna Smith, 1413 Dana Drive, Rockport, Texas, and Ellen Stacy, 1413 ChaChaLaca Street, Rockport, Texas, addressed the Council. Ms. Smith stated she and Ms. Stacy were graduates of Rockport-Fulton High School, that they had researched oxygen levels in watersheds and the oxygen levels were low; they do not know if that is from plastic bags, but the plastic bags are not helping. Ms. Stacy added that she is a bagger at HEB and she sees the number of plastic bags used, and the banning of use of single-use plastic bags would help reduce the amount taken to landfills.

Gayly Opem, 21 La Buena Vida, Rockport, Texas, addressed the Council. Ms. Opem said she had spoken at Council workshops support the banning of single-use plastic bags. Ms. Opem stated she had sent new information to the Council on Friday showing that plastic is not only affecting the oceans and bays, but also rivers. Ms. Opem expressed that it is time for the community to step up to

the plate and make rules to protect our environment. Ms. Opem added that she did not support exemptions for franchises or bait shops in the proposed Ordinance.

Virginia (Ginger) Easton-Smith, 1413 Dana Drive, Rockport, Texas, addressed the Council. Ms. Easton-Smith said she is the Agriculture Natural Resources Agent for Aransas County and she agrees with everything that has been said tonight. Ms. Easton-Smith stated that plastic is the number one contaminant to cotton and it damages cattle and wildlife. Ms. Easton-Smith expressed that the proposed Ordinance will not affect produce or bait sales but will control distribution of checkout bags. Ms. Easton-Smith stated she supported the proposed Ordinance.

Phil Wildfang, 1213 Enterprise Boulevard, Rockport, Texas, addressed the Council. Mr. Wildfang said there has been 3.5 years of public awareness regarding this issue, now we are on the verge of accomplishing something and the City has the authority to do this. Mr. Wildfang stated the adoption of this Ordinance will encourage residents and visitors to be more mindful. Mr. Wildfang encouraged the Council to provide the citizens with the leadership they need and adopt the proposed Ordinance.

Steven Reisinger, 101 Silver Oak Place, Rockport, Texas, addressed the Council. Mr. Reisinger informed the Council that he is a bird watcher and some months ago while he was at the beach, he witnessed the garbage trucks emptying the garbage containers. Mr. Reisinger stated the process is efficient except for the fact that the garbage lids blow open and the coastal winds blow the plastic and Styrofoam into the bay. Mr. Reisinger added that the plastic stuff is too light and ends up in the bay, the gulf and the cotton fields. Mr. Reisinger urged the Council to adopt the proposed Ordinance.

Ellen Reisinger, 101 Silver Oak Place, Rockport, Texas, addressed the Council. Ms. Reisinger stated she is a Master Gardener and Master Naturalist and has a daughter who lives in San Francisco which has banned use of plastic bags. Ms. Reisinger informed the Council that her daughter had told her that when San Francisco first banned the plastic bags, there had been whining and griping, but after two months everything was okay.

Carrie Meyer, 4401 Gulfbreeze, Corpus Christi, Texas, addressed the Council. Ms. Meyer informed the Council that she is President of the North Beach Association, and the Association thinks Rockport has done everything they would like to do at North Beach. Ms. Meyer stated she drives 30 miles to come to the beach in Rockport. Ms. Meyer added that even if the plastic bag ban does not solve the whole problem, it shows that you care.

Council Member Villa stated he is not a fan of "Skip the Plastic" because he feels that too many things are taken away from citizens. Mr. Villa added that he thinks that there is a litter problem and we should hold people accountable. Mr. Villa said he did not think this will work unless it goes county-wide and is also adopted by the Town of Fulton. Mr. Villa expressed he would like this to go to the voters for a decision.

Discussion was held among Council regarding the proposed Ordinance.

MOTION: Council Member Day moved to approve the first reading of an Ordinance amending the City of Rockport, Texas Code of Ordinances Chapter 54 "Health and Sanitation," by renaming

Article I "In General" to Article I "Regulation of Single-Use Plastic (checkout) Bags"; setting definitions, prohibitions and requirements, scope and applicability, and exemptions; establishing implementation of a voluntary ban and setting date of mandatory compliance; providing for an effective date, reading, publication and severance; Mayor Pro-Tem Rios seconded the motion.

Council Member Gurtner stated she did not support Section 54.5.(b), an exemption that Mayor Wax had added.

Discussion was held among Council regarding the Section 54.5 exemption: "Bags used by businesses that provide prepared food for consumption off premises to ensure safety and sanitary carriage of those items."

Norma Martinez asked the Council if this Ordinance would affect clothing stores, Castaways Thrift store and other like businesses.

Mayor Pro-Tem Rios stated the Ordinance would apply to clothing stores, Castaways and other like businesses.

Aransas County Navigation District Commissioner Malcolm Dieckow stated humans are adaptable and he does not see the proposed Ordinance being an extreme issue. Mr. Dieckow said we have to start somewhere and we cannot ignore this.

AMENDED MOTION: Council Member Day amended his motion to approve the first reading of an Ordinance amending the City of Rockport, Texas Code of Ordinances Chapter 54 "Health and Sanitation," by renaming Article I "In General" to Article I "Regulation of Single-Use Plastic (checkout) Bags"; setting definitions, prohibitions and requirements, scope and applicability, and exemptions; establishing implementation of a voluntary ban from July 1, 2015, through December 31, 2015, and setting date of January 1, 2015 for mandatory compliance; providing for an effective date, reading, publication and severance. Council Member Gurtner seconded the motion. Motion carried 3:1.

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

AGAINST MOTION: Council Member Villa.

14. *Tabled May 26, 2015 - Deliberate and act on interlocal agreement with Aransas County for subdivision regulation within the extraterritorial jurisdiction of the City of Rockport.*

City Manager Kevin Carruth stated the Aransas County Commissioners Court had this item on its May 26, 2015 agenda to "discuss, approve, or disapprove guidance." Mr. Carruth added that he had requested information from the County Attorney in regard to the Commissioners Court decision on this item and he has not received a response.

Mayor Pro-Tem Rios said this item will remain tabled.

15. *Tabled May 26, 2015 - Deliberate and act on proposal from Aransas County for replacement of audio visual equipment in the emergency operations center.*

MOTION: Mayor Pro-Tem Rios moved to remove this item from the table. Council Member Villa seconded the motion. Motion carried unanimously.

Mayor Pro-Tem Rios said the Council had received information that the City has purchased and installed two projectors on the Sheriff's Office side of the Emergency Operations Center (similar to the ones that were broken) in order to get the Emergency Operations Center fully operational during the current hurricane season, at a cost of \$300. Mayor Pro-Tem Rios added that the County proposal of splitting the \$64,162.58 would be an unbudgeted cost in the City's Fiscal Year 2014-2015 budget.

MOTION: Mayor Pro-Tem Rios moved to dismiss without prejudice the proposal from Aransas County for replacement of audio visual equipment in the Emergency Operations Center. Council Member Villa seconded the motion. Motion carried unanimously.

16. Deliberate and act on lease of building located at 901 E. Main Street and part of a building at 401 East Magnolia to Coastal Bend Troop Support and authorizing the Mayor to execute and negotiate all necessary documents.

Carla Reed, Executive Director of Coastal Bend Troop Support, addressed the Council. Ms. Reed said Coastal Bend Troop Support had been in existence for 11 years. Ms. Reed called the Council's attention to several thank you notes from recipients of the packages prepared and sent by Coastal Bend Troop Support. Ms. Reed stated she would like to see the rent amount lower than that stated in the lease.

Beverly Jacobson addressed the Council and informed the Council she has a son who has served four tours. Ms. Jacobson said her son has received care packages from Coastal Bend Troop Support and he has told her that the care packages may be the only good thing that happened to an enlisted that day. Ms. Jacobson asked that the Council be as kind as they possibly can so that there will be no disruption in providing care packages.

City Manager Kevin Carruth informed the Council that a local realtor had been contacted and had provided the range of \$.70 to \$1.40 per square foot as a cost of renting the property. Mr. Carruth added that the \$900 rent amount includes the storage building which was not included in the price per square foot calculation.

Discussion was held among Council and Ms. Reed.

City Attorney Terry Baiamonte reminded Council that the Constitution does not allow a City to give away property and there are certain guidelines that have to be followed. Ms. Baiamonte added that it would be safer to follow staff's recommendation on the amount to be charged since it had been researched.

MOTION: Council Member Day moved to approve the lease of building located at 901 E. Main Street and part of a building at 401 Magnolia to Coastal Bend Troop Support and authorize the Mayor to execute and negotiate all necessary documents. Council Member Gurtner seconded the motion. Motion carried unanimously.

- 17. Deliberate and act on a resolution approving cooperation with the cities served by AEP Texas Central Company to review the AEP Texas Central Company's requested approval of an adjustment to its energy efficiency cost recovery factor and authorizing hiring legal and consulting services to negotiate with the company and direct any necessary litigation and appeals.**

City Manager Kevin Carruth stated this has been done multiple times over the years past and by law, the City's reasonable rate case expenses have to be reimbursed by American Electric Power (AEP) Texas Central Company (TCC).

