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## **CITY COUNCIL AGENDA**

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Notice is hereby given that the Rockport City Council will hold a regular meeting on Tuesday, December 8, 2015, at 6:30 p.m. The meeting will be held at Rockport City Hall, 622 E. Market, Rockport, Texas. The matters to be discussed and acted upon are as follows:

### **Opening Agenda**

1. Call meeting to order.
2. Pledge of Allegiance.
3. Citizens to be heard.

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

### **Consent Agenda**

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

4. Deliberate and act on approval of City Council Workshop Meeting & Regular Meeting Minutes of November 17, 2015.
5. Deliberate and act to appoint member to the Park & Leisure Services Board.
6. Deliberate and act on report from Rockport Center for the Arts and Rockport Rotary Club for marketing expenditures made for Rockport Film Festival 2015.

### **Public Hearing**

7. Call to Order – Rockport Planning & Zoning Commission.
8. Conduct and deliberate a Joint Public Hearing with the Planning & Zoning Commission to consider a request for a zoning change from R-1 (1<sup>st</sup> Single Family Dwelling District) to B-1 (General Business District) on property located at 104 Woodland Drive; also known as .678 acre out of 1.51 acres at the northwest corner of FM 2165 & entry road, Rockport Country Club Estates, Unit 2, Rockport, Aransas County, Texas.
9. Adjourn – Rockport & Planning & Zoning Commission.

### **Regular Agenda**

10. Hear and deliberate on a presentation from Voestalpine concerning their Portland, Texas, project.

11. Hear and deliberate a review of the City of Rockport Floodplain Management Ordinance.
12. Hear and deliberate on a presentation concerning HB 910 and changes to concealed carry/open carry of firearms regulations effective January 1, 2016.
13. Deliberate and act on a resolution authorizing publication of notice of intention to issue certificates of obligation to purchase land primarily for parks purposes.
14. Deliberate and act on approval of Intergovernmental Cooperation Agreement with Aransas County and Town of Fulton for a Juvenile Case Manager.
15. Deliberate and act on approval of Intergovernmental Cooperation Agreement with Aransas County for Restaurant Health Inspection Services.
16. Reports from Council.  
At this time, the City Council will report/update on all committee assignments, which may include the following: Aransas Pathways Steering Committee; Building and Standards Commission; Coastal Bend Bays and Estuaries Program; Coastal Bend Council of Government; Environmental Committee for Water Issues; Parks & Leisure Services Advisory Board; Planning & Zoning Commission; Rockport Heritage District Board; Rockport-Fulton Chamber of Commerce; Aransas County Storm Water Management Advisory Committee; Swimming Pool Operations Advisory Committee; Tourism Development Council; Tree & Landscape Committee; YMCA Project Committee; Texas Maritime Museum, Fulton Mansion, Rockport Center for the Arts, Aransas County, Aransas County Independent School District, Aransas County Navigation District, Town of Fulton, and Texas Municipal League. No formal action can be taken on these items at this time.

### **Executive Session**

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

17. Section 551.071(1)(A) Consultation with Attorney on pending or contemplated litigation: a) Aumada, b) Templeton, c) Pena/Dack, and d) Bay Education Center.
18. Section 551.071(2) Consultation with Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter.
19. Section 551.072 Deliberation regarding real property - deliberate the purchase, exchange, lease, or value of real property: a) 1501 and 1505 Broadway, b) Project Barn Owl, and c) Project Painted Bunting.
20. Section 551.076 Deliberations Regarding Security Devices or Security Audits: Closed Meeting.

### **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.

## 22. Adjournment.

### **Special Accommodations**

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

### **Certification**

I certify that the above notice of meeting was posted on the bulletin board at City Hall, 622 E. Market Street, Rockport, Texas on Friday, December 4, 2015, by 5:00 p.m. and on the City's website at [www.cityofrockport.com](http://www.cityofrockport.com). I further certify that the following News Media were properly notified of this meeting as stated above: *The Rockport Pilot, Coastal Bend Herald, and Corpus Christi Caller Times.*



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Ruby Beaven, Assistant City Secretary

**CITY COUNCIL AGENDA**  
**Regular Meeting: Tuesday, December 8, 2015**

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**AGENDA ITEM: 4**

Deliberate and act on approval of City Council Workshop Meeting & Regular Meeting Minutes of November 17, 2015.

**SUBMITTED BY:** City Secretary Teresa Valdez

**APPROVED FOR AGENDA:** PKC

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**BACKGROUND:** Please see the accompanying minutes of the Workshop Meeting & Regular Meeting of November 17, 2015.

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**FISCAL ANALYSIS:** N/A

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

## CITY OF ROCKPORT

### MINUTES

#### CITY COUNCIL WORKSHOP MEETING 1:30 p.m., Tuesday, November 17, 2015 Rockport City Hall, 622 East Market Street

On the 17<sup>th</sup> day of November 2015, the City Council of the City of Rockport, Aransas County, Texas, convened in Workshop Session at 1:30 p.m., at the regular meeting place in City Hall, and notice of meeting giving time, place, date and subject was posted as described in V.T.C.A., Government Code § 551.041.

#### **CITY COUNCIL MEMBERS PRESENT**

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

#### **CITY COUNCIL MEMBER(S) ABSENT**

#### **STAFF MEMBERS PRESENT**

City Manager Kevin Carruth  
City Secretary Teresa Valdez  
Public Works Director Mike Donoho  
Community Planner Kimberly Clark  
Public Works Department Street Division Team Leader Ryan Picarazzi  
Finance Director Patty Howard  
Police Chief Tim Jayroe  
Information Technology Director Brian Jacobs

#### **ELECTED OFFICIALS**

Aransas County Judge C.H. “Burt” Mills, Jr.

#### **Opening Agenda**

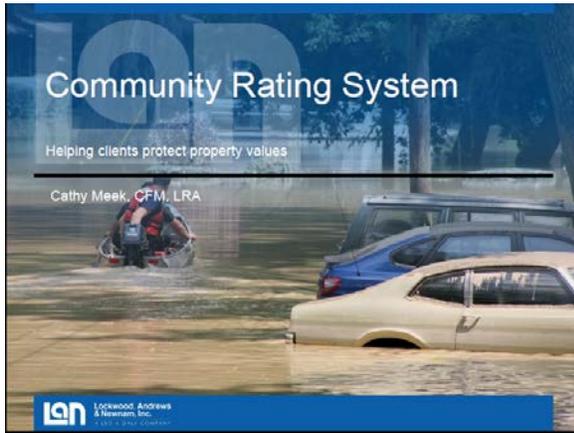
##### **1. Call to Order.**

With a quorum of the Council Members present, the Workshop Session of the Rockport City Council was called to order by Mayor Wax at 1:30 p.m. on Tuesday, November 17, 2015, in the Council Chambers of the Rockport City Hall, 622 E. Market Street, Rockport, Texas.

#### **Regular Agenda**

- 2. Hear and deliberate on a presentation from Lockwood Andrews and Newnam, Inc. Engineering to assist the City of Rockport with floodplain management initiatives and the National Flood Insurance Program’s Community Rating System.**

Lockwood, Andrews & Newnam, Inc. (LAN) CRS Flood Mitigation Manager Cathy L. Meek gave a presentation (below) on the Community Rating System.



### Community Rating System (CRS)

- Available for National Flood Insurance Program (NFIP) communities in good standing
  - Incentive-based program to reduce flood damage
- Strengthens local NFIP program
  - Adopt higher NFIP regulatory standards for development and to mitigate flood risk
- **Provides resident policyholders with discounted flood insurance premiums**
  - Incremental CRS credits earn greater discounts

### The NFIP and Biggert-Waters Reform Act

- National Flood Insurance Program (NFIP) is \$24 billion in debt
- Designed to allow premiums to reflect the true risk of living in high-flood areas
- Actuarial rate increase for secondary or vacation homes; up to a 10-fold increase in premiums
- CRS requires higher regulatory standards for development that results in a more flood-resilient community and lower premiums

### Insurance Discounts & Participation

(Rating Class Improves for each 500 credits in 5% Increments)

Class	Credits	Discount	Community	Class	Discount
10	0-499	0%	Arlington	7	15%
9	500-999	5%	Austin	6	20%
8	1,000-1,499	10%	Bryan	6	20%
7	1,500-1,999	15%	Conroe	7	15%
6	2,000-2,499	20%	Corpus Christi	7	15%
5	2,500-2,999	25%	Dallas	5	25%
4	3,000-3,499	30%	Fort Worth	8	10%
3	3,500-3,999	35%	Galveston	7	15%
2	4,000-4,499	40%	Houston	5	25%
1	4,500+	45%	Lubbock	7	15%
			New Braunfels	6	20%
			Pflugerville	7	15%

### Insurance Savings for Rockport at Class 7 Rating (15% discount)

	Special Flood Hazard Area	Flood Zone X/AR/A99	Total
Policies in Force	519	1,582	2,101
Annual Premiums	\$360,880	\$783,387	\$1,144,267
<b>ANNUAL SAVINGS</b>	<b>\$104 Per Policy (avg.)</b>	<b>\$42 Per Policy (avg.)</b>	<b>\$64,673**</b>

**\*\* Greater savings will be reflected as additional properties are included in the SFHA on updated FEMA Flood maps**

### Credit-Earning Activities

Public Information	Mapping & Regulations	Flood Damage Reduction	Flood Preparedness
<ul style="list-style-type: none"> <li>• Elevation certificates</li> <li>• Map information</li> <li>• Outreach projects</li> <li>• Hazard disclosure</li> <li>• Flood protection information</li> <li>• Flood protection assistance</li> </ul>	<ul style="list-style-type: none"> <li>• Additional flood data</li> <li>• Open space preservation</li> <li>• Higher regulatory standards</li> <li>• Flood data maintenance</li> <li>• Stormwater management</li> </ul>	<ul style="list-style-type: none"> <li>• Floodplain management planning</li> <li>• Acquisition &amp; relocation</li> <li>• Flood protection</li> <li>• Drainage system maintenance</li> </ul>	<ul style="list-style-type: none"> <li>• Flood warning program</li> <li>• Levee safety</li> <li>• Dam safety</li> </ul>

Note: Most Texas Communities will classify as a 7 for ongoing/existing activities

## Community Benefits of CRS

- Reduce flood damage to property through higher standards
- Strengthen the local National Flood Insurance program (NFIP)
- CRS outreach will increase flood policy count community-wide
- Recover from flood disasters more efficiently and more quickly
- Direct monetary benefit to citizens



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## Integrating Other Planning Mechanisms into CRS

### Hazard Mitigation Action Plan (HMAP)

- Disaster Mitigation Act of 2000 requires communities to mitigate risk to natural hazards that affect the community such as flood, hurricane, tornado, wildfire, through development of an HMAP. Communities qualify for funding to develop and implement pre- and post-disaster activities or projects in the HMAP. Rockport is part of Coastal Bend Council of Governments (CBCOG) HMAP, expiring in 2017.
- Some of the flood mitigation actions in the HMAP may be identified in the CRS program for CRS credit, and funded under FEMA grants.



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## Integrating Other Planning Mechanisms into CRS

- The CRS program entails review of ongoing measures to address the flood hazard, maximize CRS points, prioritize flood projects, and apply for FEMA grant funding.

### Plan review includes:

- Drainage Master Plan, Stormwater Plan, Capital Improvement Projects (CIP) addressing development requirements and Stormwater and drainage criteria
- Open space preservation
- Drainage system maintenance
- Floodplain ordinance, permitting, and Elevation Certificate record-keeping, and recommendations for improvement
- Emergency Operations plan (preparedness, response, and warnings)
- Development of a public outreach program and optional 'Program for Public Information' (PPI), and 'Floodplain Management Plan' (FMP)



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## Other CRS Programs

### Floodplain Management Plan (FMP)

- This CRS activity is development of a stand-alone, in-depth analysis of programs, projects, and measures that will reduce the adverse impact of the flood hazard on the community. It incorporates all other related planning mechanisms such as drainage and stormwater plans, and Emergency Operations Plan, and those previously cited.
- An FMP is required as part of CRS if the community has at least 10 repetitive loss properties (RL). An FMP follows a 10-step planning process similar to the HMAP. An HMAP may be used as a basis for development of the FMP with a maximum credit is 50 points.

*Note: Since the City of Rockport's HMAP will be expiring in 2017, it may be advantageous to develop the FMP when the HMAP is updated.*

*Maximum Credit for this activity is 382 points*



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## Other CRS Programs

### Program for Public Information (PPI)

- Public information and outreach is a critical component of a CRS program. CRS credits local activities that advise people about the flood hazard, flood insurance, and flood protection measures. The activities may be community-wide, and target specific groups such as residents in the floodplain. A PPI can help design an entire public information program, not just outreach projects. A PPI may include public information endeavors such as updating the community website, developing a community newsletter, or brochure. One activity, maintaining Elevation Certificates, is a mandatory element of the CRS program.

*A primary advantage to developing a PPI is that this element is a 40% multiplier for each Outreach Project identified in the CRS program*



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## About LAN

- Founded in 1935
- Full-service engineering, planning, and program management firm
- 21 offices nationwide
- Over 50 years' combined staff experience in NFIP/FEMA program management, CRS, and hazard mitigation planning



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Ms. Meek informed the Council that FEMA will fund a Hazard Mitigation Action Plan with a 75%-25% split and the City can use in-kind services for the 25%. Ms. Meek added that a Floodplain Management Plan is also fundable under FEMA.

Discussion was held among Council and Ms. Meek.

Aransas County Emergency Management Coordinator Rick McLester stated that the Council of Governments has advised them to expect one year for approval of submission of a FEMA grant. Mr. McLester added that the Coastal Bend Council of Governments Hazard Mitigation Action Plan expires in spring of 2017; therefore spring of 2016 is when the Aransas County Hazard Mitigation Action Plan needs to be completed.

Mission-Aransas National Estuarine Research Reserve Coastal Training Program Coordinator K. Dana Sjostrom asked if their trainings can be counted as outreach programs and be used for points in the Community Rating System.

Community Planner Kimberly Clark stated the City's new floodplain maps have to be adopted by February 2017. Ms. Clark informed the Council that the Texas Water Development Board wants to review the City's ordinance by the second week in December. Ms. Clark asked Ms. Meek if she would be available that quickly if the Council decides to move ahead with the Community Rating System.

Ms. Meek said she would be available.

Mayor Wax thanked Ms. Meek for her presentation.

**3. Hear and deliberate on a presentation from Urban Engineering on the draft Master Drainage Plan Modeling Report.**

Brandi Karl with Urban Engineering gave a presentation (below) on the Master Drainage Plan Modeling Report.

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**City of Rockport  
Master Drainage Plan  
Modeling Report**

Prepared by:



November 2015

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**1.0 INTRODUCTION**

The purpose of this report is to document the actions performed by URS as a sub-consultant to Urban Engineering for The City of Rockport Master Drainage Plan. URS tasks included the model development and validation of an existing conditions model, extracting and processing model results for the flood hazard assessment, the modeling of infrastructure improvement for the capital improvement plan, extracting and processing the model results for the capital improvement plan, and the production of the Master Drainage Plan Sheets. For depictions of data discussed in this report, refer to The Master Drainage Plan Sheets.

**2.0 MODEL DEVELOPMENT**

**2.1 Software**

InfoWorks® ICM, Version 5.0 (Innovyze, 2014) was selected to simulate the hydrology and hydraulics within the area included in this study. InfoWorks ICM is a fully integrated one-dimensional (1D) / two-dimensional (2D) model, which enables the hydrology and the hydraulics of natural terrain and constructed infrastructure to be simulated in a single model. This particular model was selected because the relatively flat terrain in the study area requires consideration of 2D flows that occur, in addition to 1D flows that are typically modeled in hydraulic modeling software. Rather than modeling hydrology in one software and then importing the results into a hydraulic model, InfoWorks ICM allows the user to simulate rainfall directly onto a 2D mesh surface. Runoff from the mesh surface can travel in multiple directions and is routed through infrastructure before returning to the mesh surface or leaving the system.

**2.2 Study Area**

The area included in this study was selected based on the watersheds delineated in the Storm Drainage Design Manual for the City of Rockport (Urban Engineering, 2000). Watersheds from the previous study that are within the City of Rockport Half Mile ETJ boundary and areas contributing to the Half Mile ETJ were included in this study, for a study area totaling over 21 square miles. To more efficiently model this area using InfoWorks ICM the total area was subdivided into five smaller models. These models were separated along major watershed breaks to facilitate accurate modeling of drainage patterns. The five models and their areas are shown in Table 1.

**Table 1. Model Areas**

Model Name	Area (ac)
Copano Heights and Griffith St.	2,457
Michelle Street	1,776
Rockport Country Club & FM 1069	3,132
Faby Alms	2,941
West 3036	3,678
<b>Total</b>	<b>13,984</b>

2.3 Hydrology

2.3.1 Infiltration

The Horton Infiltration Method was selected to simulate infiltration in this study, based on the methods available within InfoWorks ICM and the data that were available for this study. This method models infiltration as a decay function, using the following equation:

$$f = f_0 + (f_1 - f_0) e^{-kt}$$

Where:

- $f_0$  is the initial infiltration rate;
- $f_1$  is the limiting infiltration rate; and
- $k$  is the coefficient of the exponential term.

While the parameters for the Horton Infiltration Method would ideally be estimated through field analysis for each study area, estimates based on hydrologic soil group are provided in the InfoWorks ICM technical documentation (Innovyze, 2014). These estimates are included in Table 2.

Table 2. Horton Parameters by Soil Use Type (Innovyze, 2014)

Soil Use Type	$f_0$ (in/hr)	$f_1$ (in/hr)	$k$ (hr)	Recovery
A	9.84	1.00	2	0.020833
C	4.92	0.13	2	0.020833
D	2.99	0.10	2	0.020833

These values have been converted from mm/hr to in/hr.

Once estimated, the Horton Infiltration Parameters are applied to Infiltration Zones that must be defined within the InfoWorks ICM model. The Infiltration Zones can be defined as the boundaries within the soil layer used (highest resolution), or can be aggregated and applied to larger boundary areas (less resolution). It was decided that utilizing the Storm Drainage Design Manual for the City of Rockport (Urban Engineering, 2000) watershed boundaries as the Infiltration Zones and aggregating the infiltration data by these boundaries would provide a sufficient level of detail for this study.

Existing Condition

Impervious cover data were developed by URS using 2006 Texas Natural Resources Information System (TNRIS) LIDAR and 2012 National Agriculture Imagery Program (NAIP) 2012 aerial imagery to identify developed areas within the study area. Developed areas were assigned an initial infiltration rate of 0.001 in/hr and limiting infiltration rate of 0.0001 in/hr, as they were the lowest limits allowable by the InfoWorks ICM model. The Horton Infiltration Parameters shown in Table 2 were assigned to the remaining undeveloped areas using Natural Resources Conservation Service (NRCS) Soil Survey Geographic database (SSURGO) hydrologic soil type

data. The Zonal Statistics tool in ArcGIS was used to produce aggregate parameters for each watershed. The aggregate existing condition parameters are included in Appendix A, Table A-4.

Future Condition

Urban Engineering estimated the number of homes that would be added to each of the watersheds in the future condition, assuming an ultimate build-out for each basin. A comparison was made between the growth percentages established by the Texas Water Development Board and the growth projected in the City of Rockport's Water and Wastewater Master Plan (2014). Ultimately, the decision was made to use the growth percentages from the Master Plan and adding 6728 homes to the area by year 2030. In 2006, the City of Rockport issued 172 building permits, which would be equivalent to 207 residential living unit equivalent structures added that year. The additional impervious cover impact for each residence was estimated at 4400 SF, which includes a home footprint, driveway, and portion of the street. URS used this information to estimate the increase in impervious cover percentage for each watershed and to develop estimates of aggregate future condition infiltration parameters for each of the Infiltration Zones based on these estimated increases. The aggregate future condition parameters are included in Table A-4.

2.3.2 Rainfall

The 5-year and 100-year, 24-hour duration frequency storm events were selected for simulation in this analysis. Total rainfall depths for the frequency storms were obtained from the 2004 USGS Atlas (USGS, 2004). Total rainfall depths are in Table 3.

Table 3. Rainfall Event Total Rainfall

Event	Depth (in)
5 yr, 24-hr	6.3
100 yr, 24-hr	12.5

The City of Rockport is located in Region III of the TR-55 rainfall distribution map (NRCS, 1986), so a Type III rainfall distribution was applied for this study.

2.4 Hydraulics

2.4.1 Overland flows

Ground Elevation Data

LIDAR data were obtained for the study area from TNRIS. The LIDAR were collected in 2006, have an average point spacing of 1.5 meters, and are in vertical datum NAVD 83, GEOID03. The data were processed into a 5-foot by 5-foot, bare earth ASCII formatted raster for use in the modeling. The raster was input directly into InfoWorks ICM and used to build the ground mesh. During the modeling process it was discovered that elevation discrepancies exist between the LIDAR data, construction as-built, and survey data. A further discussion of this issue is included

in the Tule Creek Watershed Project Report (2010). TNRIS staff were informed of the potential issue and possible explanations for the discrepancies were discussed. TNRIS staff informed URS that despite known issues with the LIDAR data, that they had passed an independent test for vertical accuracy. After discussions with Urban Engineering and TNRIS staff a determination was made that the LIDAR were the best available and were suitable for watershed level assessment. All elevations should be verified by a licensed surveyor before proceeding to final design.

Development of Roughness

Roughness Zones required for the InfoWorks ICM model were created based on 2006 National Land Cover Dataset (NCLD) (Fry et al., 2011) spatial files. Manning's n values were assigned to each land cover type based on the definition provided for the land cover type. In the case of composite land cover types, an area weighted approach was used to estimate the Manning's n for the land cover type. The estimated roughness values shown in Table 4 were assigned to the Roughness Zone shapefile.

Table 4. Overland Roughness Parameters by Land Cover Type

Land Cover	Description	Manning's n
21	Developed, open space	0.0404
22	Developed, low intensity	0.0676
23	Developed, medium intensity	0.0676
24	Developed, high intensity	0.0404
31	Bareland	0.0113
41	Deciduous forest	0.36
42	Evergreen forest	0.32
43	Mixed forest	0.4
52	Shrub/scrub	0.4
71	Grassland/forbaceous	0.368
81	Pasture/Hay	0.325
95	Emergent herbaceous wetlands	0.1825

Development of Mesh

InfoWorks ICM uses a 2D triangular mesh surface generated from the LIDAR, roughness, and infiltration parameters to model overland flows. Sensitivity testing was performed using various minimum and maximum triangle sizes to determine a mesh density that was detailed enough to model complex overland flows, but not so detailed as to cause inefficient run times. A maximum triangle area of 100 square feet and a minimum triangle area of 10 square feet were used for this study.

2.4.2 Stormwater Infrastructure

Data Sources

The stormwater infrastructure included in the InfoWorks ICM model includes an extensive storm sewer system, culverts, and open channels. Data were obtained from the Storm Drainage Design Manual for the City of Rockport (Urban Engineering, 2000), construction plans, and as-built drawings, which are listed in detail in Table A-1. All elevation data used from construction plans of as-built drawings prior to 1988 were adjusted to the vertical datum NAVD 83, GEOID03. Where gaps still existed in the data and where feasible, survey was performed by Urban Engineering. Where data sources had conflicting information, the more current source was assumed to be most accurate.

Storm Sewer

The models included an extensive storm sewer network of inlets, conduits, manholes, and outlets. Storm sewer conduits were assigned normal headlosses based on InfoWorks ICM's built-in headloss curve.

Inlets were modeled as 2D inlet nodes, allowing flows to enter and exit the 1D storm sewer system from the 2D mesh through the inlet. Due to a lack of dimensional data from many inlets, global assumptions were made for curb and grate inlets. These are listed in Table 5.

Table 5. Inlet Modeling Assumptions

Parameter	Value
Cross Slope (ft/ft)	0.02
Grate Width (ft)	2
Grate Length (ft)	2
Curb Opening Length (ft)	5
Curb Opening Height (ft)	0.5
Wash Balance Depth (ft)	0.7
Grate Clear Opening Area (sq ft)	2

Culverts

Culverts were modeled in accordance with the InfoWorks ICM User's Manual (Innovyze, 2014). Culvert inlet links with a headloss coefficient of 0.7 were used. Inlet nodes were placed at the low point nearest to each culvert on the 2D mesh. This allows for a more accurate modeling of the culverts' headwater conditions. All circular culverts were assumed to have a square-edged headwall, and all rectangular culverts were assumed to have square-edged headwalls with 90° wingwalls. The project study area contains many small driveway culverts, which were not modeled and for which no data were available.

**Channels**

Channels within the model were modeled in accordance with the InfoWorks ICM User's Manual. Major existing and proposed channels were modeled as 1D elements with 2D bank connections, allowing flows to enter and exit the channel onto the 2D surface. Minor channels and roadside ditches were modeled in the 2D mesh based on LIDAR data.

Manning's n roughness values for all storm sewer infrastructure were assigned based on material type, as shown in Table 6.

**Table 6. Manning's n Roughness Values**

Material	Manning's n
PVC/HDPE	0.012
Concrete	0.013
Iron	0.024
Earth	0.03

**Outfalls**

All infrastructure outfalls within the 2D mesh were modeled as 2D outfall nodes, allowing flows to enter and exit the 1D storm sewer system from the 2D mesh through the outfall. Outfalls leaving the system were modeled as loss outfall nodes and given a tailwater condition.

**2.5 Model Validation**

Two historical storm events were run in the model to validate its accuracy. The historical storms' rainfall distributions were obtained from Tule Creek Watershed Project Report (2010), and are shown in Tables A-2 and A-3. The model results were analyzed at eight locations where high water marks had been recorded and surveyed after the storm events. All validation points were within the Rockport County Club & FM 1059 modeling area. Infrastructure constructed prior to the storms was removed from the calibration model. The greatest difference between the storms' surveyed maximum water surface elevation and the model's maximum water surface elevation was 0.11 foot, as shown in Table 7.

**Table 7. Historic Storm Validation Data**

Location	Storm Date	Surveyed Max WSEL (ft)	Modeled Max WSEL (ft)	Difference (ft)
Colonial and Olympic Dr.	7/5/07	14.46	14.58	-0.12
Colonial and Olympic Dr.	7/5/07	14.66	14.59	0.07
306 Colonial Dr.	7/5/07	14.84	14.62	0.22
Colonial and Olympic Dr.	7/5/07	14.90	14.72	0.18
Colonial Dr. Looking North towards Maroon	7/5/07	14.44	14.31	0.13
108 Cedar Ridge Dr.	5/8/04	12.60	12.91	-0.31
111 Paschiro Dr.	5/8/04	12.36	12.33	-0.17
Broadway and SH-35	5/9/04	10.14	10.36	-0.22

**3.0 FLOOD HAZARD ASSESSMENT MODELING**

**3.1 Criteria**

The flood hazard criteria for the study were developed by Urban Engineering. All roads in the study area were prioritized by Urban Engineering, using classifications of major, collector, or local. All structures at risk were also assigned a structure type of critical (CRIT), single-family residence (SFR), multi-family residence (MFR), commercial (COM), or garage/barn/shed (G).

Top priority was given to hazards threatening loss of life. This includes the flooding of emergency facilities and structures, and loss of access for police, fire, EMS, and other emergency personnel. A water depth at the crest of the road of greater than 1 foot in the 100-year storm event and greater than 0.5 foot in the 5-year storm event on major or collector roads is considered unacceptable. The next priority was hazards threatening the loss of or damage to property, with highest priority given to single-family and multi-family residences.

**3.2 Preliminary Flood Hazard Assessment**

The preliminary flood hazard assessment was conducted by URS and Urban Engineering. Preliminary flood depths were mapped over aerial imagery, and areas that appeared to not meet the flood hazard criteria were identified. These areas underwent a more detailed assessment and were narrowed down into final risk areas.

**3.3 Final Risk Areas**

The preliminary risk areas were refined to final risk areas. Roadways that appeared to be flooded were further analyzed. The maximum flooding depth and inundation length along the crest of any major or collector roadway were obtained from the model results for the existing 5- and 100-year storms.

Buildings that appeared to be flooded were also further analyzed. Building finished floor heights above the bare earth were estimated from LIDAR data and aerial imagery. The building was estimated to be at risk for flooding if the flood depth at the building location was greater than the estimated building finished floor height. For each risk area, buildings at risk of flooding were recorded. At some locations, isolated buildings appeared to be at risk for flooding not due to issues with drainage infrastructure, but solely due to being located in a depression. These areas were not further studied or included in the capital improvement plan. No critical buildings were estimated to be at risk of flooding in the existing 5- or 100-year storms. Final risk area results are shown in Table A-5.

Exhibit 1 below illustrates the locations and extent of the risk area flooding resulting from the modeling.



4.0 MODELING OF CAPITAL IMPROVEMENTS

4.1 Proposed Infrastructure

Proposed infrastructure was modeled for the capital improvement plan. Initially, all infrastructure improvements in the Master Drainage Design Manual for the City of Rockport (Urban Engineering, 2000) that are not currently constructed were modeled. If the desired flood hazard mitigation was not achieved with these improvements, or if there was a conflict with existing infrastructure, adjustments were made as directed by Urban Engineering.

4.2 Flood Hazard Mitigation

The model results with the proposed infrastructure improvements were assessed again to analyze the flood hazard mitigation at the final risk areas. The maximum flooding depth and inundation length along the crest of any major or collector roadway, as well as building flooding information was obtained from the model results for the existing 5- and 100-year storms. The proposed infrastructure is estimated to lower all maximum flood depths for the existing 100-year storm to 1 foot or lower on all major and collector streets, and to remove all buildings in the identified risk areas from risk of flooding. Final risk area results with proposed infrastructure improvements are shown in Table A-5.

4.3 Capital Improvements Projects

The eight projects listed below were selected using improvements proposed in the 2000 Master Plan and prioritized according to the flood risk criteria previously discussed. Project 1 has the highest priority for funding with Project 8 being the lowest priority. For instance, eliminating water from SH 35 Business and Market Street is a higher priority than eliminating flooding on Pearl Street or Enterprise Boulevard.

4.3.1 Project 1 – SH 35 Business at Taylor Avenue and Tale Park Drive

This project involves upgrading the lower Tale ditch system from SH 35 Business down Lincina to the Little Hay outlet by improving the ditch and installing additional box culvert capacity. This will eliminate the Risk Area 1 and 8 flooding on the highway south of Taylor.

Item	Description	Quan	Quan (+5%)	Unit	Unit Price	Total Cost
1	900' Precast Concrete Box Culvert	923	969	LF	\$200.00	\$201,800.00
2	De-watering	923	969	LF	\$15.00	\$13,915.00
3	OSHA Trench Protection	923	969	LF	\$2.00	\$1,918.00
4	Junction Box	1	1	EA	\$10,000.00	\$10,000.00
5	Gate Inlets on Box Culvert	8	8	EA	\$2,000.00	\$20,000.00
6	Ditch Improvements (D+P)	2,322	2,438	LF	\$20.00	\$48,760.00
7	Concrete Headwalls	4	4	EA	\$15,000.00	\$60,000.00
8	Demolition and Haul Off	1	1	LS	\$2,500.00	\$2,500.00
9	Pavement and Driveway Repair	244	244	SY	\$65.00	\$15,900.00
10	Misc. Utility Adjustments	1	1	LS	\$20,000.00	\$20,000.00
11	Fluctuans / Hydrovalves	2,580	2,709	SY	\$2.50	\$6,772.50
12	Maintenance / Watering	1	1	LS	\$10,000.00	\$10,000.00
13	Pollution Prevention	1	1	LS	\$15,000.00	\$15,000.00
PROJECT 1 SUBTOTAL:						\$30,145.50
Engineering & Contingencies (20%):						\$16,029.15
PROJECT 1 TOTAL:						\$96,174.65

4.3.2 Project 2 – SH 35 Business at Enterprise and Maple

This project involves installing a new box culvert outlet on Maple Street from SH 35 Business to Little Hay, intercepting water currently flowing south down SH 35 to Cherry. These improvements will free up capacity of the downstream system while eliminating the flooding in Risk Areas 2 and 3.

Item	Description	Quan	Quan (+5%)	Unit	Unit Price	Total Cost
1	700' Precast Concrete Box Culvert	700	735	LF	\$75.00	\$51,225.00
2	De-watering	700	735	LF	\$15.00	\$2,722.50
3	OSHA Trench Protection	700	735	LF	\$2.00	\$1,470.00
4	Junction Box	2	2	EA	\$10,000.00	\$20,000.00
5	Gate Inlets on Box Culvert	4	4	EA	\$3,000.00	\$12,000.00
6	Outlet Structures w/Headwalls	1	1	LS	\$25,000.00	\$25,000.00
7	Demolition and Haul Off	1	1	LS	\$3,000.00	\$3,000.00
8	Pavement and Driveway Repair	750	788	SY	\$65.00	\$51,225.00
9	Misc. Utility Adjustments	1	1	LS	\$25,000.00	\$25,000.00
10	Pollution Prevention	1	1	LS	\$15,000.00	\$15,000.00
11	Regrade Existing Road Swale	1	1	LS	\$5,000.00	\$5,000.00
PROJECT 2 SUBTOTAL:						\$450,665.00
Engineering & Contingencies (20%):						\$90,133.00
PROJECT 2 TOTAL:						\$540,798.00

4.3.3 Project 3 – Market Street (FM 1062) at SH 35 Bypass, Hickory, and Stuart

This project requires improving the upper Ruby Allen ditch system to carry water that currently overcharges the storm sewer system in Market Street. Improvements include installing a 54" RCP from Market Street to the open ditch, then widening the ditch south to Corpus Christi Street, diverting drainage to combine flows with the downstream Taylor Avenue ditch. The Master Plan from 2000 recommended a concrete-lined ditch in this section; however, the ditch can be designed and constructed to carry the water without concrete lining, using those funds for additional system improvements. This project is the first step to reducing the flooding from Risk Areas 4, 6, and 10; however, the downstream improvements will be completed in Project 5 detailed below.

