
CITY COUNCIL AGENDA

Notice is hereby given that the Rockport City Council will hold a regular meeting on Tuesday, October 25, 2016, at 6:30 p.m. The meeting will be held at Rockport City Hall, 622 E. Market Street, Rockport, Texas. The matters to be discussed and acted upon are as follows:

Opening Agenda

1. Call meeting to order.
2. Pledge of Allegiance.
3. Presentation: Texas Municipal League Intergovernmental Risk Pool gas utility survey performance rating.
4. Presentation & Proclamation: No Place for Hate Day – November 9, 2016.
5. Proclamation: Municipal Court Week - November 7-11, 2016.
6. 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.

7. Deliberate and act on approval of Council Regular Meeting Minutes of September 27, 2016.
8. Deliberate and act on 4th quarter hotel occupancy tax report from Rockport Center for the Arts for 2015-2016 marketing expenditures.
9. Deliberate and act on 4th quarter hotel occupancy tax report from Texas Maritime Museum for 2015-2016 marketing expenditures.
10. Deliberate and act on 4th quarter hotel occupancy tax report from Rockport-Fulton Chamber of Commerce for 2015-2016 marketing expenditures.
11. Deliberate and act on request from Rockport First Assembly of God for temporary closure of East Laurel Street, from North Church Street to North Live Oak Street, on October 31, 2016, from 4:30 p.m. until 7:00 p.m. for the Fall Festival/Truck or Treat.
12. Deliberate and act on request from Relay for Life of Rockport-Fulton for approval to close Austin Street between Wharf Street and Main Street from 5:00 p.m. until Midnight on Saturday, April 1, 2017, for the Relay For Life event.

13. Deliberate and act on Resolution of support and participation in the Floodplain Management Plan and recognition of the Floodplain Management Planning Committee.

Regular Agenda

14. Hear and deliberate on presentation of Rockport-Fulton Chamber of Commerce Guiding Members to Success report.
15. Deliberate and act on second & final reading of an Ordinance pursuant to Article 23 “Conditional Use Permit,” Rockport Zoning Ordinance Number 1027, a Conditional Use Permit is hereby granted to 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, for the purpose of building an RV Resort Park; with no conditions other than those stipulated under Article 23, Rockport Zoning Ordinance Number 1027; repealing all ordinances in conflict therewith; providing for severability; and providing an effective date.
16. Deliberate and act on second & final reading of an Ordinance amending Article 4 of the City of Rockport Zoning Ordinance Number 1027 by changing the zoning of land located at 2201 State Highway 35 Bypass; also described as as Lot 44 (West 100’ x 49’), Block 1, West Terrace Unit 2, Rockport, Volume 2, Page 116, Map Records of Aransas County, Texas; from R-1 (1st Single Family Dwelling District) to B-1 (General Business District); repealing all ordinances in conflict therewith; providing for severability; and providing an effective date.
17. Deliberate and act on second & final reading of an Ordinance of the City of Rockport, Texas, implementing a temporary moratorium on the submission, acceptance, processing, and approval of any application for any permit or license for installation of above-ground wireless communications facilities in the public right-of-way or on public or private property; providing a savings clause; providing a severability clause; finding and determining that the meetings at which the Ordinance was passed were open to the public as required by law; and providing an effective date.
18. Deliberate an act on authorizing the Mayor to negotiate and execute all necessary documents for an agreement with Wings Rescue Center to provide bird rescue services.
19. Deliberate and act on location and support of 2016 Tropical Christmas parade route.
20. 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; Park & 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 Development Committee; Texas Maritime Museum, Fulton Mansion, Rockport Center for the Arts, Aransas County, Aransas County Independent School District, Aransas County Navigation District, Town of Fulton, and Texas Municipal League. No formal action can be taken on these items at this time.

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:

21. Section 551.071(1)(A) and Section 551.071(2) Consultation with Attorney: Pending or contemplated litigation: (A) Bay Education Center, and (B) Texaz Construction and AZ Southwest Properties.
22. 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.
23. Section 551.087 Deliberation Regarding Economic Development Negotiations: (A) Project Harvestfish and (B) Project Margate.

Open Session

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.

24. Adjournment.

Special Accommodations

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

Certification

I certify that the above notice of meeting was posted on the bulletin board at City Hall, 622 E. Market Street, Rockport, Texas on Friday, October 21, 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: October 25, 2016

AGENDA ITEM: 3

Presentation: Texas Municipal League Intergovernmental Risk Pool Gas Utility Survey performance rating.

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

APPROVED FOR AGENDA: PKC

BACKGROUND: The City of Rockport has participated in the TML Intergovernmental Risk Pool's (TMLIRP) Gas Utility Survey since 2009, achieving audit scores from 94 to 99 out of a possible 100. This year (2016) the City of Rockport received a perfect "100 performance rating".

The Gas Utility Survey program is intended to assist TMLIRP members with risk management and operations issues and to address potential risks associated with the gas distribution system prior to inspections by regulatory agencies. According to TMLIRP, the City's 100% rating demonstrates its commitment to safety and efficiency and is notable in that two to five percent of the participating government entities achieve a perfect score in a given year. For the past five years the City has received a 97% rating.

Special recognition goes to Mike Donoho, Director of Public Works; Gas Supervisor David Rabroker; Regulatory Compliance Officer Anna Brandl, as well as department employees Jimmy Crisp, Eleazar Gonzalez, Robert Ramos, Wayne Unruh, Debbie Mazur, Juan Olivarez, Garth Matheny, and Ramon Honorato.

Please see the accompanying letter from TML for detail information.

FISCAL ANALYSIS: N/A

STAFF RECOMMENDATION: Not an action item.



September 28, 2016

Workers' Compensation • Property • Liability

Ms. Anna Brandl
Administrative Manager
City of Rockport
622 E. Market
Rockport, TX 78382-2530

Dear Ms. Brandl:

Thank you for your assistance in completing the TML Intergovernmental Risk Pool's Gas Utility Survey. The survey report was previously sent via email.

The City is congratulated on its "100" performance rating, demonstrating the City's commitment to safety and efficiency. The enclosed certificate and safety award pins recognize the City's accomplishment. The utility has earned a '95' or better on the last six surveys.

The City's dedication to gas system safety excellence is appreciated. TMLIRP is committed to assisting the City address potential risk associated with the gas distribution system, as well as other risk management issues. If you have questions or comments, please contact Art Alvarez, your loss prevention representative at aalvarez@tmlirp.org or 800-327-2780.

Sincerely,

A handwritten signature in black ink that reads "Chris Remmert".

Chris Remmert
Loss Prevention Supervisor, TMLIRP

CR/ss
Enclosures

Copy: Mr. Kevin Carruth, City Manager
Mr. Mike Donoho, Public Works Director

TEXAS MUNICIPAL LEAGUE INTERGOVERNMENTAL RISK POOL

1821 Rutherford Lane, First Floor • Austin, Texas 78754 • (512) 491-2300 • (800) 537-6655 Texas Only
P.O. Box 149194 • Austin, Texas 78714-9194



NEWS Release

City of Rockport · 622 E. Market Street · Rockport, Texas 78382 · (361) 729-2213

FOR APPROVAL
OCTOBER 11, 2016

CONTACT: KEVIN CARRUTH, CITY MANAGER
PHONE: 361-729-2213, EXT. 221

GAS UTILITY SERVICE GETS PERFECT SCORE

ROCKPORT, TX -- The City of Rockport received a “100% performance rating,” a perfect score, from the Texas Municipal League’s Intergovernmental Risk Pool’s (TMLIRP) Gas Utility Survey. This program is intended to assist TMLIRP members with risk management and operations issues and to address potential risks associated with the gas distribution system prior to inspections by regulatory agencies.

According to TMLIRP, the City’s 100% rating demonstrates its commitment to safety and efficiency and is notable in that only two to five percent of the participating government entities achieve a perfect score. This is the City’s first perfect score since acquiring the gas system in 2008 and the City has never received a rating below 94% since 2009.

City Manager Kevin Carruth said, “The perfect performance rating is independent confirmation of what we already know – that our team consistently does an excellent job of operating and maintaining the gas system.”

The entire Gas Department deserves recognition for this accomplishment with special recognition going to Ms. Anna Brandl, Administrative Manager/Regulatory Compliance Officer; Mr. David Rabroker, Gas Supervisor; and Ms. Debbie Mazur, Regulatory Compliance Assistant.

CITY COUNCIL AGENDA
Regular Meeting: Tuesday, October 25, 2016

AGENDA ITEM: 4

Presentation & Proclamation: No Place for Hate Day – November 9, 2016.

SUBMITTED BY: Mayor Charles J. Wax

APPROVED FOR AGENDA: PKC

BACKGROUND: Ms. Gail Roaten, Rockport-Fulton Middle School Counselor and a student coalition will give a presentation on the No Place for Hate Program.

Please see the accompanying information on the Anti-Defamation League public awareness campaign ‘Imagine A World Without Hate.’

FISCAL ANALYSIS: N/A

RECOMMENDATION: Not an action item.

PROCLAMATION

WHEREAS, Every citizen and student has the right to live a life free of bias, prejudice, discrimination, and violence; and

WHEREAS, Rockport-Fulton Middle School wants to assure that all students feel safe, and that they gain an education in a school that is free of bias, prejudice, and discrimination; and

WHEREAS. The No Place for Hate initiative, an initiative of the Anti-Defamation League, provides resources to ensure that anti-bias and diversity education are an integral part of the school curriculum; and

WHEREAS, The No Place for Hate curriculum and all activities focus on reducing acts of prejudice (name-calling, bullying, ridicule, slurs) and bias (non-inclusive language, stereotyping, belittling jokes); and

WHEREAS, Rockport-Fulton Middle School will become a No Place for Hate campus, led by a coalition of students planning and providing leadership in all No Place for Hate curriculum and activities; and

WHEREAS, The No Place for Hate initiative will involve parents, teachers, community members and families of Aransas County; and

WHEREAS, The first official school-wide activity for students, parents and staff of Rockport-Fulton Middle School will be *No Place for Hate Day* on November 9, 2016.

NOW, THEREFORE, I, Charles J. Wax, Mayor of the City of Rockport, do hereby proclaim Wednesday, November 9, 2016, as

No Place For Hate Day

in the City of Rockport and urge all citizens to observe this day aimed at eradicating bias, prejudice, and discrimination in our schools and our community.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the City of Rockport, Texas, to be affixed this 25th day of October 2016.

CITY OF ROCKPORT, TEXAS

Charles J. Wax, Mayor

ATTEST:

Teresa Valdez, City Secretary

ADL Launches Major Centennial Year Public Awareness Campaign

'Imagine A World Without Hate' Encourages Individuals to Stand Up, Speak Out Against Prejudice and Bigotry

New York, NY, March 20, 2013 ... In an effort to raise public awareness of the consequences of unchecked hatred and prejudice in society, the Anti-Defamation League (ADL) is launching a major public awareness initiative that will use public service announcements, video and social media to encourage individuals and communities to stand up to hatred and bigotry.

The centerpiece is a compelling [80 second public service video](#) that imagines the contributions that victims of high-profile hate crimes might have made to society had their lives not been brutally cut short by racism, homophobia or anti-Semitism. Set to John Lennon's iconic song "Imagine," the video pays tribute to the lives of civil rights icon Dr. Martin Luther King Jr., hate crime victims Matthew Shepard and James Byrd Jr., Holocaust-era diarist Anne Frank, former Israeli Prime Minister Yitzhak Rabin, and slain Journalist Daniel Pearl, by imagining their impact on society had they survived into the present day.

"In our work over the last 100 years, and particularly in the aftermath of the Holocaust and other incidents of hate, we have always asked the question, 'What if?' 'What if' America had been a more tolerant and welcoming society? 'What if' more people had stood up to defy Hitler? What kind of world could we imagine for our children and grandchildren if more people stood up to say 'no' to racism, bigotry, prejudice and anti-Semitism?" said Abraham H. Foxman, ADL National Director and a Holocaust survivor. "As we look toward the future, we are hopeful that the dream of a world without hate will become a reality, as more and more individuals join ADL as allies in building a world where hate is not fostered, and where diversity is embraced as a cherished strength."

