
CITY COUNCIL AGENDA

Notice is hereby given that the Rockport City Council will hold a regular meeting on Tuesday, February 9, 2016, at 6:30 p.m. The meeting will be held at Rockport City Hall, 622 E. Market, Rockport, Texas. The matters to be discussed and acted upon are as follows:

Opening Agenda

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

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

Consent Agenda

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

4. Deliberate and act on approval of City Council Regular Meeting Minutes of January 26, 2016, and the Planning Workshop Minutes of February 2, 2016.
5. Deliberate and act to appoint member to the YMCA Development Committee.
6. Deliberate and act on 1st quarter report from Rockport Center for the Arts for Fiscal Year 2015-2016 marketing expenditures.
7. Deliberate and act on a Resolution setting the Capital Recovery Fee owed by the Town of Fulton and setting the interest rate for the period February 1, 2016, to January 31, 2017.
8. Deliberate and act on an interlocal agreement with Harris County Department of Education for participation in the Choice Partners cooperative purchasing program.
9. Deliberate and act on an interlocal agreement with 1Government Procurement Alliance for participation in the 1GPA cooperative purchasing program.

Public Hearing

10. Call to Order – Rockport Planning & Zoning Commission.
11. Conduct and deliberate a Joint Public Hearing with the Planning & Zoning Commission to consider a request for a Conditional Use Permit on property located at 3021-3099 Loop 1781; also known as A76 Joseph Hollis Survey, being 47.981 acres, also includes Lago Vista Village, Lot B, Rockport, Aransas County, Texas, currently zoned B-1 (General Business District) to Conditional Use Permit Overlay to allow development of an RV Resort Park.

12. Adjourn – Rockport & Planning & Zoning Commission.
13. Conduct a Public Hearing to consider a request from Steve Pham for permanent closure/abandonment/vacation of a 20-foot wide alleyway lying between Lots 1 and 9, in Block 107, Manning Addition, and a 20-foot wide alleyway lying between Lots 15-16 and 7-8 in Block 108, Manning Addition, Rockport, Aransas County, Texas, aka 1803 Young Street.

Regular Agenda

14. Hear and deliberate on presentation of City of Rockport Police Department 2015 Racial Profiling Report.
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; 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:

16. Section 551.071(1)(A) Consultation with Attorney on pending or contemplated litigation: a) Templeton, b) Pena/Dack, and c) 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 regarding real property - deliberate the purchase, exchange, lease, or value of real property: a) 1501 and 1505 Broadway and b) Project Red Fish.
19. Section 551.074 Personnel Matters: City Manager Evaluation.
20. Section 551.087 Deliberation Regarding Economic Development Negotiations: Project Cardinal.

Open Session

21. City Council will reconvene into open session pursuant to the provisions of Chapter 551 of the Texas Government Code to take any actions necessary related to the executive sessions noted herein, or regular agenda items, noted above, and/or related items.
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 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 Thursday, February 4, 2016, by 5:00 p.m. and on the City's website at www.cityofrockport.com. I further certify that the following News Media were properly notified of this meeting as stated above: *The Rockport Pilot*, *Coastal Bend Herald*, and *Corpus Christi Caller Times*.


Teresa Valdez, City Secretary

CITY COUNCIL AGENDA
Regular Meeting: Tuesday, February 9, 2016

AGENDA ITEM: 4

Deliberate and act on approval of City Council Regular Meeting Minutes of January 26, 2016, and the Planning Workshop Minutes of February 2, 2016.

SUBMITTED BY: City Secretary Teresa Valdez

APPROVED FOR AGENDA: PKC

BACKGROUND: Please see the accompanying minutes of the Regular Meeting of January 26, 2016, and the Planning Workshop of February 2, 2016.

FISCAL ANALYSIS: N/A

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

CITY OF ROCKPORT

MINUTES

CITY COUNCIL REGULAR MEETING 6:30 p.m., Tuesday, January 26, 2016 Rockport City Hall, 622 East Market Street

On the 26th day of January 2016, the City Council of the City of Rockport, Aransas County, Texas, convened in Regular Session at 6:30 p.m., at the regular meeting place in City Hall, and notice of meeting giving time, place, date and subject was posted as described in V.T.C.A., Government Code § 551.041.

CITY COUNCIL MEMBERS PRESENT

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

CITY COUNCIL MEMBER(S) ABSENT

STAFF MEMBERS PRESENT

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

ELECTED OFFICIALS

Opening Agenda

1. Call to Order.

With a quorum of the Council Members present, the Regular Meeting of the Rockport City Council was called to order by Mayor Wax at 6:30 p.m. on Tuesday, January 26, 2016, in the Council Chambers of the Rockport City Hall, 622 E. Market Street, Rockport, Texas.

2. Pledge of Allegiance.

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

3. 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.

Richard Rock addressed the Council. Mr. Rock stated Aransas County will be having an election on May 7, 2016, for creation of a water district. Mr. Rock said he believes this is what is needed to keep our water from being sold. Mr. Rock added that he hoped the City would support Aransas County on this.

Consent Agenda

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

4. **Deliberate and act on approval of City Council Regular Meeting Minutes of January 12, 2016.**
5. **Deliberate and act on request from the Fulton Volunteer Fire Department for temporary closure of sections of Traylor Boulevard and South Fulton Beach Road for the Oysterfest parade on March 5, 2016, and authorization to display banners across the 2400 block of Highway 35 Business and across the 1200 block of FM 3036 for the Oysterfest event.**
6. **Deliberate and act on report from Rockport-Fulton Chamber of Commerce HummerBird Committee for marketing expenditures for 2015 HummerBird Celebration.**
7. **Deliberate and act on a Resolution of the City Council of the City of Rockport ordering a General Election and establishing procedures for said election to be held on Saturday, May 7, 2016; the General Election shall be for the purpose of electing a Mayor at-large, a Council Member to represent Ward #2 and a Council Member to represent Ward #4; providing other matters relating to the General Election; and finding and determining that the meeting at which this Resolution is passed is open to the public as required by law.**

Deliberar y tomar medidas sobre la Resolución, una resolución del Ayuntamiento de la Ciudad de Rockport en la que se ordena la realización de unas Elecciones Generales y se establecen procedimientos para dichas Elecciones, que se llevarán a cabo el sábado 7 de mayo de 2016; las Elecciones General se relizarán con el propósito de elegir un Alcalde, un Concejal que represnete el Distrito #2; y un Concejal que represente el Distrito #4; se estipulan otros asimtps relacionados con las Elecciones Generales, y se decide y determina que la reunión en la cual se aprueba esta Resolución estará abierta al publico, como lo requiere la ley.

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.

Regular Agenda

8. Deliberate and act on proposal to replace audio and visual equipment in the Public Safety Center Emergency Operations Center.

Aransas County IT Director Collin Jackson addressed the Council. Mr. Jackson said there had been many instances when equipment is not working properly in the Public Safety Center Emergency Operations Center. Mr. Jackson called the Council's attention to a quote of \$63,317.21 from Whitlock (a video collaboration company) to develop a scope of work using State DIR pricing and to replace the existing audiovisual equipment to the Emergency Operations Center. Mr. Jackson stated this cost would be split between Aransas County and the City of Rockport, for a cost to the City of Rockport in the amount of \$31,658.61.

Mayor Wax asked Mr. Jackson to tell him about the failures. Mayor Wax stated the last time he was in the Emergency Operations Center, the projectors were all working.

Mr. Jackson stated there have been problems with the projectors and they are working, but they have several issues.

Mayor Wax asked Emergency Management Coordinator Rick McLester if he had looked at the system lately.

Emergency Management Coordinator Rick McLester stated an event had been hosted in the Emergency Operations Center when the equipment did not work and it was embarrassing. Mr. McLester said the equipment had worked and then did not work, and it had a daisy-chain effect. Mr. McLester added that when the equipment was first installed, the components could not stand alone; for example, the City could be utilizing one portion of the room and the County utilizing another portion of the room. Mr. McLester said the new module will allow this and that is important.

Mayor Wax asked Mr. Jackson how long it would take to install the new system if approved. Mayor Wax asked if Mr. Jackson could have this information by February 9, 2016, for consideration at the next Council meeting. Mayor Wax stated he wanted to ensure that installation is not in mid-stream during hurricane season.

Mr. Jackson answered that it will take one or two months to plan before installation. Mr. Jackson stated he could have the information requested before the February 9, 2016, Council Meeting.

Discussion was held among Council and Mr. Jackson.

MOTION: Mayor Wax moved to table this item until the February 9, 2016, Council Meeting. Mayor Pro-Tem Rios seconded the motion. Motion carried unanimously.

9. Deliberate and act on second and final reading of an Ordinance amending City of Rockport Code of Ordinances Chapter 50 “Floods.”

Community Planner Kimber Clark addressed the Council. Ms. Clark stated the proposed amendments to the Ordinance incorporate Council’s input, LAN’s recommendations, and comments from a preliminary review by Federal Emergency Management Association. Ms. Clark reviewed the proposed amendments:

Highlights of the revisions compared to the existing Ordinance include:

- FEMA requires that a Statutory Authorization clause be added.
- FEMA requires a Severability Statement.
- We have added an 18” freeboard requirement throughout the Special Flood Hazard Area.
- Additions and modifications were made to Definitions.
- The new Flood Insurance Rate Map (FIRM), dated February 17, 2016, is declared to be adopted as part of the Ordinance.

Highlights of revisions compared to the first reading of the Ordinance on January 12, 2016, include:

- Revision or removal of any unnecessary language in Definitions, as recommended by FEMA and City Engineer.
- Removal of dates for Storm Drainage Master Plan and Storm Drainage Design Manual, as recommended by the City Engineer.

There were only the following few minor modifications from first reading:

- Sec. 50-1 – Addition of the City’s statutory authority for mitigating flood losses, as required by FEMA.
- Sec. 50-2 and Sec. 50-3 – Removed date on Storm Drainage Master Plan & Design Manual, as recommended by the City Engineer.
- Sec. 50-26 – Definitions, as recommended by FEMA and City Engineer:
 - a. – Appurtenant Structure: Changed to Texas Water Development Board (TWDB) template language.
 - b. – Elevated Building: Changed to TWDB template language.
 - c. –Residential Structure: Removed, because not in TWDB template.

Ms. Clark added that the proposed changes to the flood ordinance will count towards the City’s Community Rating System (CRS) score. Ms. Clark said a preliminary review of CRS criteria shows that Rockport’s CRS rating should be a Class 7 or possibly Class 6, resulting in an insurance premium discount for citizens of 15 percent (approximately (\$64,673) or 20 percent (approximately \$86,230), respectively.

Discussion was held among Council and Ms. Clark.

MOTION: Mayor Pro-Tem Rios moved to approve the second and final reading of an Ordinance amending City of Rockport Code of Ordinances Chapter 50 “Floods.” Council Member Gurtner seconded the motion. Motion carried unanimously.

10. Deliberate and act on a Resolution authorizing the Texas Coalition for Affordable Power, Inc. (TCAP), to negotiate an electric supply agreement, authorizing TCAP to act as agent on behalf of the City to enter into a contract for electricity, and authorizing the Mayor or City Manager to negotiate and execute all necessary documents.

City Manager Kevin Carruth showed a brief video presentation of “TCAP Empowers Cities). Mr. Carruth stated the City is a charter member of the Texas Coalition for Affordable Power (formerly South Texas Aggregation Project) and has purchased our electricity through them for many years. Mr. Carruth added that the City’s existing electrical supply agreement expires at the end of 2017 and the process for securing pricing and an agreement for the 2018-2022 period begins with the proposed Resolution authorizing TCAP to act as agent on behalf of the City to enter into a contract for electricity. Mr. Carruth added that because TCAP must execute an agreement with a producer within 24 hours of the decision to lock in a price, two people (the Mayor and City Manager, as proposed) must be authorized to execute the City’s agreement in case one is not available within that timeframe. Mr. Carruth stated staff recommends Option A as the best balance of savings and stability and Option A is estimated to save the City approximately \$175,000 over our current rate. Mr. Carruth recommended approval of the Resolution.

Discussion was held among Council and Mr. Carruth.

MOTION: Mayor Pro-Tem Rios moved to adopt the Resolution authorizing the Texas Coalition for Affordable Power, Inc. (TCAP) to negotiate an electric supply agreement, authorizing TCAP to act as agent on behalf of the City to enter into a contract for electricity, and authorizing the Mayor or City Manager to negotiate and execute all necessary documents. Council Member Villa seconded the motion. Motion carried unanimously.

11. 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 stated that 108 people had attended the Rockport-Fulton Chamber of Commerce Windshield Tour.

Mayor Wax reminded everyone of the Texas Municipal League Region 11 meeting to be held in Edna on Wednesday, January 27, 2016.

Mayor Wax informed the Council that Aransas County had adopted the new floodplain maps on Monday.

Council Member Gurtner informed everyone that the National Estuarine Research Reserve and Texas A&M Agrilife Extension office will be having a rain barrel workshop on February 10, 2016, at 8:30 a.m. and the first 30 people in attendance will receive free rain barrels.

Council Member Villa stated the Aransas County Leadership Class presented a proposal to the Parks & Leisure Services Board in regard to restoring some amenities at Spencer Park.

Executive Session

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

- 12. Section 551.071(1)(A) Consultation with Attorney on pending or contemplated litigation: a) Templeton, b) Pena/Dack, and c) Bay Education Center.**
- 13. 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.**
- 14. Section 551.072 Deliberation about Real Property: Deliberate the purchase, exchange, lease, or value of real property: a) 1501 and 1505 Broadway, b) Northpointe Drive, c) 901 E. Main, d) 401 S. Magnolia, and e) Project Pinfish.**
- 15. Section 551.074 Personnel Matters: City Manager Evaluation.**
- 16. Section 551.087 Deliberation Regarding Economic Development Negotiations: Project Cardinal.**

At 7:15 p.m., Mayor Wax convened the Rockport City Council into an executive session pursuant to provisions of Chapter 551 of the Texas Government Code, in accordance with the authority contained in Section 551.071910(A) Consultation with Attorney on pending or contemplated litigation: a) Templeton, b) Pena/Dack, and c) 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: Deliberate the purchase, exchange, lease, or value of real property: a) 1501 and 1505 Broadway, and b) Northpointe Drive, c) 901 E. Main, d) 401 S. Magnolia and e) Project Pinfish; Section 551.074 Personnel Matters: City Manager Evaluation; and Section 551.087 Deliberation Regarding Economic Development Negotiations: Project Cardinal.

Open Session

- 17. City Council will reconvene into open session pursuant to the provisions of Chapter 551 of the Texas Government Code to take any actions necessary related to the executive sessions noted herein, or regular agenda items, noted above, and/or related items.**

At 8:19 p.m., Mayor Wax reconvened the Rockport City Council into open session pursuant to the provisions of Chapter 551 of the Texas Government Code to take any necessary actions related to the executive sessions noted herein, or regular agenda items, noted above, and/or related items.

MOTION: Mayor Wax moved to proceed with purchase of right-of-way for future water project at Northpointe Drive, at approximately \$20,000.00. Council Member Villa seconded the motion. Motion carried unanimously.

18. Adjournment

At 8:20 p.m., Council Member Villa moved to adjourn. Motion was seconded by Mayor Pro-Tem Rios and carried unanimously.

APPROVED:

Charles J. Wax, Mayor

ATTEST:

Teresa Valdez, City Secretary

CITY OF ROCKPORT

MINUTES

CITY COUNCIL PLANNING WORKSHOP

9:00 a.m., Tuesday, February 2, 2016

Rockport Service Center

2751 SH 35 Bypass, Rockport, Texas

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
 Finance Director Patty Howard
 Police Chief Tim Jayroe
 Police Patrol Commander Larry Sinclair
 Police CID Commander Jerry Lawing
 Public Works Director Mike Donoho
 IT Director Brian Jacobs
 IT Specialist Bob Argetsinger
 Parks & Leisure Services Director Tom Staley
 Parks Maintenance Superintendent Rick Martinez
 Communications Center Administrator Lee Zapata

ELECTED OFFICIALS

Opening Agenda

1. Call to Order.

With a quorum of the Council Members present, the Planning Workshop of the Rockport City Council was called to order by Mayor Wax at 9:10 a.m. on Tuesday, February 2, 2016, at the Rockport Service Center, 2751 State Highway 35 Bypass, Rockport, Texas.

Rusty Day arrived at 9:37 a.m.

Planning Workshop Agenda

2. Hear and deliberate on strategic planning items including administrative procedures, City ordinances, capital projects, annexation, level of service, sister city and sesquicentennial celebration planning.

City Manager Kevin Carruth called the Council's attention to a handout (below) listing Planning Workshop Topics that he and staff developed to look at the bigger picture and get direction from Council to move forward with some of these items.

Planning Workshop Topics - 2016

1. Administrative Procedures
2. Ordinances
 - a. Lighting Noise
 - b. Noise Abatement
 - c. Signs & Outdoor Displays
3. Capital Projects
 - a. Bayshore Drive shoreline stabilization
 - b. Key Allegro Bridge
 - c. Austin Street Reconstruction
 - d. Linden Street Reconstruction
 - e. Wastewater Treatment Plant upgrades/repairs
 - f. Cape Valero Waterfront Project
 - g. Automatic Meter Reading
 - h. Drainage Master Plan projects
 - i. Memorial Park Restrooms
 - j. Sports Complex
 - k. Bent Oaks
 - l. Aquatic Center Repairs
 - m. YMCA
 - n. New City Hall Server
 - o. Spear Fishing Protection
 - p. Shooting range
 - q. Covert Cameras
 - r. Portable Radio Interoperability
4. Annexation
 - a. Market Street
 - b. FM188 & Hwy. 35 Bypass
 - c. FM 188 & FM 1069
 - d. Annexation Area D
 - e. Annexation Area J
 - f. Annexation Area K
 - g. Hwy. 35 Bypass between Corpus Christi and Twelfth Street
 - h. Peninsula Oaks
5. Level of Service
 - a. Automated Sanitation
 - b. Human Resources
 - c. Fleet Services
 - d. Building & Development Services
 - e. Street Department
 - f. Economic development
 - g. Parks
 - h. Mowing
 - i. City Hall
 - j. Council Meeting Schedule
 - k. FY 2016-2017 Tax Rate
6. Sister City
7. Sesquicentennial Celebration Planning

Mr. Carruth called the Council's attention to a handout (included) which addressed each of the topics.



- ### Agenda
- Capital Projects
 - ◆ Memorial Park Restrooms
 - ◆ Sports Complex
 - ◆ Bent Oaks
 - ◆ Aquatic Center Repairs
 - ◆ YMCA
 - ◆ New City Hall Server
 - ◆ Shooting Range
 - ◆ License Plate Recognition
 - ◆ Covert Cameras
 - ◆ Portable Radio Interoperability



Capital Projects – Bayshore Drive Shoreline Stabilization

Table 1. Reach Classification

Reach	Parcel	Property Type	Reason for Reach Selection
Reach 1	Parcel 1	Commercial/Public	Along with being a commercial property, the structure is an unimproved building with a seawall which makes it unique from any other parcels in the vicinity. Southern access is under way.
Reach 2	Parcel 2-18	Private	All of the parcels within this reach are all in generally the same orientation. All of the parcels in this reach have bulkheads along with the shore showing varying size and of construction under existing bulkheads are situated BEACH.
Reach 3	Parcel 19-52	Private	All properties are private. Some parcels within this Reach do not have bulkheads. All of the parcels in this reach are in generally the same orientation.
Reach 4	Parcel 53-55	Public	These parcels are public with a treatment and bulkhead that are currently being undertaken by other movement and has the highest risk of damage to Bay Shore Drive in the near future.
Reach 5	Parcel 56-Paisano Ln.	Public	All parcels are generally the same orientation. This reach covers the extent of the bulkhead on the public beach not covered by treatment.
Reach 6	Parcel 57-Groin 46	Public	All parcels are generally the same orientation. This reach covers the seawall that sits at the southern end of the bulkhead on the public beach.
Reach 7	Groin 46-Parcel 1A	Public/Private	All parcels are generally in the same orientation. Structures provided by other movement which has been in place for years.
Reach 8	Parcel 1A-16	Private	All parcels are generally in the same orientation and all have bulkheads along the shore.

Capital Projects – Bayshore Drive Shoreline Stabilization

Table 2. Reach repair urgency.

Reach	Reach Extents	Urgency	Description
Reach 1	Parcel 1	Green	Shoreline is unprotected in some sections, but the existing jetty provides good coverage to the area.
Reach 2	Parcel 2-18	Blue	All properties in this area have been bulkheaded, thus the shoreline in this location is stable.
Reach 3	Parcel 19-52	Yellow	Some properties in this area do not have bulkheads; allowing the shoreline to erode.
Reach 4	Parcel 53-55	Red	The concrete revetment in this area has been undermined and could lead to complete failure of the existing bulkhead and retained shoreline.
Reach 5	Parcel 56-Paisano Ln.	Green	No visible damage on bulkhead along shoreline, bulkhead could eventually be undermined through wave action.
Reach 6	Paisano Ln.-Groin 46	Yellow	Some damage to the revetment has been observed, but currently the revetment is mostly intact.
Reach 7	Groin 46-Parcel 1A	Red	The revetment in this area has failed and geotextile fabric has been exposed.
Reach 8	Parcel 1A-16	Blue	The shoreline within this area has been stabilized and no damage to the structures was observed.

- ### Capital Projects – Streets
- Key Allegro Bridge Walkway & Abutment Replacements - \$100,000
 - Austin Street Reconstruction - \$1,000,000
 - Linden Street Reconstruction - \$1,000,000

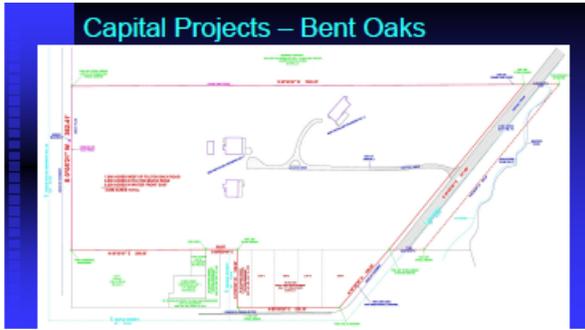
Capital Projects – Utilities

- Wastewater treatment plant upgrades/repairs - \$2,500,000
- Cape Valero looped water line - \$400,000
- Automatic meter reading - ?

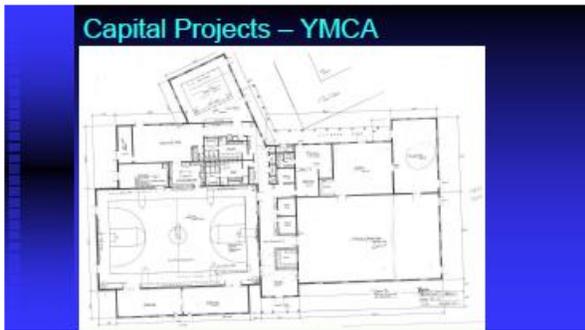
- ### Capital Projects – Drainage Master Plan
- Hwy 35 Business @ Traylor & Tule Park - \$963,000
 - Hwy 35 Business @ Enterprise & Maple - \$541,000
 - Enterprise @ Live Oak, Omohondro, & Stadium - \$1,079,000
 - Market Street @ Bypass, Hickory, & Steart - \$1,411,000
 - Market Street @ Burton & Kossuth - \$3,136,000
 - Market Street @ Hwy 35 Business - \$792,000
 - Market Street @ Loop 70 - \$349,000
 - Pearl Street @ Orleans - \$2,814,000

Capital Projects – Memorial Park Restrooms

- Existing restrooms suffer from overuse, old plumbing, & vandalism, leading to frequent overflowing toilets
- Modular facility cost \$200,000 (approx.)