MOTION: Council Member Villa moved to approve the resolution approving cooperation with the cities served by AEP Texas Central Company to review the AEP Texas Central Company's requested approval of an adjustment to its energy efficiency cost recovery factor and authorizing hiring legal and consulting services to negotiate with the company and direct any necessary litigation and appeals. Council Member Day seconded the motion. Motion carried unanimously.

18. Reports from Council.

At this time, the City Council will report/update on all committee assignments, which may include the following: Aransas Pathways Steering Committee, Building and Standards Commission; Coastal Bend Bays and Estuaries Program; Coastal Bend Council of Government; Environmental Committee for Water Issues; Keep Rockport Beautiful Advisory Board; Parks & Leisure Services Advisory Board; Planning Zoning Commission; Rockport Heritage Board; Rockport-Fulton Chamber of Commerce; Aransas County Storm Water Management Advisory Committee; Swimming Pool Operations Advisory Committee; Tourism Development Council; Tree & Landscape Committee; YMCA Project Committee; Texas Maritime Museum; Fulton Mansion; Rockport Center for the Arts; Aransas County; Aransas County Independent School District; Aransas County Navigation District; Town of Fulton; and Texas Municipal League. No formal action can be taken on these items at this time.

Mayor Pro-Tem Rios stated the YMCA Project Committee is getting closer to presenting their information to Council.

Mayor Pro-Tem Rios announced that Ace Hardware has purchased the old Walmart property.

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:

- 19. Section 551.071(1)(A) and Section 551.071(2) Consultation with Attorney: Pending or contemplated litigation: 1) Templeton, 2) Petty, 3) Aumada, and 4) Bay Education Center.**
- 20. Section 551.087 Deliberation Regarding Economic Development Negotiations: Project Cardinal.**

At 8:06 p.m., Mayor Pro-Tem Rios 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: Pending or contemplated litigation: 1) Templeton, 2) Petty, 3) Aumada, and 4) Bay Education Center; and Section 551.087 Deliberation Regarding Economic Development Negotiations: Project Cardinal.

Open Session

- 21. 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 8:42 p.m., Mayor Pro-Tem Rios 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.

22. Adjournment

At 8:43 p.m., Council Member Day moved to adjourn. Motion was seconded by Council Member Villa and carried unanimously.

CITY OF ROCKPORT, TEXAS

Patrick (Pat) Rios, Mayor Pro-Tem

ATTEST:

Teresa Valdez, City Secretary

CITY COUNCIL AGENDA
Regular Meeting: Tuesday, June 23, 2015

AGENDA ITEM: 6

Deliberate and act on approval of Interlocal Agreement with Aransas County regarding a proposed 2015-2016 Texas Community Development Block Grant Colonia Construction Fund project to benefit the Smith and Wood colonia and approval of a Resolution in support of Aransas County's application for project funding.

SUBMITTED BY: City Manager Kevin Carruth; Betty Collier, Grant Works, Inc.

APPROVED FOR AGENDA: PKC

BACKGROUND: Aransas County is applying for \$500,000 in funding through the Texas Community Development Block Grant Colonia Fund to install sewer service on sections of Doughty, Kossuth, Linden, and Verne Streets in the Smith and Wood colonia. The resolution commits the City to a \$25,000 match in the form of cash, waived fees, and in-kind services.

See the accompanying documents for detailed information.

FISCAL ANALYSIS: The City and County have partnered on several CDBG Colonia grant projects in the past and historically the City has met its match requirement through waived fees and in-kind services. It is anticipated that the City will not have to contribute any cash to meet its match commitment.

RECOMMENDATION: Staff recommends Council approve the Interlocal Agreement with Aransas County as well as approval of the Resolution in support of Aransas County's application, as presented.

THE STATE OF TEXAS §

INTERGOVERNMENTAL AGREEMENT
Pursuant to the Interlocal Cooperation Act
Texas Government Code, Chapter 791

ARANSAS COUNTY §

This AGREEMENT is made between ARANSAS COUNTY, TEXAS, hereinafter referred to as the COUNTY, acting through its Commissioners' Court, and the CITY OF ROCKPORT, hereinafter referred to as the CITY, acting through its City Council.

The COUNTY agrees to use grant funds from its Program Year 2015-16 Community Development Block Grant Program – Colonia Fund Contract to construct improvements described therein to the CITY'S public sewer system benefiting the Smith and Wood colonia if such is awarded to the COUNTY by the Texas Department of Agriculture (TDA) and hereinafter referred to as the GRANT. The term of this Agreement shall be from July 13, 2015, until the GRANT is administratively closed by TDA. Either party may terminate this Agreement with thirty (30) days written notice to the other party and such early termination shall not relieve the parties from the payment terms addressed below.

Parties agree that the COUNTY shall:

1. Endeavor to execute its GRANT responsibilities in a timely and efficient manner.
2. Be the repository of all receipts and documentation pertinent to the GRANT and furnish such to TDA upon its request.
3. Serve as the primary contact in all matters pertaining to the GRANT and the conduit for communication between itself, the CITY, and TDA.
4. Provide pre-bid project design and any change orders to the CITY for its review and approval prior to authorization by the COUNTY.
5. Consult with the CITY before awarding a construction contract(s) for the activities described in the GRANT that exceeds the funds available in the GRANT budget.
6. Gain CITY'S written approval for any bid alternates, change orders, project redesign, or additions to the GRANT scope of work prior to incurring costs related to those items.
7. Ensure that the CITY shall not be responsible for any GRANT-related costs other than those outlined herein without the CITY'S written approval, except where costs are related to a violation or early termination of this Agreement by the CITY.
8. Maintain at its sole discretion the option to approve construction contracts or change orders that would result in any obligation to pay for costs that exceed available GRANT funds.
9. Automatically transfer full ownership of the grant improvements to the CITY upon acceptance by the COUNTY of the Certificate of Construction Completion.
10. Provide any matching funds that it has separately committed by resolution of its Commissioners' Court.

Parties agree that the CITY shall:

1. Comply with all COUNTY requests for information required to fulfill the COUNTY'S obligations under the GRANT.
2. Offer to provide access to the improved service to all beneficiaries of the GRANT project at its officially adopted utility rates.
3. Permit unrestricted access by the COUNTY and its selected engineering, administrative, and construction contractors to those portions of the construction site under CITY control,

to allow performance of the GRANT-related duties outlined in agreements these entities shall have with the COUNTY.

4. Be solely responsible for the continued ownership, maintenance and operation of any proposed improvements upon acceptance by the COUNTY of the Certificate of Construction Completion.
5. Pay for any cost overruns attributable to the award of a construction contract or contracts for the activities described in the GRANT unless the COUNTY is able to modify the GRANT contract with TDA in order to bring the costs within budget.
6. Pay for any cost overruns attributable to bid alternates, change orders, project redesign, or additions to the GRANT scope of work that it has approved in writing.
7. Pay for any costs resulting from violation or early termination of this Agreement by the CITY including but not limited to repayment to COUNTY of any grant expenditures disallowed by TDA if the project is not completed and placed in service as specified in the GRANT contract.
8. Automatically receive full ownership of the GRANT-funded improvements upon acceptance by the COUNTY of the Certificate of Construction Completion.
9. Provide any matching funds that it has separately committed by resolution of its City Council.

The parties further agree that any GRANT funds provided by the COUNTY are without warranty of any kind to the CITY or any third party, and the CITY hereby agrees, to the extent allowable by law, to defend, hold harmless, and indemnify the COUNTY, its officers, agents, and employees for any claims for injury or death of any person or any property damage arising out of the COUNTY'S performance of its obligations under this Agreement. Nothing herein shall be construed to create any rights in third parties.

ARANSAS COUNTY, TEXAS

CITY OF ROCKPORT

Burt Mills
County Judge

Charles J. Wax
Mayor

DATE

DATE

ATTEST:

ATTEST:

Valerie Amason
County Clerk

Teresa Valdez
City Secretary

RESOLUTION

A RESOLUTION OF THE CITY OF ROCKPORT IN SUPPORT OF ARANSAS COUNTY'S PROPOSED 2015-16 TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT COLONIA FUND APPLICATION.

WHEREAS, a portion of the principally low and moderate income residents of the Smith and Wood colonia are served by the City's wastewater system;

WHEREAS, the City has the desire to provide public sewer system improvements in the interest of promoting public health and safety in the community;

NOW, THEREFORE, BE IT RESOLVED BY THE ROCKPORT CITY COUNCIL:

- Section 1. That the City supports the submission of a Community Development Block Grant Program application by Aransas County to the Texas Department of Agriculture for funding consideration under the Colonia Fund for construction activities;
- Section 2. That the application be for up to \$500,000 of grant funds to provide sewer improvements benefiting the Smith and Wood colonia in Aransas County;
- Section 3. That the City authorizes execution by the Mayor of a separate intergovernmental agreement with Aransas County that addresses the parties' relationship during the grant and the transfer of ownership and control over the facilities constructed through this project upon its successful completion;
- Section 4. That all funds will be used in accordance with all applicable federal, state, local and programmatic requirements including but not limited to procurement, environmental review, labor standards, real property acquisition, and civil rights requirements;
- Section 5. That the City commits \$25,000 in cash, waived fees, and in-kind services toward the activities in the application from its Utility Fund.