Item	Description	Quan	Quan (+5%)	Unit	Unit Price	Total Cost
1	54" RCP	1,100	1,155	LF	\$200.00	\$231,000.00
2	700' Precast Concrete Box Culvert	150	158	LF	\$400.00	\$63,200.00
3	Two 700' Precast Concrete Box Culverts	200	210	LF	\$775.00	\$162,750.00
4	Two 900' Precast Concrete Box Culverts	180	189	LF	\$925.00	\$97,125.00
5	OSHA Trench Protection	1,250	1,328	LF	\$2.00	\$2,556.00
6	De-watering (As Required)	1,250	1,328	LF	\$15.00	\$19,920.00
7	Junction Box / Inlets	4	4	EA	\$3,500.00	\$14,000.00
8	Ditch Improvements (D+P)	4,450	4,673	LF	\$20.00	\$140,100.00
9	Ditch Improvements (D+P)	900	945	LF	\$15.00	\$14,175.00
10	Concrete Headwalls	5	5	EA	\$10,000.00	\$50,000.00
11	Demolition and Haul Off	1	1	LS	\$5,000.00	\$5,000.00
12	Misc. Utility Adjustments	1	1	LS	\$25,000.00	\$25,000.00
13	Driveway / Access Grading	3	3	EA	\$50,000.00	\$150,000.00
14	Pavement and Driveway Repair	450	470	SY	\$65.00	\$30,745.00
15	TxDOT Pavement Repair	350	368	SY	\$85.00	\$31,280.00
16	Regrade Existing Road Swale	1	1	LS	\$10,000.00	\$10,000.00
17	Fluctuans / Hydrovalves	12,000	12,600	SY	\$2.50	\$31,500.00
18	Maintenance / Watering	1	1	LS	\$20,000.00	\$20,000.00
19	Pollution Prevention	1	1	LS	\$20,000.00	\$20,000.00
PROJECT 3 SUBTOTAL:						\$1,136,261.00
Engineering & Contingencies (20%):						\$227,252.20
PROJECT 3 TOTAL:						\$1,463,513.20

4.3.4 **Project 4 – Market Street (FM 1069) at SH 35 Business**

This project is proposed to alleviate the flooding on Market Street, just west of SH 35 Business. The recommended improvements include upgrading the storm sewer system down Ann Street from Market Street to the Murney Street outfall. This drainage upgrade will eliminate the flooding of Risk Area 5.

Item	Description	Quan	Quan	Unit	Unit	Total
			(+/-%)		Price	Cost
1	24" RCP	1,431	1,543	LF	\$80.00	\$123,000.00
2	42" RCP	1,127	1,143	LF	\$168.00	\$189,288.00
3	OSHA Trench Protection	2,598	2,728	LF	\$2.00	\$5,456.00
4	Demolition (As Required)	2,598	2,728	LF	\$25.00	\$68,200.00
5	Post Inlets / Grate Inlets	17	17	EA	\$3,000.00	\$51,000.00
6	0" Diameter Manhole over Ex. 48" RCP	1	1	EA	\$6,000.00	\$6,000.00
7	Manhole Box	2	2	EA	\$10,000.00	\$20,000.00
8	Demolition and Haul Off	1	1	LS	\$5,000.00	\$5,000.00
9	Permanet and Driveway Repair	1,732	1,819	SY	\$65.00	\$118,215.00
10	Rergrade Existing Road Swales	1	1	LS	\$3,000.00	\$3,000.00
11	Miss Utility Adjustments	1	1	LS	\$30,000.00	\$30,000.00
12	Pollution Prevention	1	1	LS	\$20,000.00	\$20,000.00
13	Sodding / Hydroseeding	1	1	LS	\$20,000.00	\$20,000.00
PROJECT 4 SUBTOTAL:						\$639,771.00
Engineering & Contingencies (20%):						\$111,954.20
PROJECT 4 TOTAL:						\$751,725.20

4.3.5 **Project 5 – Market Street (FM 1069) at Burton and Kincaid**

This project includes improving the upper Taylor ditch system (on Terry Street) from Market to Corpus Christi, then upgrading the Taylor ditch from Corpus Christi to handle the combined flow from this basin as well as the Ruby Allen water across SH 35 to the outfall. This ditch system is much shorter than the Ruby Allen ditch; therefore, the recommendation is to dedicate funds to upgrading this system rather than both major outfalls separately. The proposed improvements will eliminate flooding of Risk Areas 7 and 9.

Item	Description	Quan	Quan	Unit	Unit	Total
			(+/-%)		Price	Cost
1	60" Precast Concrete Box Culvert	1,100	1,155	LF	\$217.00	\$248,715.00
2	Two 7x7 Precast Concrete Box Culverts	450	473	LF	\$775.00	\$366,475.00
3	Three 7x7 Precast Concrete Box Culverts	300	315	LF	\$1,200.00	\$378,000.00
4	Four 7x7 Precast Concrete Box Culverts	370	379	LF	\$1,400.00	\$529,600.00
5	OSHA Trench Protection	2,020	2,121	LF	\$2.00	\$4,242.00
6	Demolition (As Required)	2,020	2,121	LF	\$25.00	\$53,025.00
7	Concrete Handholes	15	15	EA	\$10,000.00	\$150,000.00
8	Driveway Box Culvert Coverings	8	8	EA	\$20,000.00	\$160,000.00
9	Junction Box / Inlets	2	2	EA	\$3,500.00	\$7,000.00
10	Grate Inlets on top of box culvert	5	5	EA	\$3,000.00	\$15,000.00
11	Ditch Improvements (D=7)	1,800	1,890	LF	\$34.00	\$64,260.00
12	Ditch Improvements (D=7)	1,300	1,365	LF	\$40.00	\$54,600.00
13	Ditch Improvements (D=7)	4,100	4,305	LF	\$45.00	\$193,725.00
14	Demolition and Haul Off	1	1	LS	\$15,000.00	\$15,000.00
15	Permanet and Driveway Repair	300	315	SY	\$65.00	\$20,475.00
16	TXDOT Permanent Repair	178	187	SY	\$83.00	\$15,699.00
17	Miss Utility Adjustments	1	1	LS	\$40,000.00	\$40,000.00
18	Planters / Hydroseed	14,500	15,225	SY	\$2.50	\$38,062.50
19	Maintenance / Watering	1	1	LS	\$50,000.00	\$50,000.00
20	Pollution Prevention	1	1	LS	\$20,000.00	\$20,000.00
PROJECT 5 SUBTOTAL:						\$2,613,234.50
Engineering & Contingencies (20%):						\$522,646.90
PROJECT 5 TOTAL:						\$3,135,881.40

4.3.6 **Project 6 – Enterprise from East Street (FM 2188) to Onondago and Live Oak at Maple**

The improvements proposed in this project are to upgrade the storm sewer system on Enterprise from Stadium to Onondago, then on Onondago to Maple and Cherry, with a new storm sewer pipe installed down Maple. These upgrades will eliminate the flooding that occurs around the high school designated as Risk Areas 11 and 14 and the flooding on Live Oak in Risk Area 12.

Item	Description	Quan	Quan	Unit	Unit	Total
			(+/-%)		Price	Cost
1	24" RCP	1,615	1,689	LF	\$72.00	\$121,488.00
2	42" RCP	470	494	LF	\$168.00	\$82,988.00
3	54" RCP	1,380	1,343	LF	\$200.00	\$268,600.00
4	Demolition	2,245	2,345	LF	\$25.00	\$58,625.00
5	OSHA Trench Protection	2,245	2,345	LF	\$2.00	\$4,690.00
6	Post Inlets	11	11	EA	\$3,000.00	\$33,000.00
7	Manholes	2	2	EA	\$5,000.00	\$10,000.00
8	Junction Box	4	4	EA	\$10,000.00	\$40,000.00
9	Rergrade Existing Road Swales	1	1	LS	\$3,000.00	\$3,000.00
10	Miss Utility Adjustments	1	1	LS	\$45,000.00	\$45,000.00
11	Demolition and Haul Off	1	1	LS	\$6,000.00	\$6,000.00
12	Permanet and Driveway Repair	2,340	2,478	SY	\$35.00	\$86,730.00
13	Pollution Prevention	1	1	LS	\$15,000.00	\$15,000.00
PROJECT 6 SUBTOTAL:						\$899,263.00
Engineering & Contingencies (20%):						\$179,853.00
PROJECT 6 TOTAL:						\$1,079,116.00

4.3.7 **Project 7 – Market Street (FM 1069) at Church Street (Loop 7)**

A new storm sewer pipe is required in Market Street from Church Street to the bay, which would eliminate the flooding at Risk Area 13. The existing storm sewer would remain in place, with the new pipe adding additional capacity.

Item	Description	Quan	Quan	Unit	Unit	Total
			(+/-%)		Price	Cost
1	24" RCP	80	84	LF	\$80.00	\$6,720.00
2	36" RCP	1,200	1,260	LF	\$128.00	\$161,280.00
3	OSHA Trench Protection	1,200	1,244	LF	\$2.00	\$2,488.00
4	Demolition (As Required)	1,200	1,244	LF	\$25.00	\$31,100.00
5	Post Inlets / Grate Inlets	6	6	EA	\$3,000.00	\$18,000.00
6	Orbital Structures	1	1	LS	\$5,000.00	\$5,000.00
7	Demolition and Haul Off	1	1	LS	\$2,500.00	\$2,500.00
8	Permanet and Driveway Repair	135	142	SY	\$35.00	\$4,970.00
9	Rergrade Existing Roadway Swales	1	1	LS	\$5,500.00	\$5,500.00
10	Miss Utility Adjustments	1	1	LS	\$20,000.00	\$20,000.00
11	Pollution Prevention	1	1	LS	\$20,000.00	\$20,000.00
12	Sodding / Hydroseed	1	1	LS	\$10,000.00	\$10,000.00
PROJECT 7 SUBTOTAL:						\$281,178.00
Engineering & Contingencies (20%):						\$56,235.60
PROJECT 7 TOTAL:						\$337,413.60

4.3.8 Project 8 – Pearl Street (FM 2155) at Orleans and Laurel

This project involves installing a new box culvert outfall down Orleans from Arm Street to Little Bay, with major crossings of Pearl Street and SH 33 Business. This new storm sewer system would extend down Sabinal on the west side of Pearl to pick up drainage from that basin that currently surcharges the Pearl system. Additional capacity would also be added on Laurel from Pearl to the existing outfall in Nepal. All of these improvements will eliminate the flooding in Risk Area 16.

Item	Description	Quan	Quan	Unit	Unit	Total
			(to Bill)		Price	Cost
1	18" RCP	352	352	LF	\$60.00	\$21,120.00
2	30" RCP	1,433	1,433	LF	\$120.00	\$171,960.00
3	42" RCP	1,001	1,001	LF	\$100.00	\$100,100.00
4	48" RCP	325	325	LF	\$180.00	\$58,500.00
5	Flow Reinforced Concrete Box Culvert	2,966	3,114	LF	\$375.00	\$1,167,750.00
6	OS&A Trench Protection	6,055	6,058	LF	\$2.00	\$12,116.00
7	Decorating (As Required)	6,055	6,058	LF	\$35.00	\$212,530.00
8	Post Inlets / Gate Inlets	50	50	EA	\$3,000.00	\$150,000.00
9	Manholes	8	8	EA	\$5,000.00	\$40,000.00
10	Outlet Structures	1	1	LS	\$15,000.00	\$15,000.00
11	Demolition and Haul Off	1	1	LS	\$10,000.00	\$10,000.00
12	Pavement and Driveway Repair	4,000	4,200	SY	\$5.00	\$14,000.00
13	Minor Utility Adjustments	1	1	LS	\$100,000.00	\$100,000.00
14	Pollution Prevention	1	1	LS	\$20,000.00	\$20,000.00
15	Soaking / Hydrostatic	1	1	LS	\$25,000.00	\$25,000.00
16	Upgrade Existing Road Structure	1	1	LS	\$4,500.00	\$4,500.00
PROJECT 8 SUBTOTAL:						\$2,344,826.00
Engineering & Construction (5%)						\$468,913.20
PROJECT 8 TOTAL:						\$2,813,739.20

The improvements to correct the flooding designated as Risk Area 15 on Spanish Woods Drive is already completed, therefore, it is not discussed any further in this report.

Appendix A  
Additional Information

6.0 REFERENCES

Fry, J., Xiao, G., Jin, S., Dewitz, J., Homer, C., Yang, L., Barnes, C., Harold, N., and Wickham, J., 2011. *Compendium of the 2006 National Land Cover Database for the Conterminous United States*. PEIAG, Vol. 73(7):858-864.

Innovaze. InfoWorks<sup>®</sup> ICM, Version 5.0. [www.innovaze.com](http://www.innovaze.com), Menlo Park, CA, 2014.

Natural Resources Conservation Service (NRCS). Soil Survey Staff, United States Department of Agriculture (USDA). SSURGO Database, Web-Soil Survey. Available online at <http://websoilsurvey.nrcs.usda.gov/>.

NRCS, USDA. *Urban Hydrology for Small Watersheds*. Technical Release 55 (TR-55). <http://www.nrcs.usda.gov/efnrcweb1/2013000UM027N/water/5544171.pdf>. Revised June 1996.

Tule Watershed Project Team (Naisenth Engineering, Inc., Lippke, Cartwright, and Roberts and LLP Consultants, Inc.). *Tule Creek Watershed Project Report - Hydrologic, Hydraulic, Water Quality and Ecological Assessment and Analysis with Project Recommendations*. Aransas County Stormwater Management Plan. June 2010.

U.S. Geological Survey (USGS) – Aspineth, W.H. and Rosencel, M.C. *Atlas of Depth-Duration-Frequency of Precipitation Annual Maxima for Texas*. SIR 2004-5041 (TRDOT Implementation Report 3-1301-01-1). [http://pubs.usgs.gov/of/2004/5041/pdf/ar2004\\_5041.pdf](http://pubs.usgs.gov/of/2004/5041/pdf/ar2004_5041.pdf). Austin, TX, June 2004.

Urban Engineering. *Storm Drainage Design Manual for the City of Rockport*. Job No. 1505.A01.01, Corpus Christi, TX, December 2006.

Table A-1. Construction Plans and As-Built Drawings

Plan	Number	Name	Engineer	Issued Date	As-Built Date	Adjustment
UR	1540	Storm Sewer Layout	UR	11/1/2009	5/13/2011	Yes
UR	18900.1	RCC Retain	Quatro	4/22/2002		Yes
UR	18900.11	RCC Unit 2A	UR	5/2/2002	6/9/2005	Yes
UR	18900.2	Golf Course Lake and Drainage Improvement RCC Retain Unit 2	UR	5/5/2004		Yes
UR	18900.3	RCC Retain Unit 1	UR	2/21/2003	8/19/2005	Yes
UR	01500.A2.02	2002 Drainage Improvements	UR	10/30/2002		
UR	01500.A2.03	Headwalls and Riprap Weir Improvements	UR	4/19/2003		
UR	01500.A3.06	Live Oak St. Paving and Drainage Improvements	UR	10/25/2006		
TSDOT	0180-04-006	SH25 STP08-11725M	TSDOT	6/20/2008		
TSDOT	0180-4-002	SH25 STP08-11725M	TSDOT	9/16/2008		
TSDOT	0180-4-008	SH25	TSDOT	9/16/2008		
TSDOT	0180-4-008	SH25	TSDOT	10/20/2008		
TSDOT	0180-4-006	SH25 10479 (1)	TSDOT	5/18/2001		
TSDOT	0180-4-108	SH25 STP2003-740	TSDOT	5/5/2003		
TSDOT	0010-04-023	FM2000 SH25 STP06-2003-5M	TSDOT	5/5/2006		
TSDOT	0010-04-021	FM2000 SR-307-4-11, ETC.	TSDOT	6/15/2002		
TSDOT	1540-01-069	FM2101 STP1540-145 ETC.	TSDOT	9/17/2006		
UR	1540.06.01	CRK 1996 Paving & Drainage Improvements	UR	5/19/2009	11/4/2012	
UR	1540.A1.01	2001 Drainage Improvements	UR	10/17/2001		
UR	1540.A1.02	RCC Drainage Improvements	UR	8/15/2001		
UR	1540.A1.03	Chain Pipe Drainage Improvements	UR	9/28/2004		
UR	1540.A6.01	Tule Creek System Drainage Improvements	UR	10/4/2005		
UR	1540.A6.10	2007 Driveway Drainage Improvements	UR	9/9/2007	8/18/2008	
UR	1540.A8.02	Water Poles Drainage Cleanings	UR	8/1/2009		
UR	1540.A8.10	RCC Drainage Improvements 2010-12	UR	1/20/2009	10/6/2009	
UR	1540.B0.11	Lady Chain Drainage Improvements	UR	3/2/2011		
UR	1540.B1.02	Smith Road Drainage Improvements	UR	2/19/2010		
UR	18900.2A	Live Oak St. Paving & Drainage Unit 2A	UR	6/20/2004	6/9/2005	Yes
UR	18900.05.01	St. Andrew Place	UR	6/2/2005	8/18/2005	
TSDOT	2012-01-010	FM2101 STP2004-740	TSDOT	11/09/2003		

Event	Number	Name	Engineer	Event Date	Anch Date	Adjustment
TSDOT	1116-01-001	FMD06 STP941179RM	TSDOT	3/9/2004		
LE	09727-30230	Assessor County 102 Low Cost Landfill Closure	LE	9/15/2013		
Assessor County		Municipal Bypass	Lippke	9/30/2013		
LE	1561A8.06	Asada Street Parking Improvement Phase Two	LE	10/1/2008		
LE	1561B0.06	Sanborn's Drainage Improvements Phase 2	LE	4/15/2013		
LE	2886-A2-05	Whitaker's Cove Unit 1	LE	9/18/2002		
LE	31380100	Whitaker's Cove Unit 2	LE	4/16/2003		
LE	31433100	Whitaker's Cove Unit 3	LE	5/15/2003		

Table A-2. May 2004 Storm Rainfall Distribution

Date	Time	Rainfall (in)	Cumulative Rainfall (in)
5/6/2004	12:00 AM	0	0
	1:00 AM	0	0
	2:00 AM	0	0
	3:00 AM	0.03	0.03
	4:00 AM	0.03	0.06
	5:00 AM	0	0.06
	6:00 AM	0.01	0.07
	7:00 AM	0.25	0.3
	8:00 AM	0.1	0.4
	9:00 AM	2.19	2.59
	10:00 AM	1.97	4.56
	11:00 AM	1.68	6.24
	12:00 PM	0.42	6.66
	1:00 PM	0.02	6.68
	2:00 PM	0.33	7.01
	3:00 PM	0.19	7.2
	4:00 PM	0.69	7.89
5:00 PM	0	7.89	

Table A-3. July 2007 Storm Rainfall Distribution

Date	Time	Rainfall (in)	Cumulative Rainfall (in)
7/4/2007	1:00 AM	0	0
	2:00 AM	0.01	0.01
	3:00 AM	0.01	0.02
	4:00 AM	0.1	0.12
	5:00 AM	0.02	0.14
	6:00 AM	1.03	1.17
	7:00 AM	0.12	1.29
	8:00 AM	0.85	2.14
	9:00 AM	0.68	2.82
	10:00 AM	0.6	3.42
	11:00 AM	0.28	3.8
	12:00 PM	0	3.8
	1:00 PM	0	3.8
	2:00 PM	0	3.8
	3:00 PM	0	3.8
	4:00 PM	0	3.8
	5:00 PM	0	3.8
6:00 PM	0	3.8	
7:00 PM	0	3.8	
8:00 PM	0	3.8	
9:00 PM	0	3.8	
10:00 PM	0	3.8	
11:00 PM	0.13	3.93	
12:00 AM	0.22	4.15	
7/5/2007	1:00 AM	0	4.15
	2:00 AM	0	4.15
	3:00 AM	0	4.15
	4:00 AM	0.07	4.22
	5:00 AM	0.47	4.69
	6:00 AM	0.02	4.71
	7:00 AM	0.24	4.95
	8:00 AM	0.69	5.64
	9:00 AM	0.03	5.67
	10:00 AM	0	5.67

Table A-4. Existing and Future Infiltration Parameters

Watershed Name	Area (acres)	Existing				Future			
		Infiltration Cover	Infiltration Area (acres)	FD (in/hr)	FC (in/hr)	Infiltration Cover	Added Infiltration Area (acres)	FD (in/hr)	FC (in/hr)
DB-14-0	5.1	14.6%	0.74	4.32	0.31	14.6%	0	4.32	0.31
DB-14-C	11.4	13.0%	2.00	4.42	0.31	13.0%	0	4.42	0.31
DB-14-D	45.3	2.8%	1.28	3.99	0.18	7.8%	1.9646	3.92	0.17
DB-15-0	79.9	3.8%	2.17	3.58	0.17	7.8%	3.3331	3.52	0.17
DB-15-A	7.0	19.9%	1.38	2.52	0.09	26.7%	0.4702	2.50	0.08
DB-15-B	6.5	17.6%	1.67	3.17	0.14	19.7%	2.0951	3.22	0.10
DB-15-C	14.7	8.7%	1.28	3.89	0.18	17.1%	1.2380	3.43	0.16
DB-15-E	83.2	4.9%	4.87	3.96	0.18	8.5%	3.8029	3.77	0.17
DB-15-A	58.8	4.4%	2.56	4.05	0.19	7.8%	1.9646	3.91	0.18
DB-16-A	29.2	19.4%	5.66	3.38	0.15	20.2%	2.8570	3.97	0.14
DB-16-B	21.2	0.7%	0.34	4.10	0.19	2.9%	0.4702	4.01	0.18
DB-16-C	4.9	7.8%	0.38	4.54	0.23	17.8%	0.4702	4.06	0.20
DB-16-D	67.4	9.2%	6.22	4.47	0.22	12.0%	1.9646	4.32	0.22
DB-16-E	19.5	18.4%	3.60	4.48	0.16	20.9%	0.4702	3.38	0.16
DB-16-F	23.1	1.8%	0.41	3.07	0.15	3.9%	0.4702	3.59	0.15
DB-16	15.9	13.8%	2.19	3.24	0.14	22.8%	1.4257	2.90	0.12
DB-17-0	34.2	4.9%	1.27	4.72	0.24	11.8%	2.8089	4.58	0.22
DB-17-C	34.2	13.9%	4.76	3.76	0.18	10.9%	1.9646	3.51	0.16
DB-17-D	16.3	3.8%	0.95	4.02	0.19	11.7%	0.9232	3.77	0.17
DB-17-E	49.6	4.7%	2.32	4.63	0.23	10.4%	2.8570	4.32	0.22
DB-19-0	75.2	3.3%	0.66	3.49	0.15	10.4%	1.9646	3.40	0.14
DB-19-A	12.4	3.7%	0.66	4.65	0.25	16.8%	1.4257	4.69	0.25
DB-19-B	37.4	1.8%	0.66	4.07	0.23	12.0%	3.8029	4.18	0.21
DB-19-C	37.9	4.9%	1.87	4.09	0.19	12.4%	2.8570	3.77	0.18
DB-19-D	32.1	7.7%	2.29	3.76	0.17	14.5%	2.8089	3.46	0.15

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Watershed Name	Area (acres)	Existing				Future			
		Infiltration Cover	Infiltration Area (acres)	FD (in/hr)	FC (in/hr)	Infiltration Cover	Added Infiltration Area (acres)	FD (in/hr)	FC (in/hr)
DB-24-A	33.8	1.0%	0.00	4.42	0.21	4.6%	0.4702	4.42	0.21
DB-24-B	83.7	1.2%	1.01	3.99	0.18	1.0%	1.4205	3.92	0.17
DB-25-C	21.7	0.9%	0.20	4.88	0.23	5.7%	0.9232	4.66	0.23
DB-25-D	26.1	9.0%	2.51	4.13	0.20	16.9%	1.9646	3.80	0.18
DB-25-E	86.6	5.0%	4.49	4.29	0.21	9.1%	2.8570	4.13	0.20
DB-25-F	25.6	8.0%	2.86	4.52	0.21	12.1%	1.4205	4.14	0.20
DB-25-G	14.9	17.6%	2.63	3.05	0.13	20.8%	0.4702	2.93	0.12
DB-25-I	56.0	0.9%	0.27	3.49	0.15	7.2%	1.9646	3.36	0.14
DB-25-J	31.6	1.0%	0.51	4.42	0.27	7.6%	1.9646	4.15	0.27
DB-24-F	8.1	5.8%	0.75	4.20	0.21	13.0%	0.4702	3.93	0.19
DB-25-I	15.1	5.1%	0.66	4.65	0.23	8.7%	0.4702	4.47	0.23
DB-24-A	37.5	5.7%	2.14	4.51	0.22	3.2%	0.9232	4.39	0.22
DB-24-B	12.3	8.5%	1.05	4.40	0.22	12.4%	0.4702	4.21	0.21
DB-24-C	87.5	7.7%	6.74	4.37	0.22	9.3%	1.4205	4.29	0.21
DB-24-D	66.1	4.9%	3.29	4.68	0.24	4.4%	0.9232	4.61	0.22
DB-24-E	65.9	16.0%	10.97	3.78	0.18	16.8%	0.4702	3.75	0.18
DB-24-G	13.3	17.4%	2.31	3.82	0.19	31.7%	1.9646	3.15	0.17
DB-24-H	41.6	4.4%	1.81	4.34	0.21	13.5%	3.8029	3.93	0.19
DB-24-I	34.9	2.4%	0.83	3.86	0.17	4.5%	1.4205	3.70	0.16
DB-24-J	65.9	2.2%	1.54	3.23	0.14	7.4%	3.3331	3.64	0.13
DB-24-M	24.7	10.4%	3.61	5.00	0.35	21.4%	3.8029	4.39	0.31
DB-24-P	29.3	9.0%	2.63	2.70	0.09	21.4%	3.8029	2.34	0.08
DB-24-Q	25.0	12.0%	3.01	7.03	0.67	23.4%	2.8570	6.12	0.58
DB-24-R	71.0	8.7%	6.96	3.97	0.10	8.4%	0.4702	2.79	0.09
DB-24-S	28.3	7.8%	2.22	6.20	0.56	11.2%	0.9232	6.06	0.54
DB-25-A1	15.7	27.0%	4.37	5.37	0.49	34.0%	0.9232	4.92	0.45
DB-25-A2	45.8	17.4%	7.98	4.34	0.33	24.7%	3.3331	3.96	0.30

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Watershed Name	Area (acres)	Existing				Future			
		Infiltration Cover	Infiltration Area (acres)	FD (in/hr)	FC (in/hr)	Infiltration Cover	Added Infiltration Area (acres)	FD (in/hr)	FC (in/hr)
DB-25-D	46.2	4.5%	4.11	4.69	0.61	0.62	6.54	4.69	0.61
DB-25-E	43.6	26.5%	12.44	5.94	0.57	35.1%	2.8570	5.40	0.52
DB-25-C	23.0	13.6%	3.14	5.60	0.48	15.4%	0.4702	5.47	0.47
DB-25-F	66.9	16.8%	11.26	8.19	0.83	19.7%	1.9646	7.91	0.80
DB-25-G	97.0	19.9%	19.33	7.58	0.81	21.2%	2.8089	7.54	0.79
DB-25-A	4.9	13.2%	0.75	6.81	0.83	17.0%	0.2837	6.97	0.80
DB-25-B	64.1	29.0%	16.04	6.07	0.58	26.9%	0.9232	5.95	0.57
DB-25-A	4.2	30.6%	1.29	4.76	0.41	30.0%	0	4.76	0.41
DB-25-B	21.5	8.8%	1.89	5.73	0.48	13.2%	0.9232	5.45	0.46
DB-25-A	4.9	11.0%	0.81	4.09	0.28	18.5%	0.4702	3.78	0.28
DB-25-B	150.3	20.5%	30.74	4.76	0.59	21.4%	1.4205	4.72	0.59
DB-25-A	3.9	8.9%	0.32	3.73	0.09	25.6%	0.4702	2.23	0.07
DB-25-B	52.7	16.4%	8.63	4.33	0.32	16.4%	0	4.33	0.32
DB-25-C	87.2	21.2%	18.48	6.11	0.57	22.2%	0.9232	6.04	0.57
DB-24-D	81.1	27.0%	3.81	6.34	0.61	32.9%	0.4702	6.74	0.56
DB-14-A	5.7	23.4%	1.22	4.47	0.56	21.4%	0	4.47	0.56
DB-14-F	54.3	7.7%	4.18	6.33	0.56	9.5%	0.9232	6.21	0.55
DB-14-G	146.8	8.8%	13.02	6.94	0.64	10.9%	1.9646	6.85	0.64
DB-14-H	146.6	11.1%	2.20	4.11	0.29	18.4%	0.4702	3.65	0.28
DB-14-I	39.7	27.5%	16.03	7.38	0.40	30.0%	0.9232	7.19	0.48
DB-14-A	199.3	21.4%	23.37	5.33	0.47	21.8%	0.4702	5.30	0.47
DB-14-B	52.9	6.2%	3.30	6.74	0.61	7.1%	0.4702	6.67	0.60
DB-14-C	41.4	7.8%	2.80	4.40	0.31	9.3%	0.9232	4.31	0.30
DB-14-D	64.6	12.9%	8.24	7.33	0.71	14.4%	0.9232	7.23	0.70
DB-14-E	58.5	11.8%	4.89	7.17	0.68	13.4%	0.9232	7.01	0.67
DB-14-F	352.6	5.9%	20.97	5.81	0.47	7.9%	6.7149	6.89	0.46
DB-14-G	13.0	23.3%	3.50	6.10	0.58	29.7%	0.9232	6.00	0.53

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Watershed Name	Area (acres)	Existing				Future			
		Infiltration Cover	Infiltration Area (acres)	FD (in/hr)	FC (in/hr)	Infiltration Cover	Added Infiltration Area (acres)	FD (in/hr)	FC (in/hr)
DB-14-H	23.8	22.1%	5.25	7.65	0.76	24.5%	1.4205	7.06	0.72
DB-14-I	38.2	17.0%	6.50	7.63	0.76	24.5%	1.8597	6.94	0.69
DB-14-M	69.0	11.1%	7.63	6.39	0.58	14.5%	2.3801	6.34	0.56
DB-14-N	62.2	0.5%	0.00	0.00	0.00	0.5%	0.00	0.00	0.00
DB-14-O	41.3	22.1%	9.52	7.57	0.77	27.7%	1.9646	7.12	0.72
DB-14-P	71.2	16.0%	11.30	8.57	0.84	21.3%	3.8029	7.74	0.79
DB-15-C	36.9	12.7%	4.70	5.23	0.43	13.3%	0.9232	5.08	0.42
DB-15-L	26.1	26.4%	6.90	3.60	0.26	33.7%	1.9646	3.24	0.23
DB-15-P	22.5	42.0%	10.87	2.88	0.22	46.4%	0.9232	2.78	0.23
DB-15-Q	14.0	38.4%	3.40	4.22	0.37	43.2%	0.9232	3.71	0.33
DB-15-R	17.8	38.4%	6.84	5.95	0.60	43.7%	0.9232	5.43	0.55
DB-15-T	27.0	7.0%	1.88	6.52	0.58	17.6%	1.8597	6.28	0.52
DB-15-U	137.4	19.4%	20.49	6.03	0.63	23.0%	6.6626	5.76	0.60
DB-25-A	4.6	66.1%	7.95	3.03	0.29	74.8%	1.4205	2.16	0.21
DB-15-D	185.3	7.9%	14.57	4.86	0.34	8.1%	0.4702	4.84	0.33
DB-15-E	28.0	10.5%	2.94	6.62	0.61	12.2%	0.4702	6.49	0.60
DB-15-F	3.2	28.1%	0.05	7.02	0.71	28.7%	0	7.02	0.71
DB-15-G	20.6	10.3%	3.26	7.88	0.81	23.0%	2.8597	6.87	0.80
DB-15-H	7.0	30.0%	0.03	8.96	0.91	34.4%	0.3803	8.42	0.86
DB-15-I	10.6	29.7%	3.73	7.31	0.74	34.7%	0.9232	6.43	0.63
DB-15-J	61.4	4.9%	3.80	4.02	0.25	10.3%	3.3331	3.79	0.23
DB-15-K	37.5	10.0%	3.76	4.20	0.21	16.4%	3.3801	3.81	0.20
DB-15-L	196.8	5.7%	6.54	5.97	0.50	5.4%	6.6626	5.51	0.47
DB-15-M	82.2	8.4%	6.94	5.57	0.73	17.7%	3.7189	6.80	0.65
DB-15-N	53.3	13.5%	7.22	8.37	0.83	18.9%	1.8597	7.81	0.79
DB-15-O	74.9	1.4%	1.07	9.20	0.92	6.5%	3.8029	8.71	0.87
DB-15-M	58.1	3.2%	1.85	9.20	0.95	8.1%	2.8597	8.91	0.90

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Watershed Name	Area (acres)	Existing				Future			
		Infiltration Cover	Infiltration Area (acres)	FD (in/hr)	FC (in/hr)	Infiltration Cover	Added Infiltration Area (acres)	FD (in/hr)	FC (in/hr)
DB-16-N	13.6	26.4%	2.77	7.68	0.80	34.4%	1.9646	6.45	0.80
DB-40-A	172.9	11.1%	19.19	6.51	0.59	14.7%	6.1910	6.24	0.57
DB-40-D	336.3	14.7%	31.85	7.20	0.70	20.0%	11.4278	6.75	0.65
DB-40-E	23.2	35.4%	8.21	4.52	0.40	41.3%	1.4205	4.09	0.37
DB-40-F	27.4	22.5%	6.17	4.71	0				

City of Rockport Master Drainage Plan Modeling Report

Table with 10 columns: Watershed Name, Area (acres), Existing Impervious Cover, Existing Impervious Area (acres), PD (in/hr), FC (in/hr), Impervious Cover, Added Impervious Area (acres), PD (in/hr), FC (in/hr). Rows include watersheds like DB-56-A through DB-56-Z.

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City of Rockport Master Drainage Plan Modeling Report

Table with 10 columns: Watershed Name, Area (acres), Existing Impervious Cover, Existing Impervious Area (acres), PD (in/hr), FC (in/hr), Impervious Cover, Added Impervious Area (acres), PD (in/hr), FC (in/hr). Rows include watersheds like DB-56-AA through DB-56-ZZ.