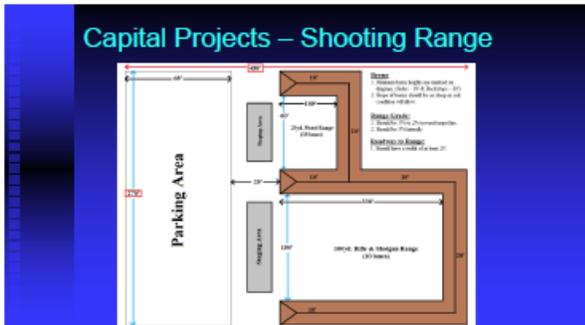


- ### Capital Projects – Aquatic Center Repairs
- Demands of an aging physical plant is growing each year, including:
 - ◆ Kids pool replastering (budgeted in FY 2015-2016)
 - ◆ Large pool replastering
 - ◆ Sand filters partially rebuilt (one completed, one in progress)
 - ◆ ADA lift replacement - grant received from Castaways for FY 2016-2017
 - ◆ Deck repair/replacement



- ### Capital Projects – IT
- City Hall Server – Laserfiche use has exceeded expectations, leading to a shortage of storage space. New server would be dedicated to Incode while current server would be repurposed.
 - Spear Phishing Protection – Mimecast solution

- ### Capital Projects – Shooting Range
- Access to Aransas County shooting range has been intermittent
 - As of 1/01/15, Aransas County is offering two days of access at no charge for basic qualification, additional days or practice will be charged at a rate of \$25 per person

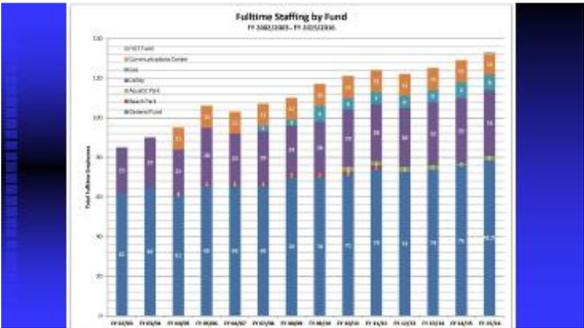


Level of Service – Automated Sanitation

- Port Lavaca negotiating for automated service, leaving Rockport as the last hand collect customer
- Solution(s) for Part-Time Residents?
- 2015 Options
 - 1X week waste/EOW recycle/1X quarter brush
 - 1X week waste/1X week recycle/1X quarter brush
 - 2X week waste/EOW recycle/1X quarter brush
 - Same service as current/no brush

Level of Service

- Human Resources - Over the last 11 days tracked, Assistant City Secretary has spent 72 of 91 hours on HR related work & 19 on City Secretary issues
- Fleet Services – Outsource some routine maintenance functions
- Building & Development Services – Add second Building Inspector to provide inspection redundancy & assist with floodplain management
- Street Department – Reconstruction sinking fund
- Parks - Staffing



Level of Service – Parks Mowing

- Consider outsourcing mowing of some city facilities to allow Parks staff to concentrate on new acquisitions

The map displays the layout of Rockport, Texas, with several parks and facilities highlighted by yellow icons. The Little Bay is visible in the lower right corner of the map.

Level of Service – Parks Mowing

The following are services in 2015(2014) parks mowing. Orders are over parks sites. Traffic signs on the map are indicated with a 2015_2014_2

2015	2014	2015	2014
1 City Hall	1011 Municipal Center	10	10
2 Southport Station Stop	Porter of Day St. at Lane St.	11	11
3 Spencer Park	4th & 5th St.	12	12
4 Jackson Park (Arboretum Park & Courts)	1015 S. Pearl St.	13	13
5 Middle Park	1015 S. Pearl St.	14	14
6 Park Hill Park & Recreation	1015 S. Pearl St.	15	15
7 Green Hill Park	1015 S. Pearl St.	16	16
8 Jackson Park & Water Treatment	Porter of Day St. at Lane St.	17	17
9 Jackson Park (New Garden)	Porter of Day St. at Lane St.	18	18
10 Jackson Park	1015 S. Pearl St.	19	19
11 Jackson Park	1015 S. Pearl St.	20	20
12 Jackson Park (Southside Garden)	1015 S. Pearl St.	21	21
13 Jackson Park (Shoreline Garden)	1015 S. Pearl St.	22	22
14 Jackson Park (Water Treatment)	1015 S. Pearl St.	23	23
15 Jackson Park (Water Treatment)	1015 S. Pearl St.	24	24
16 Jackson Park (Water Treatment)	1015 S. Pearl St.	25	25
17 Jackson Park (Water Treatment)	1015 S. Pearl St.	26	26
18 Jackson Park (Water Treatment)	1015 S. Pearl St.	27	27
19 Jackson Park (Water Treatment)	1015 S. Pearl St.	28	28
20 Jackson Park (Water Treatment)	1015 S. Pearl St.	29	29
21 Jackson Park (Water Treatment)	1015 S. Pearl St.	30	30
22 Jackson Park (Water Treatment)	1015 S. Pearl St.	31	31
23 Jackson Park (Water Treatment)	1015 S. Pearl St.	32	32
24 Jackson Park (Water Treatment)	1015 S. Pearl St.	33	33
25 Jackson Park (Water Treatment)	1015 S. Pearl St.	34	34
26 Jackson Park (Water Treatment)	1015 S. Pearl St.	35	35
27 Jackson Park (Water Treatment)	1015 S. Pearl St.	36	36
28 Jackson Park (Water Treatment)	1015 S. Pearl St.	37	37
29 Jackson Park (Water Treatment)	1015 S. Pearl St.	38	38
30 Jackson Park (Water Treatment)	1015 S. Pearl St.	39	39
31 Jackson Park (Water Treatment)	1015 S. Pearl St.	40	40
32 Jackson Park (Water Treatment)	1015 S. Pearl St.	41	41
33 Jackson Park (Water Treatment)	1015 S. Pearl St.	42	42
34 Jackson Park (Water Treatment)	1015 S. Pearl St.	43	43
35 Jackson Park (Water Treatment)	1015 S. Pearl St.	44	44
36 Jackson Park (Water Treatment)	1015 S. Pearl St.	45	45
37 Jackson Park (Water Treatment)	1015 S. Pearl St.	46	46
38 Jackson Park (Water Treatment)	1015 S. Pearl St.	47	47
39 Jackson Park (Water Treatment)	1015 S. Pearl St.	48	48
40 Jackson Park (Water Treatment)	1015 S. Pearl St.	49	49
41 Jackson Park (Water Treatment)	1015 S. Pearl St.	50	50

Level of Service

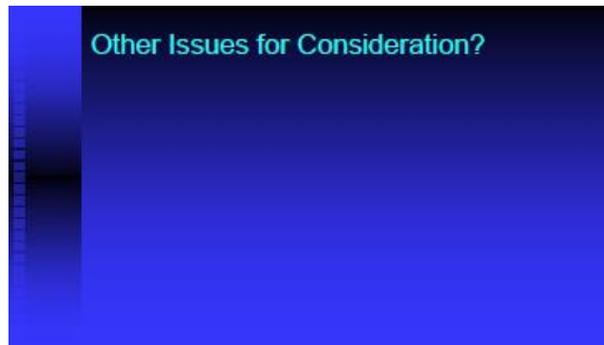
- City Hall – Building maintenance issues; lack of space
- Council Meeting Schedule – Continue with regular meetings at 6:30 p.m. & workshop at 1:30 p.m.?
- FY 2015-2016 Ad Valorem Rate

Sister City Program

- In 2014, Rockport renewed its sister city relationship with Beachport, Australia, & sent the City Attorney as an envoy
- Possible next steps:
 - Join Sister Cities International or similar group
 - Investigate other potential sister cities
 - Continue to develop relationship with Beachport
 - Establish an advisory committee

Sesquicentennial Celebration

- 2020 Sesquicentennial Celebration
 - Logo contest
 - Separate website
 - Laser show



Discussion was held among Council and staff in regard to the planning workshop topics.

Comments and suggestions were received from visitors Paula Dean and Karen Mella on some of the workshop topics.

It was the consensus of Council that the staff proceed with the following:

- Contact Professor Bill Wren with the McDonald Observatory to see if he will give a presentation to the City Council on lighting.
- Police Department is to review the Noise Ordinance to see if the verbiage needs to be changed from an operational prospective.
- City Secretary is to contact City of Bastrop for a copy of their Sign Ordinance. The Building & Development Department is to review it and see if there are items of that Ordinance that the City of Rockport could utilize. Mayor Wax also requested that the Rockport-Fulton Chamber of Commerce survey the membership regarding pennant flags.
- Immediately start pricing and options for fencing the Broadway Street side of the newly acquired park property. Also repair and extend the flag pole on this property so flags can be flown.
- Contact vendor regarding Spear Phishing Protection in regard to the possibility of a contract for a minimum period of time (1 year) and then receive a detailed analysis.
- An operating figure of \$100,000 is to be used for the shooting range, including rehabilitation of the salon and internet access.
- Police Department will contact homeowner associations and Chamber of Commerce to make presentations on the possible purchase of covert cameras. Also get a demonstration set up in Rockport.
- Research annexation of Area "D", Market Street, Pin Oak area, and the two small areas that are occupied.
- Review job duties of Assistant City Secretary that could be moved to another Department.
- City Manager is to research cities regarding formation of committee for Sesquicentennial Celebration planning. Schedule workshop later in spring.

Mayor Wax gave staff the following guidance in preparation of the fiscal year 2016-2017 budget:
 1) Baseline for next year's budget is the current level of service, plus consumer price index and the recommendations included in the Compensation Study and Plan; then start thinking about personnel

and merit increases; 2) Code Enforcement; 3) Creation of an Human Resources Department; 4) Annexation costs; and if annexation occurs a redistricting of wards will be required.

Mayor Pro-Tem Rios left the Planning Workshop at 3:30 p.m.

Mayor Wax stated that the Council is pleased with the performance of City employees and the way they represent the City every day. Mayor Wax said it was an honor to serve with people like this and he thanked everyone.

3. Adjournment

At 4:20 p.m., the Planning Workshop adjourned.

CITY OF ROCKPORT, TEXAS

Charles J. Wax, Mayor

ATTEST:

Teresa Valdez, City Secretary

CITY COUNCIL AGENDA
Regular Meeting: Tuesday, February 9, 2016

AGENDA ITEM: 5

Deliberate and act to appoint member to the YMCA Development Committee.

SUBMITTED BY: Mayor Charles J. Wax

APPROVED FOR AGENDA: PKC

BACKGROUND: The YMCA Ad Hoc Project Committee gave a final presentation to the Council on July 14, 2015, and addressed the Committee's charge from the Council to determine: scope of services, facility design, construction estimates, estimates of operating & maintenance costs, management agreement with YMCA of the Coastal Bend, and project funding plan. The next step in the process was to form a smaller committee of five to seven members to develop specific plans of action for the project. At the July 28, 2015 Council meeting, Council voted to establish a YMCA Development Committee consisting of approximately seven members. On October 27, 2015, Council appointed five members to the YMCA Development Committee. Since that time, one member has notified Mayor Wax that he is unavailable to serve, and two others, Rebecca Johnson & Warren Hassinger, were appointed in November 2015. An application for board or commission appointment has been received from Ms. Tracy Shelton. Ms. Shelton has served on the Portland Parks and Recreation Advisory Committee for two years and was also President of the Frisco Chamber of Commerce for two years and the Frisco Rotary Club for one year.

YMCA Development Committee

Place	Member
1	Yvonne Perez
2	Eric Heller
3	Jordan Fisher
4	Brian Olsen
5	Rebecca Johnson (previously Glen Gomez)
6	Warren Hassinger
7	Tracy Shelton

FISCAL ANALYSIS: N/A

STAFF RECOMMENDATION: Staff recommends appointment of Tracy Shelton to the YMCA Development Committee, 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 YMCA Advisory Board
(please add)

Name: Tracy Shelton Age (Optional): 57
 Home Address: 711 Waterwood RP 78382
 Home Phone: 361-960-8643 Work Phone: same
 Business Address: same
 E-mail Address: tracy@resources.com
 Resident of City for 3 years Voter Registration No. YES

Occupation: Insurance
 Education: BBA - Baylor U.

Special Knowledge or Experience Applicable to City Board or Commission Function: (attach additional information if needed) Commercial property insurance - coastal buildings Leadership Areas County - XX

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

Other Information (civic activities, etc.) _____

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

Yes No

Date: 1-19-16 Signature: Tracy Shelton

RETURN COMPLETED FORM TO THE CITY SECRETARY'S OFFICE

ALL INFORMATION MUST BE FURNISHED IN ORDER TO BE CONSIDERED
 Email to: citysec@cityofrockport.com

CITY COUNCIL AGENDA
Regular Meeting: Tuesday, February 9, 2016

AGENDA ITEM: 6

Deliberate and act on 1st quarter report from Rockport Center for the Arts for Fiscal Year 2015-2016 marketing expenditures.

SUBMITTED BY: City Secretary Teresa Valdez

APPROVED FOR AGENDA: PKC

BACKGROUND: The Rockport Center for the Arts has been allocated \$109,700.00 in Fiscal Year 2015-2016 Hotel Occupancy Tax (HOT) funds, of which \$2,500.00 is designated for Rockport Rotary Club Film Festival leaving \$107,200.00. According to our agreement with Rockport Center for the Arts, HOT funds are paid in advance and a report of the previous quarter's expenditures is required. See the accompanying 1st Quarter HOT Expenditure Report for additional information.

FISCAL ANALYSIS: Charged to account 6602040. The Rockport Center for the Arts has already received \$2500.00 for the 2015 Film Festival. YTD expenses are \$ 20,313.11 out of \$107,200.00 budgeted.

RECOMMENDATION: Staff recommends approval of Rockport Center for the Arts Fiscal Year 2015-2016 Hotel Occupancy Tax funds 1st Quarter expenditures and authorization to disburse 2nd Quarter funds in the amount of \$26,800.00, as presented.



Rockport Center for the Arts

Hotel Occupancy Tax, Period October – December, 2015
Report of Quarter Activities for the City of Rockport

OUR MISSION

Rockport Center for the Arts' mission is to be the catalyst and epicenter for opportunities to explore the creative arts.

Explore. Discover. Express.

47 years in operation

OUR PROMISES

To provide a facility that is free and open to the public six days a week, year-round.

To provide free summer art education programming to Aransas County students.

To provide a space where cultural enrichment is available for the community and visitors.

To conduct activities that attract cultural tourism.

Rockport Center for the Arts Report for the City of Rockport Highlights of Tourism Activities, October through December 2015

- Total visitors to the **Art Center** for the October to December period was **4,343**, as compared to **3,528** for the same period in 2014 (a **23% increase**).
- The % of the visitors that came from **outside of 70 miles** of Rockport **over the 3 month period** is as follows:
October 64.80% November 83.00% December 46.10%
- There was a significant spike in visitors to the Art Center from **outside of 70 miles** during the month of **November** that can be attributed to PR and direct advertising activities to promote the Film Festival in external markets. The Art Center had **15% more visitors in November** than October and **39% more than December**.
- In October **20.20% of visitors** came from outside the State of Texas.
- In November **20.00% of visitors** came from outside the State of Texas.
- In December **21.70% of visitors** came from outside the State of Texas.
- Percentage of visitors to the Art Center that came from major Texas metropolitan areas:
October 30.00% November 37.00% December 14.70%
- The most **robust market** this quarter was **Austin**- almost **17%** of visitors in November came from that market.

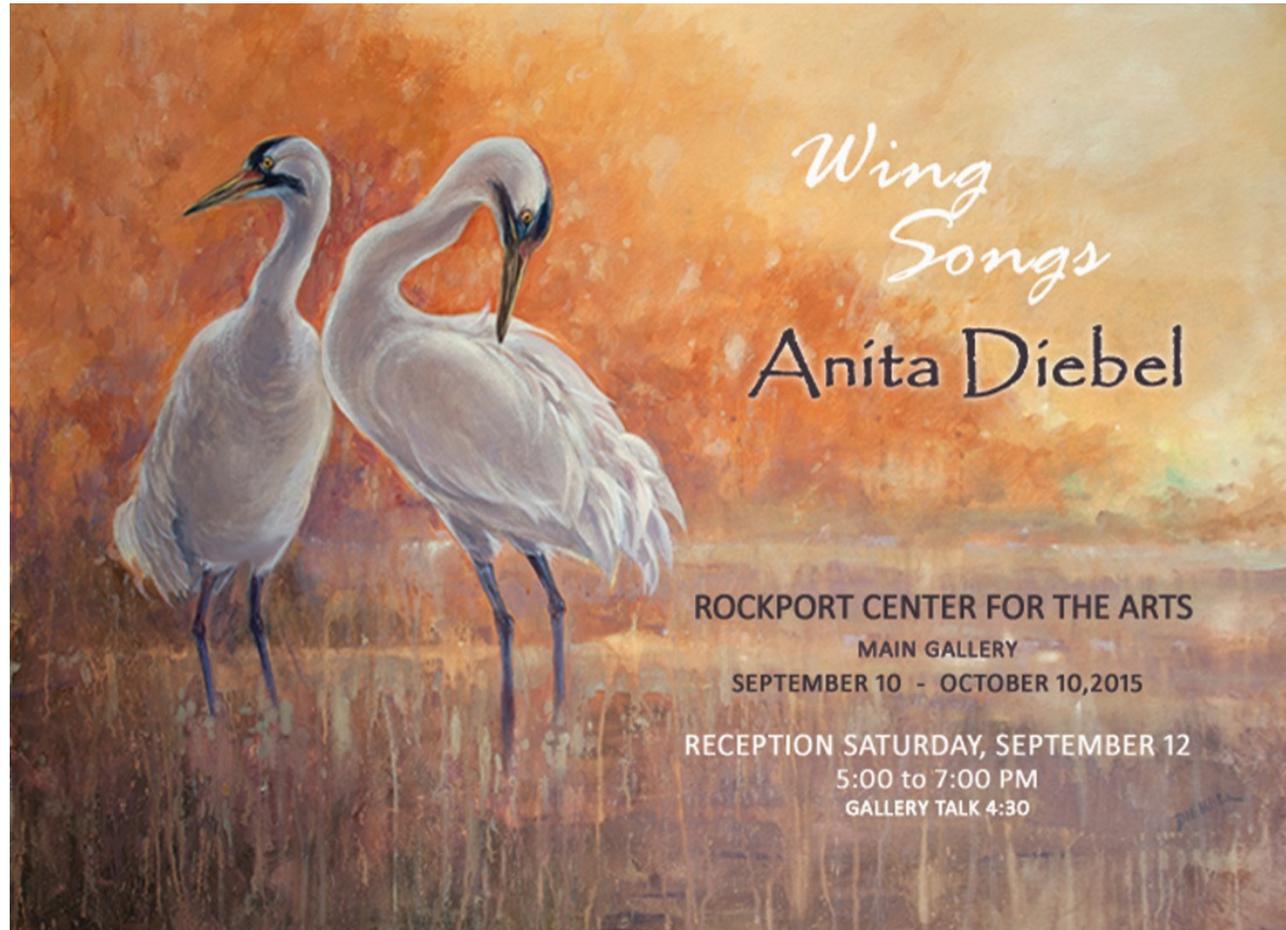
Rockport Center for the Arts

Report for the City of Rockport

Highlights of Tourism Activities, Raw Data (provision of zip code for visitors at the Art Center is optional)
October through December 2015

Visitor Data at the Art Center	Oct-15	Nov-15	Dec-15	Quarter Total
Total Attendance (n)	1460	1679	1204	4343
Visitor Data	Oct-15	Nov-15	Dec-15	
Outside of 70 Miles*	64.80%	83.00%	46.10%	
Local	35.20%	17.00%	53.90%	
Total	100.00%	100.00%	100.00%	
*Highlights of Tourism outside of 70 miles, major metropolitan areas				
Austin	9.90%	16.80%	4.60%	
Dallas / Ft. Worth	0.90%	2.70%	1.40%	
Houston	9.30%	7.90%	5.00%	
San Antonio	9.90%	9.60%	3.70%	
Total Texas major metropolitan areas	30.00%	37.00%	14.70%	
Tourism from outside of Texas	20.20%	20.00%	21.70%	
Rural tourism beyond 70 miles	14.60%	26.00%	9.70%	
Total tourism from beyond 70 miles	64.80%	83.00%	46.10%	
** Local Visitors				
Rockport-Fulton	22.50%	11.90%	40.00%	
Corpus Christi	7.50%	2.30%	7.00%	
Rural Areas	5.20%	2.80%	6.90%	
Total	35.20%	17.00%	53.90%	

October 2015 Exhibits in the Main Gallery and the Garden Gallery



ANITA DIEBEL'S WING SONGS WHICH OPENED IN SEPTEMBER, CONTINUED IN THE **MAIN GALLERY** THROUGH OCTOBER 12, 2015. IN THE **GARDEN GALLERY** THE TRIBUTE SHOW TO THE LATE **HERB BOOTH** ALSO CONTINUED.

October and November 2015 Exhibits in the Main Gallery and the Garden Gallery



THE UNTOLD STORY OF BOB LOCKHART
Artist in Residence 2015

Solo Exhibition in the Main Gallery

Lockhart's Studio in the Garden Gallery

The goal of the Artist in Residence program is to invite artists for time and space away from their usual environment and obligations. It aims to provide a time for reflection, research, presentation, production and a cultural benefit to the communities of Rockport-Fulton. Prior artists-in-residence are **Diane Pike (2014)** and **Ewoud de Groot (2012)**.

The Artist-in-Residence program is made possible through an anonymous individual contribution.

Admission is always Free of Charge and Open to the Public



Artist-in-Residence
Bob Lockhart
Oct 17 - Nov 21

VIP Preview Reception Attendance, October 16th: **69**
Opening Reception Attendance, October 17th: **65**

October and November 2015 Exhibits in the Main Gallery and Garden Gallery

BOB LOCKHART IS ONE OF KENTUCKY'S MOST INFLUENTIAL ARTISTS

A career artist and educator, Bob Lockhart brought a wealth of creativity to Rockport-Fulton as the 2015 Artist-in-Residence. Originally from Oak Park, Illinois, Lockhart graduated with a Bachelor of Fine Arts and Master of Fine Arts from the **Art Institute of Chicago**. He apprenticed with Egon Weiner, and studied under Ray Yoshida, Dan Seiden, and Whitney Halstead. A professor of Anthropology, Halstead exposed Lockhart to the magic of non-western art, pushing him beyond traditional themes.

Lockhart's work is part of **important collections**:

The Whitney Museum of American Art

Indianapolis Art Museum

The University of Kentucky Art Museum

Louisville Zoo

The Southwest Branch of the Louisville Free Public Library

The Owensboro Museum of Art

Speed Art Museum in Louisville

The Indianapolis Children's Museum

The University of Kentucky Children's Hospital



December 2015 Exhibits in the Main Gallery and the Garden Gallery



Opening Reception Attendance,
December 6th: **275**

CURRENTS

Thirty years since its introduction, the [All Members Show](#) continues as another long-standing tradition.

Juror [Joe Peña](#) selected the work of five-artists whose work stood out, and as a result will have a group exhibit during the month of August, 2016.

Peña is Assistant Professor of Painting at [Texas A&M University Corpus Christi](#) and is an accomplished artist whose work is in important collections like that of actor and famed collector [Cheech Marín](#).

Admission is always Free of Charge and Open to the Public

October 2015 Workshops and **Free** Educational Offerings through the Artist in Residence Program

In conjunction with his residency, Bob Lockhart offered **free workshops** for active members at the Art Center members:



5-Day Hand building **free** Workshop:
"The Art of Making Great Personal Stuff in Clay"
 October 13, 14, 15, 21 & 22 from 10 AM – 4PM
of Participants: 15
Total Contact Hours: 90

3-Day Drawing **free** Workshop:
"Drawing – My incredible, personal, and 'Funtastic' approach!"
 October 19, 20 & 23 from 10 AM – 4 PM
of participants: 18
Total Contact Hours: 108

Community tie-in: **Rockport-Fulton High School** students (freshmen to seniors) benefited from **free** art education conducted on-site during

Lockhart's residency:

Number of days: 4 - October 26, 27, 28, & 29, 2015

Number of 1-hour Periods Per Day: 7

Students per period: 25

Total students served: 175

Total Contact Hours: 700



October through December 2015 Workshops, Classes and Educational Programming at the Art Center



Workshop offerings for Fall 2015:

<i>Plein air</i>	Jewelry making
Drawing for beginners	Figure drawing
Open studio time	Printmaking
Pottery	Ceramics
Watercolor	Digital photography

Free Family Saturdays encourages family engagement through a hands-on art activity with children or grandchildren. A different project is planned each Saturday. There is **NO pre-registration** requirement. Families are encouraged to stop by anytime between **10 am and 2 pm**. Supplies are provided **free of charge** to all participants.

This program was made possible through a generous contribution from **The Nystrom Family Foundation**.



Research shows that students who study the arts perform better in the classroom and on standardized tests and are less likely to drop out of school. Arts education helps students develop the self-discipline, cooperation, and self motivation necessary for high achievement in school

Online Media Buy- Exhibitions Designed to Attract Tourism



Glasstire is an **online magazine** that covers **visual art in Texas** and **Southern California**. Based in Houston, Texas. The non profit has been in operation since 2001.