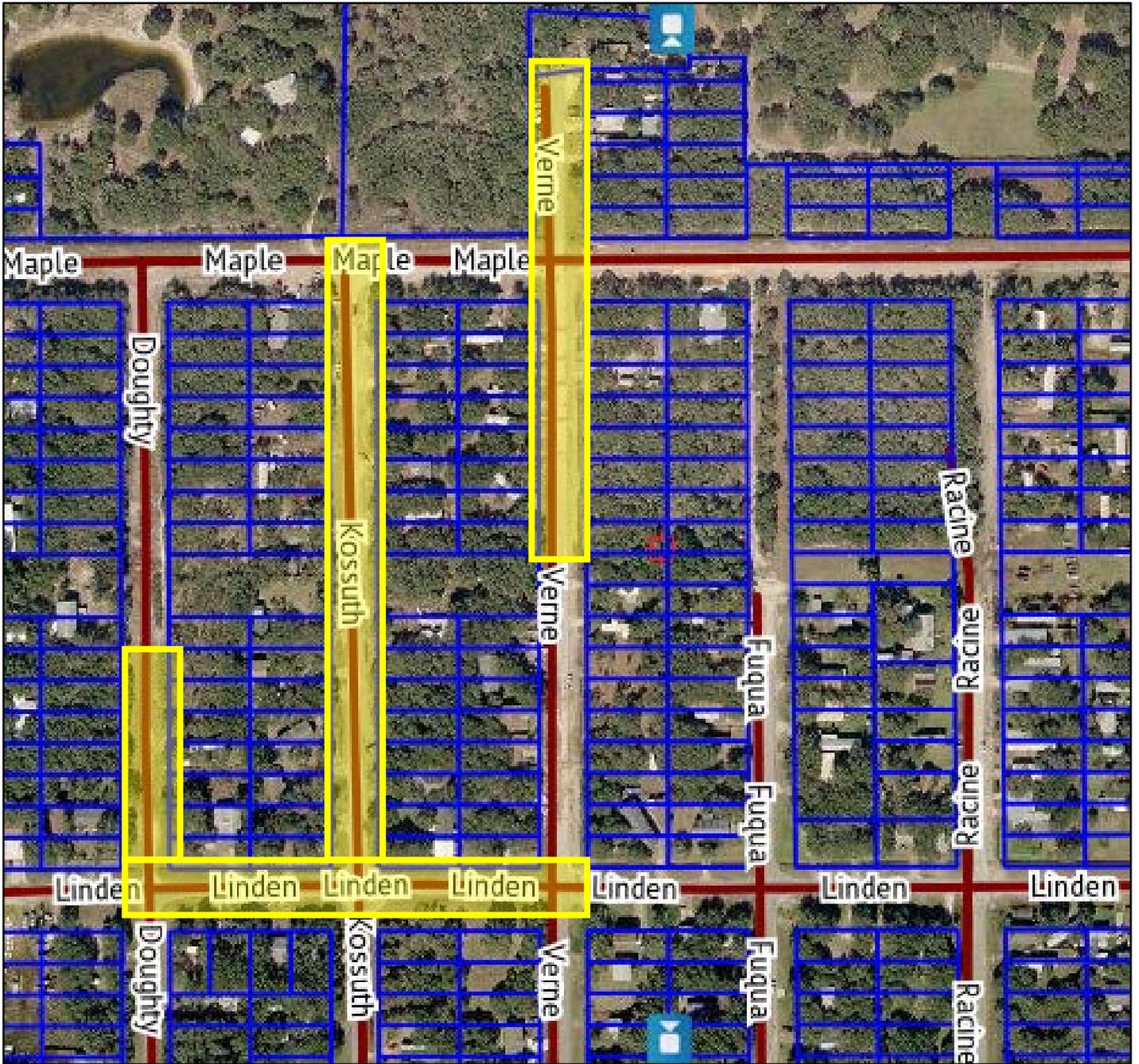
PASSED AND APPROVED ON THE 23rd day of June, 2015.

Charles J. Wax, Mayor

ATTEST:

Teresa Valdez, City Secretary

FY 2015-2016 TEXAS CDBG COLONIA CONSTRUCTION FUND APPLICATION PROJECT SCOPE



ENGINEER: Brandi B. Karl, P.E.

ENGINEER'S ESTIMATE

JOB 37364
DATE: 6/16/2015

LINDEN & KOSSUTH AREA SANITARY SEWER GRANT IMPROVEMENTS						
Owner: Aransas County						
ITEM	DESCRIPTION	UNIT	QUAN	QUAN (+5%)	UNIT PRICE	TOTAL COST
LINE "A" - Gravity Sewer Line on Linden from Verne to Doughty						
1	10" PVC Sewer Line (8'-11' Deep)	LF	660	693	\$58.00	\$40,194.00
2	Tie to Ex. 12" Stubout with 12"x10" Reducer	EA	1	1	\$1,000.00	\$1,000.00
3	4' Diameter Manhole (8'-10' Deep)	EA	2	2	\$4,800.00	\$9,600.00
4	Well Pointing (As Required)	LF	660	693	\$16.00	\$11,088.00
5	OSHA Trench Protection	LF	660	693	\$2.00	\$1,386.00
6	Long Service Connection (Public)	EA	2	2	\$2,500.00	\$5,000.00
7	Private Yard Service Line	LF	250	263	\$26.00	\$6,838.00
8	Septic Tank Abandonment	EA	3	3	\$500.00	\$1,500.00
9	Limestone Driveway Repair	SY	90	95	\$25.00	\$2,375.00
10	TCDP Project Signage	EA	1	1	\$650.00	\$650.00
11	Asphalt Pavement Repair	SY	65	68	\$60.00	\$4,080.00
12	Utility Adjustment	EA	1	1	\$1,200.00	\$1,200.00
13	Capital Impact Fees	EA	2	2	\$426.00	\$852.00
LINE "A" SUBTOTAL						\$85,763.00
LINE "B" - Gravity Sewer Line on Verne from Cherry past Maple to end						
1	8" PVC Sewer Line (5'-9' Deep)	LF	785	824	\$45.00	\$37,080.00
2	4' Diameter Manhole (5'-9' Deep)	EA	2	2	\$4,500.00	\$9,000.00
3	Well Pointing (As Required)	LF	785	824	\$16.00	\$13,184.00
4	OSHA Trench Protection	LF	785	824	\$2.00	\$1,648.00
5	Long Service Connection (Public)	EA	4	4	\$2,500.00	\$10,000.00
6	Short Service Connection (Public)	EA	6	6	\$1,500.00	\$9,000.00
7	Private Yard Service Line	LF	1000	1050	\$26.00	\$27,300.00
8	Septic Tank Abandonment	EA	12	12	\$500.00	\$6,000.00
9	Asphalt Pavement Repair	SY	28	29	\$60.00	\$1,740.00
10	Limestone Driveway Repair	SY	315	331	\$25.00	\$8,275.00
11	Capital Impact Fees	EA	10	10	\$426.00	\$4,260.00
LINE "B" SUBTOTAL						\$127,487.00
LINE "C" - Gravity Sewer Line on Kossuth from Linden to Maple						
1	8" PVC Sewer Line (8'-10' Deep)	LF	930	977	\$47.00	\$45,919.00
2	4' Diameter Manhole (8'-10' Deep)	EA	2	2	\$5,000.00	\$10,000.00
3	Well Pointing (As Required)	LF	930	977	\$16.00	\$15,632.00
4	OSHA Trench Protection	LF	930	977	\$2.00	\$1,954.00
5	Long Service Connection (Public)	EA	8	8	\$2,500.00	\$20,000.00

Urban Engineering
2725 Swantner
Corpus Christi, Texas 78404
361-854-3101

ENGINEER: Brandi B. Karl, P.E.

ENGINEER'S ESTIMATE

JOB 37364
DATE: 6/16/2015

6	Short Service Connection (Public)	EA	7	7	\$1,500.00	\$10,500.00
7	Private Yard Service Line	LF	1000	1050	\$26.00	\$27,300.00
8	Septic Tank Abandonment	EA	14	14	\$400.00	\$5,600.00
9	Asphalt Pavement Repair	SY	28	29	\$60.00	\$1,740.00
10	Limestone Driveway Repair	SY	315	331	\$25.00	\$8,275.00
11	Utility Adjustment	EA	1	1	\$1,200.00	\$1,200.00
12	Capital Impact Fees	EA	10	10	\$426.00	\$4,260.00
					LINE "C" SUBTOTAL	\$152,380.00
LINE "D" - Gravity Sewer Line on Doughty from Linden 350' north						
1	8" PVC Sewer Line (8'-10' Deep)	LF	350	368	\$47.00	\$17,296.00
2	4' Diameter Manhole (8'-10' Deep)	EA	1	1	\$5,000.00	\$5,000.00
3	Well Pointing (As Required)	LF	350	368	\$16.00	\$5,888.00
4	OSHA Trench Protection	LF	350	368	\$2.00	\$736.00
5	Long Service Connection (Public)	EA	3	3	\$2,500.00	\$7,500.00
6	Short Service Connection (Public)	EA	3	3	\$1,500.00	\$4,500.00
7	Private Yard Service Line	LF	400	420	\$26.00	\$10,920.00
8	Septic Tank Abandonment	EA	5	5	\$400.00	\$2,000.00
9	Asphalt Pavement Repair	SY	20	21	\$60.00	\$1,260.00
10	Limestone Driveway Repair	SY	200	210	\$25.00	\$5,250.00
11	Utility Adjustment	EA	1	1	\$1,200.00	\$1,200.00
12	Capital Impact Fees	EA	4	4	\$426.00	\$1,704.00
					LINE "D" SUBTOTAL	\$63,254.00
					CONSTRUCTION TOTAL	\$428,884.00
					Engineering	\$55,000.00
					PROJECT TOTAL	\$483,884.00

Urban Engineering
2725 Swantner
Corpus Christi, Texas 78404
361-854-3101

CITY COUNCIL AGENDA
Regular Meeting: Tuesday, June 23, 2015

AGENDA ITEM: 7

Deliberate and act on first reading of an Ordinance amending Article 4 of the City of Rockport Zoning Ordinance Number 1027 by changing the zoning of land located at 3404 Highway 35 South; also known as Lot 1, 18.733 acres, Bays of Rockport, Rockport, Aransas County, Texas, from R-1 (1st Single-Family Dwelling District) to R-6 (Hotel/Motel District); repealing all ordinances in conflict therewith; providing for severability; and providing an effective date.