The Imagine a World Without Hate™ campaign was conceived by ADL in partnership with the creative team at Publicis Kaplan Thaler in honor of the 100th anniversary of the organization's founding in 1913. It is one piece of a larger initiative to promote the League's century of work toward a more respectful and inclusive society throughout the organization's centennial year in 2013, and beyond.

Barbara B. Balsler, ADL Centennial Chair, added: "As we work toward securing a world that is more respectful and free of prejudice, we remember those who lost their lives as a consequence of hatred, terrorism, extremism and genocide. We pay tribute to these great individuals and to the loved ones who carry on their legacies, as we imagine how much more they could have contributed to our society and our world if only they had survived."

The public service video may be viewed on the ADL web site at www.adl.org/imagine. The ADL Imagine Web page will also feature biographies about each of the individuals in the video, and a call to action where individuals, communities and corporations can learn how to take steps to create a world without hate, by taking actions in their own lives to counteract prejudice, bigotry and bullying. After seeing the video, viewers are asked to respond to the question, "How will you create a world without hate?" by submitting their own pledges, stories, videos, photos, and art work of how they are taking action. As part of the campaign, ADL will be highlighting these ally stories throughout the year, honoring those who are taking steps against hate.

In addition to being promoted across social media and the Internet, a one-minute version of the ADL "Imagine a World Without Hate" video will be aired in some local markets on broadcast and cable television.

"We are deeply grateful to those who are partnering with us during our centennial year to advance our mission of combating prejudice and bigotry," said Barry Curtiss-Lusher, ADL National Chair. "We are especially grateful to the estate of John Lennon, The Matthew Shepard Foundation, The Martin Luther King, Jr. Foundation, the Daniel Pearl Foundation, the Harvey Milk Foundation, and to the family of James Byrd, Jr., who have given us not only their blessing to make this video, but their time and energies to help us bring this important public service campaign to life."

"We are so honored to partner with ADL to create this powerful and moving video for their centennial effort," said Publicis Kaplan Thaler Chairman Linda Kaplan Thaler. "With every view, click and share, we will get closer to a world without hate -- one that truly exists, and not just one we imagine."

The Anti-Defamation League, founded in 1913, is the world's leading organization fighting anti-Semitism through programs and services that counteract hatred, prejudice and bigotry.

CITY COUNCIL AGENDA
Regular Meeting: Tuesday, October 25, 2016

AGENDA ITEM: 5

Proclamation: Municipal Court Week – November 7-11,2016.

SUBMITTED BY: Mayor Charles J. Wax

APPROVED FOR AGENDA: PKC

BACKGROUND: To celebrate Municipal Court Week, Texas Municipal Courts Education Center (TMCEC) believes now is the time for cities across the Lone Star State to reflect and rededicate themselves to the fundamental ideals which make up the proper foundation of local courts in Texas.

The Proclamation recognizes the important work of municipal courts and the people who work in the courts. It embraces the principle of judicial independence. It succinctly states the proper relationship between city council and the municipal court. It makes clear that in Texas, the procedures of municipal court operation are determined by state law, not the city council. Lastly, it is an opportunity for the city council to demonstrate their recognition of procedural safeguards for all defendants, including indigent defendants, and to show support of the municipal court in independently applying all laws in a way that promotes confidence in the integrity and impartiality of the judiciary.

Please see the accompanying proclamation and information on the role of municipal courts in municipalities and in the judicial system.

FISCAL ANALYSIS: N/A

RECOMMENDATION: Not an action item.

PROCLAMATION

WHEREAS, state law authorizes a municipality to either appoint or elect a municipal judge for a term of office, the Rockport Municipal Court is a state court and its judges are members of the state judiciary;

WHEREAS, more people come in contact with municipal courts than all other Texas courts combined;

WHEREAS, the procedures for the Rockport Municipal Court operations are set forth in the Texas Code of Criminal Procedure and other laws of the State of Texas;

WHEREAS, the City of Rockport is committed to the idea that our legal system is based on the principle that an independent, fair, and competent judiciary will interpret and apply the laws that govern us and that judges and court personnel should comply with the law and act in a manner that promotes public confidence in the integrity and impartiality of the judiciary;

WHEREAS, Rockport Municipal Judges are not policy makers for the City of Rockport but are bound by the law and the Canons of Judicial Conduct and are required to make decisions independent of the governing body of the City Council, city officials, and employees;

WHEREAS, the City Council recognizes that the Constitution and laws of the State of Texas contain procedural safeguards in criminal cases for all defendants, including indigent defendants, and supports the Rockport Municipal Court in complying with such legal requirements.

NOW, THEREFORE BE IT PROCLAIMED by the City Council of the City of Rockport, Texas that the week of November 7-11, 2016, is hereby recognized as

MUNICIPAL COURT WEEK

in recognition of the fair and impartial justice offered to our citizens by the Municipal Court of Rockport, Texas

PASSED AND APPROVED on this the 25th day of October 2016.

Charles J. Wax, Mayor

ATTEST:

Teresa Valdez, City Secretary

Role of Municipal Courts in Municipalities and in the Judicial System

Municipal Courts

- **926 Municipal Courts**
- **1,288 Municipal Court Judges**
- **5,000+ Court Administrators, Coordinators, Clerks, Juvenile Case Managers & Teen Court Specialists**
- **Municipal Courts handled 130,605 juvenile cases (ages 10-16) in 2014.**
- **Municipal Judges comprise 40% of the Judiciary**
- **Municipal Courts handled 5,692,271 cases in 2014**

Authority

- **Created by Federal and State Constitutions**
- **Authorized by State Law**
- **Enacted by Local Ordinance or Charter**
- **U.S. Constitution creates Right to Impartial Judge**
- **Separation of Powers requires Judicial Independence**

Jurisdiction

- **Concurrent with JP for all State Fine-Only Criminal Offenses**
- **Exclusive for all Fine-Only Municipal Ordinances**

Prosecutors

- **45.201, CCP**
 - **City Attorney**
 - **Deputy City Attorney**
 - **County Attorney may Volunteer**
- **To see that Justice is Done**
- **Role:**
 - **File**
 - **Plea Bargain**
 - **Dismiss**
 - **Trial Presentation**
 - **Advise Police**

Judges Role

- **Judicial Duties**
- **Administrative Duties**
- **Magistrate Duties**

Judicial Duties

- **Accepting Pleas**
- **Making and Rendering Judgments**
- **Setting Fines**
- **Decisions of Law**
- **Ruling on Objections**
- **Setting or Forfeiting Bail**
- **Granting or Denying Motions,**
- **Granting and Revoking Deferred Disposition**
- **Fine Collection**

Administrative Duties

- **With Court Clerks**
- **Management of Dockets**
- **Financial Reports**
- **Guiding the Operation of the Court**

Magistrate Duties

- **Preserve the peace within their jurisdictions by the use of all lawful means; to issue all process intended to aid in preventing and suppressing crime; to cause the arrest of offenders by the use of lawful means in order that they may be brought to punishment.**
- **Fair determination of whether probable cause exists in order to empower police to make searches, arrest, hold persons in custody, or limit defendant's conduct while on bond.**

Municipal Judges...

- **Represent the Municipality**
- **Represent Judicial System**
- **Provide for Quality of Life**
- **Serve as a Buffer Between Citizens and Police**

CITY COUNCIL AGENDA
Regular Meeting: Tuesday, October 25, 2016

AGENDA ITEM: 7

Deliberate and act on approval of Council Regular Meeting Minutes of September 27, 2016.

SUBMITTED BY: City Secretary Teresa Valdez

APPROVED FOR AGENDA: PKC

BACKGROUND: Please see the accompanying minutes of the regular meeting of September 27, 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, September 27, 2016 Rockport City Hall, 622 East Market Street

On the 27th day of September 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
Community Planner Amanda Torres
Police Commander Jerry Lawing
Public Works Director Mike Donoho
Parks & Leisure Services Director Rick Martinez
Finance Director Patty Howard

ELECTED OFFICIALS PRESENT

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, September 27, 2016, in the Council Chambers of the Rockport City Hall, 622 E. Market Street, Rockport, Texas.

2. Pledge of Allegiance.

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

3. Citizens to be heard.

At this time comments will be taken from the audience on any subject matter that is not on the agenda. To address the Council, please sign the speaker's card located on the table outside the Council Chamber and deliver to the City

Secretary before the meeting begins. Please limit comments to three (3) minutes. In accordance with the Open Meetings Act, Council may not discuss or take any action on any item that has not been posted on the agenda.

There were no citizen comments.

Consent Agenda

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

- 4. Deliberate and act on approval of Council Special Meeting Minutes of September 20, 2016.**
- 5. Deliberate and act on a Resolution of the City of Rockport, Texas, setting a date, time, and place for public hearings on the proposed annexation by the City of Rockport, Texas, of 92 acres, more or less, along Market Street between Warbler Lane and Kelly Lane, authorizing and directing publication of notice of such public hearings, and directing City staff to prepare Annexation Service Plan.**
- 6. Deliberate and act on a Resolution of the City of Rockport, Texas, setting date, time, and place for public hearings on the proposed annexation by the City of Rockport, Texas, of 212 acres, more or less, along Highway 35 Bypass between 12th Street and approximately 545 feet north of Griffith Drive, authorizing and directing publication of notice of such public hearings, and directing City staff to prepare Annexation Service Plan.**
- 7. Deliberate and act on a Resolution of the City of Rockport, Texas, setting date, time, and place for public hearings on the proposed annexation by the City of Rockport, Texas, of 990 acres, more or less, along Highway 35 Bypass between Mundine Road and approximately 1,000 feet south of 18th Street, authorizing and directing publication of notice of such public hearings, and directing City staff to prepare Annexation Service Plan.**

Mayor Wax called for requests to remove any item from the Consent Agenda for separate discussion.

Mayor Wax requested that Item 5 be removed from the Consent Agenda for separate discussion.

MOTION: Council Member Villa moved to adopt the Consent Agenda Items as presented, minus Item 5. Mayor Pro-Tem Rios seconded the motion. Motion carried unanimously.

Consent Agenda Item 5.

Mayor Wax stated two persons had signed up to address the Council regarding this Agenda item.

Dwight Fisher, 602 Pine Avenue, addressed the Council. Mr. Fisher asked if the people living in the proposed annexation area would be notified.

Mayor Wax answered that people living in the proposed annexation area would be notified. Mayor Wax stated the Agenda item schedules the two required public hearings on annexation.

Dick Kitchens, 610 Pine Avenue, addressed the Council. Mr. Kitchens stated he was against the proposed annexation.

Mayor Wax informed Mr. Kitchens that this Agenda item schedules the public hearings. Mayor Wax suggested Mr. Kitchens attend a public hearing to make his statement.

MOTION: Mayor Pro-Tem Rios moved to approve the Resolution of the City of Rockport, Texas, setting a date, time, and place for public hearings on the proposed annexation by the City of Rockport, Texas, of 92 acres, more or less, along Market Street between Warbler Lane and Kelly Lane, authorizing and directing publication of notice of such public hearings, and directing City staff to prepare Annexation Service Plan. Council Member Villa seconded the motion. Motion carried unanimously.

Regular Agenda

- 8. Deliberate and act on first reading of an Ordinance pursuant to Article 23 “Conditional Use Permit,” Rockport Zoning Ordinance Number 1027, a Conditional Use Permit is hereby granted to 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, for the purpose of building an RV Resort Park; with no conditions other than those stipulated under Article 23, Rockport Zoning Ordinance Number 1027; repealing all ordinances in conflict therewith; providing for severability; and providing an effective date.**

Marcie Simmons, 414 Old Salt Lake Road, did not want to address the Council, but requested her comments be read into the record.