Glasstire believes in the power and importance of writing about art, and has been the largest employer of arts writers in Texas for many years.

Its online presence and following is significant and it has become the primary way thousands receive visual arts news and editorial content.

Online presence ads were purchased to reach out to college students across the state for a **Call for Entries** for a juried exhibition to take place in **March 2016**.

Ad Results: **10 ads** were run from **early October** to **mid-December** in different segments of the online magazine: Classifieds, Online Newsletter, and Newsletter eBlasts to subscribers. The online ads made a total of **70,000 impressions** and received over **350 clicks**.



Online Media Buy- Exhibitions

Rockport Center for the Arts, Advertising Report Fall 2015

Ad title	Ad type	Ad Start Date	Ad End Date	# Impressions	# Clicks
Rising Eyes of Texas 2016	Newsletter Medium Rectangle	10/6/2015	10/6/2015	2,728	97
Rising Eyes of Texas 2016-- gratis	Newsletter Medium Rectangle	10/11/2015	10/11/2015	2,554	55
Rising Eyes of Texas 2016	Website Medium Rectangle	10/12/2015	10/18/2015	14,406	10
	classifieds	10/12/2015	10/18/2015	6,689	16
Rising Eyes of Texas 2016	Website Medium Rectangle	11/2/2015	11/8/2015	7,952	4
	classifieds	11/2/2015	11/8/2015	6,875	15
Rising Eyes of Texas 2016	Newsletter Medium Rectangle	11/15/2015	11/15/2015	2,778	65
Rising Eyes of Texas 2016	Website Medium Rectangle	12/1/2015	12/15/2015	11,614	9
	classifieds	12/1/2015	12/15/2015	11,297	43
Rising Eyes of Texas 2016	Newsletter Medium Rectangle	12/13/2015	12/13/2015	2,675	41
Total Impressions and Clicks				69,568	355

Glasstire

Online Media Buy- Glasstire Screen Grab

HOME
FEATURES ▾
NEWS
OP ED
EVENTS ▾
VIDEOS ▾
CLASSIFIEDS ▾
OFF ROAD
SEARCH

EVENTS



Houston

OFF ROAD: ROBERT IRWIN + MICHAEL GOVAN

One Time: October 17, 2015 | 5–7 pm

MATCH - Midtown Arts & Theater Center Houston
3400 Main St., Houston, Texas 77002

Glasstire is pleased to announce a new series that will invite its digital audience to log off their devices and experience an exchange of ideas with artists live and in-person. Beyond the boundaries of your average artist talk, OFF ROAD invites the great minds of our time to engage in conversations about their work and ideas. There are no rules, no limits, and no podiums. During this program, Michael Govan and Robert Irwin will...



Alyssa Danna: Growth
October 5, 2015
San Antonio | UTSA Art Gallery



The Past is a Stranger, The Future is a Guest: New Work by Sonnenszimmer
October 12, 2015
San Marcos, | The University Galleries at Texas State University | Joann Cole Mitte Building



Robert Lansden: Metamorphosis
October 17, 2015
Dallas | Cris Worley Fine Arts



Zine Fest Houston
October 17, 2015
Houston | The Printing Museum

> Iva on VIDEO: Texas Contemporary Art Fair Opening Night 2015

> Iva on Highlights from the Texas Contemporary

RISING

EYES OF TEXAS 2016

Call for Entries

Deadline Dec 15, 2015

Prize Juror: **Anna Stothart**
Curator of Modern & Contemporary Art
San Antonio Museum of Art

risingeyesoftexas.com

@GLASSTIRE

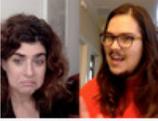


Media Buy- Glasstire Screen Grab

HOME
FEATURES ▾
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CLASSIFIEDS ▾
OFF ROAD
SEARCH



Copeland /
0 Comments



Top Five October 29, 2015
29 Oct 2015 / Glasstire /
0 Comments



The One-Question Interview: What Nicolas Bourriaud Thinks Artists Should Be Reading
28 Oct 2015 / Ryder Richards /
3 Comments



Professionals
27 Oct 2015 / Michael Bise /
2 Comments



Art Prize Dallas
31 Oct 2015 / Glasstire /
3 Comments



Halloween in Texas: What You Should Do Today
30 Oct 2015 / Glasstire /
0 Comments



Artadia Announces Houston Finalists
30 Oct 2015 / Paula Newton /
0 Comments



Our Man Michael Govan Thinks That a Curatorial Studies Degree is Kinda Useless
29 Oct 2015 / Glasstire /
1 Comment

What Nicolas Bourriaud Thinks Artists Should Be Reading

> Iva Kinnaird on Debtfair: It's Not About the Art

> Sarah Schellenberg on Debtfair: It's Not About the Art

> Barnaby Fitzgerald on Zombies!

> Lee Hill on Debtfair: It's Not About the Art

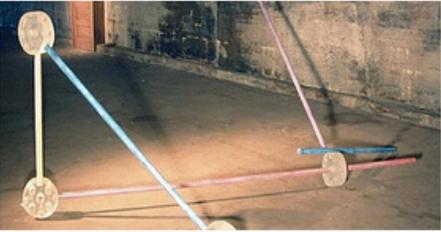
> seth alverson on Zombies!

> Zeno on Debtfair: It's Not About the Art

> Marshall Harris on ArtSmarter Prize Claims Responsibility for Demise of ArtPrize Dallas

> Russell Etchen on Debtfair: It's Not About the Art

EVENTS





Alyssa Danna: How Handsomely You Dwell
November 5, 2015
[San Antonio](#) | UTSA Terminal 136



Green Screen Film Series: Warhol's Sleep
November 5, 2015

RISING

EYES OF TEXAS 2016

Call for Entries

Deadline Dec 15, 2015

Prize Juror: Anna Stothart
Curator of Modern & Contemporary Art
San Antonio Museum of Art

risingeyesoftexas.com

Media Buy- Glasstire Screen Grab

OFF ROAD: ROBERT IRWIN & MICHAEL GOVAN



Glasstire (Texas visual art)

ROBERT IRWIN
+
MICHAEL GOVAN

20 OFF ROAD 15
CONVERSATIONS WITH
ARTISTS OFFLINE

Houston
10/17/2015

HOME FEATURES NEWS OP ED EVENTS VIDEOS CLASSIFIEDS OFF ROAD SEARCH

Classifieds

Looking for a job? Looking for a grant? Looking to be in a show? Welcome to Glasstire's classifieds!

Browse listings below or post your own. Please [email us](#) if you have questions.

[Place Listing](#) [Edit Listing](#) [Browse Listings](#) [Search Listings](#)

Job Listings (70)

Artist Resources (110)

Calls for Entries (93)

Grants (8)

Residencies (5)

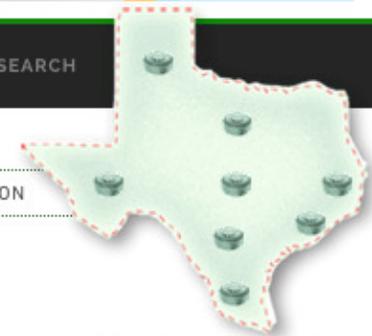
Studio Space (4)

Artist Freecycle (0)

Arty stuff to do (67)

Miscellaneous (10)

SELECT A REGION



RISEING
EYES OF TEXAS 2016
Call for Entries
Deadline Dec 15, 2015
Prize Juror: **Anna Stohart**
Curator of Modern & Contemporary Art
San Antonio Museum of Art
risingeyesoftexas.com

Media Buy- Rising Eyes of Texas Exhibition Juror



Anna Stothart

To maintain the high standards and quality of the annual Rising Eyes of Texas exhibit, the Art Center has contracted Anna Stothart as the juror who will award prizes for this exhibition.

Anna Stothart joined the San Antonio Museum of Art in February of 2015 as the **Brown Foundation** Curator of Modern and Contemporary Art. She served as Assistant Curator at the Institute of Contemporary Art in Boston where she organized important solo exhibitions. She received her master's degree in Art History and Museum Studies from Tufts University with an emphasis on Contemporary Latin American Art. She was responsible for bringing the exhibit **28 Chinese** organized by the prestigious **Rubell Family Collection** of **Miami**.



City of Rockport- Hotel Occupancy Tax Grant – 1st Quarter Fiscal Year 2016 Detail of Expenditures

	Approved Budget Expense	1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter	Total
		Oct-Dec	Jan-Mar	Apr-Jun	Jul-Sep	Expenditures
		2015	2016	2016	2016	by Budget Line Item
Advertising	\$ 25,000.00	\$ 1,211.00				\$ 1,211.00
Tour of Homes	\$ 8,000.00	\$ -				\$ -
Art Festival	\$ 25,000.00	\$ -				\$ -
Exhibitions	\$ 26,000.00	\$ 5,881.89				\$ 5,881.89
Workshops & Classes	\$ 12,000.00	\$ 6,857.38				\$ 6,857.38
Sculpture Garden	\$ 11,200.00	\$ 6,362.84				\$ 6,362.84
Total Funds Used		\$ 20,313.11	\$ -	\$ -	\$ -	\$ 20,313.11
Total Requested / Approved	\$ 107,200.00	\$ 26,800.00	\$ 26,800.00	\$ 26,800.00	\$ 26,800.00	

Rockport Center for the Arts Projection vs. Actual (Administrative Expenses)

Source: QuickBooks FY 2016 Budget vs. Actual Report				
	Current Fiscal Year Administrative Expenses- Projection (from 2016 Budget)	Fiscal Year Administrative Expenses- Actual	% of Fiscal Year Projections	
Description of Administrative Expenses				
Advertising & Promotion	1,900.00	780.00		41.05%
Awards, Honorariums & Gifts	700.00	0.00		0.00%
Bank Service Charges	750.00	3.68		0.49%
Cash (Over) Short	0.00	2.51		0.00%
Contract services	100.00	0.00		0.00%
Credit Card Fees	9,361.00	261.93		2.80%
Depreciation Expense	48,308.00	0.00		0.00%
Dues and Subscriptions	1,600.00	248.80		15.55%
Insurance	31,330.00	0.00		0.00%
Licenses, Fees and Permits	220.00	0.00		0.00%
Maintenance & Repairs	18,332.00	300.00		1.64%
Food & Beverage	2,500.00	45.91		1.84%
Miscellaneous Expense	0.00	0.00		0.00%
Payroll Expenses	132,087.00	4,969.71		3.76%
Postage and Delivery	2,200.00	0.00		0.00%
Printing and Reproduction	2,500.00	0.00		0.00%
Professional Fees	20,460.00	1,500.00		7.33%
Rental	6,024.00	-809.74		-13.44%
Scholarships	0.00	0.00		0.00%
Security	504.00	126.00		25.00%
Staff Training & Development	0.00	0.00		0.00%
Supplies & Materials	4,200.00	431.11		10.26%
Taxes	648.00	0.00		0.00%
Telephone	3,240.00	0.00		0.00%
Transportation	960.00	196.65		20.48%
Travel	1,000.00	0.00		0.00%
Utilities	15,700.00	0.00		0.00%
Total Expenses	304,624.00	8,056.56		2.64%
YTD January 28, 2016				



Rockport Center for the Arts

Hotel Occupancy Tax, Period October – December, 2015

*Quarterly Activities for the **City of Rockport***

**Thank you for your support,
City of Rockport.**

CITY COUNCIL AGENDA
Regular Meeting: Tuesday, February 9, 2016

AGENDA ITEM: 7

Deliberate and act on a Resolution setting the Capital Recovery Fee owed by the Town of Fulton and setting the interest rate for the period of February 1, 2016, to January 31, 2017.

SUBMITTED BY: Finance Director Patty Howard

APPROVED FOR AGENDA: PKC

BACKGROUND: The Capital Recovery Fee was established in FY 1992-93 to account for the Town of Fulton's portion of Capital Improvements to the Wastewater Treatment Plant based on Fulton's portion of its capacity. The Town of Fulton was paying \$0.664 for all gallons treated for Fulton customers at the Wastewater Treatment Plant. In 2007 Fulton requested the procedures for the Capital Recovery Fee and the way it is paid be changed. At that time it was determined that the balance for the Town of Fulton was \$324,633.50. Council agreed to a ten year pay out and the interest charged would be tied to the TexPool interest rate. The Impact Fees due when a new tap is made for a Town of Fulton customer are paid to the City of Rockport.

This Resolution will record the balance of the Capital Recovery Fees from the Town of Fulton and set the interest rate to be charged for the next 12 month period. The balance due on the Capital Recovery Fee on February 1, 2016, is \$63,571.00 and the interest to be charged for the period beginning February 1, 2016 to January 31, 2017, will be 0.0948%, which is the average of the last twelve months paid by TexPool.

FISCAL ANALYSIS: Interest income on the Capital Recovery Fee will be increased due to the increase of the interest rate to the current TexPool rate being paid. The Fund (06-30101) Fulton Sewer Capital Recover Fund currently has a balance of \$556,819.97. Fulton is billed monthly by the Finance Department. The funds are to be used for Capital Improvements to the Wastewater Treatment Plant.

RECOMMENDATION: Staff recommends approval of the Resolution setting the balance due for the Capital Recovery Fees owed by the Town of Fulton to \$63,571.00 and shall accrue interest at the rate of 0.0948% for the twelve month period of February 1, 2016 to January 31, 2017.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF ROCKPORT SETTING THE BALANCE DUE FOR CAPITAL RECOVERY FEES OWED BY THE TOWN OF FULTON TO BE \$63,571.00; DETERMINING THAT THE CAPITAL RECOVERY FEE OF \$63,571.00 SHALL ACCRUE INTEREST AT THE RATE OF 0.0948% FROM FEBRUARY 1, 2016 TO JANUARY 31, 2017; DIRECTING THAT A COPY OF THIS RESOLUTION BE FORWARDED TO TOWN OF FULTON; AND FINDING AND DECLARING THAT THE MEETING AT WHICH THIS RESOLUTION IS ADOPTED WAS OPEN TO THE PUBLIC, THAT THE PUBLIC NOTICE OF TIME, PLACE, AND THE SUBJECT MATTER OF THE PUBLIC BUSINESS TO BE CONSIDERED WAS POSTED AS REQUIRED BY LAW, INCLUDING THIS RESOLUTION.

- WHEREAS,** Resolution No. 07-21 presented and approved by the Rockport City Council on September 25, 2007 agreed that the Fulton Capital Recovery Fee was \$324,633.50 and authorized the Town of Fulton to pay the fee in monthly payments for ten (10) years. Said Resolution determined the interest rate from October 1, 2007 to January 1, 2008 to be 5.2760%; and
- WHEREAS,** Resolution No. 08-03, which addressed the Fulton Capital Recovery Fee was presented and approved by the Rockport City Council in February, 2008. Finance Director Jacky Cockerham advised that the balance due as of February 1, 2008 was \$317,490.21 and that the average interest rate paid by TexPool on investments for the City was 5.1266%; and
- WHEREAS,** Resolution No. 09-04, which addressed the Fulton Capital Recover Fee was presented and approved by the Rockport City Council in February 2009. Finance Director Jacky Cockerham advised that the balance due as of February 1, 2009 was \$292,375.25 and that the average interest rate paid by TexPool on investments for the City was 2.2148%; and
- WHEREAS,** Resolution No. 2010-06, which addressed the Fulton Capital Recovery Fee was presented and approved by the Rockport City Council in February 2010. Finance Director Jacky Cockerham advised that the balance due as of February 1, 2010 was \$264,603.65 and that the average interest rate paid by TexPool on investments for the City was 0.3600%; and
- WHEREAS,** Resolution No. 2011-02, which addressed the Fulton Capital Recovery Fee was presented and approved by the Rockport City Council in February 2011. Finance Director Jacky Cockerham advised that the balance due as of February 1, 2011 was \$222,274.45 and that the average interest rate paid by TexPool on investments for the City was 0.1890%; and
- WHEREAS,** Resolution No. 2012-05, which addressed the Fulton Capital Recovery Fee was presented and approved by the Rockport City Council in February 2012. Finance Director Jacky Cockerham advised that the balance due as of February 1, 2012 was \$192,897.25 and that the average interest rate paid by TexPool on investments for the City was 0.0978%; and
- WHEREAS,** Resolution No.2013-07 which addressed the Fulton Capital Recovery Fee was presented and approved by the Rockport City Council on February 12, 2013. Director of Finance Patty Howard advised the balance due as of February 1, 2013 was \$158,365.29 and that the average interest rates paid by TexPool on investments held for the City of Rockport was 0.1310%.

WHEREAS, Resolution No. 2014-04, which addressed the Fulton Capital Recovery Fee was presented and approved by the Rockport City Council in February 2014. Director of Finance Patty Howard advised the balance due as of February 1, 2014 was \$126,540.73 and that the average interest rates paid by TexPool on investments held for the City of Rockport was 0.1271%.

WHEREAS, Resolution No. 2015-02, which addressed the Fulton Capital Recovery Fee was presented and approved by the Rockport City Council in February 2015. Director of Finance Patty Howard advised the balance due as of February 1, 2015 was \$94,432.72 and that the average interest rates paid by TexPool on investments held for the City of Rockport was 0.0323%.

WHEREAS, at the February 9, 2016 Regular City Council Meeting, City Director of Finance Patty Howard reported the balance due from the Fulton Capital Recovery Fee to be \$63,571.00. The average interest rates from TexPool on investments held for the City of Rockport was 0.0948%.

Date	Average Monthly Rate
Feb-15	0.0441%
Mar-15	0.0480%
Apr-15	0.0524%
May-15	0.0553%
Jun-15	0.0575%
Jul-15	0.0630%
Aug-15	0.0716%
Sep-15	0.0850%
Oct-15	0.0966%
Nov-15	0.1105%
Dec-15	0.1863%
Jan-16	0.2674%
Average	0.0948%

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

Section 1. That the Rockport City Council sets the balance due for Capital Recovery Fees owed by the Town of Fulton to be \$63,571.00 as of February 1, 2016.

Section 2. The Rockport City Council has determined that the Capital Recovery Fee of \$63,571.00 shall accrue interest at the rate 0.0948% from date February 1, 2016 and ending January 31, 2017.

Section 3. Rockport City Council directs the City Secretary to forward a copy of this Resolution to the Town of Fulton, Attn: Jimmy Kendrik, Mayor, P.O. Box 1130, Fulton, TX 78358-1130.

Section 4. Rockport City Council hereby finds, determines, and hereby declares that the meeting at which this Resolution is adopted was open to the public, that the public notice of time, place, and the

subject matter of the public business to be considered was posted as required by law, including this Resolution.

PASSED and **ADOPTED** at a regular meeting of the Rockport City Council on this the 9th day of February 2016.

CITY OF ROCKPORT, TEXAS

Charles J. Wax, Mayor

ATTEST:

Teresa Valdez, City Secretary

CITY COUNCIL AGENDA
Regular Meeting: Tuesday, February 9, 2016

AGENDA ITEM: 8

Deliberate and act on an interlocal agreement with Harris County Department of Education for participation in the Choice Partners cooperative purchasing program.

SUBMITTED BY: City Manager Kevin Carruth

APPROVED FOR AGENDA: PKC

BACKGROUND: The City of Rockport is a member of several cooperative purchasing programs. The programs frequently offer the same goods and services, they also offer unique items and each program has different fee schedules. Co-op purchasing programs follow state purchasing statutes for competitive bidding, relieving the City of Rockport from the time and expense of the bid process. In addition, the combined purchasing power of all program members should frequently result in better pricing and competition than the City could achieve on its own.

Since the 1960's, Harris County Department of Education (HCDE) has been providing cooperative purchasing services. Now called Choice Partners, the cooperative traces its history as one of the first, if not the first, government cooperatives in Texas. As a division of a government agency, Choice Partners contracts are awarded by the HCDE governing board of trustees. Interlocal government-to-government agreements are between HCDE and the government entity wishing to use the Choice Partners cooperative contracts.

In 2012 HCDE merged their three procurement cooperatives into Choice Partners to make purchasing even easier for their cooperative members. To optimize processes, Choice Facility Partners, HCDE Purchasing Cooperative, and the Gulf Coast Food Co-op were combined into Choice Partners national cooperative. Combining all contract procurement services for facilities, food, supplies and services has made it easier for client members to access the contracts they need. Choice Partners national cooperative provides quality services, legal procurement and contract solutions for governmental entities, including school districts, private and charter schools, colleges and universities, municipalities, counties and nonprofits.

Please see the accompanying agreement and frequently asked questions for additional information.

FISCAL ANALYSIS: There are no membership fees.

RECOMMENDATION: Staff recommends Council approve an interlocal agreement with Harris County Department of Education for participation in the Choice Partners cooperative purchasing program, as presented.

**Interlocal Contract - City
Between Harris County Department of Education
& City of Rockport**

Pursuant to the Interlocal Cooperation Act, Chapter 791 of the Texas Government Code and Chapter 271, Subchapter F of the Texas Local Government Code, this Interlocal and Cooperative Purchasing Program Contract (“Contract”) is made and entered into by and between the Harris County Department of Education (“HCDE”), located in Houston, Texas, and City of Rockport (“CITY”), located in Aransas County, for the purpose of providing services.

Preamble

HCDE is a local governmental entity established to promote education in Harris County, Texas and is also duly authorized to provide programs and services in the State of Texas. Both HCDE and CITY desire to set forth, in writing, the terms and conditions of their agreement.

General Terms and Conditions

In consideration of the mutual covenants and conditions contained in this Contract and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties intending to be legally bound agree as follows:

1. Term. This Contract is effective from the date of the first signature and shall automatically renew unless either party gives thirty (30) days prior written notice of non-renewal. This Contract may be terminated by either party with or without cause with thirty (30) days written notice. See other means of terminating the contract in Article 11, below. Any such notice shall be sent according to Article 8.
2. Agreement. The terms of this Contract shall apply and will be considered a part of any Addendum for programs and services delivered by HCDE. This Contract and the attached and incorporated Addendum, purchase orders, or exhibits, if any, contain the entire agreement of the parties and there are no representations, agreements, arrangements, or undertakings, oral or written, between the parties to this Contract other than those set forth in this Contract and duly executed in writing.
3. Purpose and Scope of Work.
 - A. HCDE agrees to:**
 - Provide CITY with subsequent independent contracts and/or descriptive offerings of each of the programs and services that HCDE provides through its respective divisions.
 - Provide services upon the submission of independent contracts or purchase orders within the HCDE divisions.
 - Conduct, as a minimum, an annual audit or survey, as appropriate, for each of the programs.
 - B. CITY agrees to:**
 - Participate in any or all of the services that HCDE has to offer.
 - Submit purchase order(s) or independent contract(s) for each of the programs it wishes to purchase and/or collaborate.
 - Agree to follow the terms and conditions of each independent contract or purchase orders for each of the programs.

- Assign the appropriate person to act as representative to each respective program delivered.
4. As is. HCDE makes this Contract available to HCDE participating entities “as is” and are under no obligation to revise the terms, conditions, scope, prices, and/or any requirements of the Contract for the benefit of CITY.
 5. Assignment. Neither this Contract nor any duties or obligations entered in subsequent contracts because of this agreement shall be assignable by either party without the prior written acknowledgment and authorization of both parties.
 6. Conflict of Interest. During the Term of HCDE’s service to CITY, CITY, its personnel and agents, shall not, directly or indirectly, whether for CITY’s own account or with any other person or entity whatsoever, employ, solicit or endeavor to entice away any person who is employed by HCDE.
 7. Contract Amendment. This Contract may be amended only by the mutual agreement of all parties in writing to be attached to and incorporated into this Contract.
 8. Notice. Any notice provided under the terms of this Contract by either party to the other shall be in writing and shall be sent by **certified mail, return receipt requested**. Notice to shall be sufficient if made or addressed as follows:

Harris County Department of Education
 Attn: James Colbert, Jr.
 County School Superintendent
 6300 Irvington Blvd.
 Houston, Texas 77022
 713-694-6300

City of Rockport
 Attn: Kevin Carruth
 Title: City Manager
 Address: 622 E. Market Street
 City, State, Zip: Rockport, TX 78382
 Phone: (361) 729-2213, ext. 221
 Email: citymgr@cityofrockport.com

9. Relation of Parties. It is the intention of the parties that CITY is independent of HCDE and not an employee, agent, joint venturer, or partner of HCDE and nothing in this Contract shall be interpreted or construed as creating or establishing the relationship of employer and employee, agent, joint venturer or partner, between HCDE and CITY or HCDE and any of CITY’s agents.
10. Non-Exclusivity of Services. Nothing in this Contract may be construed to imply that HCDE has exclusive right to provide CITY these services. During the Term of Contract, CITY reserves the right to use all available resources to procure other professional services as needed and, in doing so, will not violate any rights of HCDE.
11. Termination. This Contract may be terminated prior to the expiration of the Term hereof as follows:
 - By CITY upon 30 days notice if the work/service is not provided in a satisfactory and proper manner after a remedy has been reported and discussed;
 - By mutual written agreement of the parties, upon thirty (30) days prior notice; or
 - By either party immediately if the other party commits a material breach any of the terms of this Contract and no remedial action can be agreed upon by the parties.