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

APPROVED FOR AGENDA: PKC

BACKGROUND: Standard Trust, Brad Coleman, Trustee is seeking approval to rezone property located at 3404 Highway 35 South. Mr. Coleman's intent is to construct cottages for rental by kayakers and fishermen.

The Planning and Zoning Commission deliberated on the rezoning request at its June 15, 2015, meeting and recommends approval.

Please see the accompanying zoning and land development application for detail information.

FISCAL ANALYSIS: N/A

STAFF RECOMMENDATION: Approve this first reading of the Ordinance for rezone from R-1 (1st Single Family Dwelling District) to R-6 (Hotel/Motel District).

Memo

To: Mayor C.J. Wax and City Council
From: Planning & Zoning Commission
CC: City Manager Kevin Carruth
Date: 06/16/2015
Re: Rezone request for property located at; 3404 Highway 35 South

At our meeting held June 15, 2015, the Planning & Zoning Commission discussed the request for a rezone of property located at; 3404 Highway 35 South, from R-1 (Single Family Dwelling District) to R-6 (Hotel/Motel District), to be accepted and allowed.

Respectfully submitted,

Frank Lynch, Chairman

ORDINANCE NO. ____

AN ORDINANCE AMENDING ARTICLE 4 OF THE CITY OF ROCKPORT ZONING ORDINANCE NUMBER 1027 BY CHANGING THE ZONING OF LAND LOCATED AT 3404 HIGHWAY 35 SOUTH; 18.733 ACRES; ALSO KNOWN AS BAYS OF ROCKPORT, LOT 1, ROCKPORT ARANSAS COUNTY, TEXAS, FROM R-1 (SINGLE FAMILY DWELLING DISTRICT) TO R-6 (HOTEL/MOTEL DISTRICT); REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, an application for a zoning change to property located at 3404 Highway 35 South, 18.733 Acres; also known as Bays of Rockport, Lot 1, Rockport, Aransas County, Texas, was received in the office of Building & Development Services Department, City of Rockport, Texas; and

WHEREAS, on May 19, 2015, notice was posted on the bulletin board at Rockport City Hall, 622 E. Market Street and on the City’s webpage www.cityofrockport.com; and

WHEREAS, on May 21, 2015, notice was mailed to affected property owners within 200' of subject property; and

WHEREAS, on May 23, 2015, the City caused to be published “Notice of Joint Public Hearing” in the official newspaper of the City notifying area residents and the public in general to participate and make their views known regarding this request; and

WHEREAS, on June 9, 2015, at 6:30 p.m., the Rockport City Council and the Planning & Zoning Commission did hold a Joint Public Hearing; and

WHEREAS, on June 15, 2015, the Planning & Zoning Commission did meet and said Commission did vote by majority to recommend to the City Council approval of this request for a rezone.

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

SECTION 1 - AMENDMENT

That, pursuant to Article 4 of the City of Rockport Zoning Ordinance Number 1027, the current zoning of land located at 3404 Highway 35 South, 18.733 Acres; also known as Bays of Rockport, Lot 1, Rockport, Aransas County, Texas, plat records of Aransas County Texas be changed from R-1 (Single Family Dwelling District) to R-6 (Hotel/Motel District).

SECTION 2 - REPEALER

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

SECTION 3 - SEVERABILITY

It is the intention of the City Council of the City of Rockport that if any phrase, sentence, section or paragraph of this Ordinance shall be declared unconstitutional or otherwise invalid by final judgment of a court of competent jurisdiction such unconstitutionality or invalidity shall not affect any of the remainder of this Ordinance since the same would have been enacted by the City Council without the incorporation of the unconstitutional or invalid phrase, sentence, section or paragraph.

SECTION 4 - EFFECTIVE DATE

This Ordinance shall become effective immediately upon adoption by second and final reading.

APPROVED and **PASSED** on first reading this ____ day of _____ 2015.

CITY OF ROCKPORT:

Charles J. Wax, Mayor

ATTEST:

Teresa Valdez, City Secretary

APPROVED, PASSED and **ADOPTED** on second reading this ____ day of _____ 2015.

CITY OF ROCKPORT:

Charles J. Wax, Mayor

ATTEST:

Teresa Valdez, City Secretary



JOINT PUBLIC HEARING

Rockport City Council and Planning & Zoning Commission

NOTICE is hereby given that the Rockport City Council and the Planning & Zoning Commission will hold a Joint Public Hearing on Tuesday, June 9, 2015 at 6:30 p.m., at Rockport City Hall, 622 E. Market Street, Rockport, Texas, to consider a request for rezoning from R-1 (1st Single-Family Dwelling District) to R-6 (Hotel/Motel District) on property located at 3404 Highway 35 South; also known as Lot 1 (18.733 acres), Bays of Rockport, Rockport, Aransas County, Texas. Purpose of the request is to build cottages for rental.

The City encourages citizens to participate and make their views known at this Public Hearing. For further information on this request, please contact the Building Department at (361) 790-1125. This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's office at (361) 729-2213 ext. 225 or fax (361) 790-5966 or e-mail citysec@cityofrockport.com for further information. Braille is not available.

POSTED: the 19th day of May, 2015, at 5:00 p.m., on the bulletin board at Rockport City Hall, 622 E. Market Street, and on the website www.cityofrockport.com. **PUBLISHED** in *The Rockport Pilot* in the Saturday, May 23, 2015, Edition, in accordance with the City of Rockport Code of Ordinances.

CITY OF ROCKPORT, TEXAS



Teresa Valdez, City Secretary



**CITY OF ROCKPORT
ZONING AND LAND DEVELOPMENT APPLICATION**

INSTRUCTION: Please fill out completely. If more space is needed, attach additional pages. Please print or use typewriter.

A. REQUESTING: Rezoning [] Conditional Permit []
Planned Unit Development (P.U.D.) by Conditional Permit []

B. ADDRESS AND LOCATION OF PROPERTY 3404 Hwy
35 south Rockport, TEXAS 78382

C. CURRENT ZONING OF PROPERTY: R-2

D. PRESENT USE OF PROPERTY: R-2

E. ZONING DISTRICT REQUESTED: R-6

F. CONDITIONAL USE REQUESTED: _____

G. LEGAL DESCRIPTION: (Fill in the one that applies)

• Lot or Tract 1 Block _____

• Tract Bays of Rockport of the C. ZAVVA-226
Survey as per metes and bounds (field notes attached)

• If other, attach copy of survey or legal description from the Records of Aransas County or Appraisal District.

H. NAME OF PROPOSED DEVELOPMENT (if applicable) _____

I. TOTAL ACREAGE OR SQ. FT. OF SITE(S): 18.733 Acres

J. REASON FOR REQUEST AND DESCRIPTION OF DEVELOPMENT:
(Please be specific)

to have cottages for rental
for kayakers + wade fishermen

K. OWNER'S NAME: (Please print) Standard Trust
 ADDRESS: P.O. Box 1149 Rockport, TX 78381
 CITY, STATE, ZIP CODE: Rockport, TEXAS 78381
 PHONE NO 830 556-7330

L. REPRESENTATIVE: (If Other Than Owner) Brad Coleman, Trustee
 ADDRESS: 3404 Hwy 35 So.
 CITY, STATE, ZIP CODE: Rockport, TX 78382
 PHONE NO 830 556-7330

NOTE: Do you have property owner's permission for this request?
 YES NO

M. FILING FEE:

REZONING	\$150.00 + \$10.00 PER ACRE
PLANNED UNIT DEVELOPMENT	\$200.00 + \$10.00 PER ACRE
P.U.D. REVISION	\$200.00 + \$10.00 PER ACRE
CONDITIONAL PERMIT	\$150.00 + \$10.00 PER ACRE

(Make check payable to the City of Rockport)

- Submit application and filing fee to the Department of Building & Development, City of Rockport; 2751 S.H. 35 Bypass, Rockport, Texas 78382.

Signed: *Brad Coleman*
 (Owner or Representative)

(FOR CITY USE)

Received by: _____ Date: _____ Fees Paid: \$ _____

Submitted Information (_____ accepted) (_____ rejected) by: _____

If rejected, reasons why: _____

Receipt No. _____

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OWNER CERTIFICATION

State of Texas
County of Aransas

GULFSIDE CORPORATION

STANDARD TRUST

doe hereby certify that (we) are the owner(s) of the lands embraced within the boundaries of the foregoing plat and that (we) have had said land surveyed and plotted as shown hereon and that (we) do accept and approve said plat for all purposes and considerations.