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City of Rockport Master Drainage Plan Modeling Report

Table with 10 columns: Watershed Name, Area (acres), Existing Impervious Cover, Existing Impervious Area (acres), PD (in/hr), FC (in/hr), Impervious Cover, Added Impervious Area (acres), PD (in/hr), FC (in/hr). Rows include watersheds like DB-57-A through DB-57-Z.

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City of Rockport Master Drainage Plan Modeling Report

Table with 10 columns: Watershed Name, Area (acres), Existing Impervious Cover, Existing Impervious Area (acres), PD (in/hr), FC (in/hr), Impervious Cover, Added Impervious Area (acres), PD (in/hr), FC (in/hr). Rows include watersheds like DB-57-AA through DB-57-ZZ.

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City of Rockport Master Drainage Plan Modeling Report

Table with 10 columns: Watershed Name, Area (acres), Existing Impervious Cover, Existing Impervious Area (acres), PD (in/hr), FC (in/hr), Impervious Cover, Added Impervious Area (acres), PD (in/hr), FC (in/hr). Rows include watersheds like DB-58-A through DB-58-Z.

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City of Rockport Master Drainage Plan Modeling Report

Table with 10 columns: Watershed Name, Area (acres), Existing Impervious Cover, Existing Impervious Area (acres), PD (in/hr), FC (in/hr), Impervious Cover, Added Impervious Area (acres), PD (in/hr), FC (in/hr). Rows include watersheds like DB-58-AA through DB-58-ZZ.

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Watershed Name	Area (acres)	Existing				Future			
		Impervious Cover	Impervious Area (acres)	FD (In/hr)	Fc (In/hr)	Impervious Cover	Added Impervious Area (acres)	FD (In/hr)	Fc (In/hr)
TD-55-D	8.1	48.8%	1.32	3.69	0.31	52.9%	0.95232	2.56	0.29
TD-55-D	39.3	24.7%	9.79	2.62	0.12	29.0%	1.96665	2.45	0.11
TD-55-E	11.0	37.6%	4.12	1.87	0.06	41.7%	0.47616	1.74	0.06
TD-55-F	8.7	35.8%	2.40	1.92	0.06	42.9%	0.47616	1.71	0.06
TD-58-G	11.9	48.0%	5.72	4.34	0.42	52.0%	0.47616	4.80	0.39
TD-60	25.5	30.6%	7.76	2.90	0.18	36.7%	1.42848	2.67	0.16
TD-61-A	11.8	9.8%	1.16	8.88	0.90	17.9%	0.95232	8.09	0.82
TD-61-B	10.5	33.2%	3.49	3.45	0.26	42.2%	0.95232	2.98	0.22
TD-62	14.7	27.8%	4.08	4.17	0.33	37.5%	1.42848	3.61	0.29
TD-63	24.0	39.1%	9.37	1.82	0.06	47.9%	1.96665	1.58	0.05
TD-64-B	51.6	18.5%	9.52	6.85	0.66	23.1%	2.58081	6.46	0.62
TD-64-C	3.4	31.2%	1.06	6.58	0.66	45.1%	0.47616	5.23	0.53
TD-64-D	67.2	14.8%	9.92	6.07	0.55	20.4%	3.80920	5.66	0.51
TD-64-H	7.6	28.8%	2.19	2.13	0.07	41.3%	0.95232	1.76	0.06
TD-65-D	29.8	11.3%	3.36	4.63	0.48	16.1%	1.42848	5.33	0.45

Table A-5. Existing and Proposed Risk Areas

Risk Area	Location	Road Type	100-Year Ex Road Flooding		5-Year Ex Road Flooding		Flooded Structures, Existing	100-yr Prop Road Flooding		5-yr Prop Road Flooding		Flooded Structures, Proposed
			Crest Max Depth (ft)	Crest Length (ft)	Crest Max Depth (ft)	Crest Length (ft)		Crest Max Depth (ft)	Crest Length (ft)	Crest Max Depth (ft)	Crest Length (ft)	
1	35 Business at Taylor Blvd	Major	2.50	400	-	-	None	0.53	500	-	-	None
2	35 Business at Enterprise Blvd	Major	2.50	1,590	1.30	300	None	1.00	1,000	0.30	50	None
3	35 Business at E. Maple St.	Major	2.20	1,090	1.60	400	None	1.00	500	0.30	200	None
4	FM 1069 at Hickory St.	Major	1.80	800	-	-	None	-	-	-	-	None
5	FM 1069 at 35 Business	Major	1.60	620	-	-	None	0.90	450	-	-	None
6	FM 1069 at Smart St.	Major	1.50	500	-	-	None	-	-	-	-	None
7	FM 1069 at Barton St.	Major	1.45	320	-	-	None	0.55	225	-	-	None
8	35 Business at Tule Park Dr.	Major	1.40	250	1.20	25	None	0.55	100	-	-	None
9	FM 1069 at N. Kenneth St.	Major	1.20	700	-	-	None	0.60	600	-	-	None
10	FM 1069 at 35	Major	1.00	210	0.60	120	None	0.70	120	-	-	None
11	Enterprise Blvd at N. Live Oak St.	Collector	2.50	1,000	0.90	200	None	0.70	1,400	0.40	190	None
12	N Live Oak St. at E Maple St.	Collector	2.20	1,090	-	-	3 SFR	0.80	500	-	-	None
13	FM 1069 at Loop 70	Collector	1.90	200	1.20	140	4 SFR, 2 COM	0.40	100	-	-	None
14	Enterprise Blvd at Overbrook St.	Collector	1.80	700	0.75	50	None	0.60	650	-	-	None
15	Spanish Woods Dr at Paso Modern Dr.	Collector	1.55	500	-	-	None	0.50	120	-	-	None
16	FM 2165 at E Orleans St.	Collector	1.50	2,000	0.50	20	4 SFR, 2 COM	0.80	1,000	-	-	None

Discussion was held among Council and Ms. Karl.

Ms. Karl stated that URS Corporation had sent some maps to Urban Engineering and she and Mr. Jim Urban thought the maps should contain more data sets. Ms. Karl informed the Council that URS is working on getting the maps with additional data sets to Urban Engineering; should possibly receive the maps the week after Thanksgiving.

Mayor Wax asked when the Master Drainage Plan is going to be completed and provided to the City.

Ms. Karl answered that will occur as soon as staff and Council can review the information that has

been provided and review the maps that URS is providing. Ms. Karl stated everything is being packaged now.

Mayor Wax asked Ms. Karl if the watershed boundaries that were used are the same ones that Aransas County uses.

Ms. Karl answered: “Yes, they mirror them very closely.”

**4. Hear and deliberate on a proposed utility easement for the Cape Velero loop waterline project.**

Mayor Wax stated the Council will pass on this Agenda item because it will be addressed at tonight’s Council Meeting.

**5. Adjournment**

At 2:35 p.m., Council Member Villa moved to adjourn. Motion was seconded by Mayor Pro-Tem Rios and carried unanimously.

**APPROVED:**

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Charles J. Wax, Mayor

**ATTEST:**

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Teresa Valdez, City Secretary

# CITY OF ROCKPORT

## MINUTES

### CITY COUNCIL REGULAR MEETING 6:30 p.m., Tuesday, November 17, 2015 Rockport City Hall, 622 East Market Street

On the 17<sup>th</sup> day of November 2015, the City Council of the City of Rockport, Aransas County, Texas, convened in Regular Session at 6:30 p.m., at the regular meeting place in City Hall, and notice of meeting giving time, place, date and subject was posted as described in V.T.C.A., Government Code § 551.041.

#### **CITY COUNCIL MEMBERS PRESENT**

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

#### **CITY COUNCIL MEMBER(S) ABSENT**

#### **STAFF MEMBERS PRESENT**

City Manager Kevin Carruth  
Attorney Rob Baiamonte  
City Secretary Teresa Valdez  
Police Chief Tim Jayroe  
Public Works Director Mike Donoho  
Assistant Public Works Director Art Smith  
Park & Leisure Services Director Tom Staley  
Community Planner Kimberly Clark  
Finance Director Patty Howard

#### **ELECTED OFFICIALS**

Aransas County Navigation District Precinct 3  
Commissioner Malcolm Dieckow  
Town of Fulton Mayor Jimmy Kendrick

#### **Opening Agenda**

##### **1. Call to Order.**

With a quorum of the Council Members present, the Regular Meeting of the Rockport City Council was called to order by Mayor Wax at 6:30 p.m. on Tuesday, November 17, 2015, in the Council Chambers of the Rockport City Hall, 622 E. Market Street, Rockport, Texas.

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

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

### **3. Presentation: Designation of Master Municipal Clerk – City Secretary Teresa Valdez.**

Mayor Wax advised the state of Texas has 25 million people and there are 1146 cities that are members of the Texas Municipal League. Mayor Wax said that includes everybody from Houston, Dallas, Fort Worth, Austin, Rockport, Fulton; cities of every size. Mayor Wax expressed that there is a total of, now that Ms. Teresa Valdez is included, 27 Master Municipal Clerks in the entire state of Texas. Mayor Wax declared that this is really special, there is less than 2.5% of the municipal clerks in the state who reach this level. Mayor Wax added that there is a tremendous amount of education, background, and contribution to reach this level, and the City of Rockport has got one of the best in the state.

Mayor Wax presented Ms. Valdez with the International Institute of Municipal Clerks designation of Master Municipal Clerk.

### **4. Citizens to be heard.**

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

Lynn Blumenfeld addressed the Council. Ms. Blumenfeld commended the Council for their help and cooperation in getting transportation to Aransas County. Ms. Blumenfeld informed the Council that she is the only representative of Aransas County on the Transportation Coordination Network of the Coastal Bend. Ms. Blumenfeld invited the Council and public to attend a meeting on Thursday, November 19, 2015, at 2:00 p.m. at the Aransas County Library. Ms. Blumenfeld expressed a need to get more people riding the Rural Economic Assistance League (REAL) transit buses and asked that everyone help spread the word.

Steve Pham addressed the Council. Mr. Pham stated he was a long-time resident of Rockport, since 1979, and he owns quite a bit of property. Mr. Pham informed the Council that he is thinking about putting some cottage homes on a piece of property he owns at Young & Fourth Streets but there is an easement on the property. Mr. Pham said he is asking the Council to purchase or release the easement and he would like this to be placed on the next Council meeting agenda for consideration.

### **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 October 27, 2015.**

### **6. Deliberate and act to appoint members to the YMCA Development Committee.**

- 7. Deliberate and act on request from Coastal Conservation Association Texas for use of the festival site on May 10-14, 2016, for the 17<sup>th</sup> Annual Babes on the Bay fishing tournament.**

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

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

### **Public Hearing**

- 8. Conduct a Public Hearing to review performance and obtain comments regarding City of Rockport's 2013 Texas Community Development Block Grant Program Contract 713411 – West Terrace and Doughty Area Water Improvement project.**

Mayor Wax opened the Public Hearing at 6:41 p.m.

There were no public comments.

Betty Collier with GrantWorks addressed the Council. Ms. Collier stated GrantWorks was the administrator for this grant project and 21 homes were connected to the City's utility system in the West Terrace and Doughty area.

Mayor Wax closed the Public Hearing at 6:43 p.m.

- 9. Conduct Public Hearing on an application from Hurd Enterprises, Ltd. for a Permit to Drill Oil or Gas Well located within the David Lockard Survey A-97 next to the Aransas County Airport.**

Mayor Wax opened the Public Hearing at 6:43 p.m.

There were no public comments.

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

### **Regular Agenda**

- 10. Deliberate and act on an application from Hurd Enterprises, Ltd. For a Permit to Drill Oil or Gas Well located within the David Lockard Survey A-97 next to the Aransas County Airport.**

Public Works Director Mike Donoho informed the Council that on October 12, 2015, staff became aware of a drilling site on Airport Road on the south side of the Aransas County Airport. Mr. Donoho stated further investigation revealed that site preparations were completed and drilling commenced on October 16, 2015, without a required permit from the City. Mr. Donoho said that despite the land survey and state drilling application stating that the site was within the City of Rockport, Hurd Enterprises avers that they relied on statements from Aransas County officials that

the property was in the unincorporated area. Mr. Donoho added that once Hurd Enterprises was aware of the discrepancy, they have been very straightforward and diligent in working with staff on the permit. Mr. Donoho informed the Council that the application or permit was received on October 26<sup>th</sup> and the required public hearing was conducted tonight. Mr. Donoho stated no citations have been issued for drilling without a permit and as of November 13, 2015, no citizen complaints have been received.

Mayor Wax asked if the City has since contacted the County in regard to this matter.

Mr. Donoho answered “Yes” and that it was just a misunderstanding and miscommunication.

Discussion was held among Council and Mr. Donoho.

**MOTION:** Mayor Pro-Tem Rios moved to grant a Permit to Drill Oil or Gas Well located within the David Lockard Survey A-97 next to the Aransas County Airport to Hurd Enterprises, Ltd. Council Member Villa seconded the motion. Motion carried unanimously.

*Mayor Wax stated the Council will move ahead in the Agenda and consider Agenda Item #12.*

**12. Deliberate and act on contract with Lockwood, Andrews, & Newnam Engineering to assist with floodplain management initiatives and the National Flood Insurance Program’s Community Rating System.**

Mayor Wax stated the Council had received a presentation on the National Flood Insurance Program’s Community Rating System this afternoon at the Council Workshop.

Council Member Day asked Public Works Director Mike Donoho if funds had been budgeted for this.

Mr. Donoho answered that funds were not budgeted specifically for this but there are funds in the professional services line item to be taken from both the Public Works and Building and Development Departments.

Mayor Wax stated that insurance savings for Rockport at Class 7 Rating is 15%, which is an annual savings of \$64,673. Mayor Wax expressed that Rockport is only 500 points away from the next step for an additional 5% savings. Mayor Wax added that Aransas County Judge Mills seemed to indicate this afternoon that the single Hazard Mitigation Action Plan will be prepared for the entire County.

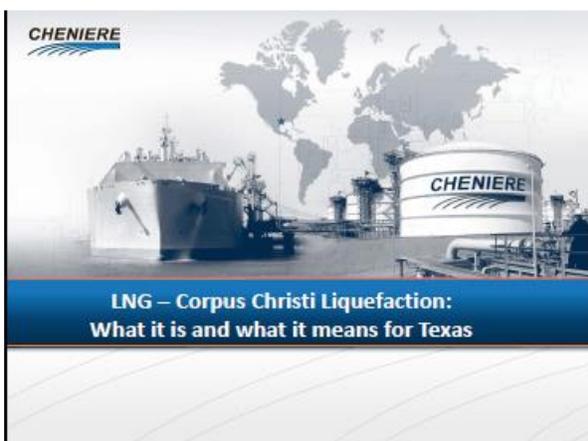
Discussion was held among Council and Mr. Donoho.

**MOTION:** Mayor Wax moved to approve contractual service with Lockwood, Andrews, & Newnam, Inc. (LAN) Engineering in an amount not to exceed \$51,655.00. Council Member Villa seconded the motion. Motion carried unanimously.

**11. Hear, deliberate and act on a presentation from Cheniere regarding area needs, traffic & site construction status, and project update.**

Mayor Wax welcomed Cheniere Manager, Government and Public Affairs Corpus Christi Facility Will Nichols. Mayor Wax stated Mr. Nichols is going to give a presentation on what Cheniere has planned so that the City can begin to plan for the impact on Rockport and surrounding area.

Mr. Will Nichols gave the following presentation (below).



### What Is Liquefied Natural Gas (LNG)?

- LNG is natural gas that has been super-cooled to -260°F and changed from gas to liquid
- Liquefaction reduces volume by 600-to-1
- Stored cold in insulated containers at near atmospheric pressure
- Safe to store and transport
- LNG is colorless, odorless, non-corrosive, and non-toxic
- Becomes lighter than air when vaporized

### LNG Facility Design Parameters

- Zero leak tolerance
- Thermal exclusion zones are calculated
  - These set site area requirements so that no injurious levels of thermal radiation extend beyond the facility property
- Vapor dispersion is calculated
  - The hazard from a vapor cloud must also remain on the facility property
- Marine safety/security zones are designated
  - Prevent ship collisions with LNG carrier
  - Control access to area around LNG carrier

### LNG Shipping

*3 Cross Section of the LNG Ship's Hull and Containment System to Show How the Hull is Built*

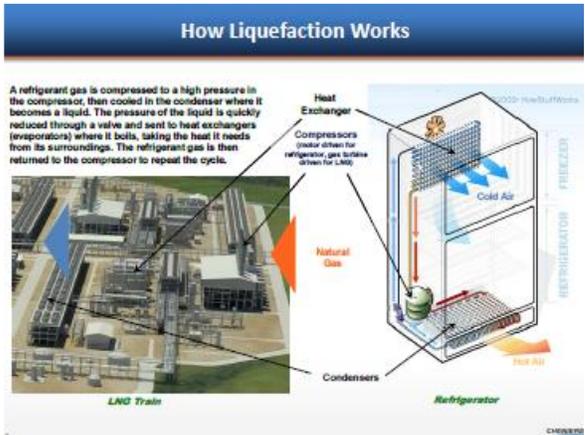
- Double-hulled state of the art tankers
- LNG is stored in a special containment system within the inner hull
- Kept at about 1.5 psi above atmospheric pressure at -260°F
- Use "boil-off" gas as onboard fuel
- Many safety features for cargo containment & fire prevention
- Well over 135,000 safe voyages

### Moss Containment-Type LNGCs

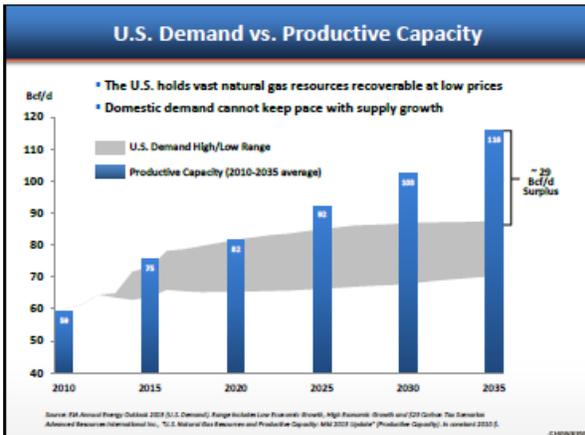
### LNG – Tugs

- 4 X True-Tractor Tugs
- Purpose-built specifically for assisting LNGCs
- Engines 2 x 3546C Caterpillar Diesels; 3,150 BHP each at 1800 RPM
- Bollard Pull ~77 MT
- Max Speed ~12 Kts
- Provide maneuvering and other ship-assist functions to LNGCs for transits / dockings / undockings

# LIQUEFACTION TECHNOLOGY



# NATURAL GAS SUPPLY AND DEMAND



## Economic Development in Football and Schlitterbahn Terms

- Corpus Christi Liquefaction = \$20 billion
- Cowboys Stadium = \$1.2 billion

Equivalent to over 16.5 Cowboys Stadiums Being Built AND Equivalent to over 36 Schlitterbahn P.I. Projects

# CORPUS CHRISTI LIQUEFACTION

## Corpus Christi Liquefaction Project



**Proposed 5 Train Facility**

- >1,000 acres owned and/or controlled
- 2 berths, 4 LNG storage tanks (~13.5 bde of storage)

**Key Project Attributes**

- 45 ft. ship channel 14 miles from coast
- Protected berth
- Premier Site Conditions
- 23-mile 48" and 42" parallel pipelines will connect to several Interstate and Intra-state pipelines

**Liquefaction Trains 1-2: Under Construction**

- Lump Sum Turnkey EPC contracts w/ Bechtel
- T1 & T2 EPC contract price ~7.1B
- Construction commenced July 2015
- Operations estimated 2018-2019

**Liquefaction Train 3: Partially Contracted**

- Liquefaction Trains 4-5: Initiated Development
- Permit process started June 2015

**Commenced Construction on Trains 1-2 in May 2015**



## Corpus Christi Liquefaction Project



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- >1,000 acres owned and/or controlled
- 2 berths, 4 LNG storage tanks (~13.5 bde of storage)

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**Liquefaction Trains 1-2: Under Construction**

- Lump Sum Turnkey EPC contracts w/ Bechtel
- T1 & T2 EPC contract price ~7.1B
- Construction commenced May 2015
- Operations estimated 2018

**Liquefaction Train 3: Partially Contracted**

- 0.8 mtpa contracted to date
- Targeting additional 2.1 mtpa
- Reach FID upon contracting

**Liquefaction Trains 4-5: Initiated Development**

- Permit process started June 2015
- Two trains, one tank, no new berths

**Commenced Construction on Trains 1-2 in May 2015**

## Corpus Christi Liquefaction Stage 3 (Trains 4 and 5) LNG Facility

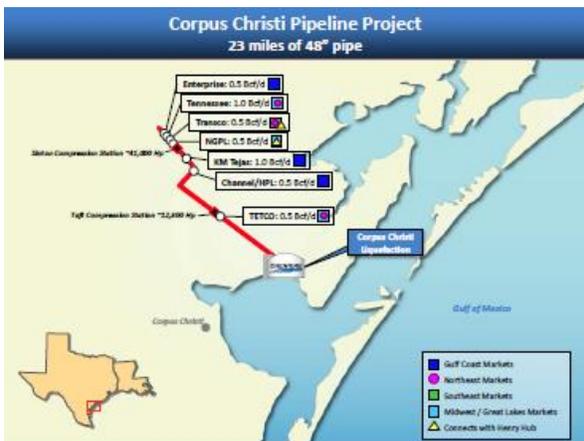
- Located within dredge management placement area for Stage 1-2 Project
- Two LNG liquefaction trains each with liquefaction capacity of 5 mtpa
- One full-containment LNG storage tank
- Interconnection to Stage 1-2 Project
- No new marine facilities. Will share marine facilities with Stage 1-2 Project.
- Increase in LNG vessel calls from 300 to 400 annually



## Corpus Christi Liquefaction Project Overview

- > 1,000 acres owned and/or controlled
- Marine environment conducive to receiving large tankers
  - Deepwater channel (45 feet, 13.7 m)
  - Uncongested waterways
  - Protected berth
- Premier Site Conditions
  - Established industrial zone
  - Elevated site naturally protected from storm surge
  - Onsite dredge disposal
  - Strong local support
- Low Cost Construction
  - \$35 million of site prep work completed
  - Soils do not require piles
  - Excellent local labor, infrastructure & utilities
  - Proximate pipeline interconnections

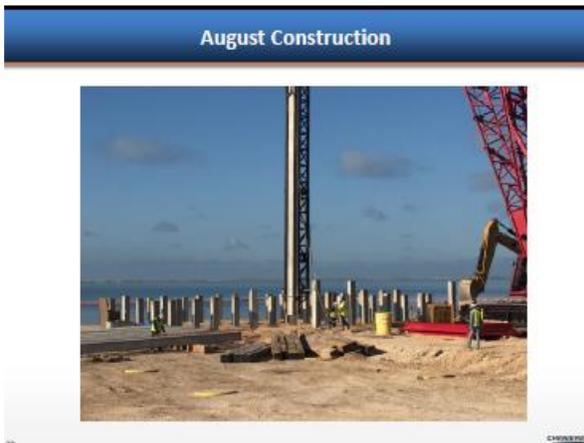
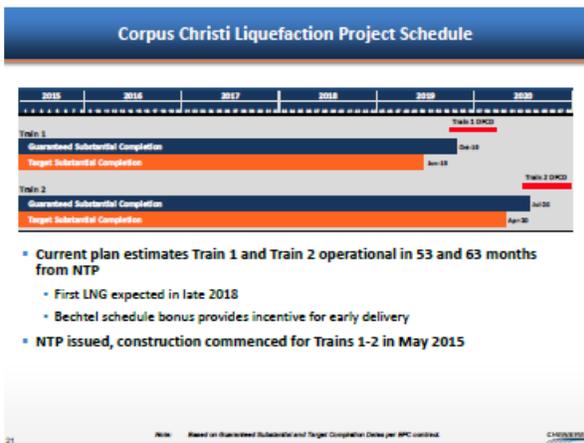




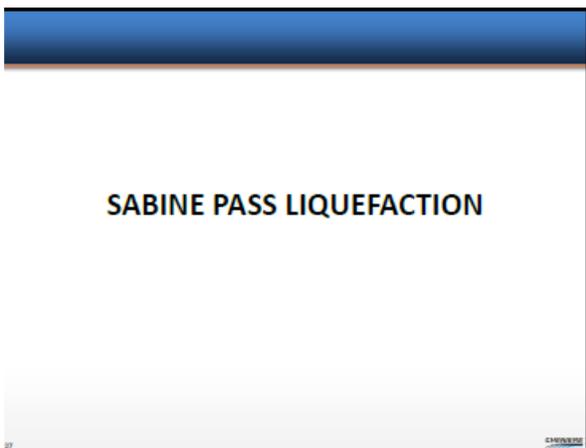
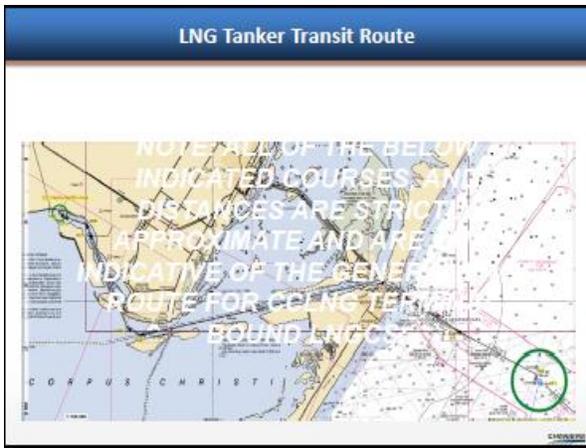
### Corpus Christi Liquefaction Trains 1-3 Potential Job Opportunities

2015 to 2020

Job Category	Number of Positions	Timeframe
Management	8 - 10	2015 to 2017
Administrative Assistants, Document Controllers	3 - 8	2015 to 2019
Operations, Maintenance, Marine Supervisors and Coordinators	10 - 18	2016 to 2018
Operators, Maintenance Technicians, Planners, Schedulers	135 - 155	2017 to 2020
Engineers and Analysts (Process, Controls, Mechanical, Electrical, Civil, EHS, Fire Safety)	30 - 35	2015 to 2020
Technical Training Coordinators and Specialists	4 - 8	2016 to 2018
Outage Planners and Schedulers, Warehouse	10 - 16	2017 to 2019
Contract Security	Confidential	Confidential
<b>Total Potential Direct Job Opportunities</b>	<b>200 - 250</b>	



- ### Expanding U.S. Natural Gas Exports Will...
- Improves domestic security of supply
  - Reduces price volatility
  - Supports steady development of natural gas resources
  - Diversifies supply sources in global markets
    - Increased liquidity and trade at prices established by market forces
  - Displaces environmentally-damaging fuels in developing nations
  - Positively impacts the U.S. trade balance by ~\$7 billion
  - Creates new construction and operating jobs
    - 100-150 long-term, skilled technical jobs
    - 4,000 peak construction jobs
    - 13 million man-hours
    - ~\$1 Billion estimated wages/benefits (rate of \$70/hour)
  - Indirect jobs created
    - 30,000 - 50,000 skilled workers





Discussion was held among Council and Mr. Nichols.

Mayor Wax thanked Mr. Nichols for his presentation and stated the Council looks forward to inviting Mr. Nichols back to a Council Meeting for an update in the next 6-8 months.

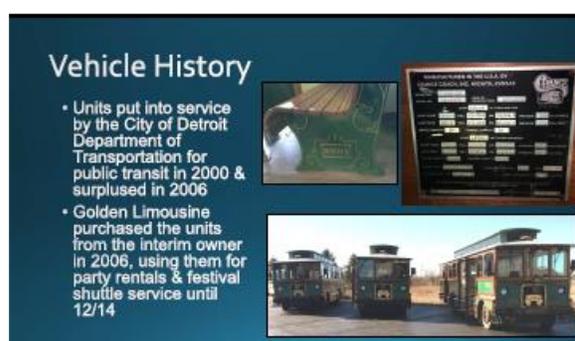
**13. Hear and deliberate on presentation from Aransas First on Bent Oaks Conservancy contributions.**

Dr. Earl Matthew gave an update on the contributions Aransas First has received on behalf of the Bent Oaks Conservancy for the purchase of the 8.8 acres the City has under contract in the 1500 block of Broadway. Dr. Matthew informed the Council that 24 persons have donated for a total of \$8500 thus far.

Mayor Wax stated the City is planning to close on that property on January 15, 2016.

**14. Deliberate and act on the purchase of trolley buses.**

City Manager Kevin Carruth and Town of Fulton Mayor Jimmy Kendrick gave a presentation (below) on the trolley buses they inspected in Michigan on November 15, 2015. Mr. Carruth informed the Council that the price for the three trolleys is \$60,000 and he believes the buyer is motivated to sell.







**Golden International Limited Liability Trolley Unit Assessments**

Expense	4007	4008	4012	Total	Notes
Base	\$ 18,535	\$ 18,535	\$ 18,535	\$ 55,605	Unit to \$60,000
Transport	\$ 4,000	\$ 4,000	\$ 4,000	\$ 12,000	
CNG tanks	\$ 24,000	\$ 24,000	\$ 24,000	\$ 72,000	Tanks reached DOT 32/34 & cannot be recertified. Number of tanks is scalable. Replacement tanks are \$2,000 - \$3,000 each.
Tires	\$ 300	\$ 600	\$ -	\$ 900	Three tires need replacement now; remaining 15 are good.
ASH Kit	\$ 3,000	\$ 2,000	\$ -	\$ 5,000	1/8 on 4012, 4007 & 4008 needed.
Wood Refurb	\$ 1,000	\$ 1,000	\$ 1,000	\$ 3,000	Interior woodwork in all units is good; exterior wood on 4012 recently polysaturated. Exterior wood on 4007 & 4008 needs refinishing.
Brass Refurb	\$ 700	\$ 700	\$ 700	\$ 2,100	Interior brass on all units is good w/occasional minor pitting. Brass on all doors needs refinishing.
Paint	\$ 2,000	\$ 2,000	\$ 2,000	\$ 6,000	Exterior paint on all units is oxidized (may be able to delay w/good washing).
Graphics	\$ 2,000	\$ 2,000	\$ 2,000	\$ 6,000	Current owner's graphics are wrapped over DOT's signage.
Video	\$ 1,000	\$ 1,000	\$ 1,000	\$ 3,000	Multiple interior domed surveillance cameras in all units. Current owner has never used them & there are no recording devices or control panels.
Miscellaneous	\$ 500	\$ 500	\$ 1,300	\$ 2,300	Leveling system on rear passenger side of 4012 needs repair, owner reports that it rides fine when running. Occasional interior sheet metal rust or damage on all units.
<b>Total</b>	<b>\$ 60,940</b>	<b>\$ 60,141</b>	<b>\$ 58,245</b>	<b>\$ 162,400</b>	

### Miscellaneous Notes

- All units ran fine with no audible difference in running sound between units
- Maintenance records from 2009 forward have been supplied
- Air conditioning blew cold
- All units have two batteries each & are 2 yrs. Old or newer

### Options

1. Buy all 3, rehab & operate two & use the third one for parts
2. Option 1 but replace only some CNG tanks in order to reduce cost
3. Buy a new trolley (approx. \$198,690 each)
4. Keep looking

Mr. Carruth stated that the 8 CNG tanks on the trolleys cannot be recertified and replacement tanks are \$2,000 - \$4,000 each. Mr. Carruth added that there may be an opportunity to cut costs and not have to replace all 8 tanks. Mr. Carruth reviewed the 4 options: 1) Buy all 3 trolleys, rehab and operate two & use the third one for parts; 2) Option 1, but replace only some CNG tanks in order to reduce costs; 3) Buy a new trolley - approximately \$198,690 each (quote below); or 4) Keep looking.

QUOTE Page 1

QUOTE Page 3

Discussion was held among Council, Mayor Kendrick and Mr. Carruth.

**MOTION:** Mayor Wax moved to authorize the City Manager to negotiate the price for the 3 trolleys, and execute a purchase contract, to pursue Option 2 as presented. Council Member Villa seconded the motion. Motion carried unanimously.

### 15. 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 Wax welcomed Attorney Rob Baiamonte back to the community.

Mayor Pro-Tem Rios said he had attended the Chamber of Commerce Board Meeting and there was a lot of interest in the Workshop item on the Community Rating System. Mayor Pro-Tem Rios added that there was also a lot of interest in the Tropical Christmas parade route and why it had been changed.

### **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:**

- 16. Section 551.071(1)(A) Consultation with Attorney on pending or contemplated litigation: a) Aumada, b) Templeton, c) Pena/Dack, and d) Bay Education Center.**
- 17. Section 551.071(2) Consultation with Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter.**
- 18. Section 551.072 Deliberation about Real Property: Acquisition of property for public purpose: a) 412 N. Live Oak Street, b) 1501 and 1505 Broadway, c) Project Barn Owl, and d) Project Painted Bunting.**
- 19. Section 551.087 Deliberation Regarding Economic Development Negotiations: Project Cardinal.**
- 20. Section 551.074 Personnel Matters – City Secretary.**

At 8:25 p.m., Mayor Wax convened the Rockport City Council into an executive session pursuant to the provisions of Chapter 551 of the Texas Government Code, in accordance with the authority contained in Section 551.071910(A) Consultation with Attorney on pending or contemplated litigation: a) Aumada, b) Templeton, c) Pena/Dack, and d) Bay Education Center; Section 551.071(2) Consultation with Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rule of Professional Conduct of the State Bar of Texas clearly conflicts with the chapter; Section 551.072 Deliberation about Real Property: Acquisition of property for public purpose: a) 412 N. Live Oak Street, b) 1501 and 1505 Broadway, c) Project Barn Owl, and d) Project Painted Bunting; Section 551.087 Deliberation Regarding Economic Development Negotiations: Project Cardinal; and Section 551.074 Personnel Matters – City Secretary;

### **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 9:18 p.m., Mayor Wax reconvened the Rockport City Council into open session pursuant to the provisions of Chapter 551 of the Texas Government Code to take any necessary actions related to the executive sessions noted herein, or regular agenda items, noted above, and/or related items.

No action was taken.

**22. Adjournment**

At 9:18 p.m., Council Member Villa moved to adjourn. Motion was seconded by Mayor Pro-Tem Rios and carried unanimously.