12. Master Contract. This Contract can be utilized as the Master Contract. The general terms and conditions in this Contract will serve to outline the working relationship between HCDE and the CITY. Both parties agree to allow the CITY to use any or all of the services with no charge from HCDE, including Choice Partners.

The CITY agrees to adhere to the terms and conditions set forth for the programs and/or services as contracted under these programs. All other programs and/or services provided by HCDE requiring a fee will need an addendum to the approved Master Interlocal Contract. The specific terms and conditions of the addendum will govern that individual contract. In the case of a conflict between the Master Contract and any addendum, the provisions of the addendum will govern.

13. Severability. In the event that any one or more of the provisions contained in this Contract shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provisions, and the Contract shall be construed as if such invalid, illegality, or unenforceable provision had never been contained in it.
14. Governing Law and Venue. This Contract shall be governed by and construed in accordance with the laws of the State of Texas. The mandatory and exclusive venue for the adjudication or resolution of any dispute arising out of this Contract shall be in Harris County, Texas.
15. Authorization. Each party acknowledges that the governing body of each party to the Contract has authorized this Contract.
16. Benefit for Signatory Parties Only. Neither this Contract, nor any term or provisions hereof, not any inclusion by reference, shall be construed as being for the benefit of any party not in signatory hereto.

In witness whereof, HCDE and CITY have executed this Contract to be effective on the date specified in Article 1. Term above:

City of Rockport

Name of City

Harris County Department of Education

Authorized Signature

Charles J. Wax

Printed Name

Mayor

Title

02/09/16

Date

James Colbert, Jr.

County School Superintendent

Date



FREQUENTLY ASKED QUESTIONS

Q : What is Choice Partners?

A : Choice Partners was created by the merger of three Harris County Department of Education procurement cooperatives, Choice Facility Partners, Gulf Coast Food Co-op and HCDE Purchasing Cooperative. Choice Partners is a national cooperative purchasing service with legally procured contracts. Using these contracts streamlines purchasing, saving time and money for governmental organizations and nonprofits. A division of [Harris County Department of Education](#), organizations in Texas that want to use these competitively bid and legally awarded contracts, sign an interlocal, government-to-government contract. Organizations outside Texas may just sign up and follow their state procurement laws.

Q : Who is eligible to use Choice Partners?

A : Schools, colleges, universities, municipalities, counties, state agencies and other governmental entities, and nonprofits may join and use Choice Partners contracts. Private schools and higher education organizations that operate as nonprofit organizations may also become members.

Q : What does it cost to use Choice Partners?

A : There is no charge to client members to use Choice Partners national cooperative contracts; vendor partners pay a small percentage fee back to Choice Partners.

Q : Why should we join Choice Partners national cooperative? We are already in other co-ops.

A : All cooperatives are not the same. Choice Partners national cooperative offers:

- 1) Contracts for vendors and items that are not available through other cooperatives, such as
 - a. Contracts for facilities services, which are legal according to the new procurement law. As the leader in facility contracts, Choice Partners has initiated new cooperative concepts for facilities that have raised the standard in the industry.
 - b. Contracts that meet today's needs, such as technology cloud services contracts.
- 2) Contracts with terms and conditions that differ from other co-op contracts; e.g. members order directly from vendors.
- 3) True government-to-government cooperative contracts, per Intergovernmental Code 791. As a division of Harris County Board of Education, Choice Partners is a true government entity. Choice Partners contracts have been awarded and approved by the publicly elected board of HCDE for maximum transparency and compliance.
- 4) Ombudsman service to solve issues between members and vendors. Our philosophy is it has to be a win for members, a win for vendors and a win for Choice Partners.

5) Free membership with no requirement to use the contracts, so joining just gives you additional options. The cost is zero to join, but having the contract when you need it is priceless.

6) Contracts that we use here at HCDE! We have evaluated all contracts for best value, and we are using them so we have experience with our vendors.

Q : What are the benefits of using Choice Partners?

A : Choice Partners national cooperative provides best value contracts for services which:

1. Save staff time in purchasing - Contracts are already competitively procured
2. Save staff time in construction, purchasing and food services
3. Save money
4. Improve efficiency
5. Extend staff time through use of these contracts.

Q : What is EDGAR?

A : The Education Department General Administrative Regulations (EDGAR) are the federal regulations that govern all federal grants awarded by the U.S. Department of Education on or after Dec. 26, 2014.

Q : Does Choice Partners follow the new EDGAR regulations?

A : Yes. Choice Partners follows the new EDGAR regulations for every procurement action to ensure that Choice members may use Choice Partners' cooperative contracts when using federal funds. Specifically, because at the time of procurement, Choice Partners is unable to determine which of its procurements/contracts will be used by CP members using federal funds, Choice Partners intends to competitively procure each and every contract awarded by Choice Partners under Section 44.031 of the Texas Education Code and intends to comply with EDGAR for every procurement action. ([See our complete EDGAR FAQ](#)).

Q : How can governmental entities legally make purchases through Choice Partners?

A : In Texas, legal, competitively-procured contracts may be used under Title 7 of the Governmental Code [Chapter 791](#) and under Title 8 of the Local Government Code Chapters [262](#) and [271](#). [Education Code - Section 44.031](#) specifies that school districts are allowed to use an interlocal contract for purchasing. Governing boards of entities that have approved and signed an interlocal contract with Choice Partners/HCDE can use the awarded contracts. As of Sept. 1, 2011, [Texas Government Code 2269](#) took effect for governmental entities (except higher education), which governs procurement of construction services. Outside Texas, governmental entities are responsible to ensure they are meeting the law and following the applicable state purchasing policies. Generally, the competitive procurement process used by Choice Partners meets the requirements of most states. Check the statutes for [all states here](#).

Q : How can a governmental organization or nonprofit access these services?

A : [Become a member](#).

Organizations and governing boards of governmental entities sign an interlocal contract, assigning to Choice

Partners the responsibility for legally and competitively procuring the services Choice Partners makes available through the cooperative.

Q : Does Choice Partners have a "lead agency?"

A : Harris County Department of Education created one of the first, if not the first, government cooperatives in Texas in the 1960s, which is now called Choice Partners. As a division of a government agency, Choice Partners contracts are awarded by the HCDE governing board of trustees. Interlocal government-to-government agreements are between HCDE and the government entity wishing to use the Choice Partners cooperative contracts.

Because Choice Partners is a division of Harris County Department of Education, it does not need an additional affiliation to make its operation legal. Some cooperatives are not based in a government entity, so must affiliate with one so they will have a government "lead agency." Using that language, HCDE is the lead agency for Choice Partners.

Q : Why use Choice Partners national cooperative over another cooperative?

A : Choice Partners national cooperative helps government agencies and nonprofits by providing quality services, legal procurement and contract solutions. HCDE created the first government cooperative in Texas and today, through Choice Partners, now offers more than 500 awarded contracts. Any revenue that exceeds expenses for providing the procurement services supports education.

Choice Partners was the leader in procuring facilities services, and today also provides direct facilities consulting services. Though based in Texas, governmental entities nationwide can use many of the Choice Partners national cooperative contracts, similar to other national purchasing cooperatives.

When determining which cooperative to use, check to see if the cooperative is operating legally in your state. For example, a buying group that could be legal in some states is NOT legal in Texas. (Government Code 791) [See the checklist for tips to ensure a cooperative is legal.](#)

Q : Once the interlocal has been signed by both governing boards, how can an entity do business using a partner with an awarded contract?

A : Once the organization/entity has signed the contract (or if outside of Texas, signed up), it may purchase services from the vendor partner using the cooperative purchasing contract. The member contacts the Choice Partners vendor partner they wish to use, then issues a purchase order to that vendor. The contract number of the cooperative purchasing contract is included on the purchase order, which makes it a legal purchase. A copy of the purchase order is sent to Choice Partners national cooperative at eCatalog@choicepartners.org

Q : How can companies receive a contract award and become a Choice Partners vendor partner?

A : Companies must respond to a Request For Proposal issued by Choice Partners national cooperative. Companies may [sign up as a bidder](#), then they will be notified if an RFP is posted for their service area.

Q : What is a Job Order Contract (JOC)?

A : Job Order Contracts are relational, performance-based contracts where the facility services partner continually interacts and collaborates to provide construction services. Different from Design/Bid/Build, JOC is effectively and efficiently used to manage renovation, remodeling, rehabilitation, repair and other construction projects. Actively used for years in the military, JOC has been a legal, well-recognized delivery method for public schools since 1995.

Job Order Contracting is now defined as a method of procurement for construction, according to Texas Government Code 2269 and is no longer defined as a delivery method for construction.

[Learn more about how to make purchases for maintenance and construction.](#)

Q : What is Choice Partner's procurement process?

- A :
1. Choice Partners issues the solicitation, usually a Request For Proposal.
 2. The solicitation is advertised per state statute.
 3. Interested companies submit a sealed response by the due date.
 4. Responses are reviewed, evaluated and tabulated.
 5. The evaluation committee makes a recommendation; references are checked.
 6. The HCDE governing board awards the contract at a scheduled board meeting.
 7. Successful proposers become Choice Partners vendor partners.

Q : What is Harris County Department of Education?

A : Harris County Department of Education is a governmental entity. Created in 1889, HCDE provides educational services for school districts and learners of all ages. It is located in Harris County but is not part of the governmental entity of Harris County, Texas.

[See the infographic to learn more.](#)

Q : Where can I find more information about Choice Partners?

A : To download the full [Choice Partners brochure, click here.](#)

Thank you for your interest in Choice Partners!

Q : What other services are available?

A : Choice Partners also offers direct facilities consulting services, including:

- Energy Efficiency Operational Analysis - Identification of energy reduction opportunities
- Facility Operations Training - Best practices / strategies from leadership to department evaluation
- Performance benchmarking
- Service Contract Review and Analysis - Includes development & implementation of new contracts
- Facility / Space Utilization Studies
- Building Component Re-commissioning

CITY COUNCIL AGENDA
Regular Meeting: Tuesday, February 9, 2016

AGENDA ITEM: 9

Deliberate and act on an interlocal agreement with 1Government Procurement Alliance for participation in the 1GPA cooperative purchasing program.

SUBMITTED BY: City Manager Kevin Carruth

APPROVED FOR AGENDA: PKC

BACKGROUND: The City of Rockport is a member of several cooperative purchasing programs. The programs frequently offer the same goods and services, they also offer unique items and each program has different fee schedules. Co-op purchasing programs follow state purchasing statutes for competitive bidding, relieving the City of Rockport from the time and expense of the bid process. In addition, the combined purchasing power of all program members should frequently result in better pricing and competition than the City could achieve on its own.

Please see the accompanying agreement and “About” for additional information.

FISCAL ANALYSIS: There are no membership fees.

RECOMMENDATION: Staff recommends Council approve an interlocal agreement with 1Government Procurement Alliance for participation in the 1GPA cooperative purchasing program, as presented.



Participating Agreement

This Agreement is entered into this 9th day of February in the year 2016, by and between the City of Rockport and 1GPA. The purpose of this Agreement is to allow the City of Rockport to purchase commodities and/or services under the same terms, conditions, and prices as is available to all 1GPA members/participants according to Texas Government Code Chapter 791, which allows Texas governments to contract with and between other government and/or nonprofit agencies, to provide governmental functions and services, and to join together in contracting with others to provide goods and services.

With respect to this Participating Agreement, the City of Rockport and 1 GPA, agree to the following:

1. 1GPA has secured the contractor's agreement to provide commodities and/or services to its members under the terms, conditions, and prices as contracted for Governmental Agencies (Cities, Counties, Colleges, Educational Entities, School Districts, Non Profit, Tribes, all other governmental agencies and entities).
2. The authorized participating agency shall issue any and all purchase orders or other applicable authorizations for purchases made on its behalf to 1GPA contractors.
3. Payment for commodities and/or services, and inspection and acceptance of commodities and/or services ordered by 1GPA participant shall be the exclusive obligation of the participant.
4. The exercise of any rights or remedies by 1GPA and/or its participants shall be the Exclusive obligation of 1GPA and/or its participants.
5. City of Rockport (agency) shall provide 1GPA with a copy of any Purchase Order based on a 1GPA contract, at the time the Purchase Order is issued.
6. 1GPA makes the contract available to 1GPA participating agencies "as is" and is under no obligations to revise the terms, conditions, scope, prices, and/or any other requirements of the contract for the benefit of the participant.
7. This Agreement shall not be altered, changed or amended except by written revision or addendum executed by the parties to the Agreement.
8. This Agreement incorporates all Agreements, covenants and understandings between the parties concerning the subject matter in the Agreement. No prior Agreement or Understanding, verbal or otherwise, by the parties or their agents, shall be valid or enforceable unless embodied in this Agreement.
9. This Agreement shall become effective when signed by authorized agents of the parties. The Agreement shall remain in effect until termination as indicated in item 10 below.
10. Either party to this Agreement may terminate the Agreement by giving thirty (30) days written notice to the other party. Any such notice shall be sent to the addresses listed below.

IN WITNESS WHEREOF, the parties of this Agreement have caused their names to be affixed hereto.

Name of City: City of Rockport	Address: 622 E. Market Street, Rockport, TX 78382
Printed Name: Kevin Carruth	
Signature:	Email: citymgr@cityofrockport.com
Date: 02/09/16	Phone Number: (361) 729-2213, ext. 221

1GPA Approvals

1GPA Signature:
Printed Name:
Title:
Date:

1GPA – Texas
401 Congress Ave., Ste. 1540
Austin, TX 78701
512-687-6220




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[Vendor Registration](#)
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About 1GPA

1GPA is a non-profit national governmental purchasing cooperative which allows public agencies to take advantage of existing contracts to purchase the goods and services they need from local and national vendors. 1GPA's pooled purchasing power means public and private schools, cities, counties and state agencies, as well as colleges, universities and Native American communities can save actual budget dollars on our contracts utilizing best business practices. All of our contracts are competitively bid and awarded in compliance with state statutes, procurement laws and regulations.

1GPA's purchasing power and access to established public contracts means agencies can purchase building products, office supplies, furnishings, janitorial supplies, office machines, computers & software, telecommunications, and more at the most competitive pricing available. And, it's totally free!

Built on close relationships, backed by exceptional business experience.

At 1GPA, we believe relationship building is an essential practice in any business. That's why our clients can be sure they will receive the benefits of pooled purchasing power, paired with the professionalism and devotion to customer service that clients should be able to expect in the private sector. Agencies that partner with 1GPA are assured of the firm's proactive approach and determination to ensure the best possible outcome for our members. This includes the best pricing available, access to current industry solutions, unparalleled customer service, and more.

Safe, compliant, and thoroughly vetted.

As required by law, 1GPA awards contracts following the purchasing procedures mandated by state & federal laws and regulations. We are based in Arizona, but we partner with members **all over the United States**. We work closely with your schools!

On our website you will find all due diligence documents as well as guidelines for K-12 Compliance. Our ability to make vetted lead public agency contracts available, free of charge, ensures that value is paired with selection.



CITY COUNCIL AGENDA
Regular Meeting: Tuesday, February 9, 2016

AGENDA ITEM: 11

Conduct and deliberate a Joint Public Hearing with the Planning & Zoning Commission to consider a request for a Conditional Use Permit on property located at 3021-3099 Loop 1781; also known as A76 Joseph Hollis Survey, being 47.981 acres, also includes Lago Vista Village, Lot B, Rockport, Aransas County, Texas, to allow development of an RV Resort Park.

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

APPROVED FOR AGENDA: PKC

BACKGROUND: J R Gimler/Triumph Builders is seeking approval for a Conditional Use Permit on property that is currently zoned B-1 (General Business District), located at 3021-3099 Loop 1781. Mr. Gimler's intent is to construct an RV Resort Park consisting of 207 RV sites and 32 cottages.

For more detailed information, please see the accompanying zoning and land development application along with project documentation.

FISCAL ANALYSIS: N/A

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



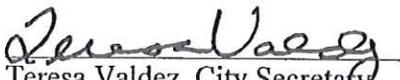
JOINT PUBLIC HEARING
Rockport City Council
and
Planning & Zoning Commission

NOTICE is hereby given that the Rockport City Council and the Planning & Zoning Commission will hold a Joint Public Hearing on Tuesday, February 9, 2016, at 6:30 p.m., Rockport City Hall, 622 E. Market, Rockport, Texas, to consider a request for a Conditional Use Permit on property located at 3021-3099 Loop 1781; also known as A76 Joseph Hollis Survey, Acres 47.981, also includes Lago Vista Village, Lot B, Rockport, Aransas County, Texas, currently B-1 (General Business District) to Conditional Use Permit Overlay. Reason for request: to allow development of an RV Resort Park.

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

POSTED this the 18th day of January, 2016, by 5:00 p.m., on the bulletin board at Rockport City Hall, 622 E. Market Street Rockport, Texas and on the website www.cityofrockport.com. **PUBLISHED** in *The Rockport Pilot* in the Saturday, January 23, 2016, Edition, in accordance with the Rockport Zoning Ordinance.

CITY OF ROCKPORT, TEXAS


Teresa Valdez, City Secretary



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

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

- A. REQUESTING: Rezoning [] Conditional Permit []
Planned Unit Development (P.U.D.) by Conditional Permit []
- B. ADDRESS AND LOCATION OF PROPERTY 3021. 3099. Loop
1781 Rockport Tx, 78382
- C. CURRENT ZONING OF PROPERTY: B-1
- D. PRESENT USE OF PROPERTY: VACANT
- E. ZONING DISTRICT REQUESTED: _____
- F. CONDITIONAL USE REQUESTED: RV park
- G. LEGAL DESCRIPTION: (Fill in the one that applies)
 - Lot or Tract _____ Block _____
 - Tract A 76 Joseph Hollis Survey 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) _____
Not Available
- I. TOTAL ACREAGE OR SQ. FT. OF SITE(S): 48 ACRES
- J. REASON FOR REQUEST AND DESCRIPTION OF DEVELOPMENT:
(Please be specific)
Going to be developing R.V. Resort
park

K. OWNER'S NAME: (Please print) Triumph Builders
 ADDRESS: 411 W Market
 CITY, STATE, ZIP CODE: Rockport Tx, 78382
 PHONE NO 729-9210

L. REPRESENTATIVE: (If Other Than Owner) ANNA MARBACH or Jr Ginter
 ADDRESS: _____
 CITY, STATE, ZIP CODE: SAME AS ABOVE
 PHONE NO _____

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: [Signature]
 (Owner or Representative)

(FOR CITY USE)

Received by: MB Date: 1/11/16 Fees Paid: \$ 630.00

Submitted Information (accepted) (rejected) by: MB, FT, KC, MD

If rejected, reasons why: _____

Receipt No. _____

**ron d. beard & associates
austin**
ARCHITECTS, PLANNERS & LANDSCAPE ARCHITECTS
1700 W. BRUNNEN DRIVE, SUITE 100
AUSTIN, TEXAS 78703
TEL: 512.476.1111 FAX: 512.476.1112
WWW.RONBEARD.COM

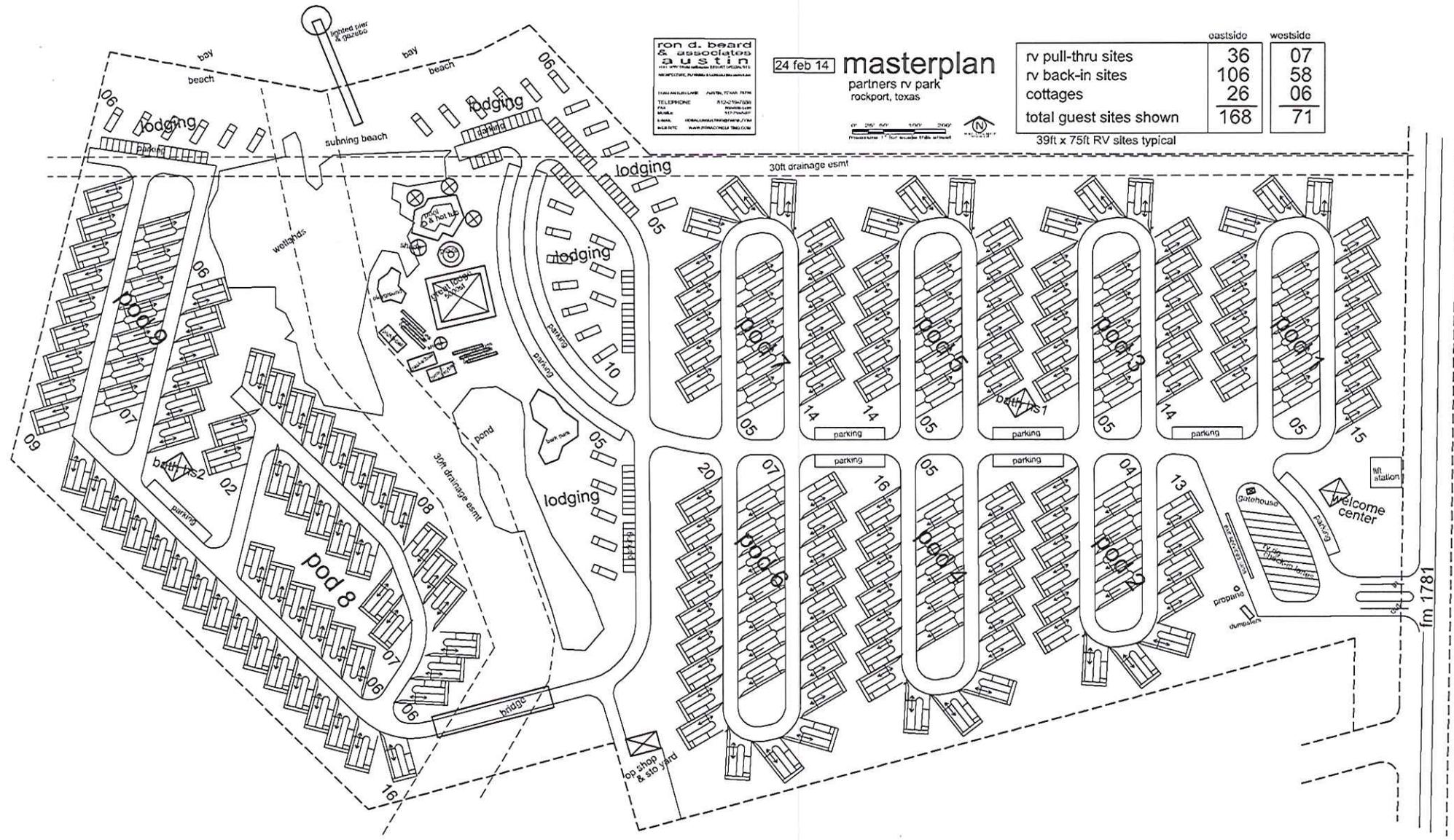
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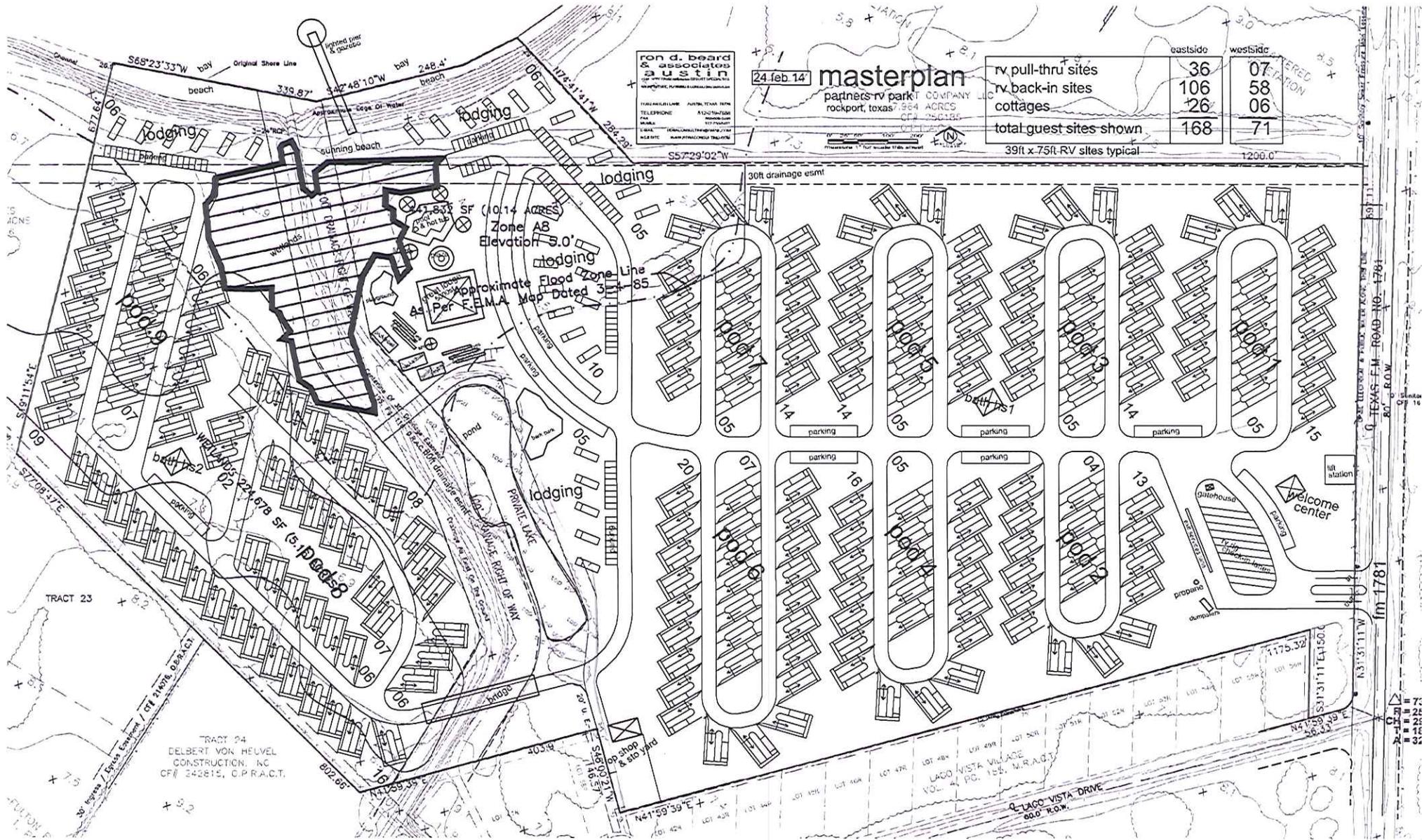
masterplan
partners rv park
rockport, texas



	eastside	westside
rv pull-thru sites	36	07
rv back-in sites	106	58
cottages	26	06
total guest sites shown	168	71