This the 10 day of MAY, A.D., 2012.

Brad Coleman

BRAD COLEMAN
General Manager, Gulfside Corporation

Brad Coleman

BRAD COLEMAN
Trustee, Standard Trust

State of Texas
County of Aransas

Before me, the undersigned authority, personally appeared **BRAD COLEMAN**
General Manager of Gulfside Corporation and Trustee of Standard Trust

known to me to be the person(s) whose name(s) is subscribed to the foregoing instrument of writing and acknowledged to me that he(she/they) executed the same for the purpose and considerations therein expressed, and in the capacity therein stated.

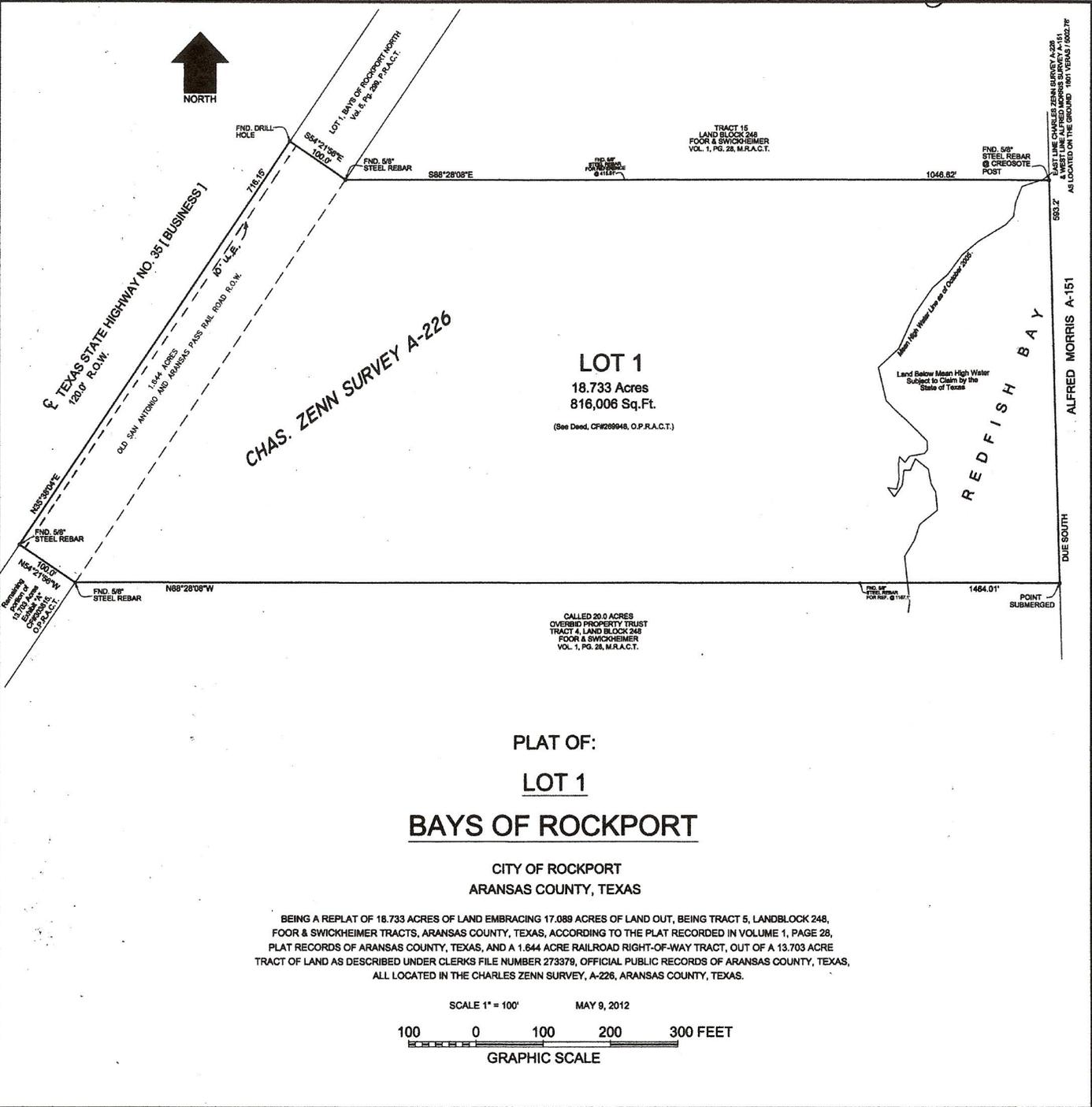
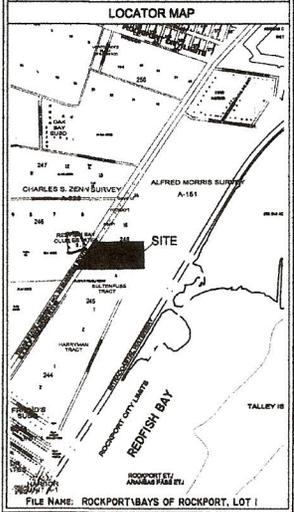
Given under my hand and seal of office, this the 10 day of MAY, A.D., 2012.

Debra Mullan

DEBRA MULLAN
Notary Public, State of Texas

My Comm. Exp. Nov. 25, 2013

- NOTES:**
- 5/8" Steel Rebars at all property corners unless otherwise shown.
 - Plat Bearing used for Directional Control unless otherwise shown.
 - Total area equals 18.733 acres or 816,006 square feet of land.
 - Property falls within City Limits and must comply with all city codes, regulations and set backs.



State of Texas
County of Aransas

I, J. L. Brundrett, Jr., Registered Professional Land Surveyor in the State of Texas, do hereby certify that the foregoing plat was prepared from surveys made on the ground under my direction and supervision and is true and correct, and that I have been engaged to set all lot and block corner and reference points and complete such operations without delay.

This the 9 day of May, A.D., 2012.

J. L. Brundrett, Jr.

J. L. BRUNDRETT, JR.
R.P.L.S.
Reg. No. 2133

State of Texas
County of Aransas

This plat of the herein described property is approved for filing of record in Aransas County, Texas, by the Planning and Zoning Commission of Rockport, Texas, in accordance with the Land Subdivision Ordinance of Rockport, Texas, and Vernon's Ann. Civ. Statute, Article 574A.

This the 1 day of April, A.D., 2012.

James P. Reynolds

David Dalton

This is to certify that I have consulted the Federal Flood Hazard Map dated 3-4-1985, and found that the property described herein is X (or) is not located in a "Special Flood Hazard Area."

Flood Zone A1B, Base Elevation 10'

Panel No. 0182C, Community No. 48545Z

This information is based on scaling the location of this survey on the above referenced map and is intended to be used to determine insurance rates only and not to identify specific flooding conditions.

Griffith & Brundrett
Surveying Engineering

411 S. Pearl St., P.O. Box 2322
Rockport, Texas 78381

361-729-6479
361-729-7933
jbriff@gsurveyor.com
www.gsurveyor.com

State of Texas
County of Aransas

I, Peggy L. Friebele, Clerk of the County Court in and for Aransas County, Texas, do hereby certify that the foregoing instrument of writing dated the 9 day of May, A.D., 2012, with its certificate of authentication was filed for record in my office the 15 day of April, A.D., 2012 at 8:40 o'clock A.m. and duly recorded the 15 day of April, A.D., 2012, at 8:40 o'clock A.m. in the Plat Records of Aransas County, Texas, in Volume 6, Page 92.

Witness my hand and seal of the County Court, in and for Aransas County, Texas, at office in Rockport, Texas, the day and year last written above.

By: *Peggy L. Friebele*

Peggy L. Friebele
Deputy

J. Juarez

328728

Clerk's File No. _____

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Aransas CAD

Property

Account

Property ID: 64416 Legal Description: BAYS OF ROCKPORT LOT 1 ACRES 18.733
 Geographic ID: 0344-000-001-000 Agent Code:
 Type: Real
 Property Use Code: R 1
 Property Use Description: 1ST SINGLE FAMILY DWELLING DISTRICT

Location

Address: 3404 HWY 35 S Mapsco:
 ROCKPORT, TX 78382
 Neighborhood: Map ID: A-2
 Neighborhood CD:

Owner

Name: STANDARD TRUST Owner ID: 74954
 Mailing Address: P O BOX 1149 % Ownership: 100.0000000000%
 ROCKPORT, TX 78381-1149
 Exemptions: HS, OV65

Values

(+) Improvement Homesite Value:	+	N/A	
(+) Improvement Non-Homesite Value:	+	N/A	
(+) Land Homesite Value:	+	N/A	
(+) Land Non-Homesite Value:	+	N/A	Ag / Timber Use Value
(+) Agricultural Market Valuation:	+	N/A	N/A
(+) Timber Market Valuation:	+	N/A	N/A