**APPROVED:**

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Charles J. Wax, Mayor

**ATTEST:**

---

Teresa Valdez, City Secretary

**CITY COUNCIL AGENDA**  
**Regular Meeting: Tuesday, December 8, 2015**

---

**AGENDA ITEM: 5**

Deliberate and act to appoint member to the Park & Leisure Services Advisory Board.

**SUBMITTED BY:** Mayor Charles J. Wax

**APPROVED FOR AGENDA:** PKC

**BACKGROUND:** There is one vacancy on the Park and Leisure Services Advisory Board. As provided in Sec. 70-41 of the City of Rockport Code of Ordinances, the City Council is to appoint members to the Board.

**Sec. 70-41. Composition; appointments.**

(b) All appointments to the park and leisure services advisory board shall be made by the city council. Such appointments will be made from a pool of individuals to represent each of the four city wards and three representatives appointed by the mayor who have made application to serve on the park and leisure services advisory board. The park and leisure services advisory board may offer recommendations to the city council regarding appointments to the board.

An applications to serve on the Park and Leisure Services Advisory Board has been received from Jeanette Larson and accompanies this briefing sheet. The current membership of the Commission is listed in the table below.

**Park and Leisure Services Advisory Board**

Place	Member	End of Term	Ward	Comments
1	Kate Catlow	June 1, 2018	1	Richard Corbit did not seek reappointment.
2	Ty Brisgill	June 1, 2018	1	
3	Leo Villa	June 1, 2017	2	
4	Kathryn Morrow	June 1, 2018	3	
5	Cassandra Perkins	June 1, 2017	2	
6	Debra Corpora	June 1, 2016	3	Bob Shoemaker passed away.
7	Jeanette Larson	June 1, 2016	4	Ellen Kennard moved.

Council Liaison: J.D. Villa

Staff Liaison: Tom Staley

**FISCAL ANALYSIS:** N/A

**STAFF RECOMMENDATION:** Staff recommends appointment of Jeanette Larson to the Park and Leisure Services Advisory Board as presented.

CITY OF ROCKPORT  
622 E. Market St  
Rockport, TX 78382  
361-729-2213

APPLICATION FOR  
BOARD OR COMMISSION APPOINTMENT

Check area of Interest

- Keep Rockport Beautiful Advisory Board
- Planning and Zoning Commission
- Tree & Landscaping Committee
- Rockport Heritage District Board
- Park and Leisure Services Advisory Board
- Environmental Committee for Water Issues
- Other \_\_\_\_\_  
(please add)

Name JEANETTE LARSON Age (Optional) \_\_\_\_\_

Home Address: 185 HERON OAKS

Home Phone: 361 727 9855 Work Phone \_\_\_\_\_

Business Address: \_\_\_\_\_

E-mail Address: fa2caly@yahoo.com

Resident of City for 2 years Voter Registration No. 1140610276

Occupation: RETIRED LIBRARIAN

Education: MS IN LIBRARY SCIENCE, BA IN ANTHROPOLOGY

Special Knowledge or Experience Applicable to City Board or Commission Function (attach additional information if needed)

SERVED ON LIBRARY BOARD (PFLUERSVILLE) RETIRED TX STATE LIBRARY WORKED WITH CITY & STATE BOARDS

- Banking/Finance
- Building/Construction
- Real Estate/Development
- Industrial Training
- Business Development
- Promotion/Marketing
- Manufacturing/Industrial Operations
- Law/Contract Administration

Other Information (civic activities, etc.) BENT OAKS CONSERVANCY MEMBER

I have attended one or more meetings of the board or commission for which I have applied

Yes  No

Date: 11/19/15

Signature: 

RETURN COMPLETED FORM TO THE CITY SECRETARY'S OFFICE

ALL INFORMATION MUST BE FURNISHED IN ORDER TO BE CONSIDERED  
Email to: [city.sec@cityofrockport.com](mailto:city.sec@cityofrockport.com)

**CITY COUNCIL AGENDA**  
**Regular Meeting: Tuesday, December 8, 2015**

---

**AGENDA ITEM: 6**

Deliberate and act on report from Rockport Center for the Arts and Rockport Rotary Club for marketing expenditures made for Rockport Film Festival 2015.

**SUBMITTED BY:** City Secretary Teresa Valdez

**APPROVED FOR AGENDA:** PKC

---

**BACKGROUND:** At the Special City Council Workshop held on June 2, 2015, Diane Probst, Chair of the Rockport Rotary Club presented their budget request to the City Council for Hotel Occupancy Tax funds to advertise the Annual Rockport Film Festival to be held in November 2015. Budget deliberations were held through the summer to finalize the City's Fiscal Year 2015-2016 Budget, with formal adoption at the September 15, 2015, City Council Meeting. Upon approval of the Fiscal Year 2015-2016 Budget, the City Council awarded the Rockport Center for the Arts and Rockport Rotary Club \$2,500.00 in funding.

---

**FISCAL ANALYSIS:** The FY 2015-2016 Budget includes \$2,500 in account 6602040 and is budgeted at \$109,700, of which \$109,700 is available.

---

**RECOMMENDATION:** Staff recommends approval of the report submitted by Rockport Center for the Arts and Rockport Rotary Club for the annual Rockport Film Festival held November 2015, and authorize disbursement of Hotel Occupancy Tax funds in the amount of \$2,500.00 according to agreement.

## EXHIBIT "B"

<b>HOT FUNDING EXPENSE REPORT FY 2015-2016</b>		
<b>Description of Expense</b>	<b>Approved Budget</b>	<b>Amount of Expense</b>
Social Media	\$2,5000.00	\$222.60
Radio	For all 4 categories	\$400.00
Online Ads		\$700.00
Printing & Inserts		\$1,176.42
<b>TOTAL REIMBURSEMENT REQUEST</b>		<b>\$2,499.02</b>

# Hotel Occupancy Tax Report for the City of Rockport 9<sup>th</sup> Annual Rockport Film Festival



**A collaborative project between the Rockport Rotary Club and the Rockport Center for the Arts  
3 days, 37 films, 4 venues**

# Advertising - Online

# Facebook

The screenshot displays the Facebook page for the Rockport Film Festival. The page features a prominent banner for the festival, scheduled for November 5-7. Below the banner, there is a section for 'Promote' with a dropdown menu set to 'THIS WEEK'. The promoted post shows 3,182 Post Reach, 387 Post Engagement, and 5 Website Clicks. The page also shows 1,644 likes and +220 likes this week. The 'Recent' section on the right lists years from 2015 to 2009.

## Targeted & Sponsored Posts on Facebook

Houston, TX  
San Antonio, TX  
Austin, TX  
Alice, TX  
Mathis, TX  
Port Aransas, TX  
Corpus Christi, TX

Reaching up to 4200 impressions per post

In the past month, our Facebook followers have increase from 1300 to 1698

# Facebook

## Post Shares

Our Facebook posts were seen and shared by local businesses, such as WWN Rockport, Bellino's Italian Restaurant, MJ Olsen Real Estate.

Posts were also shared by organizations in Corpus Christi, including the Corpus Christi Ride-In Theater and Visit Corpus Christi – a site that advertises an events calendar to tourists.

The post shared by Visit Corpus Christi had over 3000 likes and 273 shares.

Click to go back, hold to see history

Visit Corpus Christi

Elena Home 1

Create Page

Recent

2015

2014

2013

2012

2011

2010

2009

Visit Corpus Christi

20 October at 11:03 · Edited ·

The Rockport Film Festival is a fantastic three-day event highlighting talent from Texas, the country and all over the world! Experience the best of independent cinema on the Texas Coast November 5-7!

TheBrazosNews.com

Like Comment Share

Patricia Allen, Fina Butanda, Sharon Kidd and 3,425 others like this. Top Comments - this.

273 shares

Write a comment...

WadeFish Rockport Book & DVD Great fishing this time of year as well 😊

Like Reply · 5 · 21 October at 08:29

English (UK) · Privacy · Terms · Cookies · Advertising · AdChoices · More · Facebook © 2015

Milca Rivera Miles – This review is hidden. View review  
29 March 2015 · 14 Reviews · Like · Comment · 7

Yesenia Yerena Romero – I like going to Corpus Christi ..I like to stop everytime I head down to the valley ..its a nice place to relax ..and tak... See More  
7 July 2015 · 38 Reviews · Like · Comment · 2 · 1

Tell people what you think

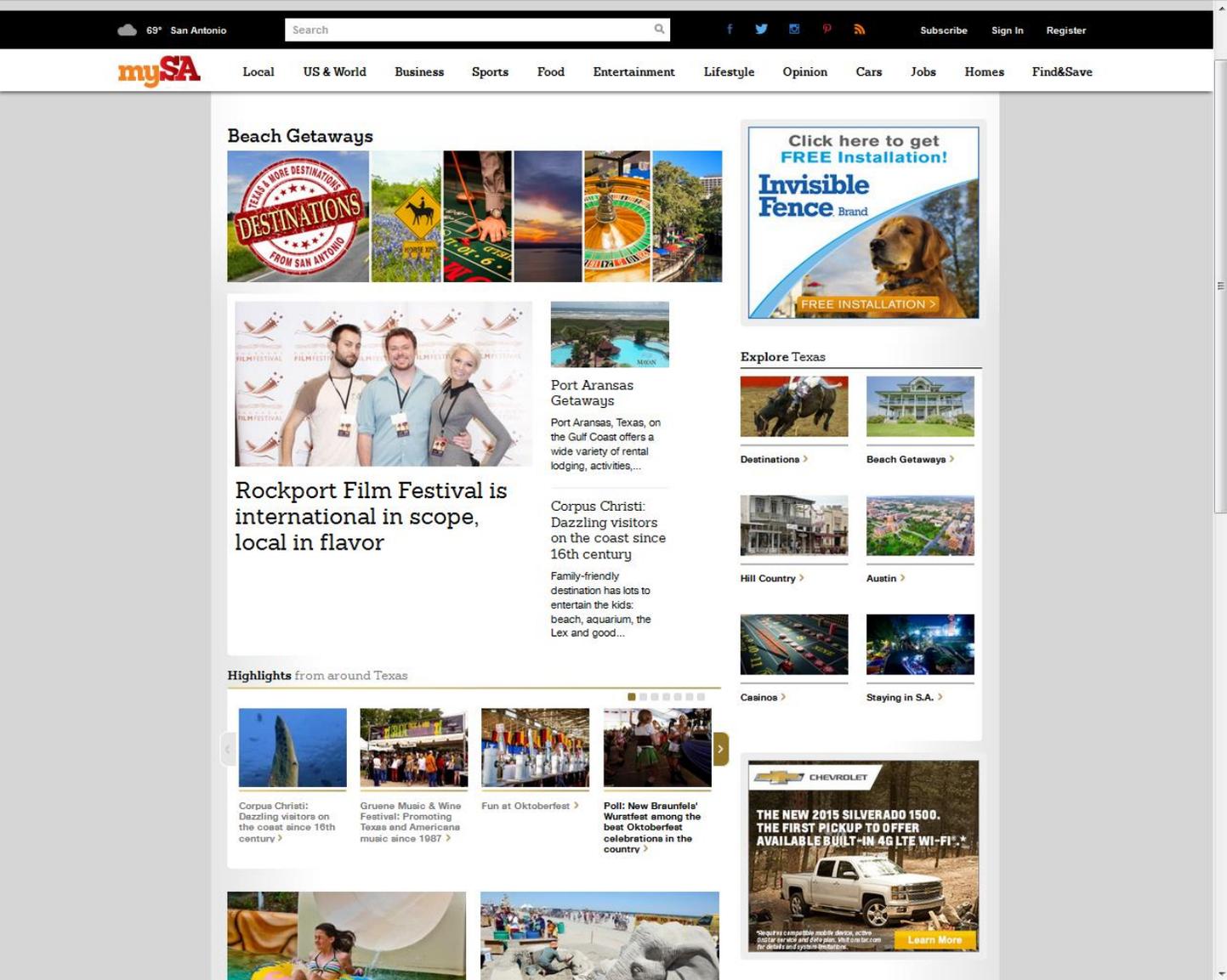
★ ★ ★ ★ ★

LIKED BY THIS PAGE

Sharkathon Like

C.C. Hot Tamale Fest Like

Knightstorm Productions Like



## Promotion & Giveaway

We purchased advertising with mySA.com to run a promotion and giveaway for the Film Festival.

The promotion included a slideshow of pictures from past festivals, highlighting the diversity of attendees, the cultural experience, and the social aspect of the festival. Advertising included a banner ad on their site (see next slide) that linked to the Film Festival webpage.

mySA.com also ran a giveaway. The winner of the giveaway received two free VIP passes to the Festival and a discounted hotel room at the Lighthouse Inn. We received the emails for all participants in the giveaway and reached out to them directly.

# mySA.com

## Rockport Film Festival NOV 5-7

79° San Antonio


[f](#)
[t](#)
[i](#)
[p](#)
[r](#)

[Subscribe](#)
[Sign](#)

mySA

[Local](#)
[US & World](#)
[Business](#)
[Sports](#)
[Food](#)
[Entertainment](#)
[Lifestyle](#)
[Opinion](#)
[Cars](#)
[Jobs](#)
[Homes](#)

*Salute to* **VETERANS** *November 11, 2015*

San Antonio Express-News

Submit your information today!

### Entertainment

There will be blood on 'Ash vs. Evil Dead'

Cult horror comedy lives again as Starz series.

Are you ready for some Carrie?

Local rock musician remembered at La Botanica

Shawn Terry, 42, died just a month after learning he had cancer.

#### Entertainment Slideshows

CLICK HERE TO ADD YOUR EVENT

MYSA CALENDAR

TUESDAY, OCTOBER 27 ▶

Click to view event details

Dia De Los Muertos Altar Workshop

Casa Navarro State Historic Site

5:30 PM

Click to view event details

River City Run - 5K Running Tour

5:00 PM

CLICK HERE TO ADD YOUR EVENT

MYSA CALENDAR

TUESDAY, OCTOBER 27 ▶

Click to view event details

Dia De Los Muertos Altar Workshop

Casa Navarro State Historic Site

5:30 PM

Click to view event details

River City Run - 5K Running Tour

5:00 PM

San Antonio Express-News
Lexi Home

San Antonio Express-News

News/Media Website

Sign Up

Liked

Message

Timeline

About

Photos

Videos

More

91,055 people like this

Anna Yanta and 21 other friends

Invite friends to like this Page

Post Photo / Video

Write something...

Post

**San Antonio Express-News**

13 mins

We're giving you a chance to live the Hollywood elite lifestyle at the Rockport Film Festival this year! Enter now at [mySA.com/getaway](#) to win two red carpet tickets, two VIP passes to all festival events and a discount at a local hotel!

Like Comment Share

2 people like this

Write a comment...

**San Antonio Express-News**

25 mins

Rho Alpha Love Thread

Joshua Fechter

Recent

- 2015
- 2014
- 2013
- 2012
- 2011
- 2010
- 1999
- 1993
- 1992
- 1987
- 1984
- 1979
- 1978
- 1977
- 1976
- 1973
- 1961
- 1956
- 1954
- 1947
- 1946
- 1938
- 1936
- 1929
- 1922
- 1918
- 1913
- 1912
- 1911
- 1906
- 1865

YOUR GAMES

RECOMMENDED GAMES

Cassandra Castillo likes Denise Castillo's post.

Candis Franks likes YMarie Marley's post.

J.J. Gorena II commented on Louis Scott's post.

Mario Valdez and Zach Brian are now friends.

Kedzie Teller likes Solare Wedding Photography's photo.

Joel Salazar shared Spurs Naton's photo. So pumped... can't wait for the season to start!

Joshua Fechter 1m

Cynthia Benitez Sa... 4m

Chelsea Ann Mer... 20m

Ashlyn St. Ours 1m

Elizabeth Benitez... 4m

Michaela Immar 24m

Jillian Lee 19m

Miguel Labuguen 38m

Jessica Beavis 16h

Ya-Ya Ikcinerk 1h

Stewart Wheeler

Amy Marie Smith

# Advertising - Print

# Flyers & Rack Cards



## Flyers

Flyers were distributed at local businesses and universities in San Antonio, Corpus Christi, and Port Aransas starting in October.

4500 flyers were also distributed in the Alice Echo-News Journal the Sunday before the Festival.

Flyers with the schedule and description of the films were distributed to parents and teachers at the local schools and day care.

## Rack Cards

Rack Cards with the schedule of movies and a map of venues were distributed at hotels in Rockport and Port Aransas during the month of October where they could be picked up by tourists.

# Printed Ads

RockportFilmFest.com  Nov 5-7

Pg. 7 – Aransas County Employee Newsletter – November 2015

## Rockport Film Festival

The 9<sup>th</sup> Annual Rockport Film Festival is scheduled for November 5<sup>th</sup> through 7<sup>th</sup>! Single Block tickets are \$10; Red Carpet Party tickets are \$50; VIP Passes are \$100 which include all 8 films and the Red Carpet Party, and VIP GOLD Passes are \$200 which include admission to Red Carpet Party, all 8 film blocks & Reserved seating in the theater! Following is the schedule for the Festival:

**Thursday, November 5 –**  
“Red Carpet Party & Outdoor Screening” (party @ 5:30pm, screening @7pm)



**Friday, November 6 –**  
“Screenings” at Cinema 4 from 1pm – late,  
“Happy Hour” @ Wind Way Gallery (open to the public!) from 5pm-7pm

**Saturday, November 7 –**  
“Screenings” at Cinema 4 from 1pm – late,  
“Reception” @ Fulton Mansion (open to the public!) from 5pm-7pm

ROCKPORT  
FILM FESTIVAL

NOV 5-7

brought to you by Rockport Center for the Arts & Rockport Rotary Club

www.rockportfilmfest.com

We ran printed ads in several newspapers and newsletters, including:

- Ad in the Chamber’s November Newsletter
- Ad and schedule in the November Aransas County Employee Newsletter
- Ad in the Sea Fair insert in the Rockport Pilot
- Ad and schedule in the Rockport Pilot the Wednesday before the Festival

# Newspapers & Magazines

## Corpus Christi Caller-Times

An article written by local filmmaker and Film Festival participant, Jimmy Willden, appeared in the Viva CC section of the Friday, November 6 paper.

## The Bend Magazine

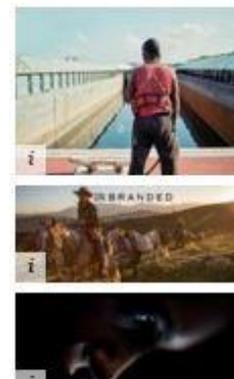
A recap article written by Jimmy Willden will appear in the December issue.

## Rockport Pilot

Three articles in the Rockport Pilot appeared on November 4, November 7, and November 14.



By Jimmy Willden  
Nov. 05, 2015



The Austin Film Festival is coming to a close, and SXSW is four months away, but you can still get that festival experience now, and it's right next door.

The Rockport Film Festival, celebrating its ninth year this weekend, has been steadily growing each year since its inception, with more than 200 films submitted. More than 40 independent films, including several from local and Texas filmmakers, have been selected to screen at this year's event, which is Thursday through Saturday.

"As we like to say, the Rockport Film Festival is "International in scope, local in flavor," said Elena Rodriguez, event director for the festival. "We exist to celebrate and support our homegrown filmmakers, and at the same time we screen a plurality of viewpoints with films from all over the globe."

This year's guest speaker is Sgt. Major Steven D. Odum, a Pharr native. He attended Trident University and graduated with a Bachelor of Science in business administration. He



# **Advertising - TV & Radio**

# Television

## Time Warner Cable

We developed a 15 second PSA about the Festival. Kathryn Childers, former anchor of KIII and Rockport resident, donated her talent to provide the voiceover. The PSA ran 95 times on 5 different channels – KAJA, KDF, KRIS, KZTV, NRIS.

## KIII

The PSA ran 32 times on 4 stations - KIII, METV, MUNDO, COZI. KIII also sent out a news crew to interview Event Director, Elena Rodriguez. The segment ran the evening of Friday, November 6.

## KENS 5 TV in San Antonio

The Wednesday before the Festival (Nov 4), Diane Probst and Sandy Jumper from the Chamber talked about the Festival on KENS5 in San Antonio. The segment showed footage from the films as well as information about the Festival.

## KLRN in San Antonio

The Festival donated tickets to the annual KLRN auction. Representatives from the Chamber also appeared on television and plugged the Festival.



# Radio

## KEDT

Both the Event Director, Elena Rodriguez, and the Founder, Roc Curry, went live on KEDT in October to talk about the Festival for an hour each on Morning Edition.

They also ran 25 spots about the Festival.

## iHeart Radio

We developed a radio PSA with voiceover provided by Kathryn Childers. iHeartRadio aired 55 30-second spots on KMXR-FM.



**iHeart**  
RADIO



# **Our Supporters, Media Partners, & Final Data**

# Festival Sponsors

SPONSORS OF THE 2015 ROCKPORT FILM FESTIVAL

PRODUCERS



DIRECTORS



ROCKPORT VISION CARE



THE RON BROWN COMPANY



Morgan Stanley

Hidden Treasures



## In Kind Media Support

In-Kind Support from Media Partners	
Printing	\$ 260.00
Media iHEART Radio KMXR-FM (ran a total of 55, 30 second spots)	\$ 1,300.00
Media Time Warner Television (95 ads ran on 5 TV stations: KAJA, KDF, KRIS, KZTV, NRIS)	\$ 1,900.00
Media KIII-Television (32 ads ran on 4 stations: KIII, METV, MUNDO, COZI)	\$ 800.00
Media - talent voice-over for radio and TV PSAs provided by Kathryn Childers	\$ 400.00
Media KEDT Radio	\$ 400.00
<b>Total</b>	<b>\$ 5,060.00</b>

# Attendance

Day	Block or Event	Attendance per block or event
Thursday, Nov 5	Red Carpet Party at the Art Center, Outdoor Screening Feature "Raiders!"	246
Friday, Nov 6	Matinee Short Films	107
Friday, Nov 6	Matinee Feature- "At Risk Summer"	82
Friday, Nov 6	Wind Way Gallery Reception	127
Friday, Nov 6	Late Night Feature- "Sunny in the Dark"	109
Friday, Nov 6	Late Night Short Films	57
Saturday, Nov 7	Matinee Short Films	105
Saturday, Nov 7	Matinee Feature- "Barge"	102
Saturday, Nov 7	Fulton Mansion Reception	108
Saturday, Nov 7	Late Night Feature- "Unbranded" (sold out standing room only)	173
Saturday, Nov 7	Late Night Short Films	77
	<b>Total Attendance</b>	<b>1293</b>

# Total Reimbursement Request from City of Rockport HOT funds

Description of Expense	Vendor	Amount of Expense	Justification
Advertising & Promotion	KEDT, South Texas Broadcasting System	\$ 400.00	25 radio spots, ran from Oct 5 to Nov 7, 2015
Advertising & Promotion	Alice Newspapers, Inc.	\$ 337.50	4,500 inserts distributed on Oct 25th, 2015- Sunday's edition of the paper
Printing & Reproduction	Rockport Printing	\$ 522.00	4,500 Film Festival flyers printed for distribution in Alice Newspapers
Advertising & Promotion	mySA.com (San Antonio Express News)	\$ 700.00	Online banner ad, event ticket get away tied to discounted hotel citing Rockport as cultural tourist destination
Advertising & Promotion	Perry Communications	\$ 100.00	Public relations and press release services
Advertising & Promotion	Facebook	\$ 52.60	Online campaign presence boost to reach tourists in Austin, Houston, San Antonio, Alice and Mathis
Printing & Reproduction	Overnight Prints	\$ 142.92	500 Rack cards for distribution at hotels directly targeting tourists
Printing & Reproduction	Rockport Printing	\$ 174.00	1,000 Film Festival Flyers for San Antonio distribution (colleges and universities)
Advertising & Promotionn	Olvey Media Consulting	\$ 70.00	Public relations strategy, positioning and and media buy services
<b>Total Reimbursement Request</b>		<b>\$ 2,499.02</b>	<b>Approved budget: \$2,500.00</b>

**CITY COUNCIL AGENDA**  
**Regular Meeting: Tuesday, December 8, 2015**

---

**AGENDA ITEM: 8**

Conduct and deliberate a Joint Public Hearing with the Planning & Zoning Commission to consider a request for a zoning change from R-1 (Single Family Dwelling District) to B-1 (General Business District) on property located at 104 Woodland Drive; also known as Rockport Country Club Estates, Unit 2, .678 acres out of 1.51 acres at the northwest corner of FM 2165 & entry road, Rockport, Aransas County, Texas. Purpose of the request is for construction of two storage units for personal property, RV, home office, and shop space.

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

**APPROVED FOR AGENDA:** PKC

---

**BACKGROUND:** Mr. Paul M. Strunk is seeking approval for a zoning change at property located at 104 Woodland Drive in order to construct two storage units for personal property, RV, home office, and shop space. Please see the accompanying rezoning application, aerial and zoning maps, and zoning district regulations for additional information.

---

**FISCAL ANALYSIS:** N/A

---

**STAFF RECOMMENDATION:** Not an action item, public hearing only.



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**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, December 8, 2015, at 6:30 p.m., at Rockport City Hall, 622 E. Market St., Rockport, Texas, to consider a request for rezoning property located at 104 Woodland Drive; also known as .678 acre out of 1.51 acres at the northwest corner of FM 2165 & entry road, Rockport Country Club Estates, Unit 2, Rockport, Aransas County, Texas, from R-1 (1<sup>st</sup> Single Family Dwelling District) to B-1 (General Business District). The reason for the request is to allow construction of two storage units for personal property, RV, home office, and shop space.

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](mailto:citysec@cityofrockport.com) for further information. Braille is not available.

**POSTED** the 16th day of November, 2015, by 5:00 p.m., on the bulletin board at Rockport City Hall, 622 E. Market Street Rockport, Texas, and on the website [www.cityofrockport.com](http://www.cityofrockport.com). **PUBLISHED** in *The Rockport Pilot* in the Saturday, November 21, 2015, Edition, in accordance with the Rockport Zoning Ordinance.

**CITY OF ROCKPORT, TEXAS**

A handwritten signature in blue ink, appearing to read "Teresa Valdez", is written over a horizontal line.

Teresa Valdez, City Secretary



RECEIVED  
NOV 02 2015  
BY: MB

**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 \_\_\_\_\_

Corner of Pearl St. / F. M. 2165 and Woodland Drive

C. CURRENT ZONING OF PROPERTY: R-1

D. PRESENT USE OF PROPERTY: Vacant

E. ZONING DISTRICT REQUESTED: B-1

F. CONDITIONAL USE REQUESTED: \_\_\_\_\_

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

• Lot or Tract \_\_\_\_\_ Block \_\_\_\_\_

• Tract Survey Attached of the \_\_\_\_\_  
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): 0.678 Acres

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

The owner wants to build two storage units for personal property, RV,  
home office, and shop space

K. OWNER'S NAME: (Please print) Paul M. Strunk  
 ADDRESS: 318 Olympic Dr.  
 CITY, STATE, ZIP CODE: Rockport, Texas 78382  
 PHONE NO 361 7298991 or 361 8884496

L. REPRESENTATIVE: (If Other Than Owner) Clayton W. Black  
 ADDRESS: P.O Box 1374  
 CITY, STATE, ZIP CODE: Rockport, TX 78381  
 PHONE NO 361-463-9458

**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: Paul M Strunk  
 (Owner or Representative)

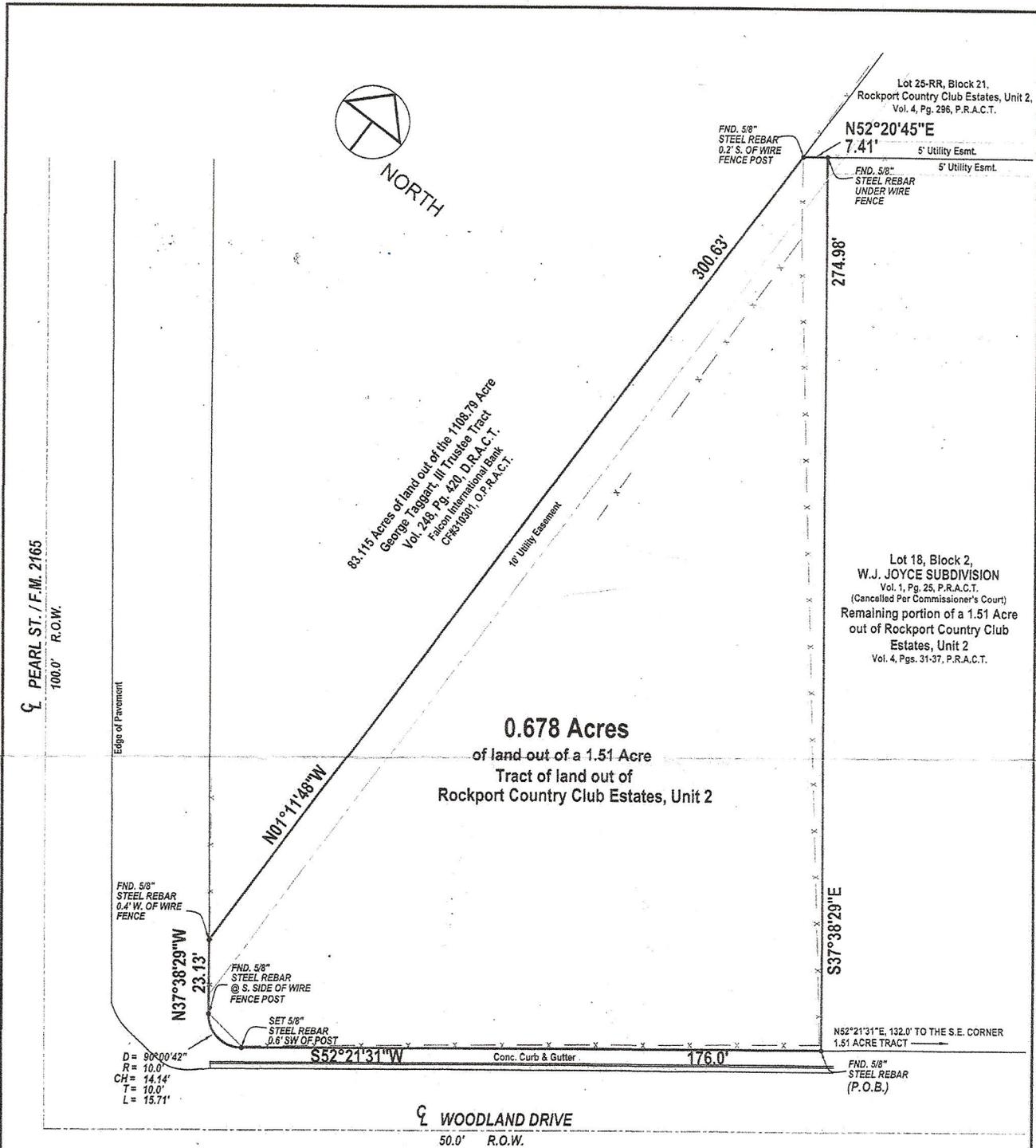
**(FOR CITY USE)**

Received by: MB Date: 11-2-15 Fees Paid: \$ 150.-

Submitted Information (  accepted ) (  rejected ) by: \_\_\_\_\_

If rejected, reasons why: \_\_\_\_\_

Receipt No. 025354



"SEE ACCOMPANYING FIELD NOTES DESCRIPTION"

THIS IS TO CERTIFY THAT I HAVE CONSULTED THE FEDERAL FLOOD HAZARD MAP DATED 3-4-85, AND FOUND THAT THE PROPERTY DESCRIBED HEREIN IS OR IS NOT X LOCATED IN A "SPECIAL FLOOD HAZARD AREA" ZONE C BASE ELEVATION N/A PANEL NO. 0202D, COMMUNITY NO. 485504. 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.

PLAT BEARING USED FOR DIRECTIONAL CONTROL UNLESS OTHERWISE SHOWN.  
SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS OR OWNERSHIP OF TITLE EVIDENCE. SURVEYOR DID NOT REVIEW EXCEPTIONS IN SCHEDULE "B" OF THE TITLE COMMITMENT TO DETERMINE WHETHER THEY DO OR DO NOT AFFECT SUBJECT PROPERTY.

**COPYRIGHT NOTICE**  
ANY COPY OF THIS DRAWING MUST BEAR THE SURVEYOR'S ORIGINAL SEAL AND SIGNATURE IN RED INK OR THE DRAWING IS AN UNAUTHORIZED REPRODUCTION WHICH MAY HAVE BEEN ALTERED OR CHANGED WITHOUT THE SURVEYOR'S KNOWLEDGE.  
THIS ORIGINAL WORK IS PROTECTED UNDER COPYRIGHT LAWS, TITLE 17, UNITED STATES CODE SECTIONS 101 AND 102. ALL VIOLATORS WILL BE PROSECUTED TO THE FULLEST EXTENT OF THE LAW.

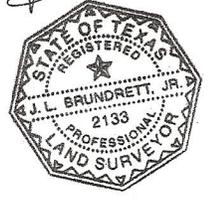
**0.678 ACRES OF LAND**  
**OUT OF A 1.51 ACRE TRACT, OUT OF**  
**ROCKPORT COUNTRY CLUB ESTATES, UNIT 2**

CITY OF ROCKPORT, ARANSAS COUNTY, TEXAS,

ACCORDING TO THE PLAT RECORDED IN  
VOLUME 4, PAGES 31-37,  
PLAT RECORDS OF ARANSAS COUNTY, TEXAS.

J.L. BRUNDRETT, JR., A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THIS PLAT CORRECTLY SHOWS A SURVEY ON THE GROUND OF THE FOREGOING PROPERTY AND THAT THERE ARE NO VISIBLE EASEMENTS, ENCROACHMENTS OR PROVISIONS (EXCEPT AS SHOWN HEREON).