39ft x 75ft RV sites typical



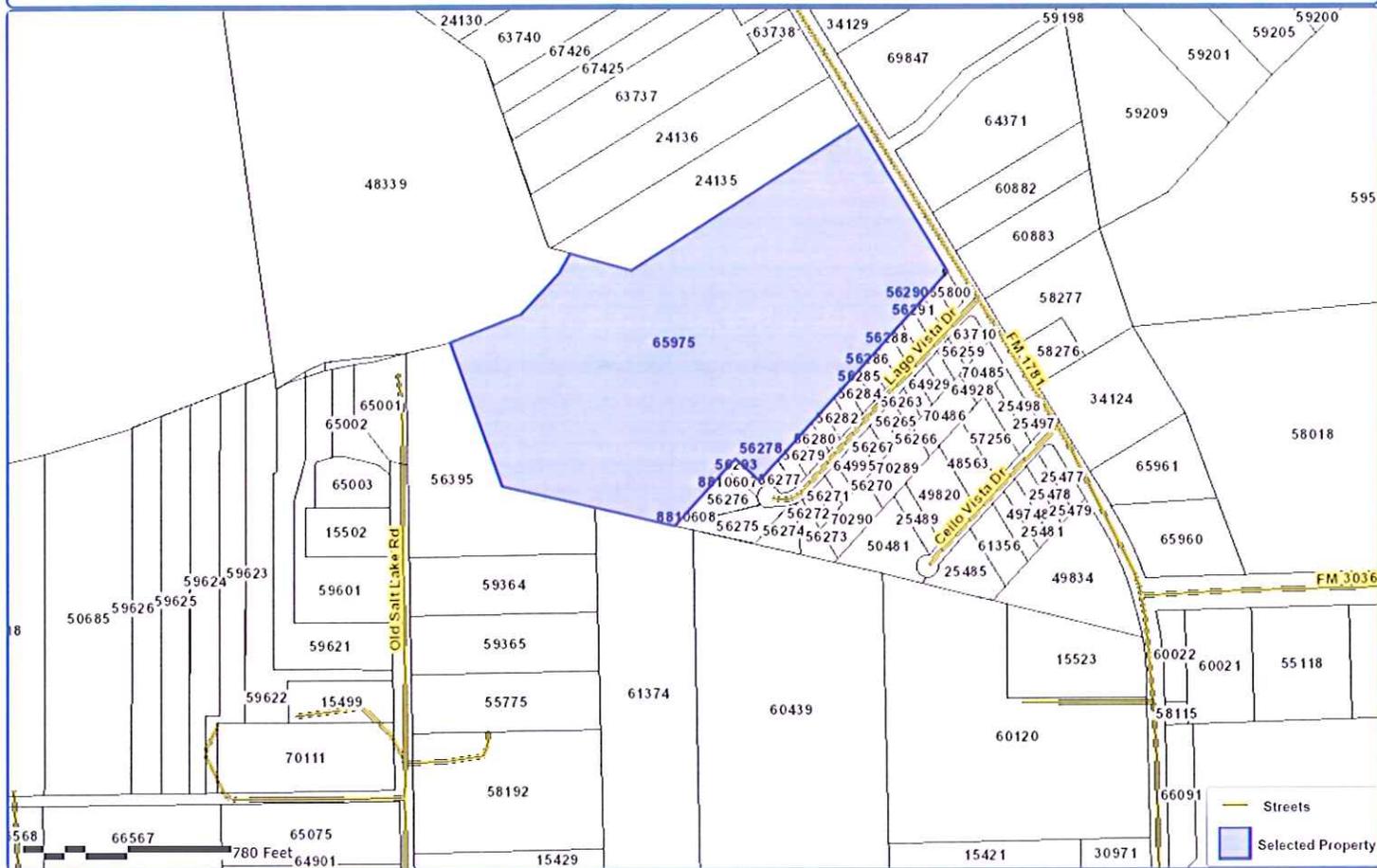




3021-3099 LOOP 1781

Print Date: 02/03/2016
Image Date: 01/25/2007
Level: Community

Aransas CAD - Map of Property ID 65975 for Year 2016



Property Details

Account

Property ID: 65975

Geo ID: 2749-076-045-000

Type: Real

Legal Description: A76 Joseph Hollis Survey, ACRES 47.981, ALSO INCLUDES LAGO VISTA VILLAGE, LOT B

Location

Situs Address: 3021-3099 LOOP 1781 ROCKPORT, TX 78382

Neighborhood: NULL

Mapsco: NULL

Jurisdictions: CAD, CRO, GAR, NVD, SAR, XSP

Owner

Owner Name: TRIUMPH BUILDERS LLP

Mailing Address: NULL

, 411 W...

Property

Appraised Value: N/A

<http://propertyaccess.aransascad.org/Map/View/Map/1/65975/2016>

powered by:
PropertyACCESS
www.trueautomation.com

Map Disclaimer: This product is for informational purposes only and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. The Aransas County Appraisal District expressly disclaims any and all liability in connection herewith.

STAFF PRELIMINARY PREVIEW

Date: 1/18/16

TYPE OF REQUEST:	CUP
LOCATION:	3021-3099 Loop 1781 Rockport, TX
OWNER/AGENT:	Triumph Builders: Ana Marbach/JR Gimler (729-9210)
PROJECT DESCRIPTION:	48 acres of RV Park
APPLICATION DOCUMENTS NEEDED:	***Need signature before application can be processed <input checked="" type="checkbox"/> Survey & Site Plan provided

ARTICLE 23-CONDITIONAL USE PERMIT REVIEW CRITERIA:

- Areas of Concern:

	1. That such use is necessary or desirable and provides a service or facility that contributes to the general well-being of the surrounding area.
X	2. That such use shall not adversely affect adjacent properties.
	3. That such use is compatible with the existing or allowable uses of adjacent properties.
X	4. That such use can demonstrate that adequate public facilities, including roads, drainage, potable water and sanitary sewer, and police and fire protection exist or will exist to serve the requested use at the time such facilities are needed. <i>(Art Smith)</i>
	5. That such use can demonstrate adequate provision for maintenance of the use in question along with any associated structures.
X	6. That such use has minimized, to the degree possible, adverse effects on the natural environment.
	7. That such use will not create undue traffic congestion.
X	8. That such use will not adversely affect the public health, safety or welfare.
X	9. That such use conforms to all applicable provisions of this Code.
X	10. That such use is consistent with all applicable provisions of the comprehensive plan.

NOTES:

- Wetlands and areas located in Special Flood Hazard Area need to be taken into consideration
- Drainage system and impact of development on this system and neighboring properties
- RV Park Regulations:

RV PARK MINIMUM STANDARDS

- The applicant will be required to meet all relevant minimum standards of Article 24: Special Conditions, however these are areas highlighted for specific consultation. These are issues not discernible from the plans.
- Article 24.2.13:

	9. Scaled plans and specifications showing details of the proposed park layout shall be submitted and reviewed by city staff prior to any zoning approval and/or building permit activity. Future additions to the park shall be processed in the same manner as an original proposal.
	10. There shall be no minimum lot/space area except that each RV/Manufactured Housing unit shall be located on each space so that there is at least twenty (20) feet unobstructed clearance between units, side-to-side and end-to-end and ten (10) feet unobstructed clearance between units and adjacent permanent structures or lots. No unit shall be closer than ten (10) feet from any internal road and no closer than twenty (20) feet from any external access road.
	11. Manufactured Housing and RV's/Travel Trailers located in the park shall be connected to city water and wastewater systems if available.
	12. Interior access drives shall be maintained with a hard surface, with approved drainage and be of sufficient width in each area to conform with the type of unit to be assigned to the area, as determined by the Zoning Administrator. Parking on interior access drives shall be permitted only if sufficient clearance exists for one (1) car passage in addition to parking.
	13. A service building to provide necessary sanitation and laundry facilities shall be provided. Such building(s) shall be conveniently located and shall provide fixtures as required by the Plumbing Code. <i>(Needs to be part of Phase 1)</i>
	14. The park shall conform to all other City of Rockport regulations and codes relating to planning and zoning, building, gas, mechanical, plumbing, electrical installations and tie-downs for windstorm compliance. All manufactured housing units unoccupied during hurricane season (June 1 to November 30) must be tied down (see Building Code) or removed from the park. Lot spaces shall be labeled with numbers to augment identification by 911 operations. Fire hydrants shall be required as specified by the Director of Public Works and shall be included in the park layout plans submitted for approval. <i>(Chapter 50: Flood Ordinance & Drainage Design Manual)</i>
	15. Out-side lighting shall be in accordance with the city's Light Nuisance Ordinance.
	16. Storage, collection and disposal of refuse shall be so conducted as to create no health hazard, rodent harborage, insect breeding areas, accident or fire hazard or air pollution. Pets shall be leashed (Animal Control Ordinance).
	17. The property owner/operator shall at all times operate the park in compliance with this ordinance and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean, sanitary and orderly condition at all times. <i>(On-site management???)</i>
	18. There shall be at least one (1) recreation area which shall be accessible from all spaces. The site or sites of such recreation area or areas shall total not less than eight percent (8%) of the gross site area of the park. <i>(Needs to be part of Phase 1)</i>
	19. The park shall be screened from a public place or public right-of-way and adjacent occupied property by a solid screening fence in accordance with subsection 22.2 of this ordinance. Planted vegetation may be allowed as an alternate screening device by the Tree and Landscape Regulations in Chapter 106 , Rockport Code of Ordinances.
	OTHER: Parts of the proposed development are located in the Special Flood Hazard Area . The City is required by FEMA (50-48:1-5) to: (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. ***Prior to any approval of any development in the SFHA, the floodplain administrator is required to review permits for proposed development to ensure that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.

24.2.13 *Regulation of Recreational Vehicle/Manufactured Housing Parks.*

1. *General Provisions.* The following general provisions are required for the development or the expansion of RV/Manufactured Housing Parks within the R-1 up through and including the R-7 zoning districts.

2. Mobile Homes, as defined, are prohibited within RV/Manufactured Housing Parks inside the city limits of the City of Rockport unless such mobile home existed prior to annexation. Replacement of an existing mobile home shall be with a HUD-Code Manufactured Home. Replacement of an existing HUD-Code Manufactured Home shall be with a HUD-Code Manufactured Home of equal size, but not less than 320 square feet, or larger, and be a newer model.*

* NOTE: Newer model means a manufactured home built and identified by the manufacturer as the next years' model to the manufactured home being replaced.

3. Upon application, the installation of a Recreational Vehicle/Manufactured Home Park shall be permitted as determined appropriate by the City through a conditional-use permit (CUP), including a Planned Unit Development (PUD) that may contain a RV/Manufactured Home Park. An application to install a HUD CODE Manufactured Home for use and occupancy as a residential dwelling is deemed approved and granted unless the City denies the application in writing within forty-five (45) days from receipt of the application setting forth the reason.

4. This section shall not affect the applicability of any deed restriction that is otherwise valid.

5. *Specific Provisions.* In addition to CUP approval, land used as a RV/Manufactured Home Park shall be developed according to the following criteria.

6. The above described park may include Manufactured Homes, RV's/Travel Trailers and Campgrounds or any combination thereof. Other uses, in addition to the uses described herein, shall be conditioned or amended, as the case may be, by Special Permit.

7. Parks containing a combination of Manufactured Homes, RV's/Travel Trailers or Campgrounds must designate separate areas for each classification. No mixture of Manufactured Homes, RV's/Travel Trailers, campgrounds or other approved uses is permitted in any designated area (Density control).

8. The park area shall consist of at least four (4) acres in size. The number and location of external access drives shall be approved by the Zoning Administrator and the Director of Public Works.

9. Scaled plans and specifications showing details of the proposed park layout shall be submitted and reviewed by city staff prior to any zoning approval and/or building permit activity. Future additions to the park shall be processed in the same manner as an original proposal.

10. There shall be no minimum lot/space area except that each RV/Manufactured Housing unit shall be located on each space so that there is at least twenty (20) feet unobstructed clearance between units, side-to-side and end-to-end and ten (10) feet unobstructed clearance between units and adjacent permanent structures or lots. No unit shall be closer than ten (10) feet from any internal road and no closer than twenty (20) feet from any external access road.

11. Manufactured Housing and RV's/Travel Trailers located in the park shall be connected to city water and wastewater systems if available.
12. Interior access drives shall be maintained with a hard surface, with approved drainage and be of sufficient width in each area to conform with the type of unit to be assigned to the area, as determined by the Zoning Administrator. Parking on interior access drives shall be permitted only if sufficient clearance exists for one (1) car passage in addition to parking.
13. A service building to provide necessary sanitation and laundry facilities shall be provided. Such building(s) shall be conveniently located and shall provide fixtures as required by the Plumbing Code.
14. The park shall conform to all other City of Rockport regulations and codes relating to planning and zoning, building, gas, mechanical, plumbing, electrical installations and tie-downs for windstorm compliance. All manufactured housing units unoccupied during hurricane season (June 1 to November 30) must be tied down (see Building Code) or removed from the park. Lot spaces shall be labeled with numbers to augment identification by 911 operations. Fire hydrants shall be required as specified by the Director of Public Works and shall be included in the park layout plans submitted for approval.
15. Out-side lighting shall be in accordance with the city's Light Nuisance Ordinance.
16. Storage, collection and disposal of refuse shall be so conducted as to create no health hazard, rodent harborage, insect breeding areas, accident or fire hazard or air pollution. Pets shall be leashed (Animal Control Ordinance).
17. The property owner/operator shall at all times operate the park in compliance with this ordinance and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean, sanitary and orderly condition at all times.
18. There shall be at least one (1) recreation area which shall be accessible from all spaces. The site or sites of such recreation area or areas shall total not less than eight percent (8%) of the gross site area of the park.
19. The park shall be screened from a public place or public right-of-way and adjacent occupied property by a solid screening fence in accordance with subsection 22.2 of this ordinance. Planted vegetation may be allowed as an alternate screening device by the Tree and Landscape Regulations in [Chapter 106](#), Rockport Code of Ordinances.

(Ord. No. 1027, art. 24, 4-9-96)

LAUREN R BARNEBEY
P O BOX 998
ROCKPORT TX 78381-0998

JAMES & MAXINE SMITH
3002 FM 1781
ROCKPORT TX 78382-7713

WESTCOR LTD INC
P O BOX 676
CIBOLO TX 781080676

HAROLD COLLINS
106 LAGO VISTA DR
ROCKPORT TX 78382-7725

JAMES & MARY DALE
112 LAGO VISTA DR
ROCKPORT TX 78382-7725

JAVIER MARTINEZ
1192 RIP JAY CIR
CANYON LAKE TX 78133-4000

ADAM PHILIPPI
P O BOX 236
INGLESIDE TX 78362-0236

LIVE OAK ESTUARY LLC
% HUGH DOBSON
3701 DENVER AVE
CORUS CHRISTI TX 78411-1313

DEREK HURST
P O BOX 1951
ROCKPORT TX 78381-1951

CODY & JUSTIN BELL
P O BOX 1801
CORPUS CHRISTI TX 78403-1801

FRANK & MARCELLA SIMMONS
P O BOX 1994
ROCKPORT TX 78381-1994

AURORA TRISTAN
P O BOX 440
ROCKPORT TX 78381-0440

DELBERT VON HEUVEL CONST INC
3208 POE CV APT A
LAGO VISTA TX 78645-6720

JAMES & RONNIE CARSON
199 LAGO VISTA DR
ROCKPORT TX 78382-7674

TERRI LONG
P O BOX 924
ROCKPORT TX 78381-0924

FERN QUINTERO
8615 PENDRAGON ST
SAN ANTONIO TX 78254-2055

TIMMIE & HELEN SMITH
P O BOX 2316
ROCKPORT TX 78381-2316

ANN EMERY
P O BOX 2535
ROCKPORT TX 78381-2535

JAMES & RONNIE CARSON
199 LAGO VISTA DR
ROCKPORT TX 78382-7674

TIMOTHY MURPHY
178 LAGO VISTA DR
ROCKPORT TX 78382-7725

ROBERT WOOD
195 LAGO VISTA DR
ROCKPORT TX 78382-7674

AARON & JAMIE MIKE
189 LAGO VISTA DR
ROCKPORT TX 78382-7674

*mailed
1-20-16*



U.S. Fish and Wildlife Service

National Wetlands Inventory

RV CUP on Loop
1781

Jan 13, 2016



Wetlands

- Freshwater Emergent
- Freshwater Forested/Shrub
- Estuarine and Marine Deepwater
- Estuarine and Marine
- Freshwater Pond
- Lake
- Riverine
- Other

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

User Remarks:
Wetland Concerns



TEXAS COASTAL WATERSHED
P R O G R A M

February 1, 2016

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

Re: Wetlands

Wetlands are important features in a community's landscape that provide numerous beneficial services for people and for fish and wildlife. Some of these services, or functions, include storing floodwaters and maintaining surface water flow during dry periods, protecting and improving water quality, and providing robust ecological habitats.

Texas has lost over half the wetlands it had before settlement by Europeans. Approximately 7 million acres of Texas wetlands have been destroyed by being drained and filled with dirt to use for farming or as land on which to build homes and businesses. Many of the wetlands that are left have been partially filled by sedimentation, polluted, and altered to the point they no longer function naturally.

Protecting wetlands can protect our safety and welfare

Wetlands form in low spots on the landscape. Wetlands function as natural sponges that trap and slowly release surface water, rain, snowmelt, groundwater and flood waters. Trees, root mats and other wetland vegetation also slow the speed of flood waters and distribute them more slowly over the floodplain. This combined water storage and braking action lowers flood heights and reduces erosion. Preserving and restoring wetlands together with other water retention can often provide the level of flood control otherwise provided by expensive dredge operations and levees.

Wetlands improve water quality

Healthy wetlands slow down and filter runoff from storms and snowmelt, sediment, and other pollutants to settle out before reaching lakes, rivers, streams, and drinking water aquifers. Wetlands also have the ability to absorb and transform or metabolize nutrients and contaminants. Preserving these water purification functions of wetlands can save your community money by eliminating or reducing the need for costly upgrades to your community's water management systems. Because water quality improves as wetland acreage increases in the watershed, and property values increase as water quality improves, preserving wetlands can help increase your community's tax base.

Wetlands are among the most productive ecosystems in the world, comparable to rain forests and coral reefs.

An immense variety of species of microbes, plants, insects, amphibians, reptiles, birds, fish and mammals can be part of a wetland ecosystem. The combination of shallow



TEXAS COASTAL WATERSHED
P R O G R A M

water, high levels of nutrients and primary productivity is ideal for the development of organisms that form the base of the food web and feed many species of fish, amphibians, shellfish and insects. Many species of birds and mammals rely on wetlands for food, water and shelter, especially during migration and breeding.

Wetland protection can reduce flood insurance premiums

Through the National Flood Insurance Program's Community Rating System (CRS), communities that engage in the following actions can reduce flood insurance premiums for their citizens:

- Designating open space corridors or connected networks of wetlands, woodlands, wildlife habitats, wilderness, and other areas that support native species, maintain natural ecological processes, and sustain air and water resources.
- Having local regulations that prohibit buildings and filling in wetlands or other designated natural areas, wetland or riparian habitat restoration.
- Having a plan that identifies existing wetlands or other natural open space areas to be preserved from development so that natural attenuation, retention, or detention of runoff is provided

As Rockport's population and development is projected to increase over the next several years, developing strong wetland protection practices is an important proactive step in achieving long term resiliency and preserving an important natural and ecological component of the community.