(=) Market Value:	=	N/A	
(-) Ag or Timber Use Value Reduction:	-	N/A	

(=) Appraised Value:	=	N/A	
(-) HS Cap:	-	N/A	

(=) Assessed Value:	=	N/A	

Taxing Jurisdiction

Owner: STANDARD TRUST
 % Ownership: 100.0000000000%
 Total Value: N/A

Entity	Description	Tax Rate	Appraised Value	Taxable Value	Estimated Tax
CAD	ARANSAS COUNTY APPRAISAL DISTRICT	N/A	N/A	N/A	N/A
CRO	CITY OF ROCKPORT	N/A	N/A	N/A	N/A
GAR	ARANSAS COUNTY	N/A	N/A	N/A	N/A
NVD	NAVIGATION DIST	N/A	N/A	N/A	N/A
SAR	ARANSAS CO ISD	N/A	N/A	N/A	N/A



3404 HWY 35

Print Date: 04/30/2015
Image Date: 01/16/2014
Level: Community



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ROCKPORT CORAL REEF LLC
755 E MULBERRY AVE #600
SAN ANTONIO TX 78212-6013

GULFSIDE CORPORATION
PO BOX 1149
ROCKPORT TX 78381-1149

STANDARD TRUST
DBA BAYS OF ROCKPORT
NORTH
3404 HWY 35 S
ROCKPORT TX 78382-7392

JOHN & JENNIFER JENKINS
110 WINDING WAY
ROCKPORT TX 78382-7040

WILLIAM W & BARBARA A
NOWOTNY
PO BOX 393
ROCKPORT TX 78381-0393

SUSIE & STEVE ROBERTS TRUST
C/O S DOUGLASS & STEPHEN C
ROBERTS, TRUSTEES
4247 SANTA FE #A
CORPUS CHRISTI TX 78411-1244

TEXAS DEPT OF TRANSPORTATION
WILLIAM H REITMANN, PE
PO BOX 1367
SINTON TX 78387

OVERBID PROPERTY TRUST
ED & HAZEL RICHMOND PUBLIC
LIBR
110 N LAMONTE ST
ARANSAS PASS TX 78336-3640

JOEY D WRIGHT
PO BOX 608
ROCKPORT TX 78381-0608

628 INVESTMENTS LLC
PO BOX 2590
ROCKPORT TX 78381-2590

STANDARD TRUST
C/O BRAD COLEMAN
PO BOX 1149
ROCKPORT TX 78381-1149

CITY COUNCIL AGENDA

Regular Meeting: Tuesday, June 23, 2015

AGENDA ITEM: 8

Deliberate and act on second reading of an Ordinance amending the City of Rockport, Texas Code of Ordinances Chapter 54 "Health and Sanitation," by renaming Article I "In General" to Article I "Regulation of Single-Use Plastic (checkout) Bags"; setting definitions, prohibitions and requirements, scope and applicability, and exemptions; establishing implementation of a voluntary ban and setting date of mandatory compliance; and providing for effective date, reading, publication and severance.

SUBMITTED BY: Council Member Barbara Gurtner

APPROVED FOR AGENDA: PKC

BACKGROUND: Following deliberation on single use plastic bags at the December 9 City Council workshop, staff was directed to bring a draft ordinance to City Council for review and consideration. The proposed ordinance was drafted with the assistance of Skip the Plastic and is modeled on the ordinance adopted by the City of Port Aransas in November 2014.

City Council discussed regulations concerning single use plastic bags at its March 24, 2015, workshop. Given that the Texas Legislature was considering bills (specifically the accompanying HB 1939 and its companion bill SB 1550) that would prevent the City's ability adopt such regulations, it was the consensus of City Council to wait until April to evaluate the status of the bills. Council tabled this item again at the May 12, 2015, City Council Meeting, since there was still legislation pending. The 84th Legislature adjourned June 1 without passing any bills restricting the City's ability to regulate plastic bags.

Texas cities that have implemented plastic bag regulations include Austin, Brownsville, Dallas, Fort Stockton, Freer, Kermit, Laguna Vista, Laredo, Port Aransas, South Padre Island, and Sunset Valley. Copies of some of their respective ordinances as well as an opinion from the Attorney General's office concerning the legality of plastic bag bans accompany this briefing sheet.

Websites with additional information can also be found at:

1. <http://www.texastribune.org/2014/08/29/abbott-opinion-murky-plastic-bag-bans/>
2. <http://plasticbaglaws.org/legislation/state-laws/texas/>
3. http://www.dep.state.fl.us/waste/retailbags/pages/map_USA.htm
4. <http://www.bagtheban.com/in-your-state/>.
5. <http://www.baglaws.com/legislation.php?state=Texas>
6. <http://www.austinbagban.com/>
7. <http://www.surfrider.org/pages/plastic-bag-bans-fees>
8. http://www.cawrecycles.org/issues/plastic_campaign/plastic_bags/national

9. <http://www.texasmonthly.com/daily-post/dallass-plastic-bag-ban-went-effect-january-1st-and-nobody-seems-happy-about-it>

On May 20, Council Member Gurtner submitted the following email:

From: Barbara Gurtner [<mailto:gurtnerbarbara@gmail.com>]
Sent: Wednesday, May 20, 2015 9:37 AM
To: CJ Wax; Kevin Carruth; Terry Baiamonte
Subject: Plastic Bag Ordinance

Having been contacted by a store owner who, after reading the proposed ordinance limiting the use of plastic bags, brought to my attention that she has been using recyclable paper bags for years, but they do not fall within the definition of Recyclable Paper Bags, which includes RECYCLABLE printed on the bag and restrictions of composition.

In our discussions formulation this ordinance, the Council agreed with the Mayor's requirement that the ordinance would not state what could be used, only what could not, which would allow for new technologies to replace petroleum based film plastic bags without having to re-write the ordinance.

Therefore, I would like to suggest these changes in the current proposed Ordinance 'Regulation of Single-Use Plastic Bags':

Sec.54-1. Definitions

Plastic Checkout Bag

In this instance "Checkout" is used to describe the bag. In the next definition the term "Carryout" is used to define Recyclable Bags. I propose using one term or the other throughout.

Recyclable Paper Bag means a paper carryout bag provided by a retail establishment to a customer at the point of sale for purposes of transporting groceries or other goods and meets all the following requirements contains no old growth fiber; is 100% recyclable; contains a minimum of 40% post-consumer recycled content; and displays the words "Reusable" and "Recyclable" in a highly visible manner on the outside of the bag.

Change to read:

Recyclable ~~Paper~~ Bag means a **carryout (or checkout)** bag **made of paper or other recyclable materials** provided by a retail establishment to a customer at the point of sale for purposes of transporting groceries or other goods and **meets all of the following requirements** ~~contains no old growth fiber~~; is 100% recyclable; ~~contains~~

~~a minimum of 40% post-consumer recycled content; and displays the words “Reusable” and “Recyclable” in a highly visible manner on the outside of the bag.~~

I considered the addition of "biodegradable bags" for a definition of 'approved bags', but biodegradable is not used anywhere else in the ordinance.

Any comments or suggestions of how to make the ordinance more inclusive of acceptable replacements for single-use plastic bags is welcome, as are other comments about my changes.

Mayor Wax suggested adding clarification to Sec. 54.5 by specifying that “Bags used by businesses who provide prepared food for consumption off premises to ensure safety and sanitary carriage of those items”.

At the June 9, 2015, City Council Meeting Council Gurtner asked that the definition of *Recyclable Bag* be changed to the following: *Recyclable Bag means a carry or checkout bag made of paper or other non-plastic material that is provided by a retail establishment to a customer at the point of sale for purposes of transporting groceries or other goods and is 100% recyclable.*

Council Member Gurtner's and Mayor Wax's suggested changes were approved in the first reading of the Ordinance at the June 9, 2015, City Council meeting.

The terms "Checkout" and "Carryout" were both included in the approved Ordinance so there would be no confusion as to what was actually meant.

A Public Affairs representative from HEB states that her company does not support the ordinance.

There have been no changes in form or content since first reading.

FISCAL ANALYSIS: Unable to determine at this time; however, any measure that reduces litter that employees pick up also should reduce the amount of labor required to clean a given area. Additionally, anything that improves aesthetics and the local environment has a positive impact on the tourism sector of our local economy.

RECOMMENDATION: Staff recommends approval of the ordinance on second reading, as presented.

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CITY OF ROCKPORT, TEXAS CODE OF ORDINANCES CHAPTER 54 "HEALTH AND SANITATION," BY RENAMING ARTICLE I "IN GENERAL" TO ARTICLE 1 "REGULATION OF SINGLE-USE PLASTIC (CHECKOUT) BAGS;" SETTING DEFINITIONS, PROHIBITIONS AND REQUIREMENTS, SCOPE AND APPLICABILITY, AND EXEMPTIONS; ESTABLISHING IMPLEMENTATION OF A VOLUNTARY BAN AND SETTING DATE OF MANDATORY COMPLIANCE; AND PROVIDING FOR EFFECTIVE DATE, READING, PUBLICATION, AND SEVERANCE.