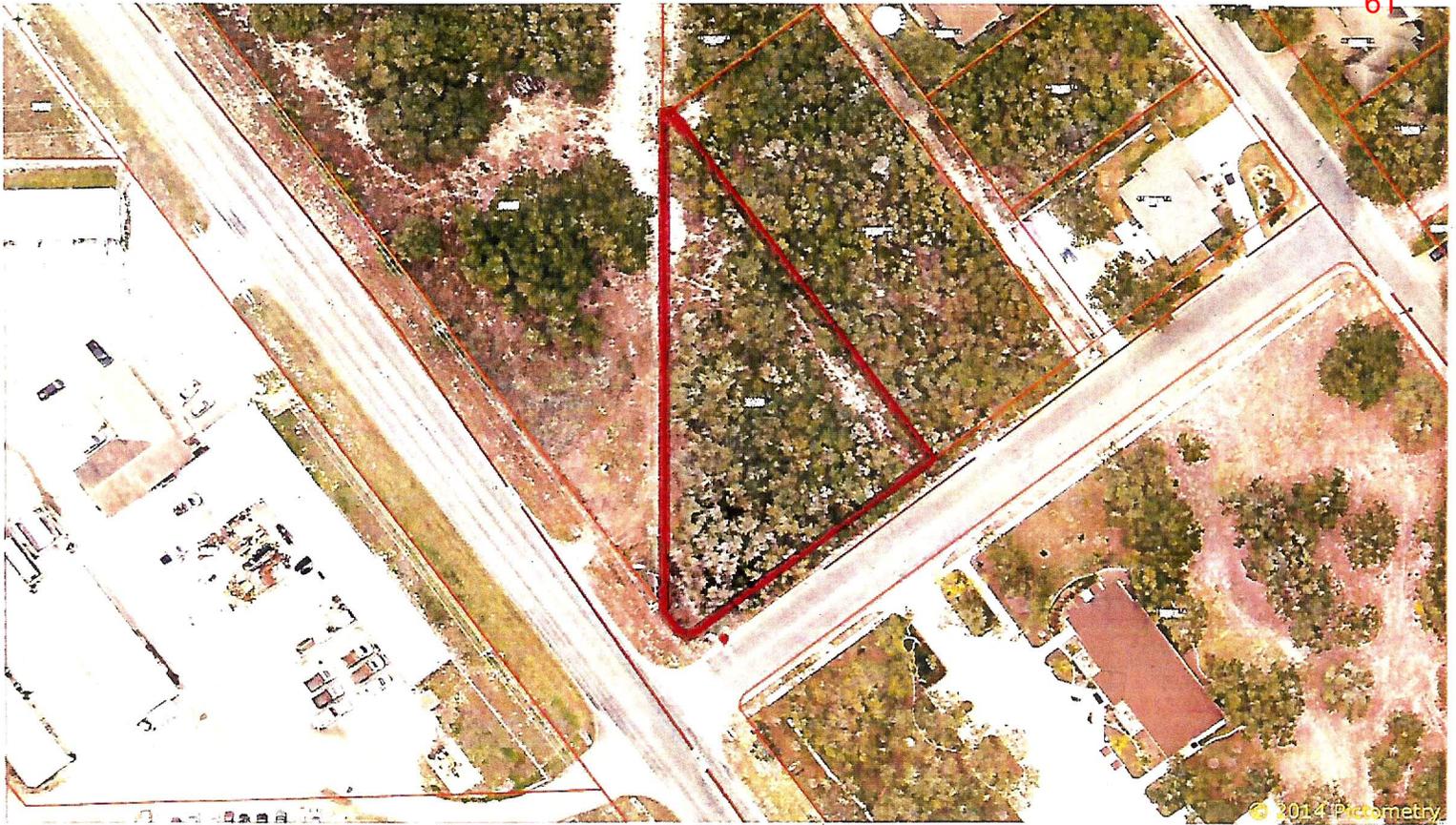
J.L. BRUNDRETT, JR., R.P.L.S. REG. NO. 2133  
TSPL# 13RM NO. 10004880



**Griffith & Brundrett**  
Surveying & Engineering, Inc.  
411 S. Pearl St., P.O. Box 2322  
Rockport, Texas 79331  
361-729-6479  
361-729-7933  
jerryb@gsurveyor.com  
www.gsurveyor.com

DATE: JULY 16, 2015  
SCALE: 1" = 30'  
FILE NAME: 150716BB1  
REVISED  
DATE:

PREPARED FOR:  
**PAUL STRUNK**  
TITLE CO.:  
**STEWART TITLE CO. - ROCKPORT**



# 104 WOODLAND DR

**Print Date:** 11/24/2015  
**Image Date:** 03/03/2014  
**Level:** Neighborhood

October 30, 2015

To Whom It May Concern:

Please be advised that I authorize Clayton Black to be my representative on the zoning matter change.

A handwritten signature in cursive script that reads "Paul Strunk".

Paul Strunk

PAUL STRUNK  
802 N CARANCAHUA #1250  
CORUS CHRISTI TX 78401-0019

DAVID L CROWELL FAMILY  
ESTATE AND TRUSTS  
23 SAN JACINTO DR  
GALVESTON TX 77550-5713

ARANSAS COUNTY  
301 N LIVE OAK ST  
ROCKPORT TX 78382-2744

CHURCH OF JESUS CHRIST  
TAX ADM DIV 546-3173 50 E N TEMPLE  
FLOOR 22  
SALT LAKE CITY UT 84150-3620

MICHAEL GEER JR  
P O BOX 1802  
FULTON TX 78358-1802

MARCELINO & ANITA GONZALEZ  
15821 GYPSY ST  
CORPUS CHRISTI TX 78418-6513

MICHAEL & PHYLLIS DONOHO  
467 AUGUSTA DR  
ROCKPORT TX 78382-6948

JOHN & ADELAIDE MARLATT  
456 AUGUSTA DR  
ROCKPORT TX 78382-6945

FALCON INTERNATIONAL BANK  
5219 MCPHERSON RD  
LAREDO TX 78041

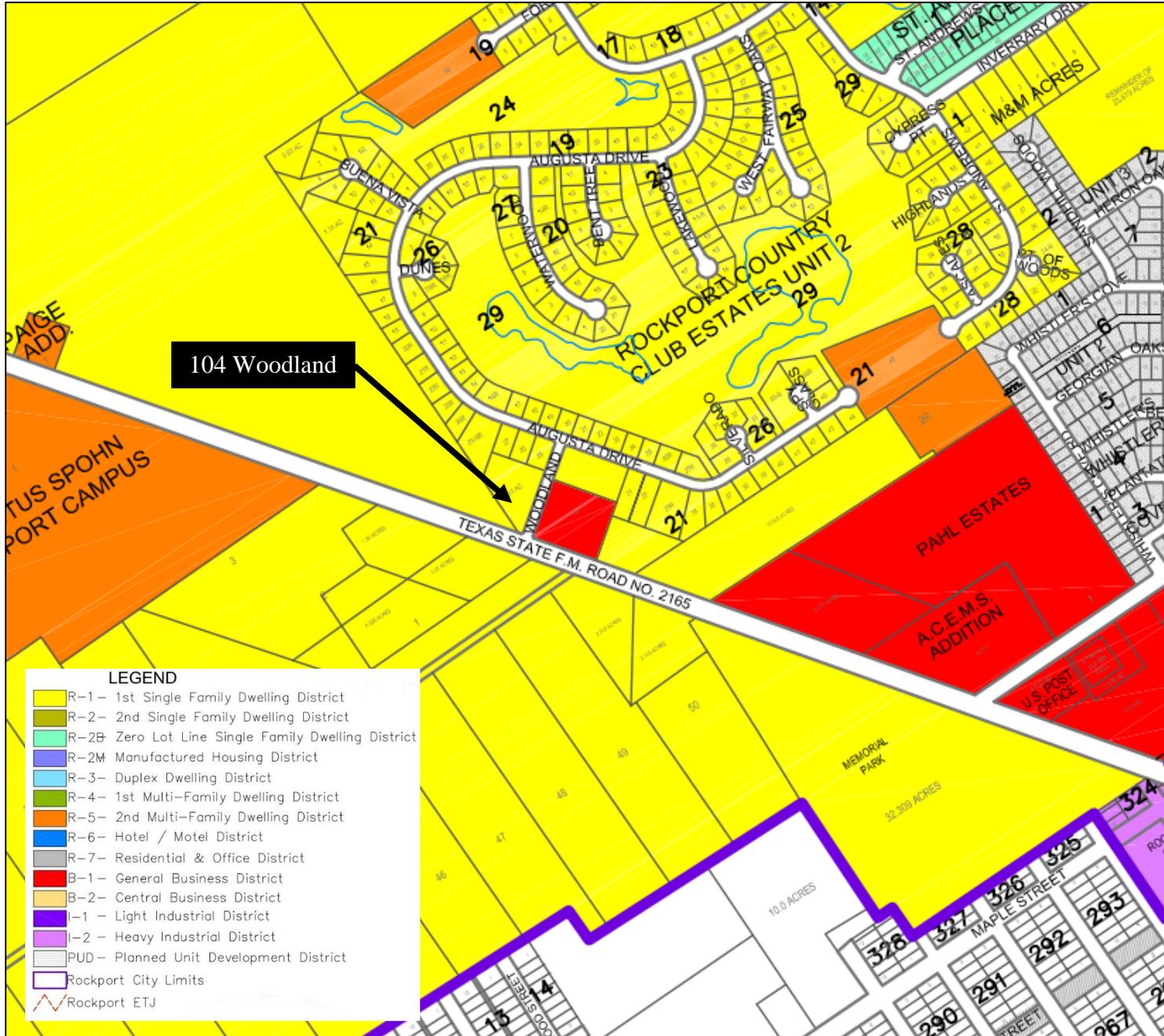
DAVIS & GLENDA MERRELL  
P O BOX 1802  
FULTON TXS 78358-1802

*Mailed  
11-17-15*

# 104 Woodland Drive



# 104 Woodland Drive Zoning



**Sec. 118-6. R-1 1st Single-Family Dwelling District.**

6.1 *Use Regulations.* The purpose of this district is to provide for low density residential areas and to protect and conserve them permitting only such accessory and supporting uses as are compatible with the primary purpose of one-family residential use. The district also functions as a holding district, where land is not yet developed or committed for other use. Land and premises may be used only for:

1. One-family dwellings (see [Article 24](#) regarding Industrialized Housing).
2. Public parks, public buildings (except detention centers, penal and mental institutions).
3. Churches, schools and colleges.
4. Golf courses and golf clubs, but no commercial miniature courses or driving ranges.
5. Oil, gas and service wells provided they comply with the Rockport Oil and Gas Well Drilling Ordinance, as amended.
6. Bed and breakfast, by CUP.
7. Agricultural purposes.
8. Cemeteries in accordance with state law.
9. Child nurseries or pre-kindergarten schools, by CUP.
10. The keeping and raising of farm animals or non-domestic animals, by CUP. Agricultural land annexed into the city is exempt where such uses existed at time of annexation.
11. Wind powered systems in accordance with [Article VI., Chapter 42](#), Rockport Code of Ordinances.

6.2 *Area and Yard Regulations.*

6.2.1 *Area of the Lot.* The minimum area of the lot shall be seven thousand (7,000) square feet. See Table 20.

6.2.2 *Width of the Lot.* The minimum width of the lot shall be fifty (50) feet. See Table 20.

6.2.3 *Area of the Dwelling.* The minimum living area of the dwelling shall be eight hundred (800) square feet. See Table 20.

6.2.4 *Yard Areas and Building Setback.* See Table 20.

6.3 *Height of the Building.* No building shall exceed thirty five (35) feet in height. See Article 3-Definitions and Article 20.

6.4 *Parking Regulations.* Parking regulations for permitted uses as contained in Article 21.

6.5 *Accessory Use Regulations.* Accessory uses, which are auxiliary or incidental to the primary use of a building or premises, as contained in Article 22 <sup>67</sup>

(Ord. No. 1027, art. 6, 4-9-96)

Article I. Zoning Ordinance*
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**Sec. 118-15. B-1 General Business District.**

15.1 *Use Regulations.* The purpose of this district is to provide suitable locations for a wide variety of business and mercantile uses. In addition to the previous listed uses in R-1 through R-7 districts, land and premises may be used for:

1. Restaurants, cafes, food catering services.
2. Offices, banks, libraries, museums, etc.
3. Service stations, car washes, laundromats.
4. Malls, shopping centers, retail stores.
5. Shops (butcher shops, shoe shops, shell shops, etc., including pawn shops that have been licensed to transact business by the Consumer Credit Commissioner under Chapter 371, Finance Code).
6. Grocery stores, convenience stores, markets.
7. Retail markets (seafood/meat) and bait stands.
8. Entertainment facilities (theaters, bowling alleys, pool halls, clubs and lounges, etc).
9. Sales, service and repair shops (radio, television, shoe repair, tool repair and rental, lawn mower repair, auto and boat repair shops, etc).
10. Personal service shops (beauty salons, barber shops, tailoring and dressmaking shops, etc).
11. Storage buildings, auto storage yards.
12. Animal hospitals, boarding kennels and grooming shops.
13. Mortuaries and funeral homes.
14. Agricultural services, greenhouses and landscaping services.
15. Outdoor welding, fabricating operations, by CUP.
16. Permanent or long term (more than 30 days) public entertainment facilities or uses, by CUP. Such uses may include, but not be limited to, amusement parks, carnivals, circuses, marine life shows, dance/theatrical productions and natatoriums.

17. Fish houses, seafood processing plants, by CUP.

18. Adult entertainment, by CUP.

15.2 *Area and Yard Regulations.*

15.2.1 *Area of the Lot.* None required for non-dwelling uses. For dwelling uses, See [[section 118-20](#)] Table 20.

15.2.2 *Width of the Lot.* The minimum width of the lot shall be fifty (50) feet. See [[section 118-20](#)] Table 20.

15.2.3 *Area of the Building.* For a primary use structure, the minimum floor area shall be five hundred (500) square feet. See [[section 118-20](#)] Table 20.

15.2.4 *Yard Area and Building Setbacks.* See [[section 118-20](#)] Table 20

15.3 *Height of the Building.* No building shall exceed forty five (45) feet in height. See Article 3 [[section 118-3](#)] Definitions and Article 20 [[section 118-20](#)].

15.4 *Parking Regulations.* Parking regulations for permitted uses as contained in Article 21 [[section 118-21](#)].

15.5 *Accessory Use Regulations.* Accessory uses, which are auxiliary or incidental to the primary use of a building or premises, as contained in Article 22 [[section 118-22](#)].

(Ord. No. 1027, art. 15, 4-9-96)

**CITY COUNCIL AGENDA**  
**Regular Meeting: Tuesday, December 8, 2015**

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**AGENDA ITEM: 10**

Hear and deliberate on a presentation from voestalpine concerning their Portland, Texas, project.

**SUBMITTED BY:** Mayor Charles J. Wax

**APPROVED FOR AGENDA:** PKC

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**BACKGROUND:** Voestalpine Texas LLC is a subsidiary of Austrian based voestalpine Group. Voestalpine Group is a global steel-based technology and capital goods firm servicing automotive and consumer goods industries in Europe and the oil and gas industry worldwide. The voestalpine Texas LLC project in Portland is the parent company's largest foreign direct investment at \$740 million and consists of 800 construction jobs and 150 local permanent jobs. Mr. Jonas Chupe, Head of Communications and Public Relations, will give an overview of the company and project. Please see the accompanying presentation for more information.

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**FISCAL ANALYSIS:** N/A

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**RECOMMENDATION:** Not an action item.



# Welcome to the Future of Iron Making

## Key Updates – City Council



December 8, 2015

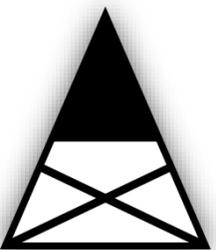


# DRI: The Green Alternative to a Coke-Fed Blast Furnace

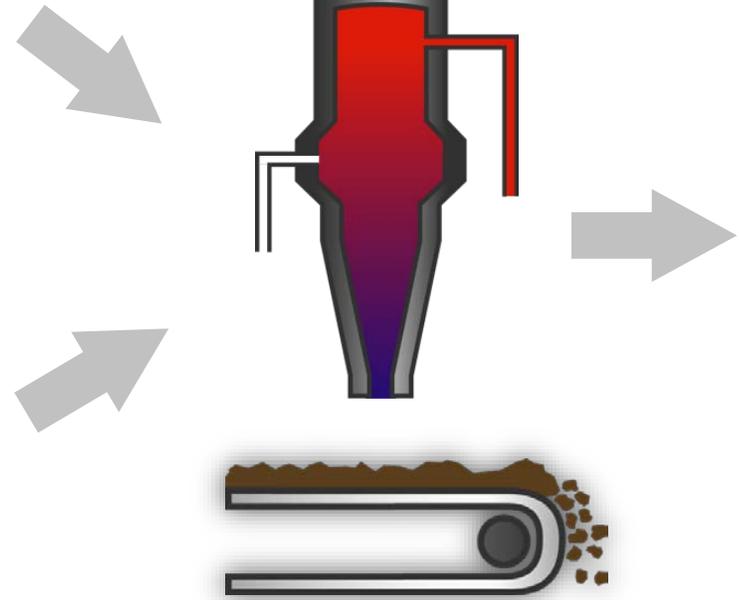
A direct reduced iron (DRI) plant is using cleaner natural gas instead of petroleum coke



**Iron Ore Pellets**  
3 million metric tons/a  
65 % Fe-Content



**Natural Gas**  
23 million MMBTU/a



**HBI**  
Hot Briquetted Iron  
91 % Fe-Content

800 million USD  
170 employees



**voestalpine**  
ONE STEP AHEAD.



# Positive Market Response

- **Approx. 80 %** of production already under Contract/MoU
- **Geographical** target market: NAFTA + Europe
- **Typical customer profile** includes an Electric Arc Furnace operator who seeks:
  - Independency from **volatile scrap markets**
  - Improved **quality predictability and consistency**
  - An **upgraded product quality**





- Budget: **800 million USD**
- Project Procurement: **Completed**
- Start of Commissioning: **End of 2015**
- Start of Production: **1st Quarter 2016**
- Current Workforce on Site: **2,300**
- Expected Workforce at Peak: **2,300**
- Hours Worked: **3.0 million**

Estimated economic benefit for region  
**> 1 billion USD (in addition to construction costs)**

















## Jonas Chupe

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Controlling and Tax Manager

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<http://www.voestalpine.com/texas>

**CITY COUNCIL AGENDA**  
**Regular Meeting: Tuesday, December 08, 2015**

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**AGENDA ITEM:** 11

Hear and deliberate a review of the City of Rockport Floodplain Management Ordinance.

**SUBMITTED BY:** Public Works Director Mike Donoho

**APPROVED FOR AGENDA:** PKC

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**BACKGROUND:** On February 17, 2016, the new FEMA Flood Insurance Rate Maps will go into effect and an updated Floodplain Management Ordinance must be adopted. In preparation for these required changes, on November 17, 2015, council approved entering into a contract with Lockwood Andrews and Newman, Inc. (LAN) Engineering to assist in developing higher floodplain development standards and participating in the Community Rating System (CRS). In addition to CRS participation resulting in lower flood insurance premiums for local policy holders, CRS floodplain management activities provide enhanced public safety, reduced damage to property and public infrastructure, and avoidance of economic disruption and loss. LAN Engineering will provide assistance to City staff regarding the CRS application process, community outreach and information initiatives, floodplain management and flood hazard mitigation efforts, elevation certificate documentation, FEMA Community Assistance Visit (CAV), as well as, recertification.

The accompanying Chapter 50 of the Code of Ordinances includes some of the initial working comments from staff and do not include LAN's complete review. One of the most contentious points of revision in comparison to Aransas County's floodplain and storm water management regulations is the minimum finished floor elevation (i.e. freeboard). The City's current requirement is 12 inches while the County has adopted an 18-inch standard. Consideration should be given to adopting an 18-inch freeboard in order to make development requirements more uniform across the County and to minimize structural flooding.

Staff seeks input from Council in order to assist staff and LAN with development of a revised ordinance for consideration in January 2016.

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**FISCAL ANALYSIS:** N/A

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**RECOMMENDATION:** Not an action item.

## Chapter 50

### FLOODS\*

#### ARTICLE I. IN GENERAL

##### **Sec. 50-1. Drainage policy, requirements, purpose, jurisdiction.**

Stormwater can cause severe injury and property damage. The adoption of a comprehensive policy, which incorporates a master drainage plan with specific designs relating to the problems associated with stormwater in the city is intended to reduce the risk of injury and property damage, but such policy cannot prevent these occurrences.

As the city grows and more land becomes improved, the stormwater drainage system must be able to accommodate the increased flow of stormwater so as to reduce the risk of such injury and property damage. Planning for this growth is the purpose of adoption of and adherence to the Storm Drainage Master Plan and the Storm Drainage Design Manual.

The Storm Drainage Master Plan and Storm Drainage Design Manual, as hereafter adopted or as amended, shall be followed in all planning, design and construction of storm drainage facilities within the city and its extraterritorial jurisdiction (ETJ) where applicable.

(Ord. No. 1223, § 1, 8-13-02)

##### **Sec. 50-2. Storm Drainage Master Plan adopted.**

The Storm Drainage Master Plan, dated December 2000, is hereby adopted in its entirety as if set out at length in this section.

(Ord. No. 1223, § 1, 8-13-02)

##### **Sec. 50-3. Storm Drainage Design Manual adopted.**

The Storm Drainage Design Manual, dated December 2000, is hereby adopted in its entirety as if set out at length in this section.

\*\*\*Conflicting language, should be amended to be consistent with language for 18" freeboard.\*\*\*

*SDDM: "The finished floor of any structure should be a minimum of 12" above the centerline of the adjacent perimeter street (at any point). Site grading shall not block drainage from adjacent property."*

(Ord. No. 1223, § 1, 8-13-02)

 **Sec. 50-4. Permanent record.**

A true and correct copy of the Storm Drainage Master Plan and Storm Drainage Design Manual, as adopted or as may be hereafter amended, shall be kept in the office of the city secretary.

I recommend that these documents be made easily accessible to the public to guide City staff, citizens, developers and engineers doing projects in our City.

(Ord. No. 1223, § 1, 8-13-02)

 **Secs. 50-5—50-25. Reserved.**

 **ARTICLE II. FLOOD DAMAGE PREVENTION\***

 **DIVISION 1. GENERALLY**

 **Sec. 50-26. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Unless specifically defined below, words or phrases used in this article shall be interpreted to give them the meaning they have in common usage and to give this article its most reasonable application.

**Appurtenant Structure, also referred to as an accessory building, means a permanent building that is incidental and subordinate to the main use of the property. An accessory building is always located on the same lot as the main building and shall not be used as a secondary residence or for commercial use. Examples of accessory buildings include: garages, barns, storage buildings and workshops.**

*Appeal* means a request for a review of the floodplain administrator's interpretation of any provision of this article or a request for a variance.

**Area of Future Conditions Flood Hazard – means the land area that would be inundated by the 1-percent-annual chance (100 year) flood based on future conditions hydrology.**

*Area of shallow flooding* means a designated AO, AH or VO zone on a community's flood insurance rate map (FIRM) with a one percent chance or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

*Area of special flood hazard* means the land in the floodplain within a community subject to a one-percent or greater chance of flooding in any given year. The area may be designated as zone A on the flood hazard boundary map (FHBM). After detailed ratemaking has been completed in

preparation for publication of the FIRM, **Z**one A usually is refined into zones A, AE, AH, AO, A1-99, VO, V1-30, VE or V.

*Base flood* means the flood having a one-percent chance of being equaled or exceeded in any given year.

**Base Flood Elevation (BFE) means the elevation shown on the Flood Insurance Rate Map (FIRM) and found in the accompanying Flood Insurance Study (FIS) for Zones A, AE, AH, A1-A30, AR, V1—V30 or VE that indicates the water surface elevation resulting from the flood that has a 1% chance of being equaled or exceeded in any given year – also called the Base Flood.**

**Basement means any area of the building having its floor subgrade below ground level on all sides.**

*Breakaway walls* means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

*Coastal high hazard area* means the area subject to high velocity waters, including but not limited to hurricane wave wash or tsunamis. The area is designated on a FIRM as zone V1-30, VE or V.

*Critical feature* means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

*Development* means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating or drilling operations or storage of equipment or materials.

*Elevated building* means a non-basement building that is built, in the case of a building in **Z**ones A1-30, AE, A, A99, AO, AH, B, C, X and D, to have the top of the elevated floor **bottom of the lowest elevated floor**, or in the case of a building in zones V1-30, VE or V, to have the bottom of the lowest horizontal structural member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of the water, and that is adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of zones A1-30, AE, A, A99, AO, AH, B, C, X and D, the term "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwaters. In the case of zones V1-30, VE or V, the term "elevated building" also includes a building otherwise meeting the definition of "elevated building," even though the lower area is enclosed by means of breakaway walls if the breakaway walls meet the standards of [section 50-80\(4\)](#).

**Enclosure means a fully enclosed area below the lowest floor that is usable solely for parking of vehicles, building access or storage in an area other than a basement. To qualify as an**

**enclosure, the area must meet the non-elevation design requirements of 44CFR 60.3. See also the definition of lowest floor.**

*Existing construction, for the purposes of determining rates,* means structures for which the start of construction commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. Existing construction may also be referred to as "existing structures."

*Existing manufactured home park or subdivision* means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads) is completed before July 1, 1990.

*Expansion to an existing manufactured home park or subdivision* means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads).

*Flood or flooding* means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters.
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

**Flood Elevation Study – means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.**

*Flood insurance rate map (FIRM)* means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

*Flood Insurance Study* means the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, water surface elevation of the base flood, as well as the flood boundary-floodway map.

*Flood protection system* means those physical structural works for which funds have been authorized, appropriated and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a special flood hazard and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

*Floodplain or flood-prone area* means any land area susceptible to being inundated by water from any source (See Flooding).

*Floodplain management* means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

*Floodplain management regulations* means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, or any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

*Flood proofing* means any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

*Functionally dependent use* means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long term storage or related manufacturing facilities.

*Highest adjacent grade* means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

*Historic structure* means any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the secretary to qualify as a registered historic district.
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior.
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - a. By an approved state program as determined by the Secretary of the Interior; or
  - b. Directly by the Secretary of the Interior in states without approved programs.

*Levee* means a manmade structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

*Levee system* means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

*Lowest floor* means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this article (See [sections 50-77\(2\), \(3\), 50-79\(2\), 50-80\(4\)](#)).

*Manufactured home* means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a recreational vehicle.

*Manufactured home park or subdivision* means a parcel or contiguous parcels of land divided into two or more manufactured home lots for rent or sale.

*Mean sea level, for the purposes of the National Flood Insurance Program*, means the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

*New construction, for floodplain management purposes*, means structures for which the start of construction commenced on or after July 1, 1990, and includes any subsequent improvements to such structures. **For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.**

*New manufactured home park or subdivision* means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads) is completed on or after July 1, 1990.

**Non-residential structure means a structure including, but not limited to: small business concerns, churches, schools, farm buildings (including grain bins and silos), pool houses, clubhouses, recreational buildings, mercantile structures, agricultural and industrial structures, warehouses, hotels and motels with normal room rentals for less than 6 months' duration, and nursing homes.**

**Reasonably safe from flooding means base flood waters will not inundate the land or damage structures to be removed from the SFHA and that any subsurface waters related to the base flood will not damage existing or proposed buildings.**

*Recreational vehicle* means a vehicle which is:

- (1) Built on a single chassis;
- (2) Four hundred square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light-duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

**Regulatory Floodway - means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.**

**Repetitive loss means flood related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each flood event, on the average, equals or exceeds 25% of the Aransas County Appraisal District appraised value of the structure before the damage occurred.**

**Residential structure means a structure that is considered to be a domicile or is used for residential purposes for 6 months or more. Residential structures include a single family home, multiple unit apartment buildings, a residential condominium, or a manufactured or modular home.**

**Riverine – means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.**

*Sand dunes* means naturally occurring accumulations of sand in ridges or mounds landward of the beach.

*Start of construction* (for other than new construction or substantial improvements under the Coastal Barrier Resources Act [P.L. 97-348]), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

*Structure* means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

*Substantial damage* means damage of any origin sustained by a structure whereby the cost of restoring the structure to its condition before damaged would equal or exceed 50 percent of the **Aransas County Appraisal District appraised** market value of the structure before the damage occurred. **Substantial damage also means flood related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of the repair at the time of each flood event, on the average, equals or exceeds 25% of the Aransas County Appraisal District appraised value of the structure before the damage occurred.**

(Cathy Meek will provide us with the best language to use regarding appraised v. market value.)

*Substantial improvement* means any reconstruction, rehabilitation, addition or improvement of a structure, the cost of which equals or exceeds 50 percent of the **Aransas County Appraisal District appraised** market value of the structure before the start of construction of the improvement. This term includes structures which have incurred **repetitive loss or** substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to ensure safe living conditions; or
- (2) Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

**Topography means the description of the three dimensional shape of the land surface based upon elevation contours. For the purposes of determining if a development permit is required, an alteration of topography is considered to occur if fill placement is applied greater than 300 cubic yards (20 loads) or grading changes result in the modification to existing drainage and/or the increase in any elevation by six (6") inches or more. Determination and clarifications to be provided by the Floodplain Administrator. (This definition was on county order and not on City or TWDB.)**

*Variance* means a grant of relief to a person from the requirements of this article **Section 60.6 of the National Flood Insurance Program regulations** when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this article.

*Violation* means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, or other certifications, or other evidence of compliance as required is presumed to be in violation until such time as that documentation is provided.

*Water surface elevation* means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

(Ord. No. 857, art. 2, 5-22-90)

**Cross reference**—Definitions generally, [§ 1-2](#).

 **Sec. 50-27. Lands to which this article applies.**

This article shall apply to all areas of special flood hazard within the jurisdiction of the city.

(Ord. No. 857, art. 3, § A, 5-22-90)

 **Sec. 50-28. Basis for establishing areas of special flood hazard.**

The areas of special flood hazard identified by the Federal Emergency Management Agency in a **the current** scientific and engineering report entitled "The Flood Insurance Study (**FIS**) for **Aransas County, Texas and Incorporated Areas**, ~~the City of Rockport,~~" dated **February 17, 2016** ~~March 4, 1985~~, with accompanying **Flood Insurance Rate Maps (FIRM), dated February 17, 2016**, and ~~flood boundary floodway maps (FIRM and FBFM)~~ and any revisions thereto are hereby adopted by reference and declared to be a part of this article.

(Ord. No. 857, art. 3, § B, 5-22-90)

**Editor's note**—The report described in the above section is on file in the city hall.

 **Sec. 50-29. Establishment of development permit.**

A development permit shall be required to ensure conformance with the provisions of this article.

(Ord. No. 857, art. 3, § C, 5-22-90)

 **Sec. 50-30. Compliance.**

After July 1, 1990, no structure or land shall be located, altered or have its use changed without full compliance with the terms of this article and other applicable regulations.

(Ord. No. 857, art. 3, § D, 5-22-90)

 **Sec. 50-31. Abrogation and greater restrictions.**

This article is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this article and another provision conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(Ord. No. 857, art. 3, § E, 5-22-90)

 **Sec. 50-32. Interpretation.**

In the interpretation and application of this article, all provisions shall be considered as minimum requirements; liberally construed in favor of the governing body; and deemed neither to limit nor repeal any other powers granted under state statutes.

(Ord. No. 857, art. 3, § F, 5-22-90)

 **Sec. 50-33. Warning and disclaimer of liability.**

(a) The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by manmade or natural causes. This article does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages.

(b) This article shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this article or any administrative decision lawfully made thereunder.

(Ord. No. 857, art. 3, § G, 5-22-90)

 **Sec. 50-34. Penalty.**

Any person who violates any provision of this article shall be guilty of a misdemeanor, and upon conviction shall be fined as provided in [section 1-7\(a\)](#). The city may also direct the city attorney to bring a civil action in a court of competent jurisdiction to enforce the provisions of this article.

(Ord. No. 857, art. 6, § A, 5-22-90)

 **Secs. 50-35—50-45. Reserved.**

 **DIVISION 2. FINDINGS OF FACT; PURPOSE; METHODS**

 **Sec. 50-46. Findings of fact.**

(a) The flood hazard areas of the city are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.

(b) These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by

uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, flood-proofed or otherwise protected from flood damage.

(Ord. No. 857, art. 1, § B, 5-22-90)

 **Sec. 50-47. Statement of purpose.**

It is the purpose of this article to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) Protect human life and health.
- (2) Minimize expenditure of public money for costly flood control projects.
- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.
- (4) Minimize prolonged business interruptions.
- (5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains.
- (6) Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas.
- (7) Ensure that potential buyers are notified that property is in a flood area.

(Ord. No. 857, art. 1, § C, 5-22-90)

 **Sec. 50-48. Methods of reducing flood losses.**

In order to accomplish its purposes, this article uses the following methods:

- (1) Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities.
- (2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.
- (3) Control the alteration of natural floodplains, stream channels and natural protective barriers, which are involved in the accommodation of floodwaters.
- (4) Control filling, grading, dredging and other development which may increase flood damage.

(5) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

**(6) Require a minimum of eighteen (18") inches of freeboard above the base flood elevation for all new construction or eighteen (18") inches above the highest adjacent natural ground level, whichever is higher.**

(Ord. No. 857, art. 1, § D, 5-22-90)

 Secs. 50-49—50-60. Reserved.

### DIVISION 3. ADMINISTRATION

 Sec. 50-61. Designation of floodplain administrator.

**The city manager, or the city manager's designee, is appointed the floodplain administrator to administer and implement the provisions of this ordinance and other appropriate sections of 44 CFR (Emergency Management and Assistance – National Flood Insurance Program Regulations) pertaining to floodplain management. The floodplain administrator is to be assisted by the building inspector with knowledge of construction practices and representing developmental services.**

(This language was taken from Corpus Christi Ordinance)

~~The floodplain administrator shall be the designated authority charged with the administration and enforcement of this article.~~

(Ord. No. 857, art. 4, § A, 5-22-90)

 Sec. 50-62. Duties, responsibilities of administrator.

Duties and responsibilities of the floodplain administrator shall include, but not be limited to, the following:

- (1) Maintain and hold open for public inspection all records pertaining to the provisions of this article.
- (2) Review permit applications to determine whether proposed building sites, **including the placement of manufactured homes,** will be reasonably safe from flooding.
- (3) Review, approve or deny all applications for development permits required by this article.