Mayor Wax read Ms. Simmons comments: “I am still against this as it will cause my property value to go down. We own 10 acres right next to this site.”

Planning & Zoning Commission Chair Brian Olsen addressed the Council. Mr. Olsen informed the Council that the Planning & Zoning Commission met last week and voted to recommend that the Council approve the request for a Conditional Use Permit.

Council Member Day asked Ms. Simmons to show him the location of her property.

Ms. Simmons showed the located of her property. Ms. Simmons stated the RV park will be right next to her property.

Council Member Day asked developer J.R. Gimler to explain how the RV park will be laid out.

Mr. J.R. Gimler stated the RV park will be developed in three phases. Mr. Gimler said Phase 1 will be in the middle of the property, Phase 2 will be on the east side of the property and Phase 3

will be the last area to be developed. Mr. Gimler added that there will also be some cottages constructed throughout the RV park.

Discussion was held among Council and Mr. Gimler.

Mayor Wax asked Mr. Gimler what the timeline is for this development

Mr. Gimler answered that it would probably be two years before Phase 3 is started.

Mayor Pro-Tem Pat Rios asked Mr. Gimler how long the property has been zoned B-1.

Mr. Gimler answered that it has been zoned B-1 for about 30 years.

Council Member Villa stated that he knew that Mr. Gimler had changed some things in this development since he first presented his request to Council, due to concerns voiced by area residents. Mr. Villa said he is elected by his constituents and he has to be their voice, and they are opposed to this request for a Conditional Use Permit for an RV park; therefore, he would be voting against this request.

MOTION: Council Member Day moved to approve the first reading of an Ordinance pursuant to Article 23 “Conditional Use Permit,” Rockport Zoning Ordinance Number 1027, a Conditional Use Permit is hereby granted to 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, for the purpose of building an RV Resort Park; with no conditions other than those stipulated under Article 23, Rockport Zoning Ordinance Number 1027; repealing all ordinances in conflict therewith; providing for severability; and providing an effective date. Mayor Pro-Tem Rios seconded the motion. Motion carried 4:1.

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

AGAINST MOTION: Council Member Villa

- 9. Deliberate and act on first reading of an Ordinance pursuant to Article 23 “Conditional Use Permit,” Rockport Zoning Ordinance Number 1027, a Conditional Use Permit is hereby granted to property located at 121-R Lamar Dr.; also known as Part of Lots 1, 2 and 3, Burton and Danforth, Block 230, 8.15 acres, Rockport, Aransas County, Texas, for the purpose of building a recreational vehicle park; subject to compliance with conditions contained in this Ordinance, as well as those conditions stipulated under Article 23, Rockport Zoning Ordinance Number 1027; repealing all ordinances in conflict therewith; providing for severability; and providing an effective date.**

Planning & Zoning Commission Chair Brian Olsen addressed the Council. Mr. Olsen stated the Planning & Zoning Commission met last week and several residents attended and voiced concerns regarding road safety, flooding and septic tank contamination from flooding. Mr. Olsen said that it is the opinion of the Planning & Zoning Commission that it would be cost prohibitive to provide City water and sewer to this site. Mr. Olsen informed the Council that the Planning & Zoning Commission recommended denial of the Conditional Use Permit request.

Community Planner Amanda Torres stated that staff had first recommended approval of the Conditional Use Permit, but after further consideration, staff is recommending denial of the Conditional Use Permit based on drainage concerns, access concerns, and the transference of the permit to any subsequent owner.

Discussion was held among Council, Mr. Olsen, Ms. Torres, and Public Works Director Mike Donoho.

Joe Wilson, 216 Portia, addressed the Council. Mr. Wilson voiced concerns regarding flooding in this area.

Candace Sargent, 214 Portia, addressed the Council. Ms. Sargent stated she bought her home and never would have had a realtor look for something next to a RV park. Ms. Sargent added that a RV park at this location will decrease her property value. Ms. Sargent said she is also concerned about flooding in the area, all the septic waste that will be going into the groundwater, roads are too narrow for two RVs, fire, trash and crime.

Leonard Russ, 146 Spring Lane, addressed the Council. Mr. Russ informed the Council that he owns a lot next to this property and if this property is raised to prevent flooding, that will flood his property. Mr. Russ said the streets are too narrow and will deteriorate as RVs utilize them. Mr. Russ added that he did not want to see property values decrease because of this.

Jeff Massengill, 134 Spring Lane, addressed the Council. Mr. Massengill stated he bought his five acres 38 years ago because of the tranquility, there is no noise or light pollution. Mr. Massengill said he did not think he could live with an RV located behind his property.

MOTION: Mayor Wax moved to deny the request for a Conditional Use Permit. Council Member Villa seconded the motion. Motion carried unanimously.

10. Deliberate and act on first reading of an Ordinance amending Article 4 of the City of Rockport Zoning Ordinance Number 1027 by changing the zoning of land located at 2201 State Highway 35 Bypass; also described as Lot 44 (West 100' x 49'), Block 1, West Terrace Unit 2, Rockport, Volume 2, Page 116, Map Records of Aransas County, Texas; from R-1 (1st Single Family Dwelling District) to B-1 (General Business District); repealing all ordinances in conflict therewith; providing for severability; and providing an effective date.

Planning & Zoning Commission Chair Brian Olsen addressed the Council. Mr. Olsen stated that rezoning from R-1 to B-1 fits in with the City's future plan for this area. Mr. Olsen said that staff and the Planning & Zoning Commission recommend approval.

Discussion was held among Council and property owner, Travis Kelley.

Council Member Gurtner stated she had no problem with changing this to a business district, but her concern was that this was a very pretty area with a pond and trees. Ms. Gurtner requested Mr. Kelley save as much of this as he could; it would be advantageous. Ms. Gurtner also asked that Mr. Kelley think about lower signage.

MOTION: Council Member Villa moved to approve the first reading of an Ordinance amending Article 4 of the City of Rockport Zoning Ordinance Number 1027 by changing the zoning of land located at 2201 State Highway 35 Bypass; also described as Lot 44 (West 100' x 49'), Block 1, West Terrace Unit 2, Rockport, Volume 2, Page 116, Map Records of Aransas County, Texas; from R-1 (1st Single Family Dwelling District) to B-1 (General Business District); repealing all ordinances in conflict therewith; providing for severability; and providing an effective date. Mayor Pro-Tem Rios seconded the motion. Motion carried unanimously.

11. Deliberate on request for stipend incentive to downtown businesses that elect to open their restrooms to the public.

Rockport Cultural Arts District (RCAD) Chair and President Jennifer Day addressed the Council. Ms. Day informed the Council that a survey was conducted as a community outreach and communication requirement from the Texas Commission on the Arts when RCAD was seeking the State designation. Ms. Day said over 500 survey responses were received and the consistently rated and most requested feature was public restrooms. Ms. Day stated that RCAD has proposed that the City of Rockport pay a monthly \$100.00 stipend to those businesses that elect to open their restrooms to the public. Ms. Day added that Rockport-Fulton Chamber of Commerce, Coastal Bend Health Foods and Rockport Daily Grind have responded affirmatively to allow public bathroom availability on Monday through Saturday, 8:00 a.m. until 3:00 p.m., and no options for Sunday.

Council Member Villa stated that \$100.00 monthly times three businesses equals \$3600.00 annually. Council Member Villa asked that if the City is going to spend \$3600.00 annually, are there other possibilities: rent a restroom trailer and place it somewhere.

Mayor Wax stated he would not endorse the City paying a stipend to any 501(c)3 entities such as the Rockport Center for the Arts, Rockport Aquarium or Rockport-Fulton Chamber of Commerce.

Discussion was held among Council and Ms. Day.

Mayor Wax suggested this item be placed on the Council Strategic Planning Workshop Agenda that will be held in January 2017, for further discussion.

12. Deliberate and act on first reading of an Ordinance of the City of Rockport, Texas, authorizing a pro-rata reimbursement to Circle W RV Ranch for development of a water main utility line affecting property and property owners abutting and along Smokehouse Road, out of the C.S. Zenn Survey, A226; providing for pro-rata payments from benefited property owners who request to connect to the water utilities during the reimbursement period; providing for developer to be reimbursed from the pro-rata funds received; and providing an effective date and a termination date.

Mayor Wax stated this item had been pulled from the Agenda due to legal issues determining actual ownership.

13. Deliberate and act on first reading of an Ordinance of the City of Rockport, Texas, implementing a temporary moratorium on the submission, acceptance, processing, and approval of any application for any permit or license for the installation of above-ground wireless communications facilities in the public right-of-way or on public or private property; providing a savings clause; providing a severability clause; finding and determining that the meetings at which the Ordinance was passed were open to the public as required by law; and providing an effective date.

Public Works Director Mike Donoho addressed the Council. Mr. Donoho informed the Council that the City recently received an application from a distributed antenna system (DAS) infrastructure provider for installation of wireless communications facilities, consisting of a permit for a 120 foot antenna pole to be installed in the public right-of-way within the City of Rockport. Mr. Donoho stated this is something that is occurring all over the State and several cities are taking steps to put a moratorium on the submission, acceptance, processing and approval of any new or pending applications for this. Mr. Donoho added that the City does not currently allow placement of above-ground wireless communications facilities, including but not limited to antenna, poles and other support structures within the City right-of-way, but the existing provisions of the City Code are inadequate and time is needed to review, study and revise the City Code to fully take into account the impacts related to timing, location, and manner of construction of such facilities by multiple telecommunication, small cell, and DAS providers within the public right-of way. Mr. Donoho said staff recommends that Council adopt a moratorium for a period of 120 days or as maybe extended by City Council.

Discussion was held among Council, Mr. Donoho, City Manager Kevin Carruth and City Attorney Terry Baiamonte.

MOTION: Council Member Villa moved to approve the first reading of an Ordinance of the City of Rockport, Texas, implementing a temporary moratorium on the submission, acceptance, processing, and approval of any application for any permit or license for the installation of above-ground wireless communications facilities in the public right-of-way or on public or private property; providing a savings clause; providing a severability clause; finding and determining that the meetings at which the Ordinance was passed were open to the public as required by law; and providing an effective date. Council Member Day seconded the motion. Motion carried unanimously.

14. Reports from Council.

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

Mayor Wax read a letter from the Government Finance Officers Association notifying the City that the City's comprehensive annual financial report for the fiscal year ended September 30,

2015, qualifies for a Certificate of Achievement for Excellence in Financial Reporting. Mayor Wax stated this is the 14th consecutive year that the City has received this award. Mayor Wax extended congratulations to Finance Director Patty Howard.

Council Member Villa informed the Council that the Parks & Leisure Services Advisory Board had taken a tour of the Bent Oaks property. Council Member Villa added that a Texas A & M Forest Service representative was present and talked about the trees on the property.

Mayor Pro-Tem Rios stated he had attended a reception for the tenth anniversary of the Mission-Aransas National Estuarine Research Reserve on September 24, 2016. Mayor Pro-Tem Rios said people were very pleased with the Bay Education Center,

Council Member Gurtner stated over 90 people had attended the Keep Aransas County Beautiful clean-up.

Mayor Wax informed the Council that Council Member Gurtner has agreed to serve as the Council liaison for the Rockport-Fulton Chamber of Commerce Government Affairs Council.

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:

- 15. Section 551.071(1)(A) Consultation with Attorney on pending or contemplated litigation: (A) Bay Education Center, (B) Texaz Construction and AZ Southwest Properties.**
- 16. 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.**

City Attorney Terry Baiamonte stated there was no significant information to report to Council in regard to the posted Executive Session items, so there was no need for an Executive Session.

Open Session

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.

No Executive Session was conducted.

17. Adjournment

At 7:48 p.m., Council Member Villa moved to adjourn. Motion was seconded by Mayor Pro-Tem Rios. Motion carried unanimously.