Sincerely,

Race A. Hodges, CFM
Senior Planner - Resiliency Program Coordinator
Certified Floodplain Manager
Texas A&M University
Texas Coastal Watershed Program
1250 Bay Area Blvd., Ste. C
Houston, TX 77058
tcwp.tamu.edu
281-210-6067

Texas A&M University System
Texas AgriLife Extension Service / Texas Sea Grant
1250 Bay Area Blvd., Suite C
Houston, TX 77058

Office: (281) 218-0570
Fax: (281) 218-6352
tcwp.tamu.edu

SPECIAL FLOOD HAZARD AREA INFORMATION:

Address: 3021-3099 Loop 1781

Image from Riskmap6.com (FIRM effective date February 17, 2016) **BFE: 6 (+ 18" freeboard) = 7.5 feet**



SPECIAL FLOOD HAZARD AREA (SFHA) REQUIREMENTS (as of February 17, 2016)

<p style="text-align: center;">IN ALL SFHAS</p> <div style="border: 1px solid black; padding: 5px; text-align: center; margin: 10px auto; width: 80%;"> <p>All documentation is required before issuance of Certificate of Occupancy</p> </div>	<ol style="list-style-type: none"> 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 eighteen (18") inches above the base flood elevation or, to 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. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
<p style="text-align: center;">IN ALL SFHAS WITH BASE FLOOD ELEVATION (BFE) DATA</p>	<p>Residential construction: New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated a minimum of eighteen (18") inches above the base flood elevation. <i>An Elevation Certificate prepared by a registered professional engineer, architect or land surveyor is required for documentation.</i></p> <p>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 a minimum of eighteen (18") inches above the base flood level or, <u>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.</u> 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 of the City's Flood Ordinance. <i>An Elevation Certificate or Flood-proofing Certificate, which includes the specific elevation in relation to mean sea level, to which such structures are elevated or flood-proofed, shall be submitted for documentation.</i></p> <p>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. <i>An Elevation Certificate from a registered professional engineer or architect is required for documentation to prove the following minimum criteria has been met:</i> 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. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.</p>
<p style="text-align: center;">COASTAL HIGH HAZARD AREAS: Zones V1-30, VE / V</p>	<ol style="list-style-type: none"> 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. <i>An Elevation Certificate prepared by a registered professional engineer, architect or land surveyor is required for documentation.</i> 2. All new construction shall be located landward of the reach of mean high tide. 3. All new construction and substantial improvements, including manufactured homes, shall be elevated on pilings and columns so that: 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 the base flood level. Also, 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. 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 these provisions. 4. All new construction and substantial improvements are required to have the space below the lowest floor either free of obstruction or constructed with non-supporting 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. 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: <ol style="list-style-type: none"> 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, such enclosed space shall be usable solely for parking of vehicles, building access or storage. <u>Such spaces shall not be used for human habitation.</u> 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.
<p style="text-align: center;">MANUFACTURED HOMES</p>	<p>Zone A: All manufactured homes to be placed within Zone A on City FIRM shall be installed using methods and practices which minimize flood damage. 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.</p> <p>Zones A1-30, AH, AE, V1-30, VE and/or V: Manufactured homes that are placed or substantially improved within zones A1-30, AH and AE, V1-30, VE and/or V on City'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, are required to be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated 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.</p> <p>Zones A1-30, AH and AE: 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 are required to be elevated so that either: 1. The lowest floor of the manufactured home is 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.</p>
<p style="text-align: center;">RECREATIONAL VEHICLES</p>	<p>Zones A1-30, AH, AE, V1-30, V or VE: 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 and the elevation and anchoring requirements for manufactured homes above.</p>
<p style="text-align: center;">OUTSIDE OF THE SFHA</p>	<p>As per the City Drainage Design Manual, 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 provide positive drainage and not block drainage from adjacent property. Any exceptions to this provision must be approved by the City of Rockport.</p>

CITY COUNCIL AGENDA
Regular Meeting: Tuesday, February 9, 2016

AGENDA ITEM: 13

Conduct a Public Hearing to consider a request from Steve Pham for permanent closure/abandonment/vacation of a 20-foot wide alleyway lying between Lots 1 and 9, in Block 107, Manning Addition, and a 20-foot wide alleyway lying between Lots 15-16 and 7-8 in Block 108, Manning Addition, Rockport, Aransas County, Texas, aka 1803 Young Street.

SUBMITTED BY: City Manager Kevin Carruth

APPROVED FOR AGENDA: PKC

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

FISCAL ANALYSIS: The alleyway between Lots 1 and 9, in Block 107 is appraised at \$2,400.00, and the alleyway between Lots 15-16 and 7-8, in Block 108 is appraised at \$4,800.00. See the accompanying appraisal for more detail.

RECOMMENDATION: Public hearing - not an action item.



PUBLIC HEARING

Rockport City Council

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

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

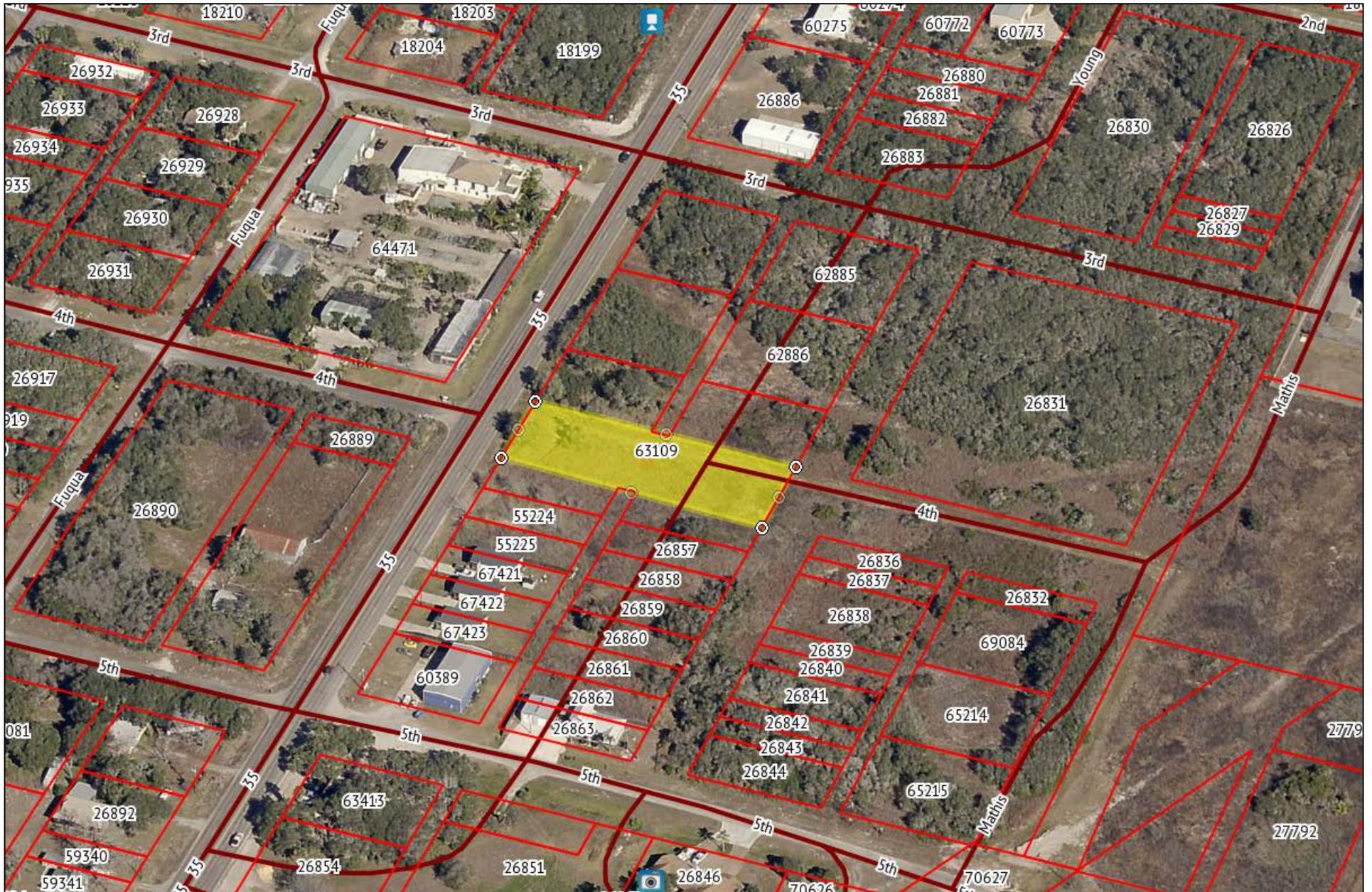
POSTED: this the 18th day of January 2016, by 5:00 p.m., on the bulletin board at Rockport City Hall, 622 E. Market Street, Rockport, Texas and on the webpage www.cityofrockport.com.

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

CITY OF ROCKPORT, TEXAS


Teresa Valdez, City Secretary

1803 Young Street



12-11-15
(Date)

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

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

Dear Mayor and Council Members:

We, the undersigned petitioners, respectfully request that the undeveloped

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

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

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

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

Petitioner No. 1

STEVE PHAM
(Printed Name of Owner)

[Signature]
(Signature of Owner)

12-11-15
(Date Signed)

Physical Address of Property:

BRONTE ST
Rockport, TX 78382

Mailing Address of Owner:

2322 PATTON ST
ROCKPORT TX 78382

361-739-5175

Petitioner No. 2

(Printed Name of Owner)

(Signature of Owner)

(Date Signed)

Physical Address of Property:

Rockport, TX 78382

Mailing Address of Owner:

Exhibit "A"

FIELD NOTE DESCRIPTION

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

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

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

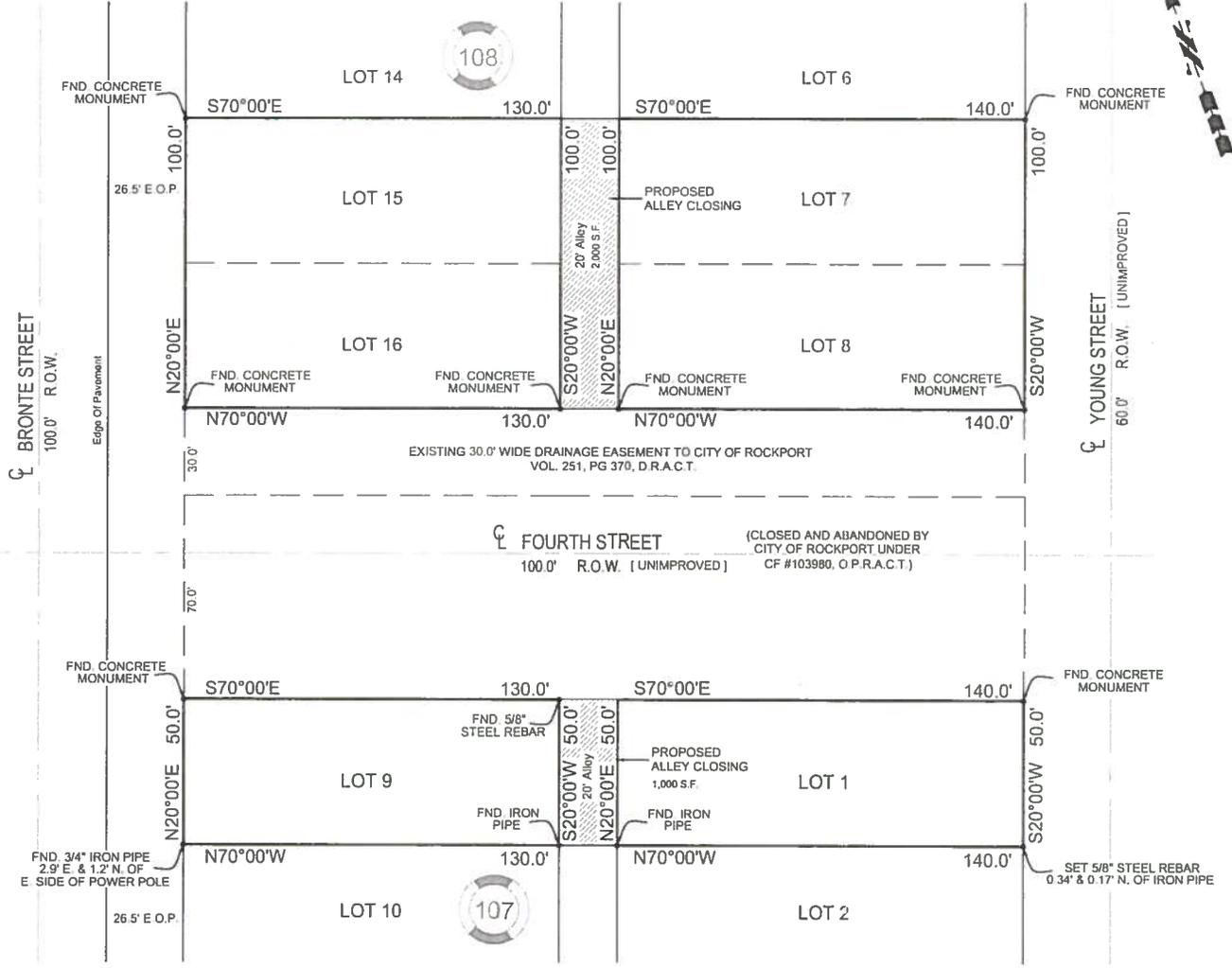
THENCE, North 70°00'00" West a distance of 20.00 feet along the South Right of Way of Fourth Street, that was closed and abandoned by the City of Rockport under CF #103980, Official Public Records of Aransas County to a point being the Northeast corner of Lot 9 and being the **NORTHWEST** corner of this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

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

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

NOTE: Property has not been surveyed on the ground.

151218dm2fn



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

NOTES

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

LEGAL DESCRIPTION

/

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

Scale: 1" = 40' April 14, 2004

FLOOD DATA

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

Zone B & C
 Base Elevation N/A
 Panel No. 0003D
 Community No. 485504

CURRENT PARTY

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

COPYRIGHT NOTICE

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

Copyright April 14, 2004

SURVEYOR CERTIFICATION

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

J. L. Brundrett, Jr., R.P.L.S.
 Reg. No. 8131

FIRM NAME & ADDRESS

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

FILE NAME: 040414DT2

ORDINANCE NO. 1092

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

- WHEREAS,** the City Council of the City of Rockport, Texas, has the power to establish, construct, alter, close, vacate and abandon public streets, alleys and other public ways to the City; and
- WHEREAS,** the City Council of the City of Rockport, Texas, deems it reasonable and proper to establish a policy and a procedure whereby persons may initiate, by petition, a request for the City to proceed in the exercise of said powers by the City where such is not deemed necessary for future use; and
- WHEREAS,** the City Council of the City of Rockport, Texas, deems it reasonable and proper that any person or persons requesting by petition that the City consider and exercise said powers regarding street, alleys and other public ways, should give notice of such request, provide certain other documents, and pay the expenses associated with the request:

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

Section 1. AMENDMENT AND ADDITION OF POLICY TO CHAPTER 86

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

ARTICLE IV. STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

DIVISION 1. GENERALLY

(No change to §§ 86.76 through 86-80)

DIVISION 2. PUBLIC WAY CLOSURE POLICY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 2. REPEALER

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

Section 3. NO RETROACTIVE EFFECT

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

Section 4. SEVERABILITY

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

Section 5. EFFECTIVE DATE

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

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

CITY OF ROCKPORT, TEXAS


Glenda Burdick, Mayor

ATTEST:


Irma G. Parker, City Secretary

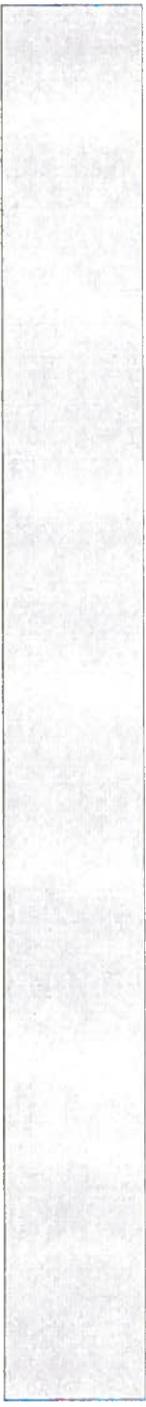
PASSED, APPROVED AND ADOPTED on second and final reading this 27th day of JULY 1999.

CITY OF ROCKPORT, TEXAS


Glenda Burdick, Mayor

ATTEST:


Irma G. Parker, City Secretary



**APPRAISAL OF
THE PROPERTY LOCATED AT**

Highway 35 South
Rockport, TX 78382

as of

01/31/2016

for

City of Rockport
622 E Market St
Rockport, TX
78382

by

Lynch Appraisal Services
506 South Live Oak
Rockport, TX 78382

January 31, 2016

City of Rockport
622 East Market St
Rockport, TX 78382

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

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

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

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

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

An inspection of the property and a study of the pertinent factors, including valuation trends and an analysis of the neighborhood data, led the appraiser to the conclusion that the market value, as of January 31, 2016, is:

SITE 1	\$2,400
SITE 2	\$4,800

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

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

Respectfully submitted,


Francis L. Lynch
State Certified General Appraiser.

LAND APPRAISAL REPORT

File No. D-01-45

Owner City of Rockport Census Tract 007-9505 Map Reference N/A
 Property Address Highway 35 South
 City Rockport County Aransas State TX Zip Code 78382
 Legal Description Lots 1 & 9, Block 107 and Lots 7, 8, 15 & 16, Block 108, Manning Addition. See attached Field Notes.
 Sale Price \$N/A Date of Sale N/A Property Rights Appraised Fee Leasehold De Minimis PUD
 Actual Real Estate Taxes \$N/A (yr.)
 Client City of Rockport Address 622 E Market St, Rockport, TX, 78382
 Occupant Vacant Appraiser Francis L. Lynch Instructions to Appraiser Market Value
 Intended User: City of Rockport Intended Use: Closing of subject alleys.

NEIGHBORHOOD

Location	<input checked="" type="checkbox"/> Urban	<input type="checkbox"/> Suburban	<input type="checkbox"/> Rural	Good	Avg	Fair	Poor
Built Up	<input checked="" type="checkbox"/> Over 75%	<input type="checkbox"/> 25% to 75%	<input type="checkbox"/> Under 25%	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Growth Rate	<input type="checkbox"/> Fully Dev.	<input type="checkbox"/> Rapid	<input checked="" type="checkbox"/> Steady	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Property Values	<input type="checkbox"/> Increasing	<input checked="" type="checkbox"/> Stable	<input type="checkbox"/> Declining	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Demand/Supply	<input type="checkbox"/> Shortage	<input checked="" type="checkbox"/> In Balance	<input type="checkbox"/> Over Supply	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marketing Time	<input type="checkbox"/> Under 3 Mos.	<input checked="" type="checkbox"/> 4-6 Mos.	<input type="checkbox"/> Over 6 Mos.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Present Land Use	<u>40</u> % 1 Family	<u>5</u> % 2-4 Fam	<u>15</u> % Apl.	<u>20</u> % Condo	<u>20</u> % Commercial		
100.000000	<input type="checkbox"/> % Industrial	<input type="checkbox"/> % Vacant	<u>20</u> % Vacant				
Change in Present Land Use	<input checked="" type="checkbox"/> Not Likely	<input type="checkbox"/> Likely (*)	<input type="checkbox"/> Taking Place (*)				
(*) From _____ To _____							
Predominant Occupancy	<input checked="" type="checkbox"/> Owner	<input type="checkbox"/> Tenant	<input type="checkbox"/> % Vacant				
Single Family Price Range	\$ <u>75,000</u> to \$ <u>400,000</u>		Predominant Value \$ <u>175,000</u>				
Single Family Age	<u>New</u> yrs.	to <u>60</u> yrs.	Predominant Age <u>30</u> yrs.				

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

SITE

Dimensions Site #1: 20 x 50 Site #2: 20 x 100 = Site 1: 1000 sf Site 2: 2000 sf Corner Lot
 Zoning Classification B-1: General Business Present improvements do do not conform to zoning regulations
 Highest and best use: Present use Other (specify) As proposed-Residential
 Elec. Public Other (Describe) _____
 Gas _____
 Water _____
 San. Sewer _____
 Underground Elect. & Tel.
 OFF SITE IMPROVEMENTS
 Street Access: Public Private
 Surface Unopened alley-dirt
 Maintenance: Public Private
 Storm Sewer Curb/Gutter
 Sidewalk Street Lights
 Topo Level
 Size Small - alley
 Shape Rectangular
 View Residential
 Drainage Appears Adequate
 Is the property located in a HUD identified Special Flood Hazard Area? No Yes

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

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

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

ITEM	Subject Property	COMPARABLE NO. 1	COMPARABLE NO. 2	COMPARABLE NO. 3
Address	Highway 35 South Rockport, TX 78382	1008 S Ann St Rockport, TX 78382	829 Young St Rockport, TX 78382	704 S Mathis St Rockport, TX 78382
Proximity to Subj.		0.93 miles N	0.78 miles NE	1.06 miles NE
Sales Price	\$ N/A	\$ 13,000	\$ 33,000	\$ 38,500
Price	\$ N/A	\$ 2.60/sf	\$ 2.00/sf	\$ 2.57/sf
Data Source	Inspection	MLS#115130	MLS#122433	MLS#119309
Date of Sale and Time Adjustment	DESCRIPTION 01/31/2016	DESCRIPTION 12/3/2013	DESCRIPTION 7/24/2015	DESCRIPTION 7/15/2015
Location	Average	Average	Average	Average
Site/View	Average/Average	Average/Average	Average/Average	Average/Average
Site Area	3000 sf	5000 sf	16500 sf	15000 sf
Sales or Financing Concessions		Cash None	Cash None	Cash None
Net Adj. (Total)		Plus Minus \$	Plus Minus \$	Plus Minus \$
Indicated Value of Subject		Gross 0.0% Net 0.0% \$ 2.60/sf	Gross 0.0% Net 0.0% \$ 2.00/sf	Gross 0.0% Net 0.0% \$ 2.57/sf

Comments on Market Data: The per square foot data from the comparable sales was analyzed to extract a unit value for the subjects. The mean of the three sales was \$2.39 per square foot This was rounded to \$2.40 per square foot. See addendum for analysis.

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

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

ESTIMATE THE MARKET VALUE, AS DEFINED, OF SUBJECT PROPERTY AS OF January 31, 2016 to be \$7,200

ADDITIONAL COMMENTS

Intended User City of Rockport

Property Address Highway 35 South

City Rockport

County Aransas

State TX

Zip Code 78382

Client City of Rockport

NEIGHBORHOOD

Distance to schools, shopping and employment is average and considered acceptable to the typical buyer. There are no known adverse neighborhood conditions.

COMMENTS ON MARKET DATA

ANALYSIS:

Site 1: 1000 sf x \$2.40 = \$2,400

Site 2: 2000 sf x \$2.40 = \$4,800

TOTAL: \$7,200

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

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

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

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

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

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

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

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

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

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

APPRAISER

Signature *Francis L. Lynch*
 Name Francis L. Lynch
 Company Name Lynch Appraisal Services
 Company Address 506 South Live Oak
Rockport, TX 78382
 Telephone Number 361-729-1309
 Email Address _____
 Date of Signature and Report January 31, 2016
 Effective Date of Appraisal 01/31/2016
 State Certification # TX-1321356-G
 or State License # _____
 or Other _____ State # _____
 State TX
 Expiration Date of Certification or License 06/30/2017

ADDRESS OF PROPERTY APPRAISED
Highway 35 South
Rockport, TX 78382
 APPRAISED VALUE OF SUBJECT PROPERTY \$ 7,200
 CLIENT
 Name _____
 Company Name City of Rockport
 Company Address 622 E Market St
Rockport, TX 78382
 Email Address _____

SUPERVISORY APPRAISER (ONLY IF REQUIRED)

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

SUBJECT PROPERTY

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

COMPARABLE SALES

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

DISCLOSURE ADDENDUM

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

DEFINITION OF INSPECTION:

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

DIGITAL SIGNATURES:

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

APPRAISER:

Signature: 
 Name: Francis L. Lynch
 Date Signed: January 31, 2016
 State Certification #: TX-1321356-G
 or State License #:
 State: TX
 Expiration Date of Certification or License: 06/30/2017

SUPERVISORY APPRAISER (ONLY IF REQUIRED):

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

Did Did Not Inspect Property

PHOTOGRAPH ADDENDUM

Intended User **City of Rockport**

Property Address **Highway 35 South**

City **Rockport**

County **Aransas**

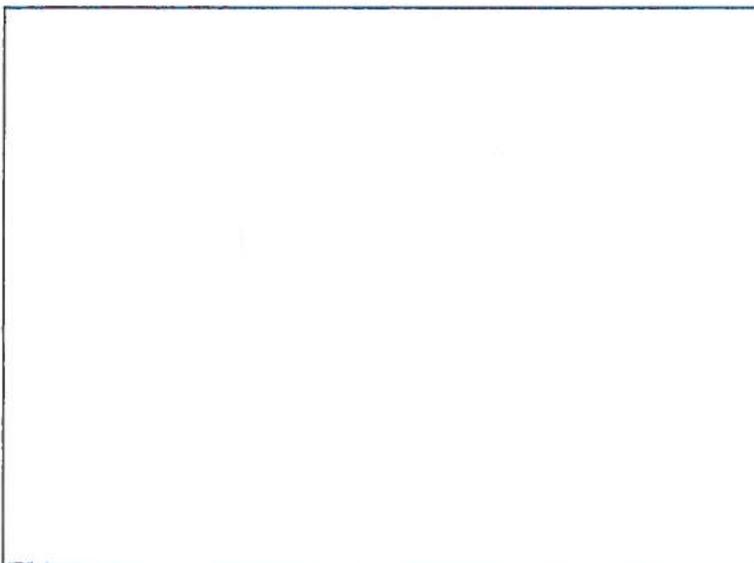
State **TX**

Zip Code **78382**

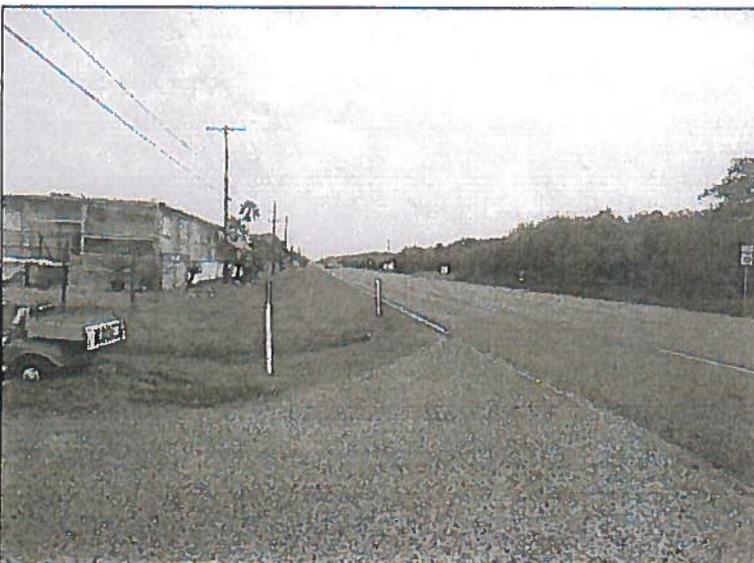
Client **City of Rockport**



**FRONT VIEW OF
SUBJECT PROPERTY**



**REAR VIEW OF
SUBJECT PROPERTY**



**STREET SCENE OF
SUBJECT PROPERTY**

PHOTOGRAPH ADDENDUM

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

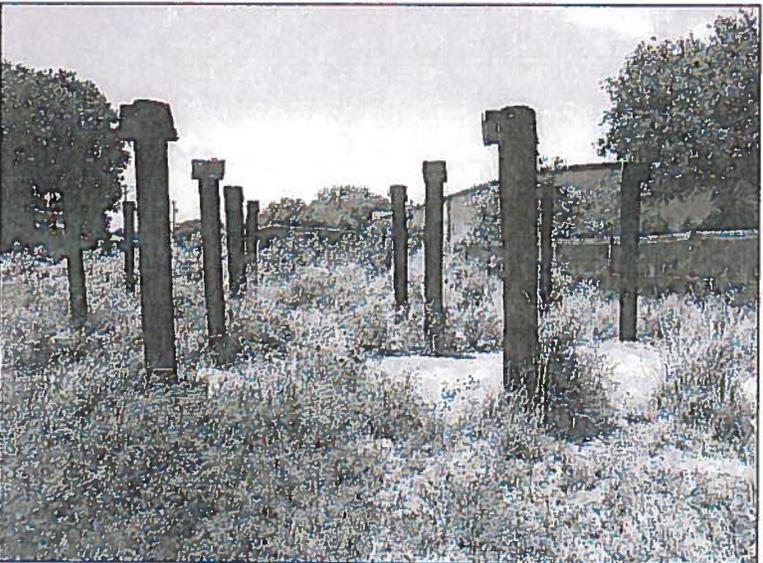


COMPARABLE #1

1008 S Ann St
Rockport, TX 78382

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

Value Indication \$2.60/sf



COMPARABLE #2

829 Young St
Rockport, TX 78382

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

Value Indication \$2.00/sf



COMPARABLE #3

704 S Mathis St
Rockport, TX 78382

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

Value Indication \$2.57/sf

Exhibit "A"**FIELD NOTE DESCRIPTION**

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

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

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

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

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

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

NOTE: Property has not been surveyed on the ground.