(4) Review permits for proposed development to ensure that all necessary permits have been obtained from those federal, state or local governmental agencies **(including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334)** from which prior approval is required.

(5) Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the floodplain administrator shall make the necessary interpretation.

(6) Notify, in riverine situations, adjacent communities and the **State Coordinating Agency which is the Texas Water Development Board (TWDB) and also the Texas Commission on Environmental Quality (TCEQ),** ~~state water commission~~ prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

(7) **Assure** ~~Ensure~~ that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained.

(8) When base flood elevation data has not been provided in accordance with [section 50-28](#), the floodplain administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a federal, state or other source, in order to administer the provisions of [division 4](#) of this article.

(9) When a regulatory floodway has not been designated, the floodplain administrator must require that no new construction, substantial improvements or other development (including fill) shall be permitted within zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

**(10) The Floodplain Administrator, or his duly authorized representative, may enter any building, structure or premise to perform any duties imposed upon him by these regulations.**

**(11) The Floodplain Administrator may revoke a permit issued under the provisions of this regulation if there has been any false statement or misrepresentation as to a material fact in the application or plans upon which the permit or approval was based.**

(Ord. No. 857, art. 4, § B, 5-22-90)

 **Sec. 50-63. Permit procedures.**

(a) Application for a development permit shall be presented to the floodplain administrator on forms furnished by him and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions and elevation of proposed landscape alterations, existing and proposed structures, **including the placement of manufactured homes,** and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:

- (1) Elevation, in relation to mean sea level, of the lowest floor (including basement) of all new and substantially improved structures.
- (2) Elevation, in relation to mean sea level, to which any non-residential structure shall be flood-proofed.
- (3) A certificate from a registered professional engineer or architect that the nonresidential flood-proofed structure shall meet the flood-proofing criteria of [section 50-77\(2\)](#).
- (4) Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.

**(5) Each application for permit in the Special Flood Hazard Area shall indicate the proposed occupancy of all parts of the building or structure and shall contain specific information as may be required by the Floodplain Administrator.**

**(6) Issuance of a floodplain permit does not relieve the applicant of the responsibility of obtaining other required federal, state or local permits.**

**(7)**~~(5)~~ Maintain a record of all such information in accordance with [section 50-62\(1\)](#).

(b) Approval or denial of a development permit by the floodplain administrator shall be based on all of the provisions of this article and the following relevant factors:

- (1) The danger to life and property due to flooding or erosion damage.
- (2) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
- (3) The danger that materials may be swept onto other lands to the injury of others.
- (4) The compatibility of the proposed use with existing and anticipated development.
- (5) The safety of access to the property in times of flood for ordinary and emergency vehicles.

- (6) The costs of providing governmental services during and after flood conditions, including maintenance and repair of streets and bridges, and public utilities and facilities, such as sewer, gas, electrical and water systems.
- (7) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.
- (8) The necessity to the facility of a waterfront location, where applicable.
- (9) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.
- (10) The relationship of the proposed use to the comprehensive plan for that area.

(Ord. No. 857, art. 4, § C, 5-22-90)

 **Sec. 50-64. Variance procedures.**

- (a) The city council shall hear and render judgment on requests for variances from the requirements of this article.
- (b) The city council shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the enforcement or administration of this article.
- (c) Any person aggrieved by the decision of the city council may appeal such decision in a court of competent jurisdiction.
- (d) The floodplain administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.
- (e) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- (f) Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in [section 50-63\(b\)](#) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- (g) Upon consideration of the factors noted above and the intent of this article, the city council may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this article ([section 50-47](#)).

- (h) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (i) Prerequisites for granting variances:
- (1) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
  - (2) Variances shall only be issued upon showing a good and sufficient cause; a determination that failure to grant the variance would result in exceptional hardship to the applicant; and a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
  - (3) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the lowest floor elevation.
- (j) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the criteria outlined in subsections (a) through (i) of this section are met, and that the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

(Ord. No. 857, art. 4, § D, 5-22-90)

 **Secs. 50-65—50-75. Reserved.**

### **Secs. 50-65. Existing buildings**

- 1. If alterations or repairs costing fifty (50%) percent or more of the Aransas County Appraisal District appraised value of the building are made to an existing building, such building shall be made to conform to the requirements of these regulations for new buildings.**
- 2. If any existing building is damaged by fire or otherwise fifty (50%) percent or more than Aransas County Appraisal District appraised value before such damage is repaired, it shall be made to conform to the requirements of these regulations for new buildings.**

 **Sec. 50-76. General standards for all areas of special flood hazard.**

In all areas of special flood hazard the following provisions are required for all new construction and substantial improvements:

- (1) All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
- (2) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
- (3) All new construction or substantial improvements shall be constructed with materials resistant to flood damage.
- (4) All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as **to be 18" above the BFE, or,** prevent water from entering or accumulating within the components during conditions of flooding.
- (5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- (6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from the system into floodwaters.
- (7) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

**(8) No alteration, diversion, encroachment or enlargement shall be made to any bayou, lake, creek, natural drainage ditch or waterway without specific written authorization from the Floodplain Administrator and the U.S. Army Corps of Engineers, Galveston District, if applicable.**

**(9) No person may divert or impound the natural flow of surface waters or permit a diversion or impounding to continue in a manner that damages the property of another by the overflow of water diverted or impounded. A person whose property is injured by an overflow of water caused by an unlawful diversion or impounding has remedies at law and in equity and may recover damages occasioned by the overflow.**

**(10) All new construction or substantial improvements of residential or non-residential structures within the incorporated areas of the city must have the lowest floor elevated eighteen (18") inches above the level of the 100-year flood (base flood**

**elevation) or eighteen (18") inches above the highest adjacent natural ground level, whichever is higher, or when the drainage downstream from the proposed structure is intercepted by a road the first floor elevation shall be a minimum of eighteen (18") inches above the centerline of the road.**

**(11) Accessory buildings, other than those located in A or V zones, must have the lowest floor elevated six (6") inches above the highest adjacent natural ground elevation or when the drainage downstream from the proposed structure is intercepted by a road the lowest floor elevation shall be a minimum of six (6") inches above the centerline of the road.**

(Ord. No. 857, art. 5, § A, 5-22-90)

 **Sec. 50-77. Specific standards for certain areas.**

In all areas of special flood hazard where base flood elevation data has been provided as set forth in [section 50-28](#), [section 50-62](#)(8) or [section 50-78](#)(c), the following provisions are required:

(1) *Residential construction.* New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated ~~to or above~~ **a minimum of eighteen (18") inches above** the base flood elevation. A registered professional engineer, architect or land surveyor shall submit a certification to the floodplain administrator that the standard of this subsection, as proposed in [section 50-63](#)(a)(1), is satisfied.

(2) *Non-residential construction.* New construction or substantial improvements of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated ~~to or above~~ **a minimum of eighteen (18") inches above** the base flood level or, together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this article. A record of such certification which includes the specific elevation in relation to mean sea level, to which such structures are flood-proofed shall be maintained by the floodplain administrator.

(3) *Enclosures.* New construction and substantial improvements, with fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of

floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

- a. A minimum of two openings **on separate walls** having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
- b. The bottom of all openings shall be no higher than one foot above grade.
- c. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(4) *Manufactured homes.*

- a. Require that all manufactured homes to be placed within zone A **on a community's FHMB or FIRM** shall be installed using methods and practices which minimize flood damage. For the purpose of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

- b. Require that manufactured homes that are placed or substantially improved within zones A1-30, AH and AE, **V1-30, VE and/or V** on the community's FIRM on sites: outside of a manufactured home park or subdivision; in a new manufactured home park or subdivision; in an expansion to an existing manufactured home park or subdivision; or in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated ~~to or above~~ **a minimum of eighteen (18") inches above** the base flood elevation and is securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

- c. Require that manufactured homes that are placed or substantially improved on sites in an existing manufactured home park or subdivision within zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of this subsection be elevated so that either:

1. The lowest floor of the manufactured home ~~is to or above~~ **a minimum of eighteen (18") inches above** the base flood elevation; or

2. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and is securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

(5) *Recreational vehicles.*

a. Require that recreational vehicles placed on sites within zones A1-30, AH and AE on the community's FIRM either:

1. Be on the site for fewer than 180 consecutive days;
2. Be fully licensed and ready for highway use; or
3. Meet the permit requirements of subsection (1) of this section and the elevation and anchoring requirements for manufactured homes in subsection (4)a of this section.

b. Require that recreational vehicles placed on sites within zones V1-30, V or VE on the community's FIRM either:

1. Be on the site for fewer than 180 consecutive days;
2. Be fully licensed and ready for highway use; or
3. Meet the requirements of subsections (1) and (4)c of this section.

c. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

**d. All recreational vehicles shall be capable of evacuation under its own power or if dependent on external power, the vehicle proposed for external power shall be in running condition.**

**e. Egress of recreational vehicles shall not be prevented by stored or fixed items such as stairs, porches, store rooms, etc.**

**f. Recreational vehicles stored on a homeowner's lot where the home is the primary residence are exempt from the 180 day permit regulations, subject to other ordinances or restrictions. These recreational vehicles must be unoccupied, not connected to neither water nor wastewater services, have a current motor vehicle license and inspection sticker and be capable of highway use.**

(Ord. No. 857, art. 5, § B, 5-22-90)

 **Sec. 50-78. Standards for subdivision proposals.**

- (a) All subdivision proposals including manufactured home parks and subdivisions shall be consistent with [sections 50-46](#) through [50-48](#)
- (b) All proposals for the development of subdivisions including manufactured home parks and subdivisions shall meet development permit requirements of [sections 50-29](#) and [50-63](#), and the provisions of this division.
- (c) Base flood elevation data shall be generated for subdivision proposals and other proposed developments including manufactured home parks and subdivisions which are greater than 50 lots or five acres, whichever is less, if not otherwise provided pursuant to [sections 50-28](#) or [50-62](#)(8).
- (d) All subdivision proposals including manufactured home parks and subdivisions shall have adequate drainage to reduce exposure to flood hazards.
- (e) All subdivision proposals including manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

(Ord. No. 857, art. 5, § C, 5-22-90)

Cross reference—Subdivisions, [ch. 90](#).

 **Sec. 50-79. Standards for areas of shallow flooding (AO/AH zones).**

Located within the areas of special flood hazard established in [section 50-28](#), are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of one to three feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions shall apply:

- (1) All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated **a minimum of eighteen (18") inches above base flood elevation or a minimum of eighteen (18") inches above the highest adjacent natural ground level, whichever is higher, or when the drainage downstream from the proposed structure is intercepted by a roadway the lowest floor elevation shall be a minimum of eighteen (18") inches above the centerline of the road.** above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least **two feet** if no depth number is specified).
- (2) All new construction and substantial improvements of non-residential structures shall:
- a. Have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least ~~two feet~~ **eighteen (18") inches** if no depth is specified); or

b. Together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

(3) A registered professional engineer, architect or land surveyor shall submit a certification to the floodplain administrator that the standards of this section, as proposed in [section 50-63](#)(a)(1), are satisfied.

(4) Require within zones AH or AO adequate drainage paths around structures on slopes, to guide floodwaters around and away from proposed structures.

(Ord. No. 857, art. 5, § D, 5-22-90)



**Sec. 50-80. Standards for coastal high hazard areas.**

Located within the areas of special flood hazard established in [section 50-28](#) are areas designated as coastal high hazard areas (zones V1-30, VE and/or V). These areas have special flood hazards associated with high velocity waters from tidal surges and hurricane wave wash; therefore, in addition to meeting all provisions outlined in this article, the following provisions shall also apply:

(1) Obtain the elevation, in relation to mean sea level, of the bottom of the lowest structural member of the lowest floor (excluding pilings and columns) of all new and substantially improved structures, and whether or not such structures contain a basement. The floodplain administrator shall maintain a record of all such information.

(2) All new construction shall be located landward of the reach of mean high tide.

(3) All new construction and substantial improvements shall be elevated on pilings and columns so that:

a. The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated **a minimum of eighteen (18") inches above** ~~to or above~~ the base flood level.

b. The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable state or local building standards.

c. A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of subsection (3)a. and b. of this section.

(4) Provide that all new construction and substantial improvements have the space below the lowest floor either free of obstruction or constructed with nonsupporting breakaway walls, open wood lattice work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement or other structural damage to the elevated portion of the building or supporting foundation system. For the purpose of this section, a breakaway wall shall have a design safe loading resistance of not less than ten and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by local or state codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions:

- a. Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and
- b. The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and nonstructural). Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable state or local building standards.

(5) **If breakaway walls are used,** sSuch enclosed space shall be usable solely for parking of vehicles, building access or storage. **Such spaces shall not be used for human habitation.**

(6) Prohibit the use of fill for structural support of buildings.

(7) Prohibit manmade alteration of sand dunes and mangrove stands which would increase potential flood damage.

(Ord. No. 857, art. 5, § E, 5-22-90)

NOTES: TIMELINE

Second Week of December 2015:

- Flood Ordinance Draft due to TWDB for verification that all regulatory requirements are met.
- After reviewed by TWDB, the ordinance is forwarded to FEMA for preview.

January 2016:

- First and second reading of the Flood Ordinance

**February 17, 2016:**

- New FEMA Flood Insurance Rate Maps go live and maps and ordinance must be adopted by this deadline.
- Failure to meet the deadline would result in immediate suspension from NFIP.



TEXAS COASTAL WATERSHED  
P R O G R A M

December 2, 2015

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

Floods cause more damage in Texas communities than in any other state.

To help address this, over 50 counties and communities in Texas have adopted “freeboard” requirements, which is another term for elevating a building’s bottom floor above the predicted flood heights set forth in a community’s Flood Insurance Rate Map (FIRM).

Because FIRMs are based on one type of flood event for insurance purposes, actual flood events can and do exceed these predicted heights due to a number of reasons, such as varying rainfall intensity, wave action, urbanization of the watershed, etc.

Communities that have chosen to adopt freeboard requirements have directly reduced the impacts of property damage from floods, lowered flood insurance rates for their homeowners, and established their communities as leaders in disaster management.

Research indicates that the benefits of freeboard requirements far outweigh the cost. A nationwide study conducted by the American Institutes for Research determined that the expense of incorporating freeboard into new structures generally adds about 0.25 to 1.5 percent to the total construction costs for each foot of added height. This cost, however, can be recouped through the reduction in flood insurance premiums, as well as through the reduced likelihood of flood damage.

Examples of Freeboard Benefits:

City of Boulder, CO

Prior to the devastating floods in Colorado in September 2013, the city of Boulder implemented a freeboard ordinance that required all homes to be elevated 24 inches above the 100 year flood elevation established in the FIRMs. Because the city had enacted this ordinance years earlier, homes that were built to this standard were not flooded, with millions of dollars in damage averted.

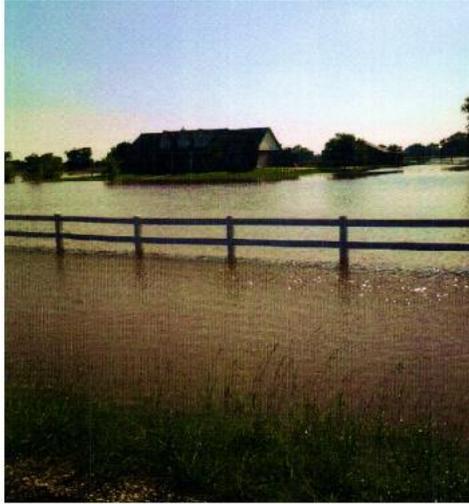
Brazoria County, TX

In 2007, Brazoria County adopted a 24 inch freeboard requirement for all new construction, which directly reduced the impacts of the 2015 flooding events. As an example, the following picture is of a home located in a subdivision in Rosharon, Texas. The homeowner adhered to the 2-foot free board requirement



TEXAS COASTAL WATERSHED  
P R O G R A M

when the home was built. In 2015, flood waters inundated the yard, but left the home unscathed. Had the home not been built to the freeboard limit, the house would have been severely damaged.



*(Photo by Joe Ripple, Brazoria County Floodplain Director via FEMA Mitigation Best Practices Portfolio)*

As Rockport's population and development is projected to increase over the next several years, adopting and enforcing strong floodplain regulations, such as higher freeboard requirements, is an important proactive step in achieving long term disaster resiliency.

*Sincerely,*

**Race A. Hodges, CFM**

Senior Planner - Resiliency Program Coordinator  
Certified Floodplain Manager  
Texas A&M University  
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One way flood risk is communicated is through maps that show base flood elevations (BFEs), or the height floodwaters would reach during a 1-percent-annual-chance flood in any given year.

*Freeboard* is a term used by FEMA’s National Flood Insurance Program (NFIP) to describe a factor of safety usually expressed in feet above the 1-percent-annual-chance flood level. The NFIP requires the lowest floor of structures built in Special Flood Hazard Areas (SFHAs) to be at or above the BFE, so a structure built with freeboard would have its lowest floor 1 foot or more above the BFE. Adding freeboard will reduce NFIP insurance premiums.

### Benefits of Freeboard

There are many benefits to incorporating freeboard into new construction plans, the most important being safety (Figure 1). Freeboard provides a margin of safety against extraordinary or unknown flood risk. BFEs reflect estimates of flood risk, but there are many unknown factors that can cause flood heights to rise above the BFE, such as wave action, bridge and culvert openings being blocked by debris, and development in the floodplain. It is important to remember that floods more severe than the 1-percent-annual-chance event can and do occur.

Other benefits of freeboard include incurring less damage, easier and faster cleanup after a flood event, and lower flood insurance rates. Incorporating freeboard into building plans can result in substantial savings in flood insurance premiums each year, especially for buildings located in Zone V (a coastal flood zone at risk from wave action). Figure 2 shows potential flood insurance rates based on the amount of freeboard in both riverine (Zone AE) and coastal (Zone VE) environments.

Communities that incorporate freeboard into their local floodplain ordinances can earn discounts on flood insurance by participating in the NFIP’s Community Rating System (CRS) program. CRS rewards communities that engage in floodplain management activities that exceed NFIP standards by offering discounts of up to 45 percent on flood insurance policies written for SFHAs in NFIP-participating communities.



Figure 1: House elevated above the BFE with 1 foot of freeboard

**What is Floodplain Management?**  
 Floodplain management is the operation of a program of preventive and corrective measures for reducing flood damage. FEMA helps communities develop floodplain management regulations that comply with NFIP regulations. Communities may adopt more restrictive regulations. Community officials may have knowledge of local conditions that require higher standards than the NFIP regulations, particularly for human safety.

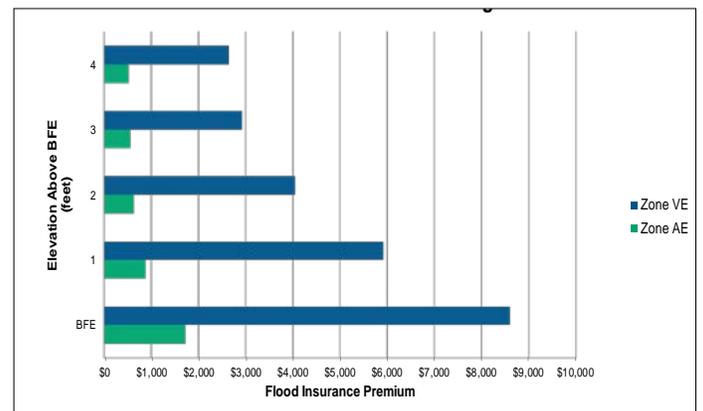


Figure 2: Maximum coverage for a \$250,000 residential building and \$100,000 contents

## Benefit-Cost Comparison

Incorporating freeboard into new construction is extremely cost effective. The up-front costs are generally only about 0.25 to 1.5 percent of the total construction costs for each foot of freeboard. However, the long-term savings on flood insurance will more than offset these costs.

For example, adding 2 feet of freeboard to a new home might add \$20 a month to the mortgage payment, or \$240 per year. The resulting flood insurance savings could be more than \$1,000 a year for a building in Zone AE (for instance, in a riverine flood zone not affected by wave action) and \$2,000 a year in Zone VE.

Many States and communities have incorporated freeboard requirements into the elevation and floodproofing requirements stipulated by the NFIP. Freeboard requirements can range from 6 inches to 4 feet, and it would be up to the community to decide what is most appropriate given their location and other community conditions.

### *Historically Speaking...*

Freeboard was (and still is) a nautical term. It refers to the height of a ship's deck above the waterline. If you think of the lowest floor of your house as the deck of your ship, and the BFE as the height of the sea, freeboard is the extra height that keeps the larger waves off your deck.

### FOR MORE INFORMATION...

#### **FEMA's Floodplain Management Branch**

About floodplain management's role in the NFIP:  
<http://www.fema.gov/floodplain-management>

#### **FEMA 347 – Above the Flood: Elevating Your Floodprone House:**

<http://www.fema.gov/media-library/assets/documents/725?id=1424>

#### **FEMA 312 – Homeowner's Guide to Retrofitting:**

<http://www.fema.gov/media-library/assets/documents/480?id=1420>

#### **Homebuilder's Guide to Coastal Construction:**

A series of fact sheets providing information about responsible building practices including freeboard.  
<http://www.fema.gov/library/viewRecord.do?id=2138>

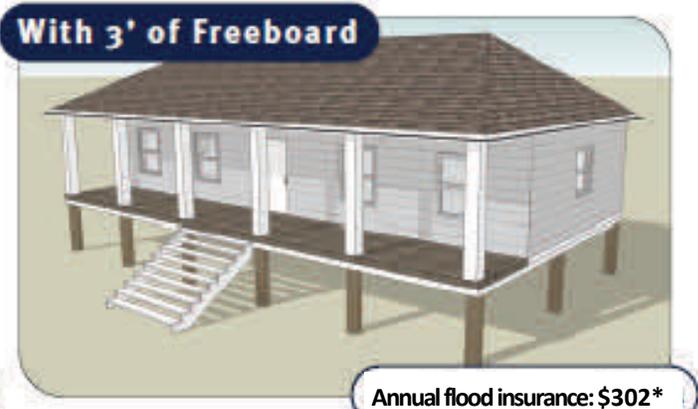
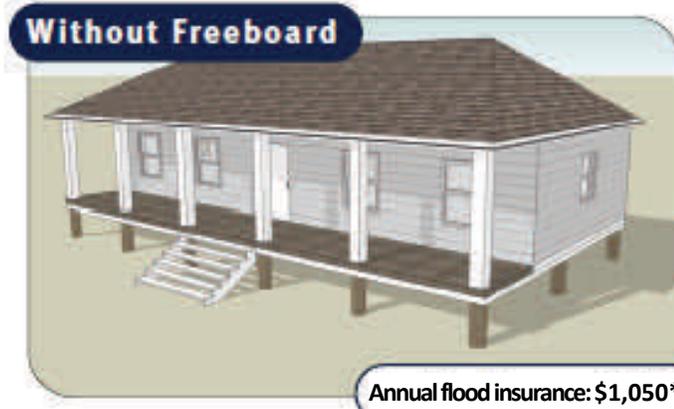
#### **FloodSmart**

Information for consumers and insurance agents about flood insurance and the NFIP.  
[www.FloodSmart.gov](http://www.FloodSmart.gov)



# What is Freeboard?

## Raise your home, Lower your monthly payments



*Elevating a home a few feet above legally mandated heights has very little effect on its overall look, yet it can lead to substantial reductions in flood insurance, substantially decrease the chances the home will be damaged by storms and flooding, and help protect against sea level rise.*

### What is Freeboard?

Freeboard is elevating a building’s lowest floor above predicted flood elevations by a small additional height (generally 1-3 feet above National Flood Insurance Program [NFIP] minimum height requirements). Elevating a home a few feet has very little effect on its overall look, yet it can lead to substantial reductions in flood insurance, significantly decrease the chances the home will be damaged by storms and flooding, and help protect it against the impacts of sea level rise.

### What Are the Benefits of Freeboard?

**Increased protection from floods and storms.** Storm waters can and do rise higher than shown on Flood Insurance Rate Maps (FIRMs). Freeboard helps protect buildings from storms larger than those that FIRMs are based on, and provides an added margin of safety to address the flood modeling and mapping uncertainties associated with FIRMs.

### Better preparation for ongoing sea level rise.

Historically, Virginia has experienced a relative sea level rise of approximately 1.5 feet over the past 100 years. In the future, however, due to the combined forces of regional land subsidence and global climate change, Virginia may experience up to 5 feet of sea level rise over the next century. Since elevations on FIRMs do not include sea level rise, freeboard will help keep structures above floodwaters as storm surge elevations increase.

### Greatly reduced flood insurance premiums.

Recognizing that freeboard reduces flood risk, the Federal Emergency Management Agency (FEMA, which administers the NFIP) provides substantial (sometimes more than 50 percent) reductions in flood insurance premiums for structures that incorporate freeboard. These savings can rapidly accumulate, especially over the life of a normal mortgage.

		Annual Savings	30-year Savings			Annual Savings	30-year Savings
<b>V Zone*</b>	1' Freeboard	\$2,575 (22%)	\$77,250	<b>A Zone*</b>		\$537 (51%)	\$16,110
	2' Freeboard	\$4,900 (41%)	\$147,000			\$700 (66%)	\$21,000
	3' Freeboard	\$6,775 (56%)	\$203,250			\$748 (71%)	\$22,440

\*NFIP premiums based on October 2013 rates for a multiple floor residential structure with no basement or enclosure built after a FIRM was issued. \$1,000 deductible/\$250,000 coverage for the building, no contents coverage. The replacement cost of V Zone buildings is greater than \$500,000.

## What Are the Costs of Freeboard?

The expense of incorporating freeboard into new structures is surprisingly low, generally adding only about 0.25 to 1.5 percent to the total construction costs for each foot of added height, according to a 2006 FEMA-commissioned study (*Evaluation of the National Flood Insurance Program's Building Standards*). The minor resulting increase in monthly mortgage payments is generally more than offset by savings on NFIP premiums. Consequently, adding freeboard typically saves homeowners money.

Consider, for example, a proposed two-story building in the V zone that will cost \$250,000 to build at minimum legal standards (Virginia Beach requires that all homes in the floodplain be elevated to at least one (1) foot above the base flood elevation [BFE], mapped on FIRMs). According to the study cited above, adding each foot of freeboard to a home on piles or piers adds about 0.4 percent to total construction costs (about \$1,000 a foot in this example). If the owner takes out a mortgage at 4.5 percent APR for the total construction costs, he or she will have lower monthly payments (mortgage plus NFIP premiums) with 3 feet of freeboard, even though the construction costs are higher.

### Home with 1' Freeboard

Monthly mortgage payments	\$1,266.71
Monthly flood insurance	+ \$793.58
<b>Total monthly cost</b>	<b>= \$2,060.29</b>

### Home with 3' of freeboard

Monthly mortgage payments	\$1,276.85 (+10.14)
Monthly flood insurance	+ \$564.58 (-229)
<b>Total monthly cost</b>	<b>= \$1,841.43 (-218.86)</b>

In this example, adding 2 feet of freeboard saves the homeowner \$218.86 per month, or \$78,573.60 over a 30-year mortgage. Benefits in A zones are generally less dramatic, but still substantial. To determine NFIP premiums for a specific property, see a licensed insurance agent.

## Who Can Benefit from Freeboard?

Nearly everyone building in floodplains can better protect themselves and their property and save on flood insurance by including freeboard into their construction and reconstruction projects.

Additional benefits include:

- **Homeowners** - Whether or not you live in the house year-round, having it elevated increases the chances that it will weather storms safely, decreasing your worry and protecting your investment. If you're building a new home, or doing a renovation, ask your builder/designer about incorporating freeboard.
- **Builders/contractors** - Freeboard provides a competitive edge over other builders, allowing you to market the benefits of reduced flood insurance and flood risk to potential buyers. When doing retrofits (especially those requiring bringing structures up to current NFIP standards), explain the benefits of freeboard to your clients.
- **Businesses** - Freeboard helps: protect your buildings, important records, and inventory from flooding; drastically decrease your recovery/clean-up time after storm; and potentially save your business. The Institute for Business and Home Safety reports that more than 25 percent of businesses that close due to storm damage never reopen.

### For More Information . . .

- For technical details on costs of using different flood-resistant building techniques (including freeboard), see the American Institutes for Research's *Evaluation of the National Flood Insurance Program's Building Standards* 2006 study at [www.fema.gov/library/viewRecord.do?id=2592](http://www.fema.gov/library/viewRecord.do?id=2592).
- For general information on the National Flood Insurance Program, see [www.FloodSmart.gov](http://www.FloodSmart.gov).
- For specific questions on flood insurance rates, see a licensed insurance agent.
- Businesses looking to prepare for storms and other catastrophic events should visit the Institute for Business and Home Safety's website at [www.ibhs.org](http://www.ibhs.org).



**CITY COUNCIL AGENDA**  
**Regular Meeting:**

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**AGENDA ITEM:** 12

Hear and deliberate on a presentation concerning HB 910 and changes to concealed carry/open carry of firearms regulations effective January 1, 2016.

**SUBMITTED BY:** Police Chief Tim Jayroe

**APPROVED FOR AGENDA:** PKC

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**BACKGROUND:** The Texas Legislature adopted House Bill 910 earlier this year and modifies the current law relating to concealed handgun licenses. Beginning on January 1, 2016, H.B. 910 will allow a person with a current concealed handgun license, or a person who obtains the new “license to carry a handgun,” to carry a handgun in a concealed manner or openly in a belt or shoulder holster. The rules related to where and when a license holder may openly carry are essentially identical to where and when a concealed handgun license holder can carry under current law. Chief Tim Jayroe will give a presentation explaining the law and the impact on City operations. Please see the accompanying legal Q&A from the Texas Municipal League and a copy of H.B. 910 for more information.

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**FISCAL ANALYSIS:** N/A

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**RECOMMENDATION:** Not an action item.

By: Phillips

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A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the authority of a person who is licensed to carry a  
3 handgun to openly carry a holstered handgun; creating a criminal  
4 offense; providing penalties.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 11.041(a), Alcoholic Beverage Code, is  
7 amended to read as follows:

8 (a) Each holder of a permit who is not otherwise required to  
9 display a sign under Section 411.204, Government Code, shall  
10 display in a prominent place on the permit holder's premises a sign  
11 giving notice that it is unlawful for a person to carry a weapon on  
12 the premises unless the weapon is a ~~concealed~~ handgun the person  
13 is licensed to carry under Subchapter H, Chapter 411, Government  
14 Code.

15 SECTION 2. Section 11.61(e), Alcoholic Beverage Code, is  
16 amended to read as follows:

17 (e) Except as provided by Subsection (f) or (i), the  
18 commission or administrator shall cancel an original or renewal  
19 permit if it is found, after notice and hearing, that the permittee  
20 knowingly allowed a person to possess a firearm in a building on the  
21 licensed premises. This subsection does not apply to a person:

22 (1) who holds a security officer commission issued  
23 under Chapter 1702, Occupations Code, if:

24 (A) the person is engaged in the performance of

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1 the person's duties as a security officer;

2 (B) the person is wearing a distinctive uniform;

3 and

4 (C) the weapon is in plain view;

5 (2) who is a peace officer;

6 (3) who is a permittee or an employee of a permittee if  
7 the person is supervising the operation of the premises; or

8 (4) who possesses a ~~concealed~~ handgun the person is  
9 licensed to carry under Subchapter H, Chapter 411, Government Code,  
10 unless the person is on the premises of a business described by  
11 Section 46.035(b)(1), Penal Code.

12 SECTION 3. Section 61.11(a), Alcoholic Beverage Code, is  
13 amended to read as follows:

14 (a) Each holder of a license who is not otherwise required  
15 to display a sign under Section 411.204, Government Code, shall  
16 display in a prominent place on the license holder's premises a sign  
17 giving notice that it is unlawful for a person to carry a weapon on  
18 the premises unless the weapon is a ~~concealed~~ handgun the person  
19 is licensed to carry under Subchapter H, Chapter 411, Government  
20 Code.

21 SECTION 4. Section 61.71(f), Alcoholic Beverage Code, is  
22 amended to read as follows:

23 (f) Except as provided by Subsection (g) or (j), the  
24 commission or administrator shall cancel an original or renewal  
25 dealer's on-premises or off-premises license if it is found, after  
26 notice and hearing, that the licensee knowingly allowed a person to  
27 possess a firearm in a building on the licensed premises. This

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1 subsection does not apply to a person:

2 (1) who holds a security officer commission issued  
3 under Chapter 1702, Occupations Code, if:

4 (A) the person is engaged in the performance of  
5 the person's duties as a security officer;

6 (B) the person is wearing a distinctive uniform;  
7 and

8 (C) the weapon is in plain view;

9 (2) who is a peace officer;

10 (3) who is a licensee or an employee of a licensee if  
11 the person is supervising the operation of the premises; or

12 (4) who possesses a [~~concealed~~] handgun the person is  
13 licensed to carry under Subchapter H, Chapter 411, Government Code,  
14 unless the person is on the premises of a business described by  
15 Section 46.035(b)(1), Penal Code.

16 SECTION 5. Article 7A.05(c), Code of Criminal Procedure, is  
17 amended to read as follows:

18 (c) In a protective order, the court may suspend a license  
19 to carry a [~~concealed~~] handgun issued under Section 411.177,  
20 Government Code, that is held by the alleged offender.

21 SECTION 6. Article 17.292(1), Code of Criminal Procedure,  
22 is amended to read as follows:

23 (1) In the order for emergency protection, the magistrate  
24 shall suspend a license to carry a [~~concealed~~] handgun issued under  
25 Subchapter H, Chapter 411, Government Code, that is held by the  
26 defendant.

27 SECTION 7. Article 17.293, Code of Criminal Procedure, is

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1 amended to read as follows:

2 Art. 17.293. DELIVERY OF ORDER FOR EMERGENCY PROTECTION TO  
3 OTHER PERSONS. The magistrate or the clerk of the magistrate's  
4 court issuing an order for emergency protection under Article  
5 17.292 that suspends a license to carry a [~~concealed~~] handgun shall  
6 immediately send a copy of the order to the appropriate division of  
7 the Department of Public Safety at its Austin headquarters. On  
8 receipt of the order suspending the license, the department shall:

9 (1) record the suspension of the license in the  
10 records of the department;

11 (2) report the suspension to local law enforcement  
12 agencies, as appropriate; and

13 (3) demand surrender of the suspended license from the  
14 license holder.