APPROVED:

Charles J. Wax, Mayor

ATTEST:

Teresa Valdez, City Secretary

CITY COUNCIL AGENDA
Regular Meeting: Tuesday, October 25, 2016

AGENDA ITEM: 8

Deliberate and act on 4th quarter hotel occupancy tax report from Rockport Center for the Arts for 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 in Fiscal Year 2015-2016 Hotel Occupancy Tax (HOT) funds, of which \$2,500 is designated for Rockport Rotary Club Film Festival leaving \$107,200. According to our agreement with Rockport Center for the Arts, fiscal quarterly reports are required to be submitted to the City Council for approval. See the accompanying 4th Quarter HOT Expenditure Report for additional information.

FISCAL ANALYSIS: Charged to account 6602040. The Rockport Center for the Arts has already received \$2,500 for the 2015 Film Festival. YTD expenses are \$107,199.97 out of \$107,200.00 budgeted.

RECOMMENDATION: Staff recommends approval of Rockport Center for the Arts Fiscal Year 2015-2016 Hotel Occupancy Tax funds 4th Quarter expenditures as presented.

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

	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 Line Item
Advertising	\$ 25,000.00	\$ 1,211.00	\$ 2,000.00	\$ -	\$ 21,730.17	\$ 24,941.17
Tour of Homes	\$ 8,000.00	\$ -	\$ 2,957.07	\$ 4,886.90	\$ -	\$ 7,843.97
Art Festival	\$ 25,000.00	\$ -	\$ -	\$ 4,400.00	\$ 20,789.04	\$ 25,189.04
Exhibitions	\$ 26,000.00	\$ 5,881.89	\$ 3,833.80	\$ 8,172.92	\$ 8,434.22	\$ 26,322.83
Workshops & Classes	\$ 12,000.00	\$ 6,857.38	\$ 4,408.64	\$ 272.00	\$ -	\$ 11,538.02
Sculpture Garden	\$ 11,200.00	\$ 6,362.84	\$ 1,635.00	\$ 400.00	\$ 2,967.10	\$ 11,364.94
Total Funds Used Per Quarter		\$ 20,313.11	\$ 14,834.51	\$ 18,131.82	\$ 53,920.53	\$ 107,199.97
Total Requested / Approved	\$ 107,200.00	\$ 26,800.00	\$ 26,800.00	\$ 26,800.00	\$ 26,800.00	

Rockport Center for the Arts (Administrative Expenses) Budget Projection vs. YTD Actual FY 2016

Source: QuickBooks FY
2016 Budget vs. Actual
Report

Description of Administrative Expenses	Current Fiscal Year Administrative Expenses- Projection (from 2016 Budget)	Fiscal Year Administrative Expenses- Actual	% of Fiscal Year Projections
Advertising & Promotion	1,900.00	2,873.00	151.22%
Awards, Honorariums & Gifts	700.00	190.00	27.1%
Bank Service Charges	750.00	363.00	48.44%
Contract services	100.00	2,090.00	2090.00%
Credit Card Fees	9,361.00	7,045.00	75.25%
Depreciation Expense	48,308.00	33,347.00	69.03%
Dues and Subscriptions	1,600.00	1,582.00	98.85%
Insurance	31,330.00	19,806.00	63.22%
Licenses, Fees and Permits	220.00	126.00	57.29%
Maintenance & Repairs	18,332.00	15,311.00	83.52%
Food & Beverage	2,500.00	1,028.90	41.16%
Payroll Expenses	132,087.00	94,436.00	71.50%
Postage and Delivery	2,200.00	1,296.00	58.92%
Printing and Reproduction	2,500.00	1,078.00	43.11%
Professional Fees	20,460.00	24,252.50	118.54%
Rental	6,024.00	3,827.00	63.52%
Security	504.00	495.00	98.21%
Staff Training & Development	0.00	109.00	100.0%
Supplies & Materials	4,200.00	3,692.00	87.91%
Taxes	648.00	291.00	44.86%
Telephone	3,240.00	2,315.00	71.43%
Transportation	960.00	862.00	89.74%
Travel	1,000.00	256.00	25.57%
Utilities	15,700.00	9,009.00	57.38%
Not Budgeted Expenses (Interest/Insurance)	0.00	2,883.00	not budgeted
Total Expense	304,624.00	228,561.00	75.03%

Budget is Calendar Year

Actual Column is FY2016 YTD as of 10/05/2016

Rockport Art Festival

Campaign Statistics (Jun 8, 2016 - Jul 1, 2016)

849,093

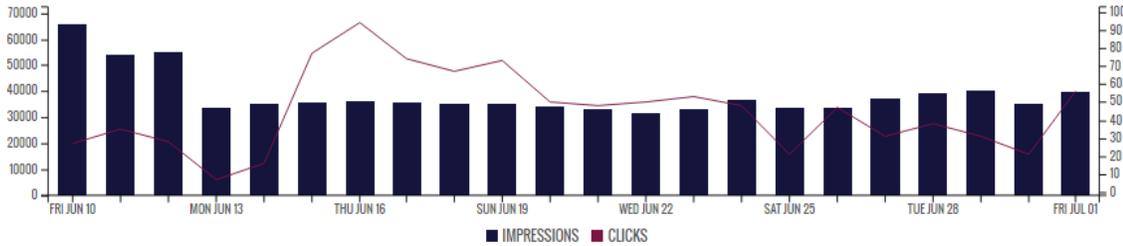
IMPRESSIONS **-11.21%** LAST 24 HOURS

1,010

CLICKS **-62.50%** LAST 24 HOURS

0.119 %

CTR



PERFORMANCE BY FLIGHT

Display- 70 mi radius of Rockport - Display AT (651225)

Creative	Impressions	Clicks	CTR
ArtFest2016_300x250B_6.8	67398	30	0.045%
ArtFest2_728x90_6.8	57089	56	0.098%
ArtFest2_160x600_6.8	29491	115	0.390%

Display- San Antonio TX - Display AT (651224)

Creative	Impressions	Clicks	CTR
ArtFest2016_300x250B_6.8	102206	54	0.053%
ArtFest2_728x90_6.8	85039	81	0.095%
ArtFest2_160x600_6.8	44659	137	0.307%

Display- Houston TX - Display AT (651223)

Creative	Impressions	Clicks	CTR
ArtFest2_728x90_6.8	84441	41	0.049%
ArtFest2016_300x250B_6.8	83466	31	0.037%
ArtFest2_160x600_6.8	65085	179	0.275%

Display- Austin TX - Display AT (651222)

Creative	Impressions	Clicks	CTR
ArtFest2_728x90_6.8	157452	112	0.071%
ArtFest2_160x600_6.8	43202	162	0.375%
ArtFest2016_300x250B_6.8	29565	12	0.041%

ArtFest2_160x600_6.8

Creative Dimensions: 160 x 600

Impressions: 29491 | Clicks: 115



ArtFest2016_300x250B_6.8

Creative Dimensions: 300 x 250

Impressions: 67398 | Clicks: 30



ArtFest2_728x90_6.8

Creative Dimensions: 728 x 90

Impressions: 57089 | Clicks: 56





Rockport Art Festival

Campaign Statistics (Jun 10, 2016 - Jul 1, 2016)

203,007

IMPRESSIONS **20.80%** LAST 24 HOURS

5,221

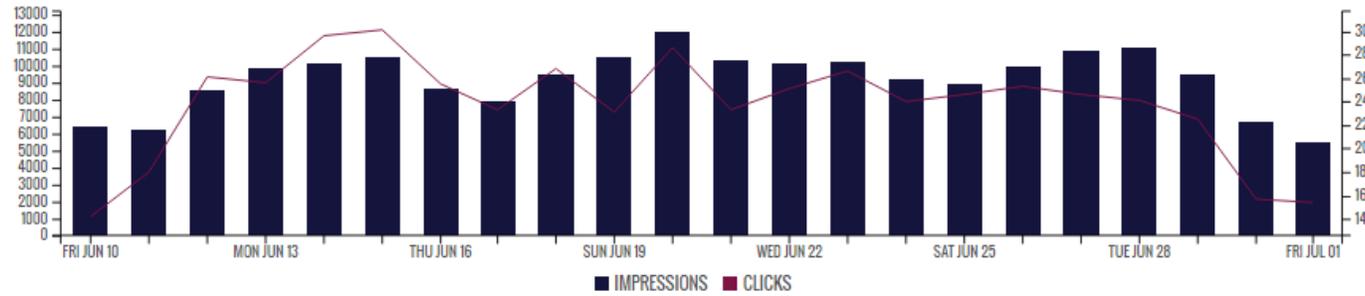
CLICKS **1.95%** LAST 24 HOURS

2.572 %

CTR

\$ 0.383

AVERAGE CPC



PERFORMANCE BY CAMPAIGN

Campaign	Impressions	Clicks	Page Likes	Post Likes	Video Views	CTR	Reach	Average CPC	CPV	Total Cost
Olivey Media Consulting - Rockport Art Festival - Video Views	129733	2492	2	721	57959	1.921%	127538	\$0.40	\$0.02	\$998.48
Olivey Media Consulting - Rockport Art Festival - Website Clicks	73274	2729	1	742	21054	3.724%	70748	\$0.37	\$0.05	\$998.70

PERFORMANCE BY CREATIVE

Title	Image	Body	Impressions	Clicks	Page Likes	Post Likes	Video Views	CTR	Reach	Average CPC	CPV	Total Cost
Ad from a Page post #6,063,116,053,120			73274	2729	1	742	21054	3.724%	70748	\$0.37	\$0.05	\$998.70
Ad from a Page post #6,063,115,939,120			129733	2492	2	721	57959	1.921%	127538	\$0.40	\$0.02	\$998.48

Suggested Post

Rockport Center for the Arts
Sponsored (demo) · 🌐

Join us for one of the best Art Festivals in the South!

[Resume Video](#)

[Learn More](#)
rockportartcenter.com

Rockport Art Festival JULY 2 & 3
SAT. 10AM-6PM \$7
SUN. 10AM-5PM \$6

The 47th Rockport Art Fest
Mark your calendars for July 2nd + 3rd! More than 120 artisans + craftsmen, live music, delicious food + drink ... AND an air-conditioned tent!

ROCKPORTARTCENTER.COM [Learn More](#)

👍❤️👉 749 44 Comments 324 Shares 28K Views

👍 Like 💬 Comment ➦ Share

Suggested Post

Rockport Center for the Arts
Sponsored (demo) · 🌐

Join us for one of the best Art Festivals in the South!

[Resume Video](#)

[Learn More](#)
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Rockport Art Festival JULY 2 & 3
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The 47th Rockport Art Fest

ROCKPORTARTCENTER.COM [Learn More](#)

👍❤️👉 771 35 Comments 348 Shares 65K Views

👍 Like 💬 Comment ➦ Share



Rockport Center for the Arts

Hotel Occupancy Tax Funding Report for July, August and September 2016

Explore. Discover. Express.

47 years of service to our community

OUR MISSION

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

OUR PROMISES

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

To provide free year-round art education programming to local area youths.

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

To carry out activities and events that attract cultural tourism.

Rockport Center for the Arts delivers meaningful results for our community.

Rockport Center for the Arts

Report for the City of Rockport

Highlights of Tourism Activities, July through September 2016

- Total visitors to the **Art Center** for the July through September period was **6,057**, as compared to **6,187** for the same quarter in 2015 (a **2% decrease**).
- As compared to 2015, visitor attendance to the Art Center during the month of September was up 9%, as compared to July and August where slight decreases were experienced:

2015	July	2,806	August	1,633	September	1,748
2016	July	2,615	August	1,545	September	1,897
% Increase/(Decrease)		(6.80%)		(5.38%)		8.52%

- The percentage of visitors that came from **outside 70 miles** of Rockport **over the 3 month period** is as follows:

July 83.30% **August 63.90%** **September 72.00%**

These percentage allocations for tourism are comparable to what was experienced last year.