151218dm2fn

Exhibit "A"**FIELD NOTE DESCRIPTION**

BEING THE DESCRIPTION OF A 20-FOOT WIDE ALLEYWAY LYING BETWEEN LOTS 15-16 AND 7-8, IN BLOCK ONE HUNDRED EIGHT (108), MANNING ADDITION, ARANSAS COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN VOLUME 1, PAGE 7, PLAT RECORDS OF ARANSAS COUNTY, TEXAS, WITH SAID 20-FOOT WIDE ALLEYWAY BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGIN at the Southwest corner of Lot 8, Block 108, Manning Addition and being the **SOUTHEAST** corner and also the **PLACE OF BEGINNING** of this description;

THENCE, North 20°00'00" East along and with the West boundary line of Lots 7 and 8, of said Block 108 a distance of 100.00 feet to the common corner of Lots 6 & 7, also being the Northwest corner of Lot 7, and being the **NORTHEAST** corner of this description;

THENCE, North 70°00'00" West a distance of 20.00 feet to a point being the Northeast corner of Lot 15 and being the **NORTHWEST** corner of this description;

THENCE, South 20°00'00" West along and with the West boundary line of Lots 15 and 16, of said Block 108 a distance of 100.00 feet to a point in the North boundary of Fourth Street that was closed and abandoned by the City of Rockport under CF #103980, Official Public Records of Aransas County, and being the **SOUTHWEST** corner of this description;

THENCE, South 70°00'00" East along and with the North boundary line of said Fourth Street a distance of 20.00 feet to the **PLACE OF BEGINNING** and containing 2,000 square feet of land more or less.

NOTE: Property has not been surveyed on the ground.

151218dm1fn

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

EDUCATION:

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

EMPLOYMENT EXPERIENCE:

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

PROFESSIONAL

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

TYPES OF PROPERTIES APPRAISED:

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

REPRESENTATIVE LIST OF CLIENTS:

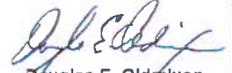
Banks, Mortgage Companies, Governmental Agencies, Estates, Attorneys, Relocation Companies, Developers and Individuals.

Texas Appraiser Licensing and Certification Board

P.O. Box 12188 Austin, Texas 78711-2188

Certified General Real Estate AppraiserNumber: **TX 1321356 G**Issued: **06/30/2015**Expires: **06/30/2017**Appraiser: **FRANCIS LAWRENCE LYNCH**

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



Douglas E. Oldmixon
Commissioner

CITY COUNCIL AGENDA
Regular Meeting: Tuesday, February 9, 2016

AGENDA ITEM: 14

Hear and deliberate on presentation of City of Rockport Police Department 2016 Racial Profiling Report

SUBMITTED BY: Police Chief Tim Jayroe

APPROVED FOR AGENDA: PKC

BACKGROUND: The accompanying report is presented in compliance with Texas Code of Criminal Procedure Article 2.134 related to Statutory Prohibition of Racial Profiling. Chief Jayroe will give the presentation and be available to answers any questions.

FISCAL ANALYSIS: N/A

RECOMMENDATION: Not an action item.

RACIAL PROFILING ANALYSIS

2015



ROCKPORT POLICE DEPARTMENT

Executive Summary

Article 2.132 (7) of the Texas Code of Criminal Procedure requires the annual reporting to the local governing body of data collected on the race or ethnicity of individuals stopped and issued citations or arrested for traffic violations and whether or not those individuals were searched. Since the law provides no clear instruction to a governing body on how to review such data, the Rockport Police Department developed this analysis and review to assist the City Council in reviewing the data.

The analysis of material and data from the Rockport Police Department revealed the following:

- **A COMPREHENSIVE REVIEW OF THE ROCKPORT POLICE DEPARTMENT'S BIAS BASED PROFILING POLICY SHOWS THAT THE ROCKPORT POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH ARTICLE 2.132 OF THE TEXAS CODE OF CRIMINAL PROCEDURE.**
- **A REVIEW OF THE INFORMATION PRESENTED AND SUPPORTING DOCUMENTATION REVEALS THAT THE ROCKPORT POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH TEXAS LAW ON TRAINING AND EDUCATION REGARDING RACIAL PROFILING.**
- **A REVIEW OF THE DOCUMENTATION PRODUCED BY THE DEPARTMENT REVEALS THAT THE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW ON THE RACIAL PROFILING COMPLAINT PROCESS AND PUBLIC EDUCATION ABOUT THE COMPLAINT PROCESS.**
- **ANALYSIS OF THE DATA REVEALS THAT THE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW ON THE COLLECTION OF RACIAL PROFILING DATA.**
- **THE ANALYSIS OF STATISTICAL INFORMATION FROM ROCKPORT POLICE DEPARTMENT REVEALS THAT THERE ARE NO METHODOLOGICALLY CONCLUSIVE INDICATIONS OF SYSTEMIC RACIAL PROFILING BY THE DEPARTMENT.**
- **THE ROCKPORT POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW CONCERNING THE PROHIBITION OF RACIAL PROFILING.**
- **THE ROCKPORT POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW CONCERNING THE REPORTING OF INFORMATION TO TCOLE.**

Introduction

This report details an analysis of the Rockport Police Department's policies, training, and statistical information on racial profiling for the calendar year 2015. This report has been prepared to specifically comply with Article 2.132 of the Texas Code of Criminal Procedure (CCP) regarding the compilation and analysis of racial profiling data. Specifically, the analysis will address Articles 2.131 – 2.135 of the CCP and make a determination of the level of compliance with those articles by the Rockport Police Department in 2015. The full copies of the applicable laws and regulations pertaining to this report are contained in Appendix A.

This report is divided into six analytical sections: Rockport Police Department's bias based profiling policy; Rockport Police Department's training and education on racial profiling; Rockport Police Department's complaint process and public education on racial profiling; analysis of statistical data on racial profiling; analysis of Rockport Police Department's compliance with applicable laws on racial profiling; and a final section which includes completed data and information reporting forms required to be sent to TCOLE beginning in 2011.

For the purposes of this report and analysis, the following definition of racial profiling is used: racial profiling means a law enforcement-initiated action based on an individual's race, ethnicity, or national origin rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity (Texas CCP Article 3.05).

Rockport Police Department Policy on Racial Profiling

A review of Rockport Police Department's "Bias Based Profiling" policy revealed that the department has adopted policies in compliance with Article 2.132 of the Texas CCP (see Appendix B). There are seven specific requirements mandated by Article 2.132 that a law enforcement agency must address. All seven are clearly covered in Rockport Police Department's bias based profiling policy. Rockport Police Department policies provide clear direction that any form of racial profiling is prohibited and that officers found engaging in inappropriate profiling may be disciplined in accordance with chapter 2.02 of the Rockport Police Department Policies and Procedures pertaining to receipt, processing, investigation, and adjudication of complaints. The policies also provide a very clear statement of the agency's philosophy regarding equal treatment of all persons regardless of race, ethnicity, or national origin. Appendix C lists the applicable statute and corresponding Rockport Police Department regulation.

A COMPREHENSIVE REVIEW OF ROCKPORT POLICE DEPARTMENT'S BIAS BASED PROFILING POLICY SHOWS THAT THE ROCKPORT POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH ARTICLE 2.132 OF THE TEXAS CODE OF CRIMINAL PROCEDURE.

Rockport Police Department Training and Education on Racial Profiling

Texas Occupation Code § 1701.253 and § 1701.402 require that curriculum be established and training certificates issued on racial profiling for all Texas peace officers. Documentation provided by Rockport Police Department reveals that racial profiling training and certification is current for all officers in 2015. The department has also identified officers who will need updated training in 2016 and has planned for those officers to attend the training. All Rockport Police

Department officers are trained and instructed on the racial profiling law in Texas. In addition, officers also receive mandatory cultural diversity training. All officers have been instructed on the policies and procedures regarding racial profiling and the accompanying complaint process as well.

A REVIEW OF THE INFORMATION PRESENTED AND SUPPORTING DOCUMENTATION REVEALS THAT THE ROCKPORT POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH TEXAS LAW ON TRAINING AND EDUCATION REGARDING RACIAL PROFILING.

Rockport Police Department Complaint Process and Public Education on Racial Profiling

Article 2.132 §(b)3-4 of the Texas Code of Criminal Procedure requires that law enforcement agencies implement a complaint process on racial profiling and that the agency provide public education on the complaint process. Rockport Police Department's Bias Based Profiling Policy Section 1.06 covers this requirement. The City of Rockport Police Department has also taken the following actions to ensure that the information relating to the policy disallowing racial profiling has been made known to the public:

1. Created a complaint form which are available at any time from any officer or at any time from the lobby of the police station; and
2. Officers of the department have been instructed on the racial profiling law and are available to, and have answered requests about, the law and complaint procedure.

A REVIEW OF THE DOCUMENTATION PRODUCED BY THE DEPARTMENT REVEALS THAT THE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW ON THE RACIAL PROFILING COMPLAINT PROCESS AND PUBLIC EDUCATION ABOUT THE COMPLAINT PROCESS.

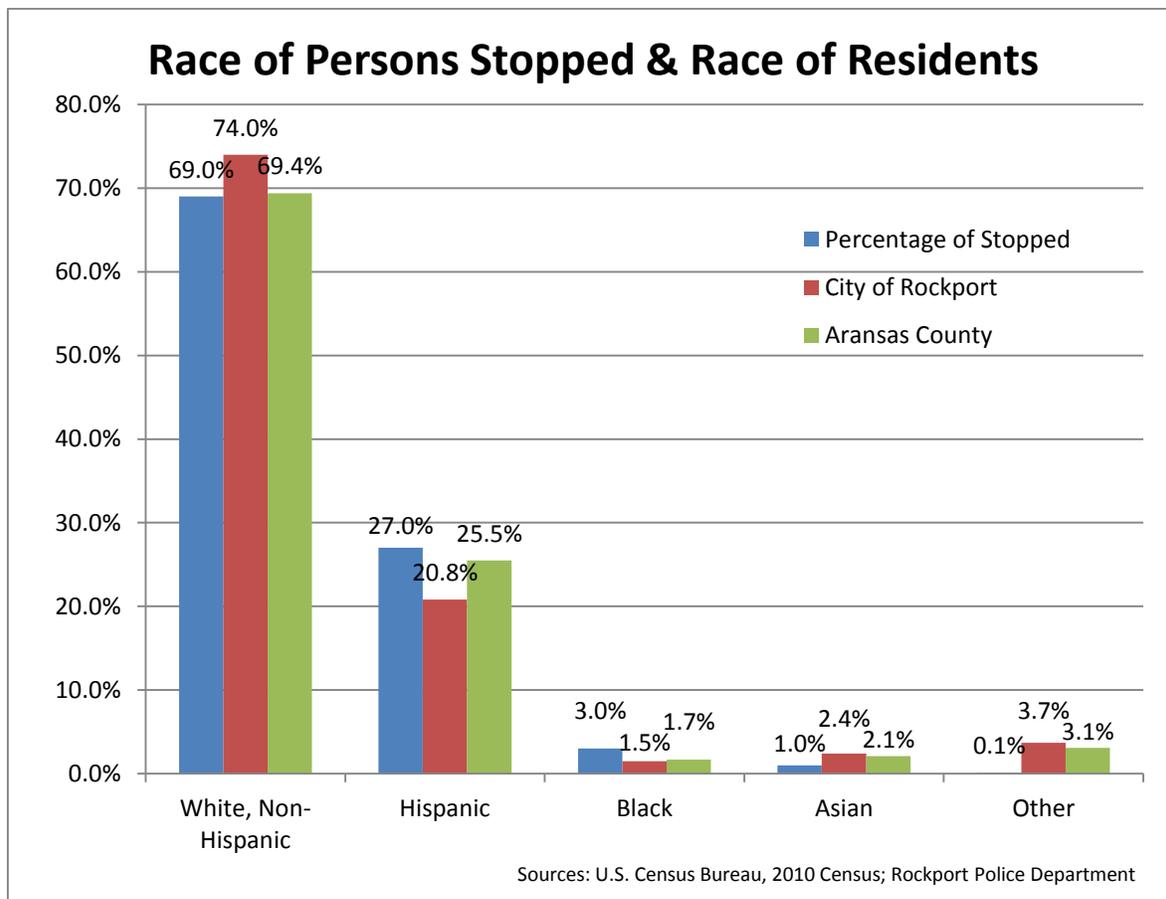
Rockport Police Department Statistical Data on Racial Profiling

Article 2.132(b) 6 requires that law enforcement agencies collect statistical information on traffic citations and detentions with specific information on the race of the person cited. In addition, information concerning searches of persons and whether or not the search was based on consent is also collected. Rockport Police Department submitted statistical information on all vehicle stops resulting in a citation or arrest in 2014 and accompanying information on the race of the person stopped. Accompanying this data was the relevant information on searches and arrests.

ANALYSIS OF THE DATA REVEALS THAT THE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW ON THE COLLECTION OF RACIAL PROFILING DATA.

Analysis of the Data

The chart below depicts the percentages of people stopped by race including Whites, Hispanics, Blacks, Asians, and Others.¹ White drivers constituted 69 percent of all drivers stopped, whereas Whites constituted 74.0 percent of the city population and 69.4 percent of the county population.² The chart shows that White drivers were stopped at a rate that is slightly below the percentage of Whites in the city population and almost the same as the percentage of Whites in the county population. Hispanic drivers constituted 27 percent of all drivers stopped, whereas Hispanics constituted 20.8 percent of the city population and 25.5 percent of the county population. Hispanics were stopped at rates higher than the percentage of Hispanics found in the city and almost the same as Hispanics found in the county populations. Black drivers constituted 3 percent of all drivers stopped, whereas Blacks constituted 1.5 percent of the city population and 1.7 percent of the county population. Asian drivers constituted 1 percent of those stopped while they account for 2.4 percent and 2.1 percent, respectively, of the population in Rockport and Aransas County. Other drivers constituted 0.1 percent of those stopped while they account for 3.7 percent and 3.1 percent, respectively, of the population in Rockport and Aransas County.



The different rates within racial groups between U.S. Census figures and those stopped by police are not significant and can be accounted for by two factors. First, it is important to note that the

¹ The total number of violations is comprised of 3,321 citations and 22,366 warnings for a total of 25,687 violations resulting in a citation or arrest. See the TCOLE forms at the end of this report.

² City and County population figures are derived from the 2010 Census from the U.S. Census Bureau.

racial and ethnic composition in the counties surrounding Rockport and Aransas County is significantly different. Specifically, the Hispanic populations of the surrounding counties are:

- Calhoun County – 44 %
- Nueces County – 59%
- Refugio County – 46%
- San Patricio County – 52%

Second, the economy of Rockport is based on tourism and on any given day there are as many visitors as there are permanent residents and during certain times of the year more than twice the number of visitors. This is reflected by the 48 percent of stops that were of non-residents. Between these two factors, variation within groups is expected.

As the chart shows, easy determinations regarding whether or not Rockport police officers have “racially profiled” a given motorist are impossible given the nature of the data that has been collected and presented for this report. The law dictates that police agencies compile aggregate-level data regarding the *rates* at which agencies *collectively* stop motorists in terms of their race/ethnicity. These aggregated data are to be subsequently analyzed in order to determine whether or not *individual* officers are “racially profiling” motorists. This methodological error, commonly referred to as the “ecological fallacy,” defines the dangers involved in making assertions about individual officer decisions based on the examination of aggregate incident level data. In short, one cannot “prove” that an *individual* officer has “racially profiled” any *individual* motorist based on the rate at which a department stops any given *group* of motorists.

Additional interpretation problems remain in regards to the specific measurement of “racial profiling” as defined by Texas state code. For example, officers are currently forced to make subjective determinations regarding an individual's race based on his or her personal observations because the Texas Department of Public Safety does not provide an objectively-based determination of an individual's race/ethnicity on the Texas driver's license. The absence of any verifiable race/ethnicity data on the driver's license is especially troubling given the racial diversity within the city of Rockport. The validity of any racial/ethnic disparities discovered in the aggregate level data becomes threatened in direct proportion to the number of subjective “guesses” officers are forced to make when trying to determine an individual's racial/ethnic background.

In addition, the data collected for the current report does not allow for an analysis that separates (or disaggregates) the discretionary decisions of officers to stop a motorist from those that are largely non-discretionary. For example, non-discretionary stops of motorists based on the discovery of outstanding warrants should not be analyzed in terms of whether or not “profiling” has occurred simply because the officer who has stopped a motorist as a result of the discovery of an outstanding warrant does not *independently* make the decision to stop, but rather, is required to stop that individual regardless of any determination of race. An officer cannot be determined to be “racially profiling” when organizational rules and state codes compel them to stop regardless of an individual's race/ethnicity. Straightforward aggregate comparisons of stop rates ignore these realities, and fail to distinguish between discretionary and non-discretionary law enforcement actions. In the future, this validity issue could be lessened by the collection of data indicating the initial reason for the traffic stop, whether it be an observed traffic violation, other criminal activity, the existence of an outstanding warrant, or some other reason.

Finally, there has been considerable debate as to what the most appropriate population “base-rate” is in determining whether or not racial/ethnic disparities exist. As the current analysis shows in regards to the use of city and county population base-rates, the outcome of analyses designed to determine whether or not disparities exist is obviously dependent on which base-rate is used. In addition, recent population changes in the city of Rockport exacerbates problems associated with determining appropriate base-rates because measures derived from the U.S. Census can become quickly outdated. Although this report utilized the more recent 2010 Census, this population measure will become quickly outdated as well.

Related to the above, the determination of valid stop base-rates becomes multiplied if analyses fail to distinguish between residents and non-residents who are stopped, because the existence of significant proportions of non-resident stops will lead to invalid conclusions if racial/ethnic comparisons are made exclusively to resident population figures.

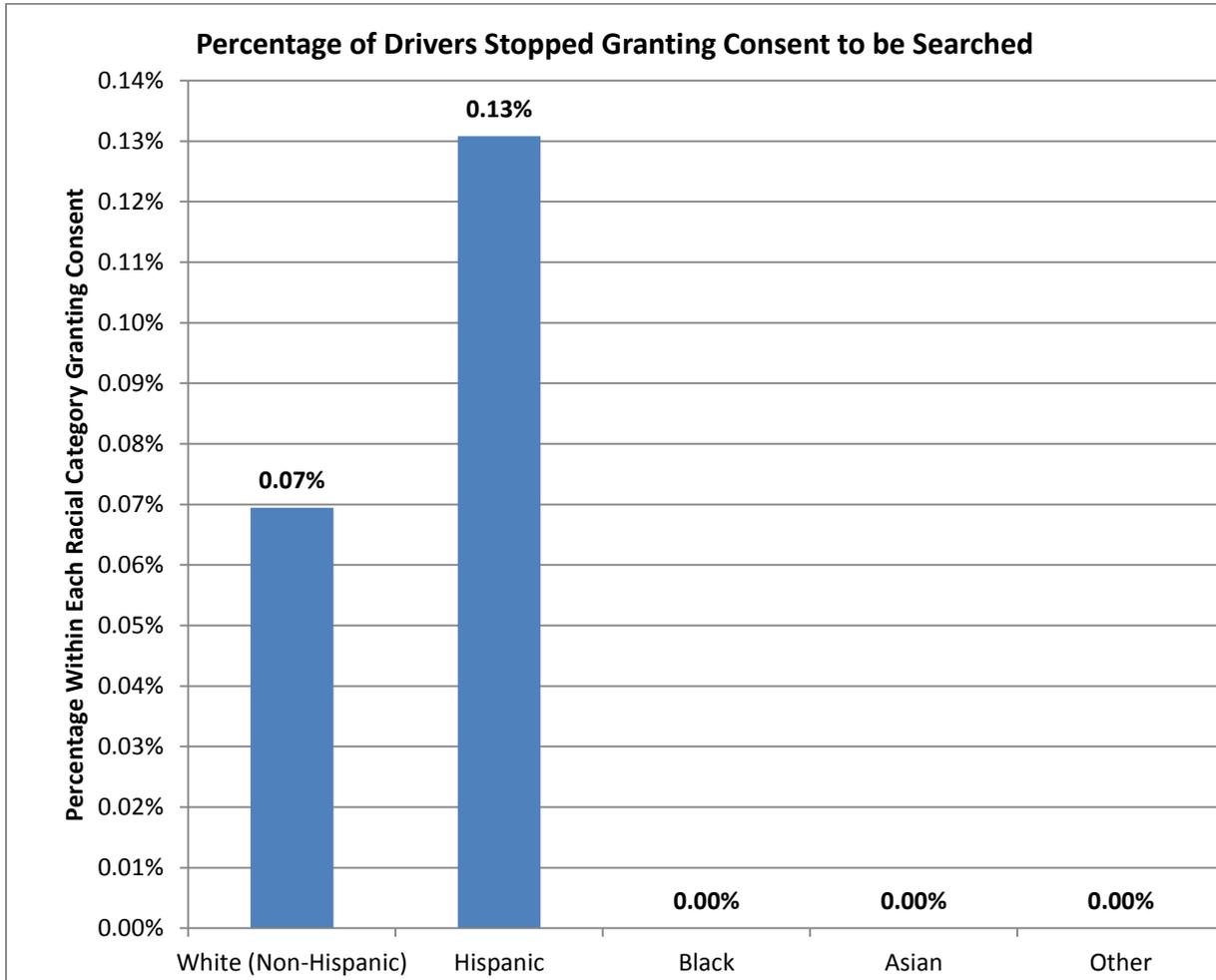
In short, the methodological problems outlined above point to the limited utility of using aggregate level comparisons of the rates at which different racial/ethnic groups are stopped in order to determine whether or not racial profiling exists within a given jurisdiction.