WHEREAS, the City of Rockport, Texas has a duty to protect the natural environment, the economy and the health of its citizens; and

WHEREAS, our local economy is based upon the tourism industry, fishing, birdwatching, abundant pollution free waterways, marine life diversity, agriculture and ranching, all of which are impacted negatively by discarded single-use plastic checkout bags; and

WHEREAS, the City of Rockport is facing financial, environmental, and aesthetic problems caused by the use and discarding of single-use plastic checkout bags and plastic bags are consistently listed among the top items found in Texas Adopt-A-Beach and highway cleanups; and

WHEREAS, single-use plastic checkout bags are eaten by farm animals blocking their digestive systems and are blown into cotton fields, negatively affecting the agricultural economy; and

WHEREAS, plastics do not biodegrade but break down into smaller and smaller pieces that harm over 260 different species of marine life, including whales, dolphins, fish, seals, sea turtles, and shorebirds, who suffer and die after ingesting or becoming entangled in plastic bags and other plastic debris; and,

WHEREAS, curbside recycling for plastic shopping bags is not available in Rockport or many other Texas municipalities and statewide statistics indicate that less than 10% of single-use plastic checkout bags are recycled; and,

WHEREAS, ordinances restricting single-use plastic checkout bags serve to heighten public awareness among residents and visitors regarding the importance of recycling and proper disposal of all plastics items; and

WHEREAS, discarded plastic bags last indefinitely and create such an aesthetic blight and hazard to wildlife and the environment that it is in the best interest of the public health, safety, and welfare to adopt the proposed ordinance on the distribution of plastic bags at point of sale within the boundaries of the City of Rockport, Texas.

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

SECTION 1.

That Chapter (54) "Health and Sanitation," Article I "In General" is hereby renamed Article I "Regulation of Single-Use Plastic Bags" and is hereby added to wit:

Sec. 54-1. Definitions.

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this chapter/article/division, except where the context clearly indicates a different meaning:

Affected retail establishment means any retail establishment or temporary vendor that sells perishable or nonperishable goods, including, but not limited to, clothing, food, and personal items directly to the customer; and is located within the geographical limits of the City of Rockport.

Business establishment means a commercial enterprise or establishment, including sole proprietorships, joint ventures, partnerships, corporations, or any other legal entity including contractors associated with the business.

Plastic Checkout or Carryout Bag means a plastic bag that is provided by a business establishment to a customer, typically at the point of sale, for the purpose of transporting goods after sale, and is intended and constructed for single use.

Recyclable Bag means a carryout or checkout bag made of paper or other non-plastic material that is provided by a retail establishment to a customer at the point of sale for purposes of transporting groceries or other goods and is 100% recyclable.

Reusable Bag means a bag that is specifically designed and manufactured for multiple reuse and is made of cloth or other fabric, or other durable material suitable for reuse, and has durable built-in handles or draw-strings.

Sec. 54.2. Prohibitions and Requirements.

Affected retail establishments are prohibited from providing plastic checkout or carryout bags to their customers at the point of sale. Reusable bags and recyclable paper bags are allowed alternatives.

Affected retail establishments are strongly encouraged to provide incentives for the use of reusable bags through education, credits, rebates, or tokens for individuals who bring reusable bags.

Nothing in this section shall be read to preclude affected retail establishments from making reusable or recyclable paper bags available for sale or free to customers. No person shall distribute plastic checkout bags at any City sponsored event, City Facility, or any event held on City property.

Sec. 54.3. Implementation of Voluntary Ban on Plastic Checkout or Carryout Bags.

The City will promote a Voluntary Ban of plastic checkout or carryout bags throughout the City beginning on June 1, 2015 through December 31, 2015 in preparation for the Mandatory Ban of plastic checkout or carryout bags to begin on January 1, 2016.

Sec. 54.4. Scope and Applicability.

Business establishments participating in the Voluntary Ban may begin to provide recyclable checkout or carryout bags or reusable bags with or without charge, as of July 1, 2015, and be in full compliance with this Ordinance by January 1, 2016.

Sec. 54.5. Exemptions.

This Division does not apply to:

- (a) Bags used for the purpose of containing bait or seafood sales; or
- (b) Bags used by businesses that provide prepared food for consumption off premises to ensure safety and sanitary carriage of those items; or
- (c) Bags without handles, provided to effect food safety for a purchaser of food by preventing contamination from any raw food; i.e. fruits, vegetables, raw meat, raw seafood, raw poultry.

Sec. 54.6. Penalty Clause.

Any violation of this Ordinance may be punished by a fine not to exceed five hundred dollars (\$500.00) for each offense or for each day such offense shall continue.

Sec. 54.7. Effective Date.

As provided by Article III, Section 3.11 of the Charter of the City of Rockport, this ordinance shall be effective upon adoption and, in addition, if any penalty, fine or forfeiture is imposed by this ordinance, then this ordinance shall be effective only after having been published once in its entirety or summary form in the official newspaper of the City of Rockport.

Sec. 54.8. Reading.

As provided by Article III, Section 3.11 of the Charter of the City of Rockport, this ordinance or

the caption of it shall be read at two (2) city council meetings with at least one (1) week between readings.

Sec. 54.9 Severance.

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.

APPROVED on the first reading this 9th day of June 2015.

CITY OF ROCKPORT, TEXAS

Patrick (Pat) Rios, Mayor Pro-Tem

ATTEST:

Teresa Valdez, City Secretary

APPROVED, PASSED and ADOPTED on second and final reading this _____ day of June 2015.

CITY OF ROCKPORT, TEXAS

Charles J. Wax, Mayor

ATTEST:

Teresa Valdez, City Secretary

ORDINANCE NO. _____

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WHEREAS, the City of Rockport, Texas has a duty to protect the natural environment, the economy and the health of its citizens; and

WHEREAS, our local economy is based upon the tourism industry, fishing, birdwatching, abundant pollution free waterways, marine life diversity, agriculture and ranching, all of which are impacted negatively by discarded single-use plastic checkout bags; and

WHEREAS, the City of Rockport is facing financial, environmental, and aesthetic problems caused by the use and discarding of single-use plastic checkout bags and plastic bags are consistently listed among the top items found in Texas Adopt-A-Beach and highway cleanups; and

WHEREAS, single-use plastic checkout bags are eaten by farm animals blocking their digestive systems and are blown into cotton fields, negatively affecting the agricultural economy; and

WHEREAS, plastics do not biodegrade but break down into smaller and smaller pieces that harm over 260 different species of marine life, including whales, dolphins, fish, seals, sea turtles, and shorebirds, who suffer and die after ingesting or becoming entangled in plastic bags and other plastic debris; and,

WHEREAS, curbside recycling for plastic shopping bags is not available in Rockport or many other Texas municipalities and statewide statistics indicate that less than 10% of single-use plastic checkout bags are recycled; and,

WHEREAS, ordinances restricting single-use plastic checkout bags serve to heighten public awareness among residents and visitors regarding the importance of recycling and proper disposal of all plastics items; and

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Plastic Checkout or Carryout Bag means a plastic bag that is provided by a business establishment to a customer, typically at the point of sale, for the purpose of transporting goods after sale, and is intended and constructed for single use.

In this instance "Checkout" is used to describe the bag. In the next definition the term "Carryout" is used. I propose using one term or the other throughout.

Recyclable Paper Bag means a carryout (or checkout) bag made of paper or other recyclable materials provided by a retail establishment to a customer at the point of sale for purposes of transporting groceries or other goods and ~~meets all of the following requirements contains no old growth fiber;~~ is 100% recyclable; ~~contains a minimum of 40% post-consumer recycled content;~~ and ~~displays the words "Reusable" and "Recyclable" in a highly visible manner on the outside of the bag.~~

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reusable bags through education, credits, rebates, or tokens for individuals who bring reusable bags.

Nothing in this section shall be read to preclude affected retail establishments from making reusable or recyclable paper bags available for sale or free to customers. No person shall distribute plastic checkout bags at any City sponsored event, City Facility, or any event held on City property.

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Sec. 54.4. Scope and Applicability.

Business establishments participating in the Voluntary Ban may begin to provide recyclable ~~paper-checkout~~ bags or reusable bags with or without charge, as of (date) and be in full compliance with this Ordinance by (date) .

Sec. 54.5. Exemptions.

This Division does not apply to:

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- (b) Bags used by businesses that provide prepared food for consumption off premises to ensure safety and sanitary carriage of those items; or
- (c) Bags without handles, provided to effect food safety for a purchaser of food by preventing contamination from any raw food; i.e. fruits, vegetables, raw meat, raw seafood, raw poultry.

Sec. 54.6. Penalty Clause.

Any violation of this Ordinance may be punished by a fine not to exceed five hundred dollars (\$500.00) for each offense or for each day such offense shall continue.

Sec. 54.7. Effective Date.

As provided by Article III, Section 3.11 of the Charter of the City of Rockport, this ordinance shall be effective upon adoption and, in addition, if any penalty, fine or forfeiture is imposed by this ordinance, then this ordinance shall be effective only after having been published once in its entirety or summary form in the official newspaper of the City of Rockport.

Sec. 54.8. Reading.

As provided by Article III, Section 3.11 of the Charter of the City of Rockport, this ordinance or the caption of it shall be read at two (2) city council meetings with at least one (1) week between readings.

Sec. 54.9 Severance.

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.

APPROVED on the first reading this 12th day of May 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 May 2015.

CITY OF ROCKPORT, TEXAS

Charles J. Wax, Mayor

ATTEST:

Teresa Valdez, City Secretary

CITY COUNCIL AGENDA
Regular Meeting: Tuesday, June 23, 2015

AGENDA ITEM: 9

Tabled May 26, 2015 - Deliberate and act on interlocal agreement with Aransas County for subdivision regulation within the extraterritorial jurisdiction of the City of Rockport.