- There was a **significant increase in visitors** to the Art Center from **outside of 70 miles** during the month of July that can be attributed to direct PR and marketing activities to promote the 47th Annual **Rockport Art Festival** and the **Joey Blazek poster artist** exhibit in external markets. This year we employed Geo and Demo tracking paired with digital online advertising to capture interest from new tourists in desirable markets. **Social media boosted** campaigns have become the norm to promote every single exhibit and event.
- In July **13.50% of visitors** came from **outside the State of Texas**, compared to **8.50%** in **August** and **11.60%** in **September**.

- Percentage of visitors to the Art Center that came from major **Texas metropolitan** areas:

July 38.50% **August 33.97%** **September 42.40%**

- The most **robust market** during the quarter was **San Antonio**, same as last quarter. Visitors from the **San Antonio** market demonstrated **huge double digit** attendance all three months:

July 19.10% **August 14.00%** **September 20.60%**

The **corresponding percentage allocations** from the **San Antonio** market in **2015** were (shown in order **July, August, September**): **13.50%, 15.80%, and 12.00%**.

Rockport Center for the Arts
Report for the City of Rockport
Highlights of Tourism Activities, Raw Data July through September 2016
(provision of zip code for visitors at the Art Center is optional)

Visitor Data at the Art Center	Jul-16	Aug-16	Sep-16	Quarterly Total
Total Attendance (n)	2615	1545	1897	6057
Visitor Data	Jul-16	Aug-16	Sep-16	Notes
Outside of 70 Miles*	83.30%	63.97%	72.00%	Comparable to 2015
Local	16.70%	36.10%	28.00%	
Total	100.00%	100.07%	100.00%	
*Highlights of Tourism outside of 70 miles, major metropolitan areas in Texas				
Austin	6.23%	8.54%	6.00%	
Dallas / Ft. Worth	4.63%	6.56%	5.30%	
Houston	8.54%	4.87%	10.50%	
*San Antonio	19.10%	14.00%	20.60%	*Most robust tourism market
Total major metro areas	38.50%	33.97%	42.40%	
Tourism from outside of Texas	13.50%	8.50%	11.60%	
Rural tourism beyond 70 miles	31.30%	21.50%	18.00%	
Total tourism from beyond 70 miles	83.30%	63.97%	72.00%	
** Local Area Visitors				
Rockport-Fulton	5.00%	17.90%	13.10%	
Corpus Christi	8.40%	10.10%	10.00%	Increased PR, average 5%
Rural Areas	3.30%	8.10%	4.90%	
Total	16.70%	36.10%	28.00%	

Rockport Center for the Arts
Report for the City of Rockport
Highlights of Tourism Activities, Quarterly Comparison 2015 vs. 2016
(provision of zip code for visitors at the Art Center is optional)

2016 Highlights of Tourism outside of 70 miles, major metropolitan areas	Jul-16	Aug-16	Sep-16
Austin	6.23%	8.54%	6.00%
Dallas / Ft. Worth	4.63%	6.56%	5.30%
Houston	8.54%	4.87%	10.50%
San Antonio	19.10%	14.00%	20.60%
Total major metro areas	38.50%	33.97%	42.40%
Tourism from outside of Texas	13.50%	8.50%	11.60%
Rural tourism beyond 70 miles	31.30%	21.50%	18.00%
Total tourism from beyond 70 miles 2016	83.30%	63.97%	72.00%

2015 Highlights of Tourism outside of 70 miles, major metropolitan areas	Jul-15	Aug-15	Sep-15
Austin	20.60%	10.00%	8.00%
Dallas / Ft. Worth	2.80%	1.70%	3.90%
Houston	12.60%	12.00%	7.50%
San Antonio	13.50%	15.80%	12.00%
Total major metro areas	49.50%	39.50%	31.40%
Tourism from outside of Texas	16.00%	20.00%	14.80%
Rural tourism beyond 70 miles	18.50%	13.50%	19.30%
Total tourism from beyond 70 miles 2015	84.00%	73.00%	65.50%

Art Center attendance data reflects that the month of July continues to be the biggest boon for tourism from 70+ miles.

July 2015

46th Annual Rockport Art Festival (submitted for comparison)

ROCKPORT ART FESTIVAL **July 4-5**
 ROCKPORT, TX
2-Day VIP Pass \$10 SAT 10-6, \$7
 SUN 10-5, \$6
supplies limited! Kids 12 & under \$1

Over 120 Artists | Live Music & Food | A/C Party Tent | Kids' Activities

© Chance Yarbrough

rockportartcenter.com
 Rockport Center for the Arts | 902 Navigation Circle | Rockport, TX 78382 | 361.729.5519

Helping Here:

Total Attendance to the Art Festival 2015:

10,133

Local, Major Metropolitan and Other Event Attendance	July 4 & 5, 2015
Local	
Aransas County	15.4%
Corpus Christi	19.7%
Victoria	2.6%
Rural Areas	9.0%
Total	46.7%
Visitors from Major Metropolitan areas in Texas	
Austin	7.4%
Dallas, Ft. Worth	2.9%
Houston	10.1%
San Antonio	12.2%
Total Texas Major Metro	32.6%
Visitors from Texas' Rural Areas	16.3%
Visitors from Outside of Texas	4.4%
Total	53.3%
Zip codes recorded that are 70+ miles from Rockport-Fulton:	53.3%
Zip Codes Recorded from Local Area (< 70 miles):	46.7%
Total US States Represented in Attendance Records:	42
Other Countries: 1	Mexico

*Rockport Art Festival
Attendance Comparison 2016 vs. 2015*

	2015	2016	Change	% change
Total Attendance	10,133	9,652	Down*	4.75%
% visitors from Austin	7.40%	8.40%	Up	1.00%
% visitors from Dallas, Ft. Worth	2.90%	2.90%	No change	0.00%
% visitors from Houston	10.10%	10.80%	Up	0.70%
% visitors from San Antonio	12.20%	16.80%	Up	4.60%
% visitors from Texas Major Metropolitan areas	32.60%	38.90%	Up	6.30%
% visitors from Texas rural areas	16.30%	13.60%	Down	2.70%
% visitors from outside the State of Texas	4.40%	3.40%	Down	1.00%
% of visitors from Zip Codes 70+ miles from Rockport	53.30%	55.90%	Up	2.60%

* Art Festival attendance in 2016 was down 481 visitors as compared to 2015.

July 2016

*Special Events: 47th Annual Rockport Art Festival
A 3-Day Special Event Designed to Attract Tourism*

Total Attendance to the Art Festival 2016:

9,652

Local, Major Metropolitan and Other Event Attendance	July 2 & 3, 2016
Local	
Aransas County	15.9%
Corpus Christi	16.7%
Victoria	2.8%
Rural Areas	8.7%
Total	44.1%
Visitors from Major Metropolitan areas in Texas	
Austin	8.4%
Dallas, Ft. Worth	2.9%
Houston	10.8%
San Antonio	16.8%
Total Texas Major Metro	38.9%
Visitors from Texas' Rural Areas	13.6%
Visitors from Outside of Texas	3.4%
Total	55.9%
Zip codes recorded that are 70+ miles from Rockport-Fulton:	55.9%
Zip Codes Recorded from Local Area (< 70 miles):	44.1%
Total US States Represented in Attendance Records:	34
Other Countries: 2	Mexico Thailand

ROCKPORT ART FESTIVAL **July 2-3**
ROCKPORT, TX

2-Day VIP SAT 10-6, \$7
Pass \$10 SUN 10-5, \$6
supplies limited! Kids 12 & under \$1

Over 120 Artists | Live Music & Food | A/C Party Tent | Kids Activities

© Joey Blazek

rockportartcenter.com
Rockport Center for the Arts | 902 Navigation Circle | Rockport, TX 78382 | 361.729.5519

Texas Commission on the Arts
Inspiring in a Creative Texas

47th Annual Rockport Art Festival
An Aggressive and Robust PR and Advertising Campaign

Market	Outlet	Station	Budget	Start Date	Sponsor Logos	Ads & Bonus Added Value	Number of spots	Geographical Reach	Total Impressions/People Reached
San Antonio Houston Austin	Digital	Home page and arts page	\$7,500	6-Jun	Online Banner Ads	Video pre-roll and banner ads 300x250/728x90	Rotation	SA, Austin, Houston DMA + 10 counties	600,000
Houston	Radio + Streaming	Sunny 99.1 Radio	\$2,500	6-Jun	On Radio Ads	Live On Air Ticket Give-a-way + matching PSAs	110x	Houston DMA + 11 counties	323,900
Corpus Christi	Radio	iheart Media, BIG 93.9 FM	\$2,000	6-Jun	On Radio Ads	Live On air Ticket Give-a-ways + matching PSAs	150x	Corpus Christi DMA + 13 counties	52,000
San Antonio	TV	KSAT, ABC	\$4,000	6-Jun	TV Ad	Run on Schedule matching PSAs and bonus ads	50	San Antonio Designated Market Area (DMA) + 6 counties	881,050
Corpus Christi	TV	Time Warner Cable	\$1,700	6-Jun	TV Ad	With Matching PSAs on Hallmark, Travel, & FOOD	150x	Corpus Christi DMA + 13 counties	75,000
Corpus Christi	TV	Corpus KRIS TV & KZTV TV	\$2,500	6-Jun	TV Ad	Matching PSA's on CW, KDF, KAJA	70x	Corpus Christi DMA + 13 counties	186,453
Corpus Christi	TV	KIII Channel 3	\$2,500	6-Jun	TV Ad	matching PSA's on COZI, MeTV,	50x	Corpus Christi DMA 13 counties	190,420
		Total Budget / Impressions	\$22,700						2,308,823

Olvey Media
Consulting

Media Buy Art Festival 2015
\$18,000

Media Buy Art Festival 2016
\$23,000

Olvey Media
Consulting

47th Annual Rockport Art Festival

*Online Banner Ads with Video follow along and redirect to Festival website page
+ Demo and Geo Tracking in San Antonio, Houston, Austin and 70+ miles from Rockport*



Results: Exceeded expected impressions by **250,000**

Rockport Art Festival - Performance By Flight			
Timeline 06-08-2016 to 07-01-2016		Generated: 07-14-2016 at 05:13:16 pm CDT	
Creative	Impressions	Clicks	CTR
ArtFest2_728x90_6.8	57089	56	0.10%
ArtFest2_160x600_6.8	29491	115	0.39%
ArtFest2016_300x250B_6.8	67398	30	0.04%
ArtFest2_728x90_6.8	85039	81	0.10%
ArtFest2_160x600_6.8	44659	137	0.31%
ArtFest2016_300x250B_6.8	102206	54	0.05%
ArtFest2_728x90_6.8	84441	41	0.05%
ArtFest2_160x600_6.8	65085	179	0.28%
ArtFest2016_300x250B_6.8	83466	31	0.04%
ArtFest2_728x90_6.8	157452	112	0.07%
ArtFest2016_300x250B_6.8	29565	12	0.04%
ArtFest2_160x600_6.8	43202	162	0.37%
Total	849,093	1,010	

July 2016

Main Gallery Visual Arts Program: 47th Annual Rockport Art Festival Poster Artist



Admission is always Free of Charge

BLAZEK

Beaumont TX artist,
Joey Blazek

Aesthetic: Coastal, Ranching,
Industrial

**New Exhibit Opened in
June, continued through the
end of July**

July 2016
Main Gallery Visual Arts Program: Blazek Solo Exhibit
Aggressive Statewide Promotion



Close to 40 new and original works were displayed in the Main Gallery.

Over 4,300 people saw Blazek's Exhibit during the months of June and July.