15 SECTION 8. Sections 37.0811(d) and (f), Education Code, are  
16 amended to read as follows:

17 (d) Any written regulations adopted for purposes of  
18 Subsection (c) must provide that a school marshal may carry a  
19 [~~concealed~~] handgun as described by Subsection (c), except that if  
20 the primary duty of the school marshal involves regular, direct  
21 contact with students, the marshal may not carry a [~~concealed~~]  
22 handgun but may possess a handgun on the physical premises of a  
23 school in a locked and secured safe within the marshal's immediate  
24 reach when conducting the marshal's primary duty. The written  
25 regulations must also require that a handgun carried by or within  
26 access of a school marshal may be loaded only with frangible  
27 ammunition designed to disintegrate on impact for maximum safety

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1 and minimal danger to others.

2 (f) A school district or charter school employee's status as  
3 a school marshal becomes inactive on:

4 (1) expiration of the employee's school marshal  
5 license under Section 1701.260, Occupations Code;

6 (2) suspension or revocation of the employee's license  
7 to carry a ~~concealed~~ handgun issued under Subchapter H, Chapter  
8 411, Government Code;

9 (3) termination of the employee's employment with the  
10 district or charter school; or

11 (4) notice from the board of trustees of the district  
12 or the governing body of the charter school that the employee's  
13 services as school marshal are no longer required.

14 SECTION 9. Section 63.0101, Election Code, is amended to  
15 read as follows:

16 Sec. 63.0101. DOCUMENTATION OF PROOF OF  
17 IDENTIFICATION. The following documentation is an acceptable form  
18 of photo identification under this chapter:

19 (1) a driver's license, election identification  
20 certificate, or personal identification card issued to the person  
21 by the Department of Public Safety that has not expired or that  
22 expired no earlier than 60 days before the date of presentation;

23 (2) a United States military identification card that  
24 contains the person's photograph that has not expired or that  
25 expired no earlier than 60 days before the date of presentation;

26 (3) a United States citizenship certificate issued to  
27 the person that contains the person's photograph;

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1           (4) a United States passport issued to the person that  
2 has not expired or that expired no earlier than 60 days before the  
3 date of presentation; or

4           (5) a license to carry a ~~concealed~~ handgun issued to  
5 the person by the Department of Public Safety that has not expired  
6 or that expired no earlier than 60 days before the date of  
7 presentation.

8           SECTION 10. Section 2.005(b), Family Code, is amended to  
9 read as follows:

10           (b) The proof must be established by:

11           (1) a driver's license or identification card issued  
12 by this state, another state, or a Canadian province that is current  
13 or has expired not more than two years preceding the date the  
14 identification is submitted to the county clerk in connection with  
15 an application for a license;

16           (2) a United States passport;

17           (3) a current passport issued by a foreign country or a  
18 consular document issued by a state or national government;

19           (4) an unexpired Certificate of United States  
20 Citizenship, Certificate of Naturalization, United States Citizen  
21 Identification Card, Permanent Resident Card, Temporary Resident  
22 Card, Employment Authorization Card, or other document issued by  
23 the federal Department of Homeland Security or the United States  
24 Department of State including an identification photograph;

25           (5) an unexpired military identification card for  
26 active duty, reserve, or retired personnel with an identification  
27 photograph;

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1           (6) an original or certified copy of a birth  
2 certificate issued by a bureau of vital statistics for a state or a  
3 foreign government;

4           (7) an original or certified copy of a Consular Report  
5 of Birth Abroad or Certificate of Birth Abroad issued by the United  
6 States Department of State;

7           (8) an original or certified copy of a court order  
8 relating to the applicant's name change or sex change;

9           (9) school records from a secondary school or  
10 institution of higher education;

11           (10) an insurance policy continuously valid for the  
12 two years preceding the date of the application for a license;

13           (11) a motor vehicle certificate of title;

14           (12) military records, including documentation of  
15 release or discharge from active duty or a draft record;

16           (13) an unexpired military dependent identification  
17 card;

18           (14) an original or certified copy of the applicant's  
19 marriage license or divorce decree;

20           (15) a voter registration certificate;

21           (16) a pilot's license issued by the Federal Aviation  
22 Administration or another authorized agency of the United States;

23           (17) a license to carry a ~~concealed~~ handgun under  
24 Subchapter H, Chapter 411, Government Code;

25           (18) a temporary driving permit or a temporary  
26 identification card issued by the Department of Public Safety; or

27           (19) an offender identification card issued by the

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1 Texas Department of Criminal Justice.

2 SECTION 11. Section 58.003(m), Family Code, is amended to  
3 read as follows:

4 (m) On request of the Department of Public Safety, a  
5 juvenile court shall reopen and allow the department to inspect the  
6 files and records of the juvenile court relating to an applicant for  
7 a license to carry a ~~concealed~~ handgun under Subchapter H,  
8 Chapter 411, Government Code.

9 SECTION 12. Section 85.022(d), Family Code, is amended to  
10 read as follows:

11 (d) In a protective order, the court shall suspend a license  
12 to carry a ~~concealed~~ handgun issued under Subchapter H, Chapter  
13 411, Government Code, that is held by a person found to have  
14 committed family violence.

15 SECTION 13. Section 85.042(e), Family Code, is amended to  
16 read as follows:

17 (e) The clerk of the court issuing an original or modified  
18 protective order under Section 85.022 that suspends a license to  
19 carry a ~~concealed~~ handgun shall send a copy of the order to the  
20 appropriate division of the Department of Public Safety at its  
21 Austin headquarters. On receipt of the order suspending the  
22 license, the department shall:

23 (1) record the suspension of the license in the  
24 records of the department;

25 (2) report the suspension to local law enforcement  
26 agencies, as appropriate; and

27 (3) demand surrender of the suspended license from the

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1 license holder.

2 SECTION 14. The heading to Section 411.047, Government  
3 Code, is amended to read as follows:

4 Sec. 411.047. REPORTING RELATED TO CERTAIN [~~CONCEALED~~]  
5 HANDGUN INCIDENTS INVOLVING LICENSE HOLDERS.

6 SECTION 15. Section 411.0625, Government Code, is amended  
7 to read as follows:

8 Sec. 411.0625. PASS FOR EXPEDITED ACCESS TO CAPITOL. (a)  
9 The department shall allow a person to enter the Capitol and the  
10 Capitol Extension, including any public space in the Capitol or  
11 Capitol Extension, in the same manner as the department allows  
12 entry to a person who presents a [~~concealed handgun~~] license to  
13 carry a handgun under Subchapter H if the person:

14 (1) obtains from the department a Capitol access pass;  
15 and

16 (2) presents the pass to the appropriate law  
17 enforcement official when entering the building or a space within  
18 the building.

19 (b) To be eligible for a Capitol access pass, a person must  
20 meet the eligibility requirements applicable to a license to carry  
21 a [~~concealed~~] handgun under Subchapter H, other than requirements  
22 regarding evidence of handgun proficiency.

23 (c) The department shall adopt rules to establish a  
24 procedure by which a resident of the state may apply for and be  
25 issued a Capitol access pass. Rules adopted under this section  
26 must include provisions for eligibility, application, approval,  
27 issuance, and renewal that:

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1           (1) require the department to conduct the same  
2 background check on an applicant for a Capitol access pass that is  
3 conducted on an applicant for a [~~concealed handgun~~] license to  
4 carry a handgun under Subchapter H;

5           (2) enable the department to conduct the background  
6 check described by Subdivision (1); and

7           (3) establish application and renewal fees in amounts  
8 sufficient to cover the cost of administering this section, not to  
9 exceed the amounts of similar fees required under Section 411.174  
10 for a [~~concealed handgun~~] license to carry a handgun [~~under Section~~  
11 411.174].

12           SECTION 16. The heading to Subchapter H, Chapter 411,  
13 **Government Code**, is amended to read as follows:

14           SUBCHAPTER H. LICENSE TO CARRY A [~~CONCEALED~~] HANDGUN

15           SECTION 17. Sections 411.172(a), (b-1), (g), and (h),  
16 Government Code, are amended to read as follows:

17           (a) **A person is eligible for a license to carry a**  
18 **[~~concealed~~] handgun if the person:**

19           (1) is a legal resident of this state for the six-month  
20 period preceding the date of application under this subchapter or  
21 is otherwise eligible for a license under Section 411.173(a);

22           (2) is at least 21 years of age;

23           (3) has not been convicted of a felony;

24           (4) is not charged with the commission of a Class A or  
25 Class B misdemeanor or equivalent offense, or of an offense under  
26 Section 42.01, Penal Code, or equivalent offense, or of a felony  
27 under an information or indictment;

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- 1           (5) is not a fugitive from justice for a felony or a  
2 Class A or Class B misdemeanor or equivalent offense;
- 3           (6) is not a chemically dependent person;
- 4           (7) is not incapable of exercising sound judgment with  
5 respect to the proper use and storage of a handgun;
- 6           (8) has not, in the five years preceding the date of  
7 application, been convicted of a Class A or Class B misdemeanor or  
8 equivalent offense or of an offense under Section 42.01, Penal  
9 Code, or equivalent offense;
- 10          (9) is fully qualified under applicable federal and  
11 state law to purchase a handgun;
- 12          (10) has not been finally determined to be delinquent  
13 in making a child support payment administered or collected by the  
14 attorney general;
- 15          (11) has not been finally determined to be delinquent  
16 in the payment of a tax or other money collected by the comptroller,  
17 the tax collector of a political subdivision of the state, or any  
18 agency or subdivision of the state;
- 19          (12) is not currently restricted under a court  
20 protective order or subject to a restraining order affecting the  
21 spousal relationship, other than a restraining order solely  
22 affecting property interests;
- 23          (13) has not, in the 10 years preceding the date of  
24 application, been adjudicated as having engaged in delinquent  
25 conduct violating a penal law of the grade of felony; and
- 26          (14) has not made any material misrepresentation, or  
27 failed to disclose any material fact, in an application submitted

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1 pursuant to Section 411.174.

2 (b-1) An offense is not considered a felony for purposes of  
3 Subsection (b) if, at the time of a person's application for a  
4 license to carry a [~~concealed~~] handgun, the offense:

5 (1) is not designated by a law of this state as a  
6 felony; and

7 (2) does not contain all the elements of any offense  
8 designated by a law of this state as a felony.

9 (g) Notwithstanding Subsection (a)(2), a person who is at  
10 least 18 years of age but not yet 21 years of age is eligible for a  
11 license to carry a [~~concealed~~] handgun if the person:

12 (1) is a member or veteran of the United States armed  
13 forces, including a member or veteran of the reserves or national  
14 guard;

15 (2) was discharged under honorable conditions, if  
16 discharged from the United States armed forces, reserves, or  
17 national guard; and

18 (3) meets the other eligibility requirements of  
19 Subsection (a) except for the minimum age required by federal law to  
20 purchase a handgun.

21 (h) The issuance of a license to carry a [~~concealed~~] handgun  
22 to a person eligible under Subsection (g) does not affect the  
23 person's ability to purchase a handgun or ammunition under federal  
24 law.

25 SECTION 18. Section 411.173(b), **Government Code**, is amended  
26 to read as follows:

27 (b) **The governor shall negotiate an agreement with any other**

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1 state that provides for the issuance of a license to carry a  
 2 [~~concealed~~] handgun under which a license issued by the other state  
 3 is recognized in this state or shall issue a proclamation that a  
 4 license issued by the other state is recognized in this state if the  
 5 attorney general of the State of Texas determines that a background  
 6 check of each applicant for a license issued by that state is  
 7 initiated by state or local authorities or an agent of the state or  
 8 local authorities before the license is issued. For purposes of  
 9 this subsection, "background check" means a search of the National  
 10 Crime Information Center database and the Interstate  
 11 Identification Index maintained by the Federal Bureau of  
 12 Investigation.

13 SECTION 19. Section 411.174(a), Government Code, is amended  
 14 to read as follows:

15 (a) An applicant for a license to carry a [~~concealed~~]  
 16 handgun must submit to the director's designee described by Section  
 17 411.176:

18 (1) a completed application on a form provided by the  
 19 department that requires only the information listed in Subsection  
 20 (b);

21 (2) one or more photographs of the applicant that meet  
 22 the requirements of the department;

23 (3) a certified copy of the applicant's birth  
 24 certificate or certified proof of age;

25 (4) proof of residency in this state;

26 (5) two complete sets of legible and classifiable  
 27 fingerprints of the applicant taken by a person appropriately

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1 trained in recording fingerprints who is employed by a law  
2 enforcement agency or by a private entity designated by a law  
3 enforcement agency as an entity qualified to take fingerprints of  
4 an applicant for a license under this subchapter;

5 (6) a nonrefundable application and license fee of  
6 \$140 paid to the department;

7 (7) evidence of handgun proficiency, in the form and  
8 manner required by the department;

9 (8) an affidavit signed by the applicant stating that  
10 the applicant:

11 (A) has read and understands each provision of  
12 this subchapter that creates an offense under the laws of this state  
13 and each provision of the laws of this state related to use of  
14 deadly force; and

15 (B) fulfills all the eligibility requirements  
16 listed under Section 411.172; and

17 (9) a form executed by the applicant that authorizes  
18 the director to make an inquiry into any noncriminal history  
19 records that are necessary to determine the applicant's eligibility  
20 for a license under Section 411.172(a).

21 SECTION 20. Section 411.177(a), **Government Code,** is amended  
22 to read as follows:

23 (a) **The department shall issue a license to carry a**  
24 **[concealed] handgun to an applicant if the applicant meets all the**  
25 **eligibility requirements** and submits all the application  
26 materials. The department shall administer the licensing  
27 procedures in good faith so that any applicant who meets all the

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1 eligibility requirements and submits all the application materials  
2 shall receive a license. The department may not deny an application  
3 on the basis of a capricious or arbitrary decision by the  
4 department.

5 SECTION 21. Section 411.185(c), **Government Code**, is amended  
6 to read as follows:

7 (c) The director by rule shall adopt an informational form  
8 that describes state law regarding the use of deadly force and the  
9 places where it is unlawful for the holder of a license issued under  
10 this subchapter to carry a [~~concealed~~] handgun. An applicant for a  
11 renewed license must sign and return the informational form to the  
12 department by mail or acknowledge the form electronically on the  
13 Internet according to the procedure adopted under Subsection (f).

14 SECTION 22. Section 411.188(g), **Government Code**, is amended  
15 to read as follows:

16 (g) A person who wishes to obtain a license to carry a  
17 [~~concealed~~] handgun must apply in person to a qualified handgun  
18 instructor to take the appropriate course in handgun proficiency  
19 and demonstrate handgun proficiency as required by the department.

20 SECTION 23. Sections 411.190(c) and (f), **Government Code**,  
21 are amended to read as follows:

22 (c) In the manner applicable to a person who applies for a  
23 license to carry a [~~concealed~~] handgun, the department shall  
24 conduct a background check of a person who applies for  
25 certification as a qualified handgun instructor. If the background  
26 check indicates that the applicant for certification would not  
27 qualify to receive a handgun license, the department may not

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1 certify the applicant as a qualified handgun instructor. If the  
 2 background check indicates that the applicant for certification  
 3 would qualify to receive a handgun license, the department shall  
 4 provide handgun instructor training to the applicant. The  
 5 applicant shall pay a fee of \$100 to the department for the  
 6 training. The applicant must take and successfully complete the  
 7 training offered by the department and pay the training fee before  
 8 the department may certify the applicant as a qualified handgun  
 9 instructor. The department shall issue a license to carry a  
 10 ~~concealed~~ handgun under the authority of this subchapter to any  
 11 person who is certified as a qualified handgun instructor and who  
 12 pays to the department a fee of \$100 in addition to the training  
 13 fee. The department by rule may prorate or waive the training fee  
 14 for an employee of another governmental entity.

15 (f) If the department determines that a reason exists to  
 16 revoke, suspend, or deny a license to carry a ~~concealed~~ handgun  
 17 with respect to a person who is a qualified handgun instructor or an  
 18 applicant for certification as a qualified handgun instructor, the  
 19 department shall take that action against the person's:

20 (1) license to carry a ~~concealed~~ handgun if the  
 21 person is an applicant for or the holder of a license issued under  
 22 this subchapter; and

23 (2) certification as a qualified handgun instructor.

24 SECTION 24. Section 411.1901(c), **Government Code**, is  
 25 amended to read as follows:

26 (c) A qualified handgun instructor certified in school  
 27 safety under this section may provide school safety training,

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1 including instruction in the subjects listed under Subsection (a),  
 2 to employees of a school district or an open-enrollment charter  
 3 school who hold a license to carry a ~~concealed~~ handgun issued  
 4 under this subchapter.

5 SECTION 25. Section 411.198(a), **Government Code**, is amended  
 6 to read as follows:

7 (a) On written approval of the director, the department may  
 8 issue to a law enforcement officer an alias license to carry a  
 9 ~~concealed~~ handgun to be used in supervised activities involving  
 10 criminal investigations.

11 SECTION 26. Sections 411.201(c), (d), (e), and (h),  
 12 **Government Code**, are amended to read as follows:

13 (c) An active judicial officer is eligible for a license to  
 14 carry a ~~concealed~~ handgun under the authority of this subchapter.  
 15 A retired judicial officer is eligible for a license to carry a  
 16 ~~concealed~~ handgun under the authority of this subchapter if the  
 17 officer:

18 (1) has not been convicted of a felony;

19 (2) has not, in the five years preceding the date of  
 20 application, been convicted of a Class A or Class B misdemeanor or  
 21 equivalent offense;

22 (3) is not charged with the commission of a Class A or  
 23 Class B misdemeanor or equivalent offense or of a felony under an  
 24 information or indictment;

25 (4) is not a chemically dependent person; and

26 (5) is not a person of unsound mind.

27 (d) An applicant for a license who is an active or retired

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1 judicial officer must submit to the department:

2 (1) a completed application, including all required  
3 affidavits, on a form prescribed by the department;

4 (2) one or more photographs of the applicant that meet  
5 the requirements of the department;

6 (3) two complete sets of legible and classifiable  
7 fingerprints of the applicant, including one set taken by a person  
8 employed by a law enforcement agency who is appropriately trained  
9 in recording fingerprints;

10 (4) evidence of handgun proficiency, in the form and  
11 manner required by the department for an applicant under this  
12 section;

13 (5) a nonrefundable application and license fee set by  
14 the department in an amount reasonably designed to cover the  
15 administrative costs associated with issuance of a license to carry  
16 a [~~concealed~~] handgun under this subchapter; and

17 (6) if the applicant is a retired judicial officer, a  
18 form executed by the applicant that authorizes the department to  
19 make an inquiry into any noncriminal history records that are  
20 necessary to determine the applicant's eligibility for a license  
21 under this subchapter.

22 (e) On receipt of all the application materials required by  
23 this section, the department shall:

24 (1) if the applicant is an active judicial officer,  
25 issue a license to carry a [~~concealed~~] handgun under the authority  
26 of this subchapter; or

27 (2) if the applicant is a retired judicial officer,

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1 conduct an appropriate background investigation to determine the  
 2 applicant's eligibility for the license and, if the applicant is  
 3 eligible, issue a license to carry a ~~[concealed]~~ handgun under the  
 4 authority of this subchapter.

5 (h) The department shall issue a license to carry a  
 6 ~~[concealed]~~ handgun under the authority of this subchapter to an  
 7 elected attorney representing the state in the prosecution of  
 8 felony cases who meets the requirements of this section for an  
 9 active judicial officer. The department shall waive any fee  
 10 required for the issuance of an original, duplicate, or renewed  
 11 license under this subchapter for an applicant who is an attorney  
 12 elected or employed to represent the state in the prosecution of  
 13 felony cases.

14 SECTION 27. Section 411.203, **Government Code**, is amended to  
 15 read as follows:

16 Sec. 411.203. **RIGHTS OF EMPLOYERS.** **This subchapter does**  
 17 **not prevent or otherwise limit the right of a public or private**  
 18 **employer to prohibit persons who are licensed under this subchapter**  
 19 **from carrying a ~~[concealed]~~ handgun on the premises of the**  
 20 **business.** In this section, "premises" has the meaning assigned by  
 21 Section 46.035(f)(3), Penal Code.

22 SECTION 28. Section 411.2032(b), **Government Code**, is  
 23 amended to read as follows:

24 (b) **An institution of higher education or private or**  
 25 **independent institution of higher education in this state may not**  
 26 **adopt or enforce any rule, regulation, or other provision or take**  
 27 **any other action, including posting notice under Section 30.06 or**

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1 30.07, Penal Code, prohibiting or placing restrictions on the  
 2 storage or transportation of a firearm or ammunition in a locked,  
 3 privately owned or leased motor vehicle by a person, including a  
 4 student enrolled at that institution, who holds a license to carry a  
 5 ~~[concealed]~~ handgun under this subchapter and lawfully possesses  
 6 the firearm or ammunition:

7 (1) on a street or driveway located on the campus of  
 8 the institution; or

9 (2) in a parking lot, parking garage, or other parking  
 10 area located on the campus of the institution.

11 SECTION 29. Section 12.092(b), Health and Safety Code, is  
 12 amended to read as follows:

13 (b) The medical advisory board shall assist the Department  
 14 of Public Safety of the State of Texas in determining whether:

15 (1) an applicant for a driver's license or a license  
 16 holder is capable of safely operating a motor vehicle; or

17 (2) an applicant for or holder of a license to carry a  
 18 ~~[concealed]~~ handgun under the authority of Subchapter H, Chapter  
 19 411, Government Code, or an applicant for or holder of a commission  
 20 as a security officer under Chapter 1702, Occupations Code, is  
 21 capable of exercising sound judgment with respect to the proper use  
 22 and storage of a handgun.

23 SECTION 30. Sections 52.061 and 52.062, Labor Code, are  
 24 amended to read as follows:

25 Sec. 52.061. RESTRICTION ON PROHIBITING EMPLOYEE ACCESS TO  
 26 OR STORAGE OF FIREARM OR AMMUNITION. A public or private employer  
 27 may not prohibit an employee who holds a license to carry a

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1 ~~[concealed]~~ handgun under Subchapter H, Chapter 411, Government  
 2 Code, who otherwise lawfully possesses a firearm, or who lawfully  
 3 possesses ammunition from transporting or storing a firearm or  
 4 ammunition the employee is authorized by law to possess in a locked,  
 5 privately owned motor vehicle in a parking lot, parking garage, or  
 6 other parking area the employer provides for employees.

7 Sec. 52.062. EXCEPTIONS. (a) Section 52.061 does not:

8 (1) authorize a person who holds a license to carry a  
 9 ~~[concealed]~~ handgun under Subchapter H, Chapter 411, Government  
 10 Code, who otherwise lawfully possesses a firearm, or who lawfully  
 11 possesses ammunition to possess a firearm or ammunition on any  
 12 property where the possession of a firearm or ammunition is  
 13 prohibited by state or federal law; or

14 (2) apply to:

15 (A) a vehicle owned or leased by a public or  
 16 private employer and used by an employee in the course and scope of  
 17 the employee's employment, unless the employee is required to  
 18 transport or store a firearm in the official discharge of the  
 19 employee's duties;

20 (B) a school district;

21 (C) an open-enrollment charter school, as  
 22 defined by Section 5.001, Education Code;

23 (D) a private school, as defined by Section  
 24 22.081, Education Code;

25 (E) property owned or controlled by a person,  
 26 other than the employer, that is subject to a valid, unexpired oil,  
 27 gas, or other mineral lease that contains a provision prohibiting

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1 the possession of firearms on the property; or

2 (F) property owned or leased by a chemical  
3 manufacturer or oil and gas refiner with an air authorization under  
4 Chapter 382, Health and Safety Code, and on which the primary  
5 business conducted is the manufacture, use, storage, or  
6 transportation of hazardous, combustible, or explosive materials,  
7 except in regard to an employee who holds a license to carry a  
8 ~~concealed~~ handgun under Subchapter H, Chapter 411, Government  
9 Code, and who stores a firearm or ammunition the employee is  
10 authorized by law to possess in a locked, privately owned motor  
11 vehicle in a parking lot, parking garage, or other parking area the  
12 employer provides for employees that is outside of a secured and  
13 restricted area:

14 (i) that contains the physical plant;  
15 (ii) that is not open to the public; and  
16 (iii) the ingress into which is constantly  
17 monitored by security personnel.

18 (b) Section 52.061 does not prohibit an employer from  
19 prohibiting an employee who holds a license to carry a ~~concealed~~  
20 handgun under Subchapter H, Chapter 411, Government Code, or who  
21 otherwise lawfully possesses a firearm, from possessing a firearm  
22 the employee is otherwise authorized by law to possess on the  
23 premises of the employer's business. In this subsection,  
24 "premises" has the meaning assigned by Section 46.035(f)(3), Penal  
25 Code.

26 SECTION 31. (a) Section 118.011(b), Local Government Code,  
27 as effective until September 1, 2019, is amended to read as follows:

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1 (b) The county clerk may set and collect the following fee  
2 from any person:

3 (1) Returned Check (Sec. 118.0215) . . . . . not  
4 less than \$15 or more than \$30

5 (2) Records Management and Preservation Fee (Sec.  
6 118.0216) . . . . . not more than  
7 \$10

8 (3) Mental Health Background Check for License to  
9 Carry a Handgun [~~Concealed Weapon~~] (Sec. 118.0217) . . . . . not  
10 more than \$2

11 (b) This section takes effect September 1, 2015.

12 SECTION 32. (a) Section 118.011(b), **Local Government Code**,  
13 as effective September 1, 2019, is amended to read as follows:

14 (b) The county clerk may set and collect the following fee  
15 from any person:

16 (1) Returned Check (Sec. 118.0215) . . . . . not  
17 less than \$15 or more than \$30

18 (2) Records Management and Preservation Fee (Sec.  
19 118.0216) . . . . . not more  
20 than \$5

21 (3) Mental Health Background Check for License to  
22 Carry a Handgun [~~Concealed Weapon~~] (Sec. 118.0217) . . . . . not  
23 more than \$2

24 (b) This section takes effect September 1, 2019.

25 SECTION 33. Section 118.0217(a), **Local Government Code**, is  
26 amended to read as follows:

27 (a) The fee for a "mental health background check for

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1 license to carry a handgun [~~concealed weapon~~]" is for a check,  
 2 conducted by the county clerk at the request of the Texas Department  
 3 of Public Safety, of the county records involving the mental  
 4 condition of a person who applies for a license to carry a  
 5 [~~concealed~~] handgun under Subchapter H, Chapter 411, Government  
 6 Code. The fee, not to exceed \$2, will be paid from the application  
 7 fee submitted to the Department of Public Safety according to  
 8 Section 411.174(a)(6), Government Code.

9 SECTION 34. Section 229.001(b), **Local Government Code**, is  
 10 amended to read as follows:

11 **(b) Subsection (a) does not affect the authority a**  
 12 **municipality has under another law to:**

13 **(1) require residents or public employees to be armed**  
 14 **for personal or national defense, law enforcement, or another**  
 15 **lawful purpose;**

16 **(2) regulate the discharge of firearms or air guns**  
 17 **within the limits of the municipality, other than at a sport**  
 18 **shooting range;**

19 **(3) regulate the use of property, the location of a**  
 20 **business, or uses at a business under the municipality's fire code,**  
 21 **zoning ordinance, or land-use regulations as long as the code,**  
 22 **ordinance, or regulations are not used to circumvent the intent of**  
 23 **Subsection (a) or Subdivision (5) of this subsection;**

24 **(4) regulate the use of firearms or air guns in the**  
 25 **case of an insurrection, riot, or natural disaster if the**  
 26 **municipality finds the regulations necessary to protect public**  
 27 **health and safety;**

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1 (5) regulate the storage or transportation of  
 2 explosives to protect public health and safety, except that 25  
 3 pounds or less of black powder for each private residence and 50  
 4 pounds or less of black powder for each retail dealer are not  
 5 subject to regulation;

6 (6) regulate the carrying of a firearm or air gun by a  
 7 person other than a person licensed to carry a ~~concealed~~ handgun  
 8 under Subchapter H, Chapter 411, Government Code, at a:

9 (A) public park;

10 (B) public meeting of a municipality, county, or  
 11 other governmental body;

12 (C) political rally, parade, or official  
 13 political meeting; or

14 (D) nonfirearms-related school, college, or  
 15 professional athletic event;

16 (7) regulate the hours of operation of a sport  
 17 shooting range, except that the hours of operation may not be more  
 18 limited than the least limited hours of operation of any other  
 19 business in the municipality other than a business permitted or  
 20 licensed to sell or serve alcoholic beverages for on-premises  
 21 consumption; or

22 (8) regulate the carrying of an air gun by a minor on:

23 (A) public property; or

24 (B) private property without consent of the  
 25 property owner.

26 SECTION 35. The heading to Section 1701.260, Occupations  
 27 Code, is amended to read as follows:

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1           Sec. 1701.260. TRAINING FOR HOLDERS OF LICENSE TO CARRY A  
2 ~~[CONCEALED]~~ HANDGUN; CERTIFICATION OF ELIGIBILITY FOR APPOINTMENT  
3 AS SCHOOL MARSHAL.

4           SECTION 36. Sections 1701.260(a) and (i), **Occupations Code**,  
5 are amended to read as follows:

6           (a) The commission shall establish and maintain a training  
7 program open to any employee of a school district or  
8 open-enrollment charter school who holds a license to carry a  
9 ~~[concealed]~~ handgun issued under Subchapter H, Chapter 411,  
10 **Government Code**. The training may be conducted only by the  
11 commission staff or a provider approved by the commission.

12           (i) The commission shall revoke a person's school marshal  
13 license if the commission is notified by the Department of Public  
14 Safety that the person's license to carry a ~~[concealed]~~ handgun  
15 issued under Subchapter H, Chapter 411, Government Code, has been  
16 suspended or revoked. A person whose school marshal license is  
17 revoked may obtain recertification by:

18           (1) furnishing proof to the commission that the  
19 person's ~~[concealed]~~ handgun license has been reinstated; and

20           (2) completing the initial training under Subsection  
21 (c) to the satisfaction of the commission staff, paying the fee for  
22 the training, and demonstrating psychological fitness on the  
23 psychological examination described in Subsection (d).

24           SECTION 37. Section 1702.206(b), **Occupations Code**, is  
25 amended to read as follows:

26           (b) An individual who is acting as a personal protection  
27 officer and is wearing the uniform of a security officer, including

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1 any uniform or apparel described by Section 1702.323(d), may not  
 2 conceal any firearm the individual is carrying and shall carry the  
 3 firearm in plain view. An individual who is acting as a personal  
 4 protection officer and is not wearing the uniform of a security  
 5 officer shall conceal the firearm, regardless of whether the  
 6 individual is authorized to openly carry the firearm under any  
 7 other law.

8 SECTION 38. Sections 62.082(d) and (e), Parks and Wildlife  
 9 Code, are amended to read as follows:

10 (d) Section 62.081 does not apply to:

- 11 (1) an employee of the Lower Colorado River Authority;  
 12 (2) a person authorized to hunt under Subsection (c);  
 13 (3) a peace officer as defined by Article 2.12, Code of  
 14 Criminal Procedure; or  
 15 (4) a person who:  
 16 (A) possesses a ~~concealed~~ handgun and a license  
 17 issued under Subchapter H, Chapter 411, Government Code, to carry a  
 18 ~~concealed~~ handgun; or  
 19 (B) under circumstances in which the person would  
 20 be justified in the use of deadly force under Chapter 9, Penal Code,  
 21 shoots a handgun the person is licensed to carry under Subchapter H,  
 22 Chapter 411, Government Code.

23 (e) A state agency, including the department, the  
 24 Department of Public Safety, and the Lower Colorado River  
 25 Authority, may not adopt a rule that prohibits a person who  
 26 possesses a license issued under Subchapter H, Chapter 411,  
 27 Government Code, from entering or crossing the land of the Lower

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1 Colorado River Authority while:

2 (1) possessing a [~~concealed~~] handgun; or

3 (2) under circumstances in which the person would be  
4 justified in the use of deadly force under Chapter 9, Penal Code,  
5 shooting a handgun.

6 SECTION 39. Section 284.001(e), Parks and Wildlife Code, is  
7 amended to read as follows:

8 (e) This section does not limit the ability of a license  
9 holder to carry a [~~concealed~~] handgun under the authority of  
10 Subchapter H, Chapter 411, Government Code.

11 SECTION 40. Section 30.05(f), Penal Code, is amended to  
12 read as follows:

13 (f) It is a defense to prosecution under this section that:

14 (1) the basis on which entry on the property or land or  
15 in the building was forbidden is that entry with a handgun was  
16 forbidden; and

17 (2) the person was carrying:

18 (A) a [~~concealed handgun and a~~] license issued  
19 under Subchapter H, Chapter 411, Government Code, to carry a  
20 [~~concealed~~] handgun; and

21 (B) a handgun:

22 (i) in a concealed manner; or

23 (ii) in a shoulder or belt holster.

24 SECTION 41. The heading to Section 30.06, Penal Code, is  
25 amended to read as follows:

26 Sec. 30.06. TRESPASS BY LICENSE HOLDER WITH A [~~OF LICENSE TO~~  
27 ~~CARRY~~] CONCEALED HANDGUN.

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1 SECTION 42. Section 30.06(a), Penal Code, is amended to  
2 read as follows:

3 (a) A license holder commits an offense if the license  
4 holder:

5 (1) carries a concealed handgun under the authority of  
6 Subchapter H, Chapter 411, Government Code, on property of another  
7 without effective consent; and

8 (2) received notice that:

9 (A) entry on the property by a license holder  
10 with a concealed handgun was forbidden; or

11 (B) remaining on the property with a concealed  
12 handgun was forbidden and failed to depart.