SUBMITTED BY: City Manager Kevin Carruth

APPROVED FOR AGENDA: PKC

BACKGROUND: In September 2003, the City and Aransas County executed an interlocal providing for subdivision regulation within the City's extraterritorial jurisdiction (ETJ). The initial term of the 2003 agreement was for one year and provided for it to "automatically renew for another year unless terminated." It is likely that the intent of both parties was for automatic renewals every year rather than just for year two and no more but the language of the agreement does not allow for that and we have had no agreement since September 2005. Aransas County has submitted a new agreement for consideration. An initial comparison between the old agreement and the proposed one (no redlined version is available) shows the following differences:

1. The City's authority to regulate subdivision plats and related building code permits moves from ½ mile to the full mile of the ETJ.
2. The County is given exclusive authority to regulate all other development permits, including stormwater management, floodplain management, tree removal permits, and on-site sewer facilities within the full ETJ.
3. The term renews annually.

The City Engineer has expressed concerns about the proposed agreement but staff has not met with him or received his full comments yet. Additionally, Commissioners Court has the item on their May 26, 2015, agenda to "discuss, approve, disapprove guidance" for the agreement.

Please see the accompanying interlocal agreements for additional information.

City Council tabled this item at the June 9, 2015, City Council Meeting.

A planned meeting with Urban Engineering to discuss the interlocal was cancelled due to inclement weather.

FISCAL ANALYSIS: Unknown.

RECOMMENDATION: Staff recommends Council table the proposed agreement until it has comments from the City Engineer.

**AGREEMENT PROVIDING FOR SUBDIVISION REGULATION BY THE CITY OF
ROCKPORT AND THE COUNTY OF ARANSAS WITHIN THE EXTRATERRITORIAL
JURISDICTION OF THE CITY OF ROCKPORT**

This agreement is made by and between The City of Rockport, a municipality located within Aransas County, Texas (hereinafter called "the City") and the County of Aransas, a political subdivision of the State of Texas (hereinafter called "the County"), as required by Section 242.001 of the Texas Local Government Code.

WHEREAS, the regulation of subdivisions of property is a governmental function as set forth in Chapter 212 and 232 of the Texas Local Government Code; and

WHEREAS, pursuant to Chapter 212 of the Texas Local Government Code, the City has statutory authority to adopt rules governing plats and subdivisions of land both within the City limits and in the extraterritorial jurisdiction of the municipality; and

WHEREAS, Pursuant to Chapter 232 of the Texas Local Government Code, the County has statutory authority to adopt rules governing plats and subdivisions of land in the areas of the County lying outside the limits of a municipality, including the area within the extraterritorial jurisdiction of a municipality; and

WHEREAS, Chapter 242 of the Texas Local Government Code prohibits requiring a person who intends to subdivide land within the extraterritorial jurisdiction of a municipality to submit plats to and obtain related permits in from both the City and the County; and

WHEREAS, Chapter 242 of the Texas Local Government Code further requires certain counties and municipalities to execute a written agreement that identifies the governmental entity authorized to regulate subdivision plats and approve related permits in the extraterritorial jurisdiction;

The parties to this Agreement hereby agree as follows:

The City and the County agree that the City is hereby authorized to exercise exclusive jurisdiction to regulate subdivision plats and approve related building code permits in all areas within its entire extraterritorial jurisdiction.

The City and the County agree that the County is hereby authorized to exercise exclusive jurisdiction to regulate all other development permits, including, but not limited to, stormwater management, floodplain management and on-site sewer facilities, in the entire extraterritorial jurisdiction of the City.

The City and the County agree that, if a proposed subdivision originates within the City limits or in the City's extraterritorial jurisdiction and less than fifty percent (50%) of the subdivision area extends past the extraterritorial jurisdiction line, that the City shall have exclusive right to exercise its jurisdictional authority, as defined above, within the limits of the entire proposed subdivision.

The City and the County agree that, if a proposed subdivision originates within the City's extraterritorial jurisdiction and fifty percent (50%) or more of the subdivision area extends past the extraterritorial

jurisdiction line, the County shall have exclusive right to exercise its jurisdictional authority within the limits of the entire subdivision.

As required by Section 242.001(c) of the Local Government Code, the City agrees to notify the County of any expansion or reduction in the City's extraterritorial jurisdiction.

This agreement does not extend the liability of the parties. Neither the City nor the County waives any immunity or defenses available to it against claims made by third parties.

The term of this agreement is from the date of execution of this agreement as provided below to one year from the date of execution. This agreement will automatically renew for another year, and continue to automatically renew for each subsequent year unless terminated. Either party to this agreement may terminate the agreement at the end of any term without cause by notifying the other party not less than 45 days prior to the end of the term. However, both parties understand and agree that the right to terminate this agreement does not avoid the statutory duty of the County and the City to have a written agreement providing for subdivision regulation within the City's extraterritorial jurisdiction.

In witness whereof, the governing bodies of both the county and the city have proposed and adopted this agreement and have caused this agreement to be executed. It shall become effective upon the date that both parties have signed this agreement.

Agreed to and adopted by the Commissioners' Court of the County of Aransas, Texas on this the ____ day of _____, 2015

C. H. "Burt" Mills, Aransas County Judge

Agreed to and adopted by the City Council of Rockport, Texas on this the ____ day of _____, 2015

C. J. Wax, Mayor of the City of Rockport

**AGREEMENT PROVIDING FOR SUBDIVISION REGULATION BY THE CITY
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- WHEREAS, the regulation of subdivisions of property is a governmental function as set forth in Chapters 212 and 232 of the Texas Local Government Code; and
- WHEREAS, pursuant to Chapter 212 of the Texas Local Government Code, the City has statutory authority to adopt rules governing plats and subdivisions of land both within the City limits and in the extraterritorial jurisdiction of the municipality; and
- WHEREAS, pursuant to Chapter 232 of the Texas Local Government Code, the County has statutory authority to adopt rules governing plats and subdivisions of land in the areas of the County lying outside the limits of a municipality, including the area within the extraterritorial jurisdiction of a municipality; and
- WHEREAS, Chapter 242 of the Texas Local Government Code prohibits requiring a person who intends to subdivide land within the extraterritorial jurisdiction of a municipality to submit plats to and obtain related permits from both the municipality and the County; and
- WHEREAS, Chapter 242 of the Texas Local Government Code further requires certain counties and municipalities to execute a written agreement that identifies the governmental entity authorized to regulate subdivision plats and approve related permits in the extraterritorial jurisdiction;

The parties to this Agreement hereby agree as follows:

The City and the County agree that the City is hereby authorized to exercise exclusive jurisdiction to regulate subdivision plats and approve related permits in an area in its extraterritorial jurisdiction, said area being described as follows:

Beginning at the existing city limits as they are located on the date hereof, thence outward from said city limits a distance of ½ mile.

The City and the County agree that the County is hereby authorized to exercise exclusive jurisdiction to regulate subdivision plats and approve related permits in the remainder of the extraterritorial jurisdiction of the City.

The City and the County agree that, if a proposed subdivision originates in the City's extraterritorial jurisdiction of the City and extends past the half mile limit mentioned above, that the City shall have exclusive right to exercise its jurisdiction to regulate subdivision plats and approve related permits within the limits of that proposed subdivision.

As required by Section 242.001(c) of the Local Government Code, the City agrees to notify the County of any expansion or reduction in the City's extraterritorial jurisdiction.

The County specifically agrees that, because it desires to have the authority to regulate subdivisions within the half of the City's extraterritorial jurisdiction as limited above, the authority to do so is adequate consideration to the County from the City for the performance of its obligations under this agreement.

The City specifically agrees that, because it desires to have the authority to regulate subdivisions within the first half of its extraterritorial territory of jurisdiction as limited above, the authority to do so is adequate consideration to the City from the County for the performance of its obligations under this agreement.

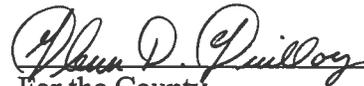
This agreement does not extend the liability of the parties. Neither the City nor the County waives any immunity or defenses available to it against claims made by third parties.

The City and County agree that it is not the intent of this agreement to change the terms of any other inter-local agreements which may exist between the City and the County,

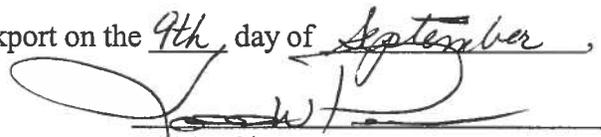
The term of this agreement is from the date of execution of this agreement as provided below to September 30, 2004. This agreement will automatically renew for another year unless terminated. Either party to this agreement may terminate the agreement at the end of any term without cause by notifying the other party not less than 45 days prior to the end of the term. However, both parties understand and agree that the right to terminate this agreement does not avoid the statutory duty of the County and City to have written agreement providing for subdivision regulation within the City's extraterritorial jurisdiction.

In witness whereof, the governing bodies of both the County and the City have proposed and adopted this agreement and have caused this agreement to be executed. It shall become effective upon the date that both parties have signed this agreement.

Agreed to and adopted by the Commissioners' Court of Aransas County, Texas on the 8th day of September, 2003.


For the County

Agreed to and adopted by the City Council of Rockport on the 9th day of September, 2003.


For the City