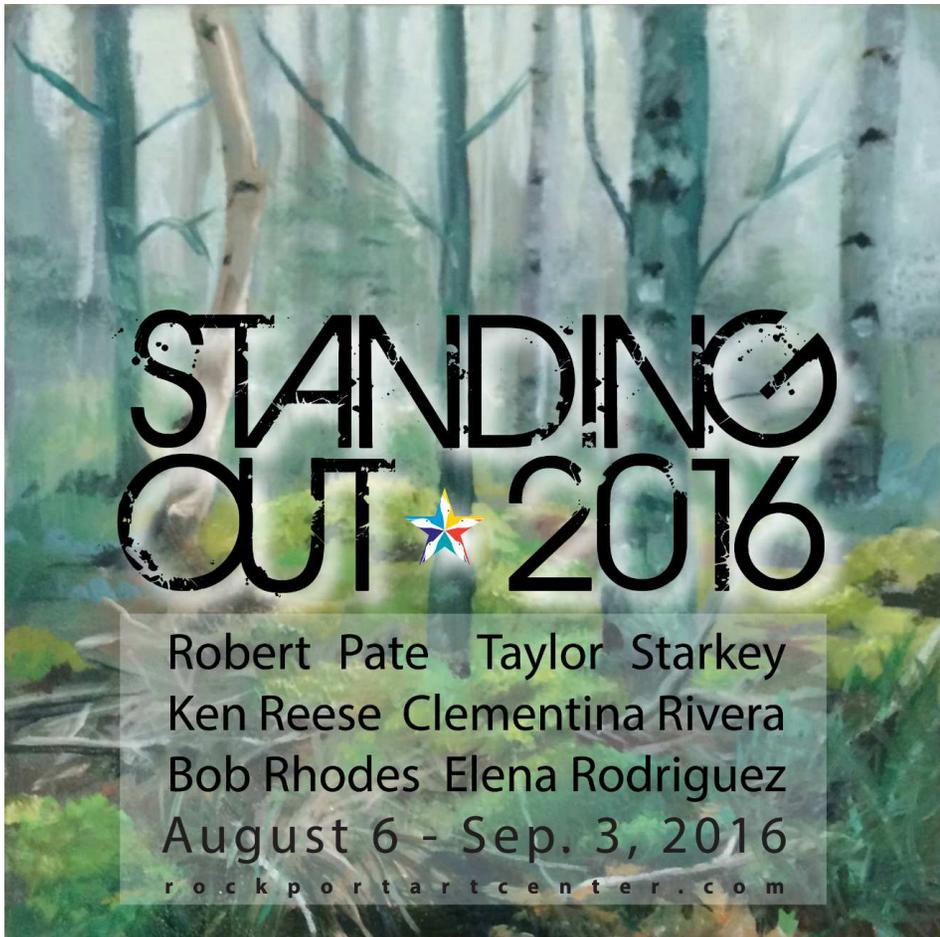
This year's Art Festival poster piece, *Orchestrated Chaos* was auctioned live on July 1st before an audience of 550 people.

The piece captured \$10,000 at live auction.

Providing a platform for artists so they can connect with an audience and collectors of art is mission centric for the Art Center.

August 2016

Main Gallery Visual Arts Program: Standing Out, the Merit Artists Show



Standing Out History: The first Merit Artists show at Rockport Center for the Arts occurred July of 1985. At the time, Merit Artists were selected by popular vote. In 1998 a guest juror was invited to select five artists whose work stood-out. The 6th artist was selected by popular vote. Joe Peña (TAMUCC) selected this year's Merit Artists at last year's Currents exhibit.

Exhibit ran from August 6th – September 3rd

Opening Reception Attendance: **326**

Admission is always Free of Charge

Artists were from [Rockport](#), [Corpus Christi](#), [Port Aransas](#) and [Victoria](#).

TV coverage received through **KRIS-TV**.

August 2016
Garden Gallery Visual Arts Program: Jorge Alegría - Heaven



Jorge Alegría is a contemporary artist who lives and works in **Corpus Christi**.

His works are **graphite drawings** on panel.

Exhibits of importance:

Slipstream, in **Dallas** curated by **Susie Kalil** who **curated the Dorothy Hood** exhibit at the **Art Museum of South Texas**.

Texas Draws III, in **San Antonio** at the **Southwest School of Art**.

Heaven featured **21 new and original works**.

Alegría sold **60%** of the show's inventory.

Admission is always Free of Charge On display August 6 – September 3

September 2016

Main Gallery Visual Arts Program: Chispa Bluntzer - My Two Worlds

Chispa Bluntzer was born in Venezuela and she now lives and works in Corpus Christi. Her show featured 37 new and original works.

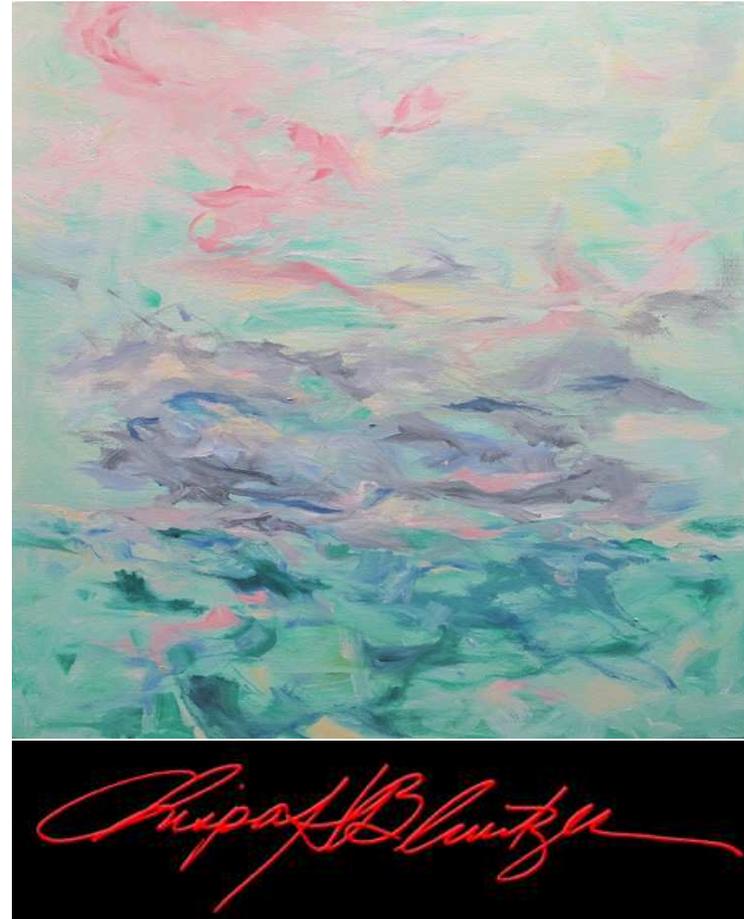
Her work is in important collections:

Art Museum of South Texas,
Sumaur Oil,
Corpus Christi Museum of Science & History,
Corpus Christi Cathedral, &
Landmark Condominiums.

**Opening Night Reception Attendance September 10th:
241**

**HummerBird Reception Attendance September 15th:
190***

***84% visitors from 70+ miles, most robust markets
Houston (16.3%) and San Antonio (15.8%)**



Admission is always Free of Charge On display September 10 – October 8
TV coverage received through **KRIS-TV**.

September 2016

Garden Gallery Visual Arts Program: Lotus McElfish – Hierbas Curativas (Healing Herbs)



BOTANICAL WORKS BY LOTUS MCELFSH, OF SPRING BRANCH, HONOR ANCIENT AZTEC WISDOM AND TRADITION OF HEALING HERBS.

McElfish chose twelve herbs from the Mexican *Curandero* (native healer) and *Partera* (mid-wife) traditions for this series with the help of a *curandero*, Don Jacinto Madigral.

Through research, she discovered *botánicas* (folk medicine stores) and curanderismo. She then viewed a copy of a rare 1552 *Badianus Manuscript* containing ancient Aztec artwork of herbs, and learned that for hundreds of years, indigenous healing wisdom has been passed on.

Her work was recently juried into a published book, *American Botanical Paintings: Native Plants of the Mid-Atlantic*, along with an exhibition of accepted paintings at the US Botanic Gardens in Washington, D.C.



Admission is always Free of Charge

On display September 10 – October 8

July 2016

Free Art Education Programming: 19th Annual ArtLink Summer Camp for Kids and Teens
Connecting Area Youth to Arts and Culture

Attendance to ArtLink 2016

Total Program Enrollment (June and July 2016) = 403

Total Enrollment in July 2016 = 175

Session 5 = 40

Session 6 = 53

Session 7 = 41

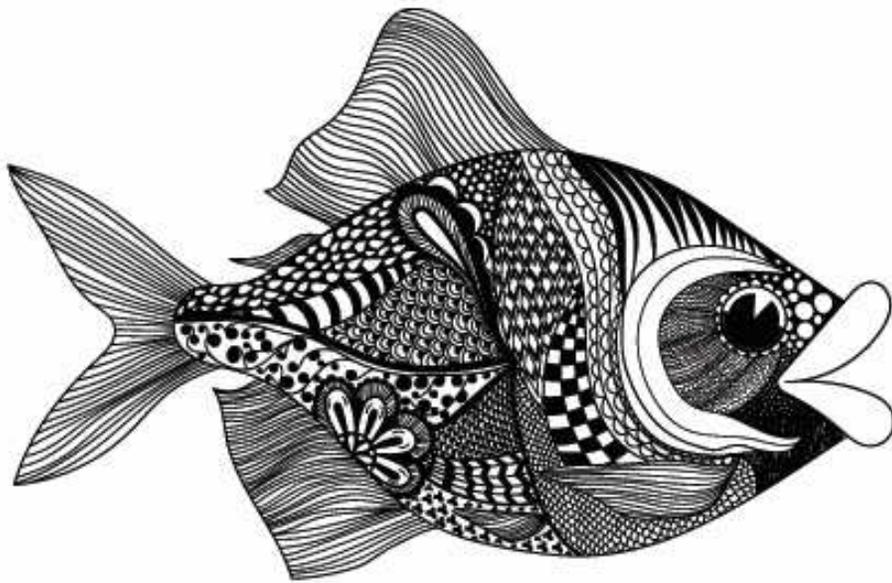
Session 8 = 41

5 lead teaching staff

9 high school and college student interns

1 college student assistant camp director

ArtLink is supported by in-kind support from the City of Rockport an endowment and annual grants from Texas Commission on the Arts, the National Endowment for the Arts, the Margaret Sue Rust Foundation, the Coastal Bend Community Foundation, the Nystrom Family Foundation and contributions from individuals and Art Center patrons.



2016 ArtLink for Kids & Teens

Exploring Marine Life

Rockport Center for the Arts

July 2016

*Free Art Education Programming: 19th Annual ArtLink Summer Camp for Kids and Teens
Connecting Area Youth to Arts and Culture*



ArtLink Summer Art Camp 2016 by the Numbers

ARTLINK PROVIDED OVER 5,000 CONTACT HOURS IN ART EDUCATION

TOTAL ENROLLMENT- 403 STUDENTS

17% INCREASE IN ENROLLMENT OVER PREVIOUS YEAR

"ArtLink is a great program that the Coastal Bend Community Foundation has helped sponsor for many years. On my recent visit, it was so gratifying to see these children thoroughly engrossed in and learning from the art they were creating."

Karen Selim, President, Coastal Bend Community Foundation.



Rockport Center for the Arts

Hotel Occupancy Tax, Period July – September, 2016

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

As the Art Center embarks in a significant direction towards growth, support from the City of Rockport through the HOT grant makes sustained quality arts programming a reality for our community and our tourists.

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

CITY COUNCIL AGENDA
Regular Meeting: Tuesday, October 25, 2016

AGENDA ITEM: 9

Deliberate and act on 4th quarter hotel occupancy tax report from Texas Maritime Museum for 2015-2016 marketing expenditures.

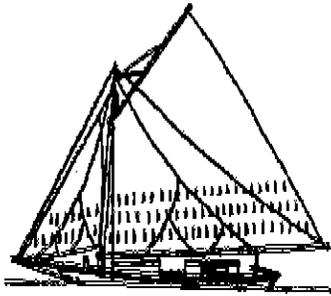
SUBMITTED BY: City Secretary Teresa Valdez

APPROVED FOR AGENDA: PKC

BACKGROUND: The Texas Maritime Museum has been allocated \$80,000 in Fiscal Year 2015-2016 Hotel Occupancy Tax (HOT) funds. According to our agreement with the Museum, fiscal quarterly financial reports are required to be submitted to the City Council for approval. See the accompanying 4th Quarter HOT Expenditure Report for additional information.