The table below reports the summaries for the total number of persons stopped and searched subsequent to being stopped by the Rockport Police Department for traffic offenses in 2015 (8,382). In addition, the table shows the number of individuals who granted consent to search and those drivers who were arrested at the conclusion of the stop. The table shows that 57 percent of all drivers searched were White (4/7 total searches), and 0 percent (0/7) were Black. It is clear from the table that the vast majorities of the total number of drivers stopped (including White, Black, and Hispanic groups) were not searched, as 98.97 percent of all drivers who were stopped were not searched (8,375/8,382).

Action	White (Non-Hispanic)	Hispanic	Black	Asian	Other	Total
Total Stops*	5,758	2,293	217	100	14	8,382
Total Searches	4	3	0	0	0	7
Consent Searches	4	3	0	0	0	7
Incident to Arrest	0	0	0	0	0	0
Probable Cause	0	0	0	0	0	0
Warnings	4,339	1,580	147	79	8	6,153

*Includes 2,229 Citations & 6,153 Warnings

The bar chart on the following page presents the percentage of drivers that provided consent to search within each racial category. The chart indicates that drivers who were stopped were rarely consent searched across the racial categories. For example, .07 percent of all White drivers who were stopped were also searched by consent (4 total consent searches), .13 percent of all Hispanic drivers who were stopped were searched by consent (3 total consent searches), and no Black drivers who were stopped were searched by consent (0 total consent searches).



Analysis of Racial Profiling Compliance by Rockport Police Department

The foregoing analysis shows that the Rockport Police Department is fully in compliance with all relevant Texas laws concerning racial profiling, including the existence of a formal policy prohibiting racial profiling by its officers, officer training and educational programs, a formalized complaint process, and the collection of data in compliance with the law. Finally, internal records indicate that the department received no complaints in reference to racial profiling for the year 2015.

In addition to providing summary reports and analysis of the data collected by the Rockport Police Department in 2015, this report also included an extensive presentation of some of the limitations involved in the level of data collection currently required by law and the methodological problems associated with analyzing such data for the Rockport Police Department as well as police agencies across Texas. The Rockport Police Department should continue its educational and training efforts within the department on racial profiling. Finally, the department should conduct periodic evaluations to assess patterns of officer decision-making on traffic stops. The final section of this report includes newly required TCOLE reporting information by Texas law enforcement organizations.

Appendix A

City of Rockport Traffic Stop Driver Statistics														
Category	Total Stops*		Consent		Incident to Arrest		Probable Cause		Searches		Warnings		Arrests	
	Total	Percent	Total	Percent	Total	Percent	Total	Percent	Total	Percent	Total	Percent	Total	Percent
Race														
White (Non-Hispanic)	5,758	68.7%	4	57.1%	5	83.3%	-	0.0%	4	57.1%	5,919	76.5%	5	83.3%
Hispanic	2,293	27.4%	3	42.9%	-	0.0%	-	0.0%	3	42.9%	1,580	20.4%	-	0.0%
Black	217	2.6%	-	0.0%	1	16.7%	-	0.0%	-	0.0%	147	1.9%	1	16.7%
Asian	100	1.2%	-	0.0%	-	0.0%	-	0.0%	-	0.0%	79	1.0%	-	0.0%
Other	14	0.2%	-	0.0%	-	0.0%	-	0.0%	-	0.0%	8	0.1%	-	0.0%
Native American	2	0.0%	-	0.0%	-	0.0%	-	0.0%	-	0.0%	1	0.0%	-	0.0%
Middle Eastern	12	0.1%	-	0.0%	-	0.0%	-	0.0%	-	0.0%	7	0.1%	-	0.0%
Unknown	-	0.0%	-	0.0%	-	0.0%	-	0.0%	-	0.0%	-	0.0%	-	0.0%
Total	8,382	100.0%	7	100.0%	6	100.0%	-	0.0%	7	100.0%	7,733	100.0%	6	100.0%
Gender														
Male	5,585	66.6%	6	85.7%	-	0.0%	-	0.0%	6	85.7%	4,053	65.9%	5	83.3%
Female	2,797	33.4%	1	14.3%	-	0.0%	-	0.0%	1	14.3%	2,100	34.1%	1	16.7%
Total	8,382	100.0%	7	100.0%	-	0.0%	-	0.0%	7	100.0%	6,153	100.0%	6	100.0%
Residential Status														
Resident	4,073	48.6%	2	28.6%	0	0.0%	0	0.0%	2	28.6%	2,828	46.0%	3	50.0%
Non-Resident	4,309	51.4%	5	71.4%	0	0.0%	0	0.0%	5	71.4%	3,325	54.0%	3	50.0%
Total	8,382	100.0%	7	100.0%	0	0.0%	0	0.0%	7	100.0%	6,153	100.0%	6	100.0%

*Includes 3,361 Citations & 22,366 Warnings

Appendix B

Racial Profiling Statutes and Laws

Art. 3.05. RACIAL PROFILING.

In this code, "racial profiling" means a law enforcement-initiated action based on an individual's race, ethnicity, or national origin rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 2, eff. Sept. 1, 2001.

Art. 2.131. RACIAL PROFILING PROHIBITED.

A peace officer may not engage in racial profiling.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

Art. 2.132. LAW ENFORCEMENT POLICY ON RACIAL PROFILING.

(a) In this article:

(1) "Law enforcement agency" means an agency of the state, or of a county, municipality, or other political subdivision of the state, that employs peace officers who make motor vehicle stops in the routine performance of the officers' official duties.

(2) "Motor vehicle stop" means an occasion in which a peace officer stops a motor vehicle for an alleged violation of a law or ordinance.

(3) "Race or ethnicity" means of a particular descent, including Caucasian, African, Hispanic, Asian, Native American, or Middle Eastern descent.

(b) Each law enforcement agency in this state shall adopt a detailed written policy on racial profiling. The policy must:

(1) clearly define acts constituting racial profiling;

(2) strictly prohibit peace officers employed by the agency from engaging in racial profiling;

(3) implement a process by which an individual may file a complaint with the agency if the individual believes that a peace officer employed by the agency has engaged in racial profiling with respect to the individual;

(4) provide public education relating to the agency's complaint process;

(5) require appropriate corrective action to be taken against a peace officer employed by the agency who, after an investigation, is shown to have engaged in racial profiling in violation of the agency's policy adopted under this article;

(6) require collection of information relating to motor vehicle stops in which a citation is issued and to arrests made as a result of those stops, including information relating to:

- (A) the race or ethnicity of the individual detained;
- (B) whether a search was conducted and, if so, whether the individual detained consented to the search; and
- (C) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual; and

(7) require the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit an annual report of the information collected under Subdivision (6) to:

- (A) the Commission on Law Enforcement Officer Standards and Education; and
- (B) the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.

(c) The data collected as a result of the reporting requirements of this article shall not constitute prima facie evidence of racial profiling.

(d) On adoption of a policy under Subsection (b), a law enforcement agency shall examine the feasibility of installing video camera and transmitter-activated equipment in each agency law enforcement motor vehicle regularly used to make motor vehicle stops and transmitter-activated equipment in each agency law enforcement motorcycle regularly used to make motor vehicle stops. If a law enforcement agency installs video or audio equipment as provided by this subsection, the policy adopted by the agency under Subsection (b) must include standards for reviewing video and audio documentation.

(e) A report required under Subsection (b)(7) may not include identifying information about a peace officer who makes a motor vehicle stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the collection of information as required by a policy under Subsection (b)(6).

(f) On the commencement of an investigation by a law enforcement agency of a complaint described by Subsection (b)(3) in which a video or audio recording of the occurrence on which the complaint is based was made, the agency shall promptly provide a copy of the recording to the peace officer who is the subject of the complaint on written request by the officer.

(g) On a finding by the Commission on Law Enforcement Officer Standards and Education that the chief administrator of a law enforcement agency intentionally failed to submit a report required under Subsection (b)(7), the commission shall begin disciplinary procedures against the chief administrator.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

Amended by: Acts 2009, 81st Leg., R.S., Ch. 1172, Sec. 25, eff. September 1, 2009.

Art. 2.133. REPORTS REQUIRED FOR MOTOR VEHICLE STOPS.

- (a) In this article, "race or ethnicity" has the meaning assigned by Article 2.132(a).
- (b) A peace officer who stops a motor vehicle for an alleged violation of a law or ordinance shall report to the law enforcement agency that employs the officer information relating to the stop, including:
- (1) a physical description of any person operating the motor vehicle who is detained as a result of the stop, including:
 - (A) the person's gender; and
 - (B) the person's race or ethnicity, as stated by the person or, if the person does not state the person's race or ethnicity, as determined by the officer to the best of the officer's ability;
 - (2) the initial reason for the stop;
 - (3) whether the officer conducted a search as a result of the stop and, if so, whether the person detained consented to the search;
 - (4) whether any contraband or other evidence was discovered in the course of the search and a description of the contraband or evidence;
 - (5) the reason for the search, including whether:
 - (A) any contraband or other evidence was in plain view;
 - (B) any probable cause or reasonable suspicion existed to perform the search; or
 - (C) the search was performed as a result of the towing of the motor vehicle or the arrest of any person in the motor vehicle;
 - (6) whether the officer made an arrest as a result of the stop or the search, including a statement of whether the arrest was based on a violation of the Penal Code, a violation of a traffic law or ordinance, or an outstanding warrant and a statement of the offense charged;
 - (7) the street address or approximate location of the stop; and
 - (8) whether the officer issued a written warning or a citation as a result of the stop.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

Amended by: Acts 2009, 81st Leg., R.S., Ch. 1172, Sec. 26, eff. September 1, 2009.

Art. 2.134. COMPILATION AND ANALYSIS OF INFORMATION COLLECTED.

- (a) In this article:
- (1) "Motor vehicle stop" has the meaning assigned by Article 2.132(a).
 - (2) "Race or ethnicity" has the meaning assigned by Article 2.132(a).
- (b) A law enforcement agency shall compile and analyze the information contained in each report received by the agency under Article 2.133. Not later than March 1 of each year, each law enforcement agency shall submit a report containing the incident-based data compiled during the

previous calendar year to the Commission on Law Enforcement Officer Standards and Education and, if the law enforcement agency is a local law enforcement agency, to the governing body of each county or municipality served by the agency.

(c) A report required under Subsection (b) must be submitted by the chief administrator of the law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, and must include:

(1) a comparative analysis of the information compiled under Article 2.133 to:

(A) evaluate and compare the number of motor vehicle stops, within the applicable jurisdiction, of persons who are recognized as racial or ethnic minorities and persons who are not recognized as racial or ethnic minorities; and

(B) examine the disposition of motor vehicle stops made by officers employed by the agency, categorized according to the race or ethnicity of the affected persons, as appropriate, including any searches resulting from stops within the applicable jurisdiction; and

(2) information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.

(d) A report required under Subsection (b) may not include identifying information about a peace officer who makes a motor vehicle stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the reporting of information required under Article 2.133(b)(1).

(e) The Commission on Law Enforcement Officer Standards and Education, in accordance with Section 1701.162, Occupations Code, shall develop guidelines for compiling and reporting information as required by this article.

(f) The data collected as a result of the reporting requirements of this article shall not constitute prima facie evidence of racial profiling.

(g) On a finding by the Commission on Law Enforcement Officer Standards and Education that the chief administrator of a law enforcement agency intentionally failed to submit a report required under Subsection (b), the commission shall begin disciplinary procedures against the chief administrator.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

Amended by: Acts 2009, 81st Leg., R.S., Ch. 1172, Sec. 27, eff. September 1, 2009.

Art. 2.135. PARTIAL EXEMPTION FOR AGENCIES USING VIDEO AND AUDIO EQUIPMENT.

(a) A peace officer is exempt from the reporting requirement under Article 2.133 and the chief administrator of a law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, is exempt from the compilation, analysis, and reporting requirements under Article 2.134 if:

(1) during the calendar year preceding the date that a report under Article 2.134 is required to be submitted:

- (A) each law enforcement motor vehicle regularly used by an officer employed by the agency to make motor vehicle stops is equipped with video camera and transmitter-activated equipment and each law enforcement motorcycle regularly used to make motor vehicle stops is equipped with transmitter-activated equipment; and
- (B) each motor vehicle stop made by an officer employed by the agency that is capable of being recorded by video and audio or audio equipment, as appropriate, is recorded by using the equipment; or

(2) the governing body of the county or municipality served by the law enforcement agency, in conjunction with the law enforcement agency, certifies to the Department of Public Safety, not later than the date specified by rule by the department, that the law enforcement agency needs funds or video and audio equipment for the purpose of installing video and audio equipment as described by Subsection (a)(1)(A) and the agency does not receive from the state funds or video and audio equipment sufficient, as determined by the department, for the agency to accomplish that purpose.

(b) Except as otherwise provided by this subsection, a law enforcement agency that is exempt from the requirements under Article 2.134 shall retain the video and audio or audio documentation of each motor vehicle stop for at least 90 days after the date of the stop. If a complaint is filed with the law enforcement agency alleging that a peace officer employed by the agency has engaged in racial profiling with respect to a motor vehicle stop, the agency shall retain the video and audio or audio record of the stop until final disposition of the complaint.

(c) This article does not affect the collection or reporting requirements under Article 2.132.

(d) In this article, "motor vehicle stop" has the meaning assigned by Article 2.132(a).

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

Amended by: Acts 2009, 81st Leg., R.S., Ch. 1172, Sec. 28, eff. September 1, 2009.

Art. 2.136. LIABILITY.

A peace officer is not liable for damages arising from an act relating to the collection or reporting of information as required by Article 2.133 or under a policy adopted under Article 2.132.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

Art. 2.137. PROVISION OF FUNDING OR EQUIPMENT.

(a) The Department of Public Safety shall adopt rules for providing funds or video and audio equipment to law enforcement agencies for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A), including specifying criteria to prioritize funding or equipment provided to law enforcement agencies. The criteria may include consideration of tax effort, financial hardship, available revenue, and budget surpluses. The criteria must give priority to:

- (1) law enforcement agencies that employ peace officers whose primary duty is traffic enforcement;
- (2) smaller jurisdictions; and

(3) municipal and county law enforcement agencies.

(b) The Department of Public Safety shall collaborate with an institution of higher education to identify law enforcement agencies that need funds or video and audio equipment for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A). The collaboration may include the use of a survey to assist in developing criteria to prioritize funding or equipment provided to law enforcement agencies.

(c) To receive funds or video and audio equipment from the state for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A), the governing body of a county or municipality, in conjunction with the law enforcement agency serving the county or municipality, shall certify to the Department of Public Safety that the law enforcement agency needs funds or video and audio equipment for that purpose.

(d) On receipt of funds or video and audio equipment from the state for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A), the governing body of a county or municipality, in conjunction with the law enforcement agency serving the county or municipality, shall certify to the Department of Public Safety that the law enforcement agency has installed video and audio equipment as described by Article 2.135(a)(1)(A) and is using the equipment as required by Article 2.135(a)(1).

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

Art. 2.138. RULES.

The Department of Public Safety may adopt rules to implement Articles 2.131-2.137.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

Art. 2.1385. CIVIL PENALTY.

(a) If the chief administrator of a local law enforcement agency intentionally fails to submit the incident-based data as required by Article 2.134, the agency is liable to the state for a civil penalty in the amount of \$1,000 for each violation. The attorney general may sue to collect a civil penalty under this subsection.

(b) From money appropriated to the agency for the administration of the agency, the executive director of a state law enforcement agency that intentionally fails to submit the incident-based data as required by Article 2.134 shall remit to the comptroller the amount of \$1,000 for each violation.

(c) Money collected under this article shall be deposited in the state treasury to the credit of the general revenue fund.

Added by Acts 2009, 81st Leg., R.S., Ch. 1172, Sec. 29, eff. September 1, 2009.

Appendix C

Rockport Police Department Racial Profiling Policy

COMMENT: It has been the long standing practice of officers of the Rockport Police Department to treat all individuals with respect and courtesy. The Rockport Police Department Code of Conduct was established in September, 1989 to “promote efficiency, discipline, and good public relations” (Code of Conduct 1.2) and “to maintain the confidence, respect, and support of the public” (Code of Conduct 2.1). Chapter VI of the Code of Conduct describes the responsibilities of all personnel in dealings with the public.

Effective September 1, 2001 Article 2.131 of the Texas Code of Criminal Procedure established a prohibition against racial profiling as follows:

“A peace officer may not engage in racial profiling”.

Racial Profiling is defined in Article 3.05 as

“A law enforcement initiated action based on an individual’s race, ethnicity, or national origin rather than on the individual’s behavior or on information identifying the individual as having engaged in criminal behavior”.

1.00 RACIAL PROFILING

For the purpose of this policy all prohibitions, definitions and stipulations of Code of Criminal Procedure Article 2.131, 2.132, 2.133, 2.134, 2.135, 2.136, and 3.05 are applicable.

1.01 PURPOSE

The purpose of the policy is to reaffirm the Rockport Police Department’s commitment to unbiased policing in all its encounters between officers and any person; to reinforce procedures that serve to ensure public confidence and mutual trust through the provision of services in a fair and equitable fashion; and to protect our officers from unwarranted accusations of misconduct when they act within the dictates of departmental policy and the law.

1.02 POLICY

It is the policy of this department to police in a proactive manner and, to aggressively investigate suspected violations of law. Officers shall actively enforce city ordinances and state and federal laws in a responsible and professional manner, without regard to race, ethnicity or national origin. Officers are strictly prohibited from engaging in racial profiling as defined in this policy. This policy shall be applicable to all persons, whether drivers, passengers or pedestrians.

Two of the fundamental rights guaranteed by both the United States and Texas constitutions are equal protection under the law and freedom from unreasonable searches and seizures by government agents. The right of all persons to be treated equally and to be free from unreasonable searches and seizures must be respected. To assure protection of these rights officers shall conduct themselves in a dignified and respectful manner at all times when dealing with the public. Racial profiling is an unacceptable patrol tactic and will not be condoned.

This policy shall not preclude officers from offering assistance, such as upon observing a substance leaking from a vehicle, or someone who appears to be ill, lost or confused. Nor does this policy prohibit stopping someone suspected of a crime based upon observed actions and/or information received about the person.

1.03 DEFINITIONS

Racial Profiling – A law enforcement-initiated action based on an individual’s race, ethnicity, or national origin rather than on the individual’s behavior or on information identifying the individual as having engaged in criminal activity.

Race or Ethnicity – Of a particular decent, including Caucasian, African, Hispanic, Asian, or Native American.

Pedestrian Stop – An interaction between a peace officer and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest.

Traffic Stop – Stopping of a motor vehicle for a violation of a law or ordinance regulating traffic.

1.04 EXAMPLES OF PROFILING

- a. Citing a driver who is speeding in a stream of traffic where most other drivers are speeding because of the cited driver’s race, ethnicity or national origin;
- b. Detaining the driver of a vehicle based on the determination that a person of that race, ethnicity or national origin is unlikely to own or possess that specific make or model of vehicle; or
- c. Detaining an individual based upon the determination that a person of that race, ethnicity or national origin does not belong in specific part of town or a specific place.
- d. Racial profiling pertains to persons who are viewed as suspects or potential suspects of criminal behavior. The term is not relevant as it pertains to witnesses, complainants or other citizen contacts.
- e. The prohibition against racial profiling does not preclude the use of race, ethnicity or national origin as factors in a detention decision. Race, ethnicity or national origin may be legitimate factors in a detention decision when used as part of an actual description of a specific suspect for whom an officer is searching. However, detaining an individual and conducting an inquiry into that person’s activities simply because of that individual’s race, ethnicity or national origin is racial profiling.

1.05 TRAINING

Officers are responsible to adhere to all Texas Commission on Law Enforcement Officer Standards and Education (TCOLE) training requirements as mandated by law.

All officers shall complete TCOLE training and education program on racial profiling not later than the second anniversary of the date the officer is licensed under Chapter 1701 of the Texas Occupations Code or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier. A person who on September 1, 2001, held a TCOLE intermediate proficiency certificate, or who had held a peace officer license issued by TCOLE for at least two years, shall

complete a TCOLE training and education program on racial profiling not later than September 1, 2003.

The chief of police, as part of the initial training and continued education for such appointment, will be required to attend the Law Enforcement Management Institute of Texas or other TCOLE approved program on racial profiling.

An individual appointed as a police chief before the effective date of this Act shall complete the program on racial profiling established under Subsection (j), Section 96.641, Education Code, as added by this Act, not later the September 1, 2003.

1.06 COMPLAINT INVESTIGATION

- a. The department shall accept complaints from any person who believes he or she has been stopped or searched based on racial, ethnic or national origin profiling. No person shall be discouraged, intimidated or coerced from filing a complaint, nor discriminated against because he or she filed such a complaint.
- b. Any employee who receives an allegation of racial profiling, including the officer who initiated the stop, shall record the person's name, address and telephone number, and forward the complaint through his/her immediate supervisor to his division commander or direct the individual(s) to an on duty supervisor. Any employee contacted shall provide to that person a form explaining the department process for filing a complaint. All employees will report any allegation of racial profiling to their superior before the end of their shift.
- c. Investigation of a complaint shall be conducted in a thorough and timely manner. All complaints will be acknowledged in writing to the initiator who will receive disposition regarding said complaint within a reasonable period of time. The investigation shall be reduced to writing and any reviewer's comments or conclusions shall be filed with the chief of police.
- d. If a racial profiling complaint is sustained against an officer, it will result in appropriate corrective and/or disciplinary action, up to and including termination.
- e. Any departmental video or audio recording of the events upon which a complaint of racial profiling is based, shall, upon commencement of an investigation by this department into the complaint and written request of the officer made the subject of the complaint, be copied and a copy promptly provided to that officer.

1.07 PUBLIC EDUCATION

This department will inform the public of its policy against racial profiling and the complaint process. Methods that may be utilized to inform the public may include the news media, service or civic presentations, the Internet, as well as governing board meetings. Additionally, information will be made available as appropriate in languages other than English.

1.08 CITATION DATA COLLECTION & REPORTING

Officers will collect information relating to traffic stops in which a citation is issued. On the citation officers must include:

- a. the violators race or ethnicity;
- b. whether a search was conducted;
- c. was the search consensual; and
- d. arrest for this cited violation or any other violation

By February 1 of each year, a report will be prepared and presented to the Chief of Police that includes the information gathered by the citations. The report will include:

- a. a breakdown of citations by race or ethnicity;
- b. number of citations that resulted in a search;
- c. number of searches that were consensual; and
- d. number of citations that resulted in custodial arrest for this cited violation or any other violation.

1.09 USE OF VIDEO AND AUDIO EQUIPMENT

- A. Each motor vehicle regularly used by this department to make traffic and pedestrian stops is equipped with a video camera and transmitter-activated equipment.
- B. Each traffic and pedestrian stop made by an officer of this department that is capable of being recorded by video and audio, or audio, as appropriate, shall be recorded.
- C. This department shall retain the video and audiotapes, or the audiotape of each traffic and pedestrian stop for at least ninety (90) days after the date of the stop. If a complaint is filed with this department alleging that an officer has engaged in racial profiling with respect to a traffic or pedestrian stop, this department shall retain the video and audiotapes, or the audiotape of the stop until final disposition of the complaint.
- D. Supervisors will ensure that officers of this department are recording their traffic and pedestrian stops. A recording of each officer will be reviewed at least once every ninety (90) days.
- E. If the equipment used to record audio and/or video of traffic or pedestrian stops is malfunctioning or otherwise not operable, the officer making the stop will properly record and report the information as follows:
 1. A physical description of each person detained as result of the stop, including:
 - a) The person's gender;
 - b) The person's race or ethnicity, as stated by the person or as determined by the officer to the best of his/her ability.
 2. The street address or approximate location of the stop. The suspected offense or the traffic law or ordinance alleged to have been violated.
 3. Whether the officer conducted a search as a result of the stop and, if so, whether the person detained consented to the search.
 4. Whether probable cause to search existed and, if so, the fact(s) supporting the existence of that probable cause.
 5. Whether any contraband was discovered in the course of the search and, if so they type of contraband discovered.
 6. Whether the officer made an arrest as a result of the stop and/or search, and, if so, a statement of the offense charged.
 7. Whether the officer issued a warning or a citation as a result of the stop and, if so, a statement of the offense charged.