13 SECTION 43. Section 30.06(c)(3), Penal Code, is amended to  
14 read as follows:

15 (3) "Written communication" means:

16 (A) a card or other document on which is written  
17 language identical to the following: "Pursuant to Section 30.06,  
18 Penal Code (trespass by license holder with ~~[of license to carry]~~ a  
19 concealed handgun), a person licensed under Subchapter H, Chapter  
20 411, Government Code (~~[concealed]~~ handgun licensing law), may not  
21 enter this property with a concealed handgun"; or

22 (B) a sign posted on the property that:

23 (i) includes the language described by  
24 Paragraph (A) in both English and Spanish;

25 (ii) appears in contrasting colors with  
26 block letters at least one inch in height; and

27 (iii) is displayed in a conspicuous manner

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1 clearly visible to the public.

2 SECTION 44. Chapter 30, Penal Code, is amended by adding  
3 Section 30.07 to read as follows:

4 Sec. 30.07. TRESPASS BY LICENSE HOLDER WITH AN OPENLY  
5 CARRIED HANDGUN. (a) A license holder commits an offense if the  
6 license holder:

7 (1) openly carries a handgun under the authority of  
8 Subchapter H, Chapter 411, Government Code, on property of another  
9 without effective consent; and

10 (2) received notice that:

11 (A) entry on the property by a license holder  
12 openly carrying a handgun was forbidden; or

13 (B) remaining on the property while openly  
14 carrying a handgun was forbidden and failed to depart.

15 (b) For purposes of this section, a person receives notice  
16 if the owner of the property or someone with apparent authority to  
17 act for the owner provides notice to the person by oral or written  
18 communication.

19 (c) In this section:

20 (1) "Entry" has the meaning assigned by Section  
21 30.05(b).

22 (2) "License holder" has the meaning assigned by  
23 Section 46.035(f).

24 (3) "Written communication" means:

25 (A) a card or other document on which is written  
26 language identical to the following: "Pursuant to Section 30.07,  
27 Penal Code (trespass by license holder with an openly carried

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1 handgun), a person licensed under Subchapter H, Chapter 411,  
 2 Government Code (handgun licensing law), may not enter this  
 3 property with a handgun that is carried openly"; or

4 (B) a sign posted on the property that:

5 (i) includes the language described by  
 6 Paragraph (A) in both English and Spanish;

7 (ii) appears in contrasting colors with  
 8 block letters at least one inch in height; and

9 (iii) is displayed in a conspicuous manner  
 10 clearly visible to the public at each entrance to the property.

11 (d) An offense under this section is a Class A misdemeanor.

12 (e) It is an exception to the application of this section  
 13 that the property on which the license holder openly carries the  
 14 handgun is owned or leased by a governmental entity and is not a  
 15 premises or other place on which the license holder is prohibited  
 16 from carrying the handgun under Section 46.03 or 46.035.

17 (f) It is not a defense to prosecution under this section  
 18 that the handgun was carried in a shoulder or belt holster.

19 SECTION 45. Section 46.02(a-1), Penal Code, is amended to  
 20 read as follows:

21 (a-1) A person commits an offense if the person  
 22 intentionally, knowingly, or recklessly carries on or about his or  
 23 her person a handgun in a motor vehicle or watercraft that is owned  
 24 by the person or under the person's control at any time in which:

25 (1) the handgun is in plain view, unless the person is  
 26 licensed to carry a handgun under Subchapter H, Chapter 411,  
 27 Government Code, and the handgun is carried in a shoulder or belt

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1 holster; or

2 (2) the person is:

3 (A) engaged in criminal activity, other than a  
4 Class C misdemeanor that is a violation of a law or ordinance  
5 regulating traffic or boating;

6 (B) prohibited by law from possessing a firearm;  
7 or

8 (C) a member of a criminal street gang, as  
9 defined by Section 71.01.

10 SECTION 46. Section 46.03(f), Penal Code, is amended to  
11 read as follows:

12 (f) It is not a defense to prosecution under this section  
13 that the actor possessed a handgun and was licensed to carry a  
14 [concealed] handgun under Subchapter H, Chapter 411, Government  
15 Code.

16 SECTION 47. Sections 46.035(a), (b), (c), (d), and (i),  
17 Penal Code, are amended to read as follows:

18 (a) A license holder commits an offense if the license  
19 holder carries a handgun on or about the license holder's person  
20 under the authority of Subchapter H, Chapter 411, Government Code,  
21 and intentionally displays the handgun in plain view of another  
22 person in a public place. It is an exception to the application of  
23 this subsection that the handgun was partially or wholly visible  
24 but was carried in a shoulder or belt holster by the license holder.

25 (b) A license holder commits an offense if the license  
26 holder intentionally, knowingly, or recklessly carries a handgun  
27 under the authority of Subchapter H, Chapter 411, Government Code,

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1 regardless of whether the handgun is concealed or carried in a  
 2 shoulder or belt holster, on or about the license holder's person:

3 (1) on the premises of a business that has a permit or  
 4 license issued under Chapter 25, 28, 32, 69, or 74, Alcoholic  
 5 Beverage Code, if the business derives 51 percent or more of its  
 6 income from the sale or service of alcoholic beverages for  
 7 on-premises consumption, as determined by the Texas Alcoholic  
 8 Beverage Commission under Section 104.06, Alcoholic Beverage Code;

9 (2) on the premises where a high school, collegiate,  
 10 or professional sporting event or interscholastic event is taking  
 11 place, unless the license holder is a participant in the event and a  
 12 handgun is used in the event;

13 (3) on the premises of a correctional facility;

14 (4) on the premises of a hospital licensed under  
 15 Chapter 241, Health and Safety Code, or on the premises of a nursing  
 16 home licensed under Chapter 242, Health and Safety Code, unless the  
 17 license holder has written authorization of the hospital or nursing  
 18 home administration, as appropriate;

19 (5) in an amusement park; or

20 (6) on the premises of a church, synagogue, or other  
 21 established place of religious worship.

22 (c) A license holder commits an offense if the license  
 23 holder intentionally, knowingly, or recklessly carries a handgun  
 24 under the authority of Subchapter H, Chapter 411, Government Code,  
 25 regardless of whether the handgun is concealed or carried in a  
 26 shoulder or belt holster, at any meeting of a governmental entity.

27 (d) A license holder commits an offense if, while

H.B. No. 910

1 intoxicated, the license holder carries a handgun under the  
 2 authority of Subchapter H, Chapter 411, Government Code, regardless  
 3 of whether the handgun is concealed or carried in a shoulder or belt  
 4 holster.

5 (i) Subsections (b)(4), (b)(5), (b)(6), and (c) do not apply  
 6 if the actor was not given effective notice under Section 30.06 or  
 7 30.07.

8 SECTION 48. Sections 46.15(a) and (b), Penal Code, are  
 9 amended to read as follows:

10 (a) Sections 46.02 and 46.03 do not apply to:

11 (1) peace officers or special investigators under  
 12 Article 2.122, Code of Criminal Procedure, and neither section  
 13 prohibits a peace officer or special investigator from carrying a  
 14 weapon in this state, including in an establishment in this state  
 15 serving the public, regardless of whether the peace officer or  
 16 special investigator is engaged in the actual discharge of the  
 17 officer's or investigator's duties while carrying the weapon;

18 (2) parole officers and neither section prohibits an  
 19 officer from carrying a weapon in this state if the officer is:

20 (A) engaged in the actual discharge of the  
 21 officer's duties while carrying the weapon; and

22 (B) in compliance with policies and procedures  
 23 adopted by the Texas Department of Criminal Justice regarding the  
 24 possession of a weapon by an officer while on duty;

25 (3) community supervision and corrections department  
 26 officers appointed or employed under Section 76.004, Government  
 27 Code, and neither section prohibits an officer from carrying a

H.B. No. 910

1 weapon in this state if the officer is:

2 (A) engaged in the actual discharge of the  
3 officer's duties while carrying the weapon; and

4 (B) authorized to carry a weapon under Section  
5 76.0051, Government Code;

6 (4) an active judicial officer as defined by Section  
7 411.201, Government Code, who is licensed to carry a [~~concealed~~]  
8 handgun under Subchapter H, Chapter 411, Government Code;

9 (5) an honorably retired peace officer, qualified  
10 retired law enforcement officer, federal criminal investigator, or  
11 former reserve law enforcement officer who holds a certificate of  
12 proficiency issued under Section 1701.357, Occupations Code, and is  
13 carrying a photo identification that is issued by a federal, state,  
14 or local law enforcement agency, as applicable, and that verifies  
15 that the officer is:

16 (A) an honorably retired peace officer;

17 (B) a qualified retired law enforcement officer;

18 (C) a federal criminal investigator; or

19 (D) a former reserve law enforcement officer who  
20 has served in that capacity not less than a total of 15 years with  
21 one or more state or local law enforcement agencies;

22 (6) a district attorney, criminal district attorney,  
23 county attorney, or municipal attorney who is licensed to carry a  
24 [~~concealed~~] handgun under Subchapter H, Chapter 411, Government  
25 Code;

26 (7) an assistant district attorney, assistant  
27 criminal district attorney, or assistant county attorney who is

H.B. No. 910

1 licensed to carry a [~~concealed~~] handgun under Subchapter H, Chapter  
2 411, Government Code;

3 (8) a bailiff designated by an active judicial officer  
4 as defined by Section 411.201, Government Code, who is:

5 (A) licensed to carry a [~~concealed~~] handgun under  
6 Subchapter H, Chapter 411, Government Code; and

7 (B) engaged in escorting the judicial officer; or

8 (9) a juvenile probation officer who is authorized to  
9 carry a firearm under Section 142.006, Human Resources Code.

10 (b) Section 46.02 does not apply to a person who:

11 (1) is in the actual discharge of official duties as a  
12 member of the armed forces or state military forces as defined by  
13 Section 437.001, Government Code, or as a guard employed by a penal  
14 institution;

15 (2) is traveling;

16 (3) is engaging in lawful hunting, fishing, or other  
17 sporting activity on the immediate premises where the activity is  
18 conducted, or is en route between the premises and the actor's  
19 residence, motor vehicle, or watercraft, if the weapon is a type  
20 commonly used in the activity;

21 (4) holds a security officer commission issued by the  
22 Texas Private Security Board, if the person is engaged in the  
23 performance of the person's duties as an officer commissioned under  
24 Chapter 1702, Occupations Code, or is traveling to or from the  
25 person's place of assignment and is wearing the officer's uniform  
26 and carrying the officer's weapon in plain view;

27 (5) acts as a personal protection officer and carries

H.B. No. 910

1 the person's security officer commission and personal protection  
2 officer authorization, if the person:

3 (A) is engaged in the performance of the person's  
4 duties as a personal protection officer under Chapter 1702,  
5 Occupations Code, or is traveling to or from the person's place of  
6 assignment; and

7 (B) is either:

8 (i) wearing the uniform of a security  
9 officer, including any uniform or apparel described by Section  
10 1702.323(d), Occupations Code, and carrying the officer's weapon in  
11 plain view; or

12 (ii) not wearing the uniform of a security  
13 officer and carrying the officer's weapon in a concealed manner;

14 (6) is carrying:

15 (A) a ~~[concealed handgun and a valid]~~ license  
16 issued under Subchapter H, Chapter 411, Government Code, to carry a  
17 ~~[concealed]~~ handgun; and

18 (B) a handgun:

19 (i) in a concealed manner; or

20 (ii) in a shoulder or belt holster;

21 (7) holds an alcoholic beverage permit or license or  
22 is an employee of a holder of an alcoholic beverage permit or  
23 license if the person is supervising the operation of the permitted  
24 or licensed premises; or

25 (8) is a student in a law enforcement class engaging in  
26 an activity required as part of the class, if the weapon is a type  
27 commonly used in the activity and the person is:

H.B. No. 910

1 (A) on the immediate premises where the activity  
2 is conducted; or

3 (B) en route between those premises and the  
4 person's residence and is carrying the weapon unloaded.

5 SECTION 49. Section 411.171(3), Government Code, is  
6 repealed.

7 SECTION 50. The change in law made by this Act relating to  
8 the authority of a license holder to openly carry a holstered  
9 handgun applies to the carrying of a handgun on or after the  
10 effective date of this Act by any person who:

11 (1) holds a license issued under Subchapter H, Chapter  
12 411, Government Code, regardless of whether the person's license  
13 was issued before, on, or after the effective date of this Act; or

14 (2) applies for the issuance of a license under that  
15 subchapter, regardless of whether the person applied for the  
16 license before, on, or after the effective date of this Act.

17 SECTION 51. The changes in law made by this Act to Sections  
18 62.082 and 284.001, Parks and Wildlife Code, and to Sections 30.05,  
19 30.06, 46.02, 46.03, 46.035, and 46.15, Penal Code, apply only to an  
20 offense committed on or after the effective date of this Act. An  
21 offense committed before the effective date of this Act is governed  
22 by the law in effect on the date the offense was committed, and the  
23 former law is continued in effect for that purpose. For purposes of  
24 this section, an offense was committed before the effective date of  
25 this Act if any element of the offense occurred before that date.

26 SECTION 52. Except as otherwise provided by this Act, this  
27 Act takes effect September 1, 2015.

**CITY COUNCIL AGENDA**  
**Regular Meeting: Tuesday, December 8, 2015**

---

**AGENDA ITEM: 13**

Deliberate and act on a resolution authorizing publication of notice of intention to issue certificates of obligation to purchase land primarily for parks purposes.

**SUBMITTED BY:** City Manager Kevin Carruth

**APPROVED FOR AGENDA:** PKC

---

**BACKGROUND:** See the accompanying timetable of events for next steps and the proposed notice for more information.

---

**FISCAL ANALYSIS:** Proceeds from this CO issue will be used for the purchase of the property only. Any improvements must come from other sources.

---

**RECOMMENDATION:** Staff recommends Council approve the resolution authorizing publication of notice of intention to issue certificates of obligation to purchase land primarily for parks purposes, as presented.

**RESOLUTION NO. 2015-\_\_**

**RESOLUTION AUTHORIZING PUBLICATION OF NOTICE OF INTENTION  
TO ISSUE CERTIFICATES OF OBLIGATION**

<b>THE STATE OF TEXAS</b>	§
<b>COUNTY OF ARANSAS</b>	§
<b>CITY OF ROCKPORT</b>	§

**WHEREAS**, the City Council of the **CITY OF ROCKPORT, TEXAS** (the "**City**") hereby determines that it is necessary and desirable to purchase approximately 8.856 acres of land located near the intersection of Business Highway 35 North and East Maple Street within the boundaries of the City, most of which (approximately 6.856 acres) is expected to be developed and used for municipal park purposes with the remainder (approximately two acres) currently expected to be used for open space purposes (referred to collectively herein as the "**Project**"); and

**WHEREAS**, the City Council of the City intends to finance the Project from proceeds derived from the sale of one or more series of "Combination Tax and Revenue Certificates of Obligation" issued by the City pursuant to Sections 271.041 - 271.064, Texas Local Government Code, as amended; and

**WHEREAS**, pursuant to Section 271.049, Texas Local Government Code, the City Council deems it advisable to give notice of intention to issue certificates of obligation in an amount not to exceed an aggregate of \$3,200,000 for the purpose of paying, in whole or in part, the Project, to pay all or a portion of the legal, fiscal and engineering fees in connection with the Project, and to pay the costs of issuance related to the certificates of obligation; and

**WHEREAS**, it is hereby officially found and determined that the meeting at which this resolution was passed was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code;

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

**SECTION 1. APPROVAL OF NOTICE OF INTENTION.** Attached hereto is a form of the "Notice of Intention to Issue Combination Tax and Revenue Certificates of Obligation," the form and substance of which is hereby adopted and approved.

**SECTION 2. AUTHORIZATION TO PUBLISH NOTICE OF INTENTION.** The City Secretary shall cause said notice to be published in substantially the form attached hereto in a newspaper, as defined by Subchapter C, Chapter 2051, Government Code, that is of general circulation in the area of the City, on the same day in each of two consecutive weeks, the date of the first publication thereof to be before the 30<sup>th</sup> day before the date tentatively set for the passage of the ordinance authorizing the issuance of such certificates of obligation as shown in said notice. The City Manager, the City Secretary and the Finance Director are each authorized to make changes to said Notice as necessary prior to its publication.

**SECTION 3. INCORPORATION OF RECITALS.** The City Council hereby finds that the statements set forth in the recitals of this Resolution are true and correct, and the City Council hereby incorporates such recitals as a part of this Resolution.

**SECTION 4. EFFECTIVE DATE.** This Resolution shall become effective immediately upon passage.

*[The remainder of this page intentionally left blank]*

***APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKPORT, TEXAS AT A  
REGULAR MEETING HELD ON THE 8<sup>TH</sup> DAY OF DECEMBER, 2015.***

\_\_\_\_\_  
Mayor  
City of Rockport, Texas

Attest:

\_\_\_\_\_  
City Secretary  
City of Rockport, Texas

(Seal)

**CITY OF ROCKPORT, TEXAS  
NOTICE OF INTENTION TO ISSUE  
COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION**

The City Council of the City of Rockport, Texas (the "City") does hereby give notice of intention to issue one or more series of *City of Rockport, Texas Combination Tax and Revenue Certificates of Obligation* in the maximum aggregate principal amount not to exceed \$3,200,000 for the purpose of paying, in whole or in part, contractual obligations to purchase approximately 8.856 acres of land located near the intersection of Business Highway 35 North and East Maple Street within the boundaries of the City, most of which (approximately 6.856 acres) is expected to be developed and used for municipal park purposes with the remainder (approximately two acres) currently expected to be used for open space purposes (the "Project"), to pay all or a portion of the legal, fiscal and engineering fees in connection with the Project, and to pay costs of issuance. The City proposes to provide for the payment of such Certificates of Obligation from the levy and collection of ad valorem taxes in the City within the limits provided by law and from a lien on and pledge of "Surplus Revenues", if any, received by the City from the ownership and operation of the City's municipal waterworks and sanitary sewer system. The City Council proposes to authorize the issuance of such Certificates of Obligation at 6:30 p.m. on Tuesday, January 12, 2016, at a Regular Meeting, at the City Hall, Rockport, Texas.

/s/ Charles J. ("C.J.") Wax  
Mayor, City of Rockport, Texas

**CERTIFICATE FOR RESOLUTION**

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

I, the undersigned City Secretary of the **CITY OF ROCKPORT, TEXAS**, (the "**City**"), hereby certify as follows:

1. The City Council of the City (the "**City Council**") convened in Regular Meeting on December 8, 2015 at the City Hall (the "**Meeting**"), and the roll was called of the duly constituted officers and members of the City Council, to wit:

Charles J. ("C.J.") Wax, Mayor  
 Patrick R. (Pat) Rios, Mayor Pro Tem and Council Member Ward #3  
 James Russell (Rusty) Day, Jr., Council Member Ward #1  
 Joe David ("J.D.") Villa, Council Member Ward #2  
 Barbara Gurtner, Council Member Ward #4

and all of said officers and members of the City Council were present, except the following absentees: \_\_\_\_\_, thus constituting a quorum. Whereupon, among other business, the following was transacted at the Meeting: a written

**RESOLUTION AUTHORIZING PUBLICATION OF  
 NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION**

(the "**Resolution**") was duly introduced for the consideration of the City Council. It was then duly moved and seconded that the Resolution be adopted; and, after due discussion, said motion carrying with it the adoption of the Resolution, prevailed and carried by the following vote:

AYES: \_\_\_\_\_ NOES: \_\_\_\_\_ ABSTENTIONS: \_\_\_\_\_

2. A true, full and correct copy of the Resolution adopted at the Meeting described in the above and foregoing paragraph is attached to and follows this Certificate; the Resolution has been duly recorded in the City Council's minutes of the Meeting; the above and foregoing paragraph is a true, full and correct excerpt from the City Council's minutes of the Meeting pertaining to the passage of the Resolution; the persons named in the above and foregoing paragraph are the duly chosen, qualified and acting officers and members of the City Council as indicated therein; each of the officers and members of the City Council was duly and sufficiently notified officially and personally, in advance, of the time, place and purpose of the Meeting, and that the Resolution would be introduced and considered for passage at the Meeting, and each of said officers and members consented, in advance, to the holding of the Meeting for such purpose; and the Meeting was open to the public and public notice of the time, place and purpose of the Meeting was given, all as required by Chapter 551, Texas Government Code.

SIGNED AND SEALED the 8<sup>th</sup> day of December, 2015.

(SEAL)

\_\_\_\_\_  
 City Secretary, City of Rockport, Texas



**Timetable of Events**  
**City of Rockport, Texas**  
**Certificates of Obligation, Series 2016**

December 2015							January 2016							February 2016						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
		1	2	3	4	5						1	2		1	2	3	4	5	6
6	7	8	9	10	11	12	3	4	5	6	7	8	9	7	8	9	10	11	12	13
13	14	15	16	17	18	19	10	11	12	13	14	15	16	14	15	16	17	18	19	20
20	21	22	23	24	25	26	17	18	19	20	21	22	23	21	22	23	24	25	26	27
27	28	29	30	31			24	25	26	27	28	29	30	28	29					

31

<u>Date</u>	<u>Action</u>
12/01/2015	First Draft of Preliminary Official Statement
12/08/2015	Comments Due on 1st Draft of POS
12/08/2015	City Council approves Notice of Intent to Issue C/O
12/09/2015	First Publication of Notice of Intent in Newspaper
12/09/2015	Documents Forwarded to Rating Agency
12/14/2015	Rating Agency Call
12/15/2015	Second draft of POS
12/16/2015	Second Publication of Notice of Intent
01/04/2016	Comments due on second draft of POS
01/04/2016	Receive Ratings
01/05/2016	Post POS
01/12/2016	Pricing Date
01/21/2016	Closing, city receives funds



**CITY COUNCIL AGENDA**  
**Regular Meeting: Tuesday, December 8, 2015**

---

**AGENDA ITEM:** 14

Deliberate and act on approval of Intergovernmental Cooperation Agreement with Aransas County and Town of Fulton for a Juvenile Case Manager.

**SUBMITTED BY:** City Secretary Teresa Valdez

**APPROVED FOR AGENDA:** PKC

---

**BACKGROUND:** The proposed agreement is the same as FY 2014-20145. The table below shows the proposed expenditures plus the previous two years.

<b>Entity</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>
ACISD	30% not to exceed \$20,000	30% not to exceed \$15,000	30% not to exceed \$15,000
Aransas County	30% not to exceed \$20,000	30% not to exceed \$15,000	30% not to exceed \$15,000
City of Rockport	30% not to exceed \$20,000	30% not to exceed \$15,000	30% not to exceed \$15,000
Town of Fulton	10% not to exceed \$7,000	10% not to exceed \$5,000	10% not to exceed \$5,000

To clarify and ease the lines of communication, staff recommends that the agreement be revised with the following additions:

- 4. All notices, communications, and reports under this Contract must be mailed or delivered to the respective parties at the addresses shown below, unless either party is otherwise notified in writing by the other party:

**CITY:** City Manager  
622 E. Market Street  
Rockport, TX 78382

**COUNTY:** County Judge  
301 N. Live Oak  
Rockport, TX 78382

It shall be the duty of each entity’s representative to disseminate within their respective entity all notices, communications, and reports received from the other party.

- 5. Requests from one party to another party for information concerning the agreement and the Juvenile Case Manager project shall be honored in a timely manner and shall not require the submission of a formal Public Information Act request for open records.

Please see the accompanying agreement for additional details.

---

**FISCAL ANALYSIS:** Note that the payment schedule is quarterly and not monthly.

---

**RECOMMENDATION:** Staff recommends approval of the agreement with the proposed revisions, as presented.

ORIGINAL

THE STATE OF TEXAS §  
  §  
COUNTY OF ARANSAS §

COMMISSIONERS' COURT

**INTERGOVERNMENTAL COOPERATION AGREEMENT  
JUVENILE CASE MANAGER**

THIS AGREEMENT, is made and entered into by and between **ARANSAS COUNTY, TEXAS ("County")**, acting herein by and through its County Judge and County Commissioners, pursuant to a Resolution duly passed by the Commissioners' Court of said County, along with the **CITY OF ROCKPORT ("City")**, acting through its Mayor and City Council, and the **TOWN OF FULTON ("Fulton")**, acting through its Mayor and Town Council, and **ARANSAS COUNTY INDEPENDENT SCHOOL DISTRICT ("ACISD")**, acting by and through its duly elected officials.

WITNESSETH:

WHEREAS, said County, City, Fulton and School District have determined that it would be to the best interest of such County, City, Fulton and School District that the following provisions be made to-wit:

NOW, THEREFORE, pursuant to the Intergovernmental Cooperation Act, *Texas Government Code, Chapter 791* and provisions set forth in the following sections of this Agreement, said County, City, Fulton and School District agree as follows:

1. The parties hereto mutually agree to fund and operate a Juvenile Case Manager and office in an amount not to exceed **\$50,000.00**.
2. The annual expense of the juvenile case manager shall be borne between the parties as follows: County - 30% of the total not to exceed \$15,000; City - 30% of the total not to exceed \$15,000; Fulton - 10% of the total not to exceed \$5,000; and School District 30% of the total not to exceed \$15,000. County will invoice the other parties quarterly for the actual expense incurred and owed, and payment will be due 30 days after date of invoice. Each party certifies that current funds are available for payments.
3. The Juvenile Case Manager shall be an employee of County but shall also serve the needs of City's Municipal Court System and the Town of Fulton and Aransas County Independent School District pertaining to juveniles.

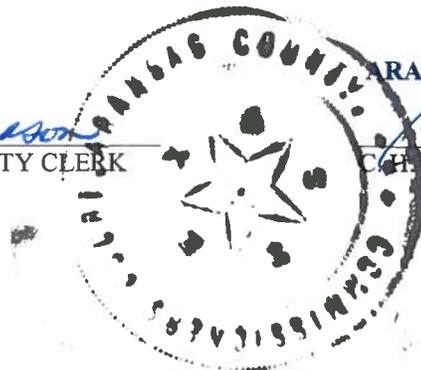
This AGREEMENT shall be effective for a period of one (1) year, effective from **January 1, 2016, to December 31, 2016**.

This AGREEMENT constitutes the entire agreement between the parties. Neither party hereto is bound by an agreement, condition, stipulation, understanding or representation made by any agent or members not herein contained. This agreement supercedes all prior agreements covering this subject matter.

SIGNED this the 9<sup>th</sup> day of November, 2015.

ATTEST:

  
VALERIE K. AMASON, COUNTY CLERK

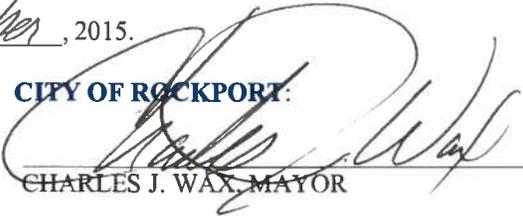


  
C.H. "BURT" MILLS, JR., COUNTY JUDGE

SIGNED this the 20<sup>th</sup> day of November, 2015.

ATTEST:

\_\_\_\_\_  
TERESA VALDEZ, CITY SECRETARY

**CITY OF ROCKPORT:**  
  
\_\_\_\_\_  
CHARLES J. WAX, MAYOR

SIGNED this the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

ATTEST:

\_\_\_\_\_  
JAN HILL, TOWN SECRETARY

**TOWN OF FULTON:**

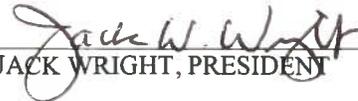
\_\_\_\_\_  
JAMES KENDRICK, MAYOR

SIGNED this the 19<sup>th</sup> day of November, 2015.

ATTEST:

  
\_\_\_\_\_  
SECRETARY

**ARANSAS COUNTY INDEPENDENT  
SCHOOL DISTRICT:**

  
\_\_\_\_\_  
JACK WRIGHT, PRESIDENT

**CITY COUNCIL AGENDA**  
**Regular Meeting: Tuesday, December 8, 2015**

---

**AGENDA ITEM: 15**

Deliberate and act on approval of Intergovernmental Cooperation Agreement with Aransas County for Restaurant Health Inspection Services.

**SUBMITTED BY:** City Secretary Teresa Valdez

**APPROVED FOR AGENDA:** PKC

---

**BACKGROUND:** The proposed Intergovernmental Cooperation Agreement is the same in content as the 2014 Intergovernmental Cooperation Agreement, except that Commissioners Court removed the automatic renewal clause, specifically “This Agreement shall automatically renew each year unless either party herein provides written notice of termination to the other party 30 days in advance of the expiration of the Agreement therein effect.”

To clarify and ease the lines of communication, staff recommends that the agreement be revised with the following additions:

4. All notices, communications, and reports under this Contract must be mailed or delivered to the respective parties at the addresses shown below, unless either party is otherwise notified in writing by the other party:

**CITY:** City Manager  
622 E. Market Street  
Rockport, TX 78382

**COUNTY:** County Judge  
301 N. Live Oak  
Rockport, TX 78382

It shall be the duty of each entity’s representative to disseminate within their respective entity all notices, communications, and reports received from the other party.

5. Requests from one party to another party for information concerning the agreement and the Restaurant Health Inspection Services project shall be honored in a timely manner and shall not require the submission of a formal Public Information Act request for open records.

Please see the accompanying agreement for additional details.

---

**FISCAL ANALYSIS:** There is no expense to the City of Rockport as costs are covered by user fees and paid to Aransas County.

---

**STAFF RECOMMENDATION:** Staff recommends approval of the agreement with the proposed revisions, as presented.

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

**INTERGOVERNMENTAL COOPERATION AGREEMENT  
CITY OF ROCKPORT  
RESTAURANT HEALTH INSPECTION SERVICES**

This Agreement made and entered into by and between the **CITY OF ROCKPORT**, (“City”) and the **COUNTY OF ARANSAS** (“County”) each acting herein by and through its duly authorized officials;

WITNESSETH:

WHEREAS, *Section 121.003(b), Texas Health and Safety Code*, authorizes Interlocal Cooperation Agreements in accordance with *Article 791.001 et seq. V.T.C.A. Government Code* between Cities and Counties to provide health related services; and

WHEREAS, City and County desire to enter into an agreement to allow County to provide the health related services and to charge recipients of the services for said services (by establishing a permitting and fee system where appropriate).

NOW, THEREFORE, said parties agree and covenant upon the terms and conditions as follows:

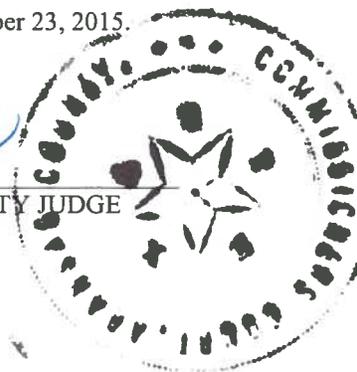
- 1) City authorizes County to act as its representative and regulatory authority in all commercial and non-commercial food service operations and to assist in communicable disease investigation.
- 2) County agrees to act as City’s authorized representative and regulatory authority in all commercial and non-commercial food service operations and to assist in communicable disease investigation. County agrees to charge recipients of the services in an amount authorized by the Commissioners’ Court of said County and to be responsible for the collection of said charges (and issuance of said permits).
- 3) This Agreement may be terminated by either party hereto by the giving of thirty (30) days written notice of cancellation.

This Agreement shall be effective from **January 1, 2016**, to **December 31, 2016**.

PASSED AND APPROVED by ARANSAS COUNTY COMMISSIONERS’ COURT on November 23, 2015.

ATTEST:  
*Valerie K. Amason*  
\_\_\_\_\_  
VALERIE K. AMASON, COUNTY CLERK

ARANSAS COUNTY, TEXAS  
*C.H. "BURT" MILLS, JR.*  
\_\_\_\_\_  
C.H. "BURT" MILLS, JR., COUNTY JUDGE



PASSED AND APPROVED by the ROCKPORT CITY COUNCIL on \_\_\_\_\_, 2015.

ATTEST:  
  
\_\_\_\_\_  
TERESA VALDEZ, CITY SECRETARY

**CITY OF ROCKPORT, TEXAS**  
  
\_\_\_\_\_  
CHARLES J. WAX, MAYOR

THE STATE OF TEXAS §  
COUNTY OF ARANSAS §

KNOW ALL BY THESE PRESENTS:

**INTERGOVERNMENTAL COOPERATION AGREEMENT  
CITY OF ROCKPORT  
RESTAURANT HEALTH INSPECTION SERVICES**

This Agreement made and entered into by and between the **CITY OF ROCKPORT**, ("City") and the **COUNTY OF ARANSAS** ("County") each acting herein by and through its duly authorized officials;

WITNESSETH:

WHEREAS, *Section 121.003(b), Texas Health and Safety Code*, authorizes Interlocal Cooperation Agreements in accordance with *Article 791.001 et seq. V.T.C.A. Government Code* between Cities and Counties to provide health related services; and

WHEREAS, City and County desire to enter into an agreement to allow County to provide the health related services and to charge recipients of the services for said services (by establishing a permitting and fee system where appropriate).

NOW, THEREFORE, said parties agree and covenant upon the terms and conditions as follows:

- 1) City authorizes County to act as its representative and regulatory authority in all commercial and non-commercial food service operations and to assist in communicable disease investigation.
- 2) County agrees to act as City's authorized representative and regulatory authority in all commercial and non-commercial food service operations and to assist in communicable disease investigation. County agrees to charge recipients of the services in an amount authorized by the Commissioners' Court of said County and to be responsible for the collection of said charges (and issuance of said permits).
- 3) This Agreement may be terminated by either party hereto by the giving of thirty (30) days written notice of cancellation.

This Agreement shall be effective from **January 1, 2014**, to **December 31, 2014**. This Agreement shall automatically renew each year unless either party herein provides written notice of termination to the other party 30 days in advance of the expiration of the Agreement therein effect.

PASSED AND APPROVED by ARANSAS COUNTY COMMISSIONERS' COURT on October 14, 2013.

ATTEST:

Peggy L. Friebele  
PEGGY L. FRIEBELE, COUNTY CLERK

ARANSAS COUNTY, TEXAS

C.H. "BURT" MILLS, JR.  
C.H. "BURT" MILLS, JR., COUNTY JUDGE

PASSED AND APPROVED by the ROCKPORT CITY COUNCIL on November 12, 2013.

ATTEST:

Teresa Valdez  
TERESA VALDEZ, CITY SECRETARY

CITY OF ROCKPORT, TEXAS

Charles J. Wax  
CHARLES J. WAX, MAYOR