FISCAL ANALYSIS: Charged to account 6602002. The budgeted amount is \$80,000.00 and YTD expenses are \$80,000.00.

RECOMMENDATION: Staff recommends approval of Texas Maritime Museum's Fiscal Year 2015-2016 Hotel Occupancy Tax funds 4th Quarter expenditures as presented.



TEXAS MARITIME MUSEUM



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

To: Teresa Valdez

FAX Number: 361-790-5966

Number of pages including cover sheet: 2

RE: Hot Fund Expenses Report 4th qtr + Total

From: Kathy Roberts-Daughan Date: 10-4-2016

Notes: _____

748 plus requirement

Thank you!

EXHIBIT "B"

HOT FUNDING EXPENSE REPORT FY 2015-2016						
Description of Expense	Approved Budget	1st Quarter Expenses	2nd Quarter Expenses	3rd Quarter Expenses	4th Quarter Expenses	TOTAL
Advertising Expenses	\$ 26,000	\$ 996	\$ 5,251	\$ 8,715	\$ 11,038	\$ 26,000
Curatorial Expenses	7,000	1,526	1,578	646	3,250	\$ 7,000
Educational Expenses	7,000	197	900	698	5,205	\$ 7,000
Website Maintenance	6,000	1,500	1,500	1,500	1,500	\$ 6,000
Office Supply Expenses	6,000	1,434	1,647	663	2,256	\$ 6,000
TOTAL REQUESTED	\$ 52,000	\$ 5,653	\$ 10,876	\$ 12,222	\$ 23,249	\$ 52,000

Description of Administrative Expenses	Current Fiscal Year Administrative Expenses Projection	Fiscal Year Administrative Actual Expenses	Percentage of Fiscal Year Projections
Salary Expenses	\$ 28,000	\$ 28,000	100%
TOTALS	\$ 28,000	\$ 28,000	100%

CITY COUNCIL AGENDA
Regular Meeting: Tuesday, October 25, 2016

AGENDA ITEM: 10

Deliberate and act on 4th quarter hotel occupancy tax report from Rockport-Fulton Chamber of Commerce for 2015-2016 marketing expenditures.

SUBMITTED BY: City Secretary Teresa Valdez

APPROVED FOR AGENDA: PKC

BACKGROUND: The Rockport-Fulton Chamber of Commerce has been allocated \$320,000.00 in FY 2015-16 Hotel Occupancy Tax (HOT) funds. According to our agreement with the Chamber, fiscal quarterly financial reports are required to be submitted to the City Council for approval. See the accompanying 4th quarter HOT expenditure report for additional information.

FISCAL ANALYSIS: Charged to account 6602001. YTD expenses are \$324,846.43 out of \$320,000.00 budgeted.

STAFF RECOMMENDATION: Staff recommends approval of the Rockport-Fulton Chamber of Commerce FY 2015-2016 Hotel Occupancy Tax funds 4th quarter expenditures as presented.

Rockport-Fulton Area Chamber of Commerce, Inc.
 Rockport Hotel Tax Account
 October 1, 2015 through
 September 30, 2016

EXHIBIT "B"

HOT FUNDING EXPENSE REPORT 2015 - 2016

Description of Expense	Approved Budget	1st Quarter Expenses	2nd Quarter Expenses	3rd Quarter Expenses	4th Quarter Expenses	Total
Accounting Fees	1,050.00	-	1,150.00	-	-	1,150.00
Administrative services reimbursement	54,000.00	9,000.00	18,000.00	9,000.00	18,000.00	54,000.00
Advertising and promotion	243,050.00	69,970.01	53,750.57	58,409.48	46,870.59	229,000.65
Bank & Card Fees	250.00	74.02	78.46	76.61	89.67	318.76
Conference Fees	1,910.00	-	280.00	1,804.00	495.00	2,579.00
Contract Services	-	-	-	-	-	-
Dues and Subscriptions	450.00	200.00	375.00	250.00	1,650.00	2,475.00
Equipment Lease & Maintenance	-	-	-	-	1,274.10	1,274.10
Event funding assistance	1,100.00	-	-	-	-	-
Food, beverages and meals	1,830.00	40.00	106.17	188.62	630.25	965.04
Inter Fund Support	1,100.00	-	-	1,448.12	-	1,448.12
Maintenance and repairs	1,410.00	140.00	280.00	-	1,345.25	1,765.25
Mileage and travel	675.00	151.50	1,238.39	484.81	2,683.82	4,558.52
Postage and freight	1,880.00	1,414.71	753.71	1,402.44	2,343.47	5,914.33
Printing and publication	8,335.00	-	1,615.00	5,185.62	3,136.21	9,936.83
Prizes, gifts and awards	325.00	-	-	64.99	380.00	444.99
Rentals and fees	75.00	-	413.60	-	-	413.60
Supplies	700.00	47.87	165.00	-	5.41	218.28
Telephone	1,650.00	573.07	283.04	67.37	576.53	1,500.01
Telephone Internet Service	110.00	65.27	130.68	-	261.35	457.30
Utilities	-	-	-	-	36.65	36.65
Web site maintenance	1,200.00	2,925.00	565.00	2,900.00	-	6,390.00
TOTAL REQUESTED	321,100.00	84,601.45	79,184.62	81,282.06	79,778.30	324,846.43

Description of Administrative Expenses	Current Fiscal Year Administrative Expenses Projection	Fiscal Year Administrative Actual Expenses	Percentage of Fiscal Year Projections
Administrative services reimbursement	54,000.00	54,000.00	100.00%
Totals	54,000.00	54,000.00	100.00%

CITY COUNCIL AGENDA
Regular Meeting: Tuesday, October 25, 2016

AGENDA ITEM: 11

Deliberate and act on request from Rockport First Assembly of God for temporary closure of East Laurel Street, from North Church Street to North Live Oak Street, on October 31, 2016, from 4:30 p.m. until 7:00 p.m. for the Fall Festival/Trunk or Treat.

SUBMITTED BY: City Secretary Teresa Valdez

APPROVED FOR AGENDA: PKC

BACKGROUND: Please see the attached email from the Rockport First Assembly of God requesting the closure of one block of East Laurel Street from North Church Street to North Live Oak Street from 4:30 p.m. to 7:00 p.m. on October 31, 2016, for the Fall Festival/Trunk or Treat. This request is the same as other temporary closures they have made in the last couple of years for the East egg hunt. See the accompanying aerial map for details.

FISCAL ANALYSIS: N/A

RECOMMENDATION: Staff recommends Council approve of the request, as presented.

From: [Robert Brown](#)
To: [Teresa Valdez](#)
Subject: Road Closure
Date: Tuesday, October 04, 2016 11:02:33 AM
Attachments: [roadclosure.png](#)

Hello Teresa Valdez,

I hope this email finds you well! My church is having our Fall Festival/Trunk or Treat on Halloween, October 31st from 4:30-7pm. We would like the road, E. Laurel St. immediately in front of our church to be closed for the safety of the children and families that will be attending. The closure would be from the intersection of N. Church St. to the intersection of N. Live Oak St. I have attached a google map image of the part of the street that we would like to be closed. Thank you for everything that you do for our city, and if we, as a church, or myself can do anything please let us know!!!

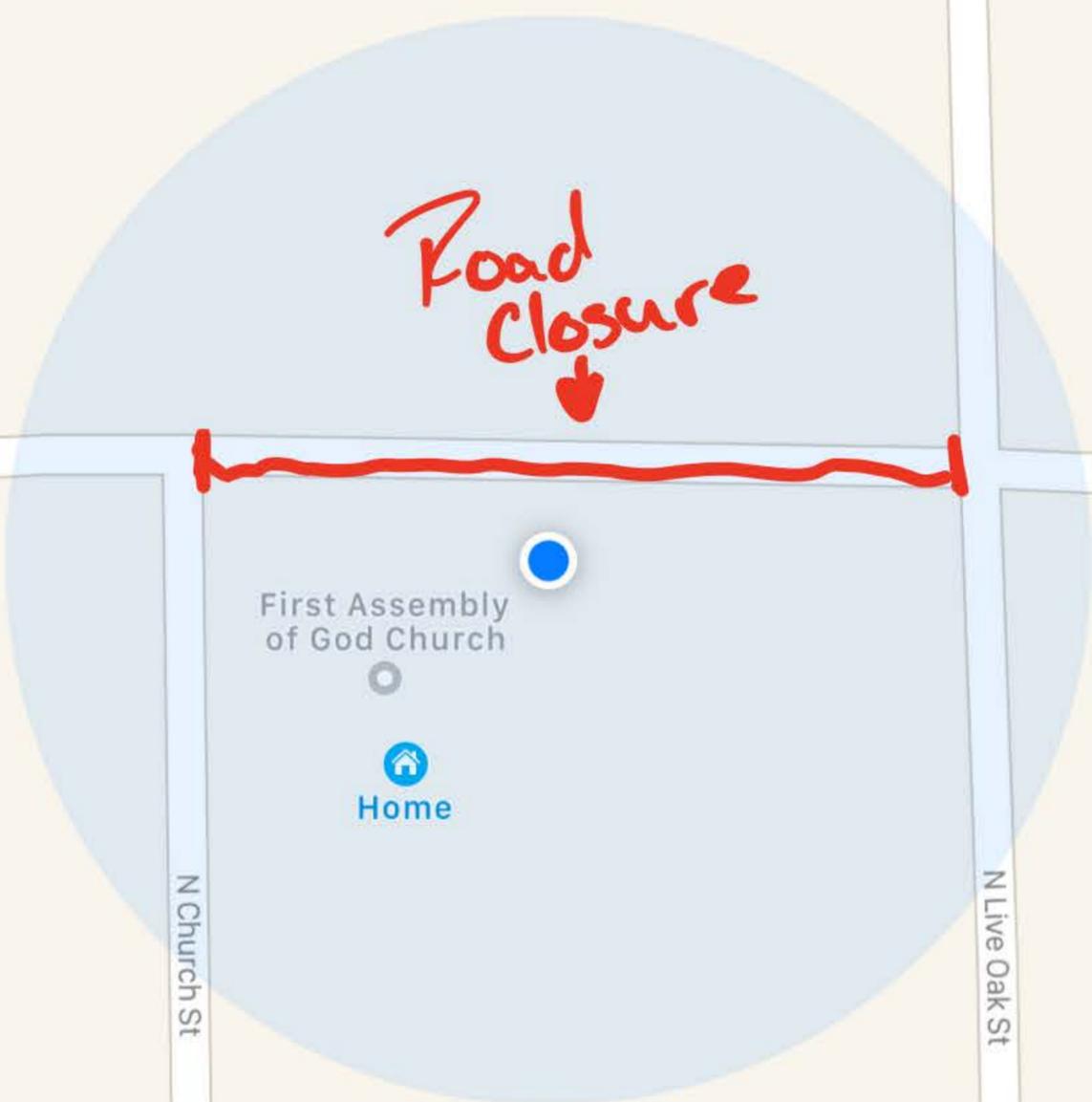
Thanks,

--

Robert Brown Jr.
Student Ministries Director | Rockport First Assembly of God
Office: 361-729-7113 | Cell: 361-205-3835
robertebrown60@gmail.com



Search for a place or address



First Assembly of God Church

Home

E Laurel St

N Church St

N Live Oak St

Donut Palace

Coastal Carwash

The Bakery Cafe

E Liberty St



awelek Meats

Rockport Sea & Spray

JJ's Little Bay Cafe



First Assembly of God Street Closure Request



CITY COUNCIL AGENDA

Regular Meeting: Tuesday, October 25, 2016

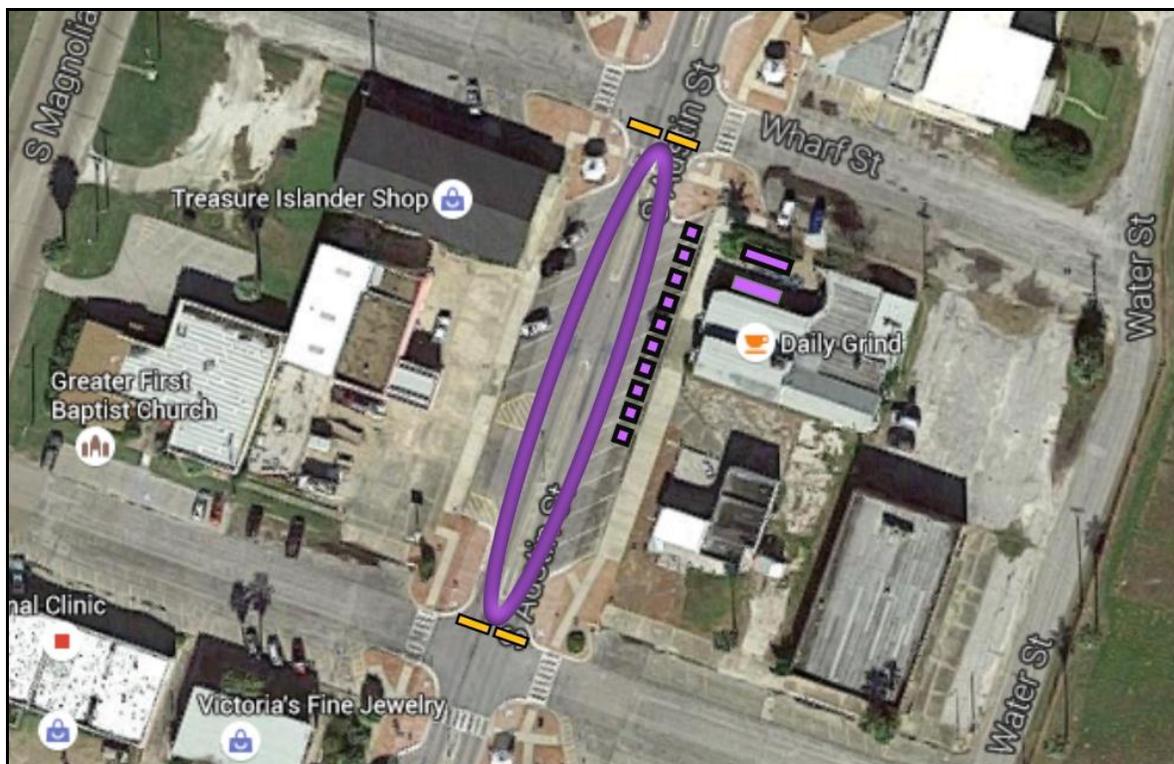
AGENDA ITEM: 12

Deliberate and act on request from Relay for Life of Rockport-Fulton for approval to close Austin Street between Wharf Street and Main Street from 5:00 p.m. until Midnight on Saturday, April 2, 2017, for the Relay for Life event.

SUBMITTED BY: City Manager Kevin Carruth

APPROVED FOR AGENDA: PKC

BACKGROUND: The Relay for Life of Rockport-Fulton has requested closure of the block of Austin Street between Wharf and Main Streets on Saturday, April 1, 2017, and between the hours of 5:00 p.m. and midnight. This block will serve as the walking track for the Relay for Life event. This is the same as the approved request from last year.



See the accompanying letter of request.

FISCAL ANALYSIS: N/A

RECOMMENDATION: Staff recommends Council approve the request from the Relay for Life of Rockport-Fulton.



AMERICAN CANCER SOCIETY RELAY FOR LIFE

Celebrate.

Remember.

Fight Back.

4101 S. Alameda St, Corpus Christi, TX 78411 ~ 361.857.0136 office

Re: Relay For Life of Rockport-Fulton – Saturday, April 1, 2017

To Whom It May Concern:

The Relay For Life of Rockport-Fulton is excited to announce that our 2017 event has been scheduled for Saturday, April 1st, 2017. We are excited to bring our community together to celebrate cancer survivors, remember those lost, and to make a difference in the fight against cancer!

We hope that you will again support our event being held in the Heritage and Arts District area. We would like to respectfully request city approval and support to block off Austin Street between Wharf Street and Main Street between the hours of 5:00pm and 12:00am on Saturday, April 1st, 2017. This would encompass both sides of the divided street for just one city block, enabling traffic to divert around to Magnolia Street. We also appreciate your willingness to assist us in placing barriers to block the street ahead of the event.

Please see the attached for a map depicting our proposed logistics and request.

Should you have any questions at all, don't hesitate to contact me using the information below.

Thank you!

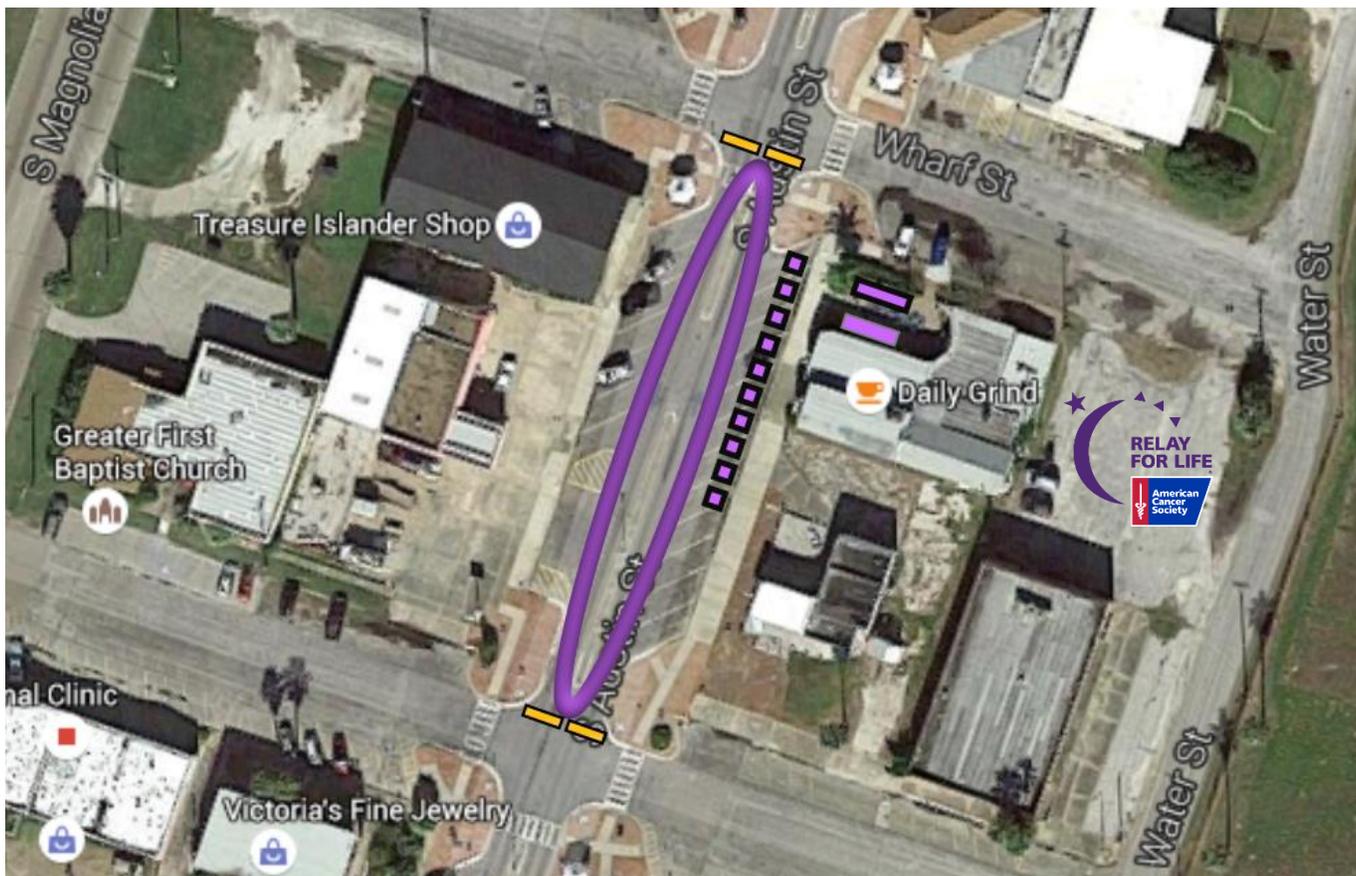
A handwritten signature in purple ink that reads "Sara Frazier".

Sara Frazier
American Cancer Society
High Plains Division
mobile: 361.207.4757
tax id: 13-1788491

Relay For Life of Rockport-Fulton

Saturday, April 1, 2016
Blocked from 5pm – 12am

Proposed Logistics Plan



CITY COUNCIL AGENDA
Regular Meeting: Tuesday, October 25, 2016

AGENDA ITEM: 13

Deliberate and act to approve a Resolution of Support and Participation in the Aransas County Floodplain Multi-Jurisdictional Floodplain Management Plan and recognition of the Floodplain Management Planning Committee.

SUBMITTED BY: Community Planner Amanda Torres

APPROVED FOR AGENDA: PKC

BACKGROUND: Texas Sea Grant is developing a Multi-Jurisdictional Floodplain Management Plan that would include the City of Rockport, the City of Aransas Pass, the Town of Fulton, and Aransas County. By participating in the development of this plan, the City would be eligible to receive FEMA Community Rating System (CRS) credit for Activity 510, Floodplain Management Planning.

In order to receive credit, a formal planning committee must be established. The executive committee of the multi-jurisdictional floodplain management plan is an augmented version of the existing County stormwater advisory committee to which each participating entity appoints two governmental members and one public representative on behalf of their jurisdiction. Each entity will also have a jurisdiction-specific subcommittee. It is recommended that the City of Rockport augments their Planning & Zoning Commission with staff members in order to meet CRS guidelines for this committee. The executive committee and subcommittees serve in an advisory capacity during the plan development process, which is currently ongoing.

See the accompanying resolution for proposed committee membership and other details.

FISCAL ANALYSIS: N/A

RECOMMENDATION: Staff recommends approval of the resolution, as presented.

RESOLUTION NO. _____

A RESOLUTION OF SUPPORT AND PARTICIPATION IN THE FLOODPLAIN MANAGEMENT PLAN AND RECOGNITION OF THE FLOODPLAIN MANAGEMENT PLANNING COMMITTEE

WHEREAS, the National Flood Insurance Program (NFIP) provides federally supported flood insurance to communities that regulate development in their floodplains, and the Community Rating System (CRS) reduces flood insurance premiums in those communities that do more than implement the minimum regulatory requirements; and,

WHEREAS, by being a full participant in the development of the Aransas County Multi-Jurisdictional Floodplain Management Plan, to include the City of Rockport, the City of Aransas Pass, the Town of Fulton, and Aransas County, the City of Rockport will be eligible to receive credit for Activity 510 of the Community Rating System, which would contribute to lowering flood insurance premiums in the City, if and when they are admitted into the Community Rating System program; and,

WHEREAS, the City of Rockport recognizes that in order to receive credit for the Floodplain Management Plan under the Community Rating System, a formal planning committee will need to be established.

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

A. **THAT** The City of Rockport, will adhere to the following criteria:

1. The City of Rockport will use its best efforts to participate in the Aransas County Multi-Jurisdictional Floodplain Management Plan in an effort to reduce flood risk and flood insurance premiums throughout the City.
2. The City of Rockport will designate two governmental members to represent the City on the Multi-Jurisdictional Executive Planning Committee, as well as one representative from the public. Its members shall be:
 - Mayor C.J. Wax
 - Amanda Torres, Community Planner
 - Dudley McDaniel (Public Representative)
3. The City of Rockport will form a 13 member Planning Sub-Committee. Six of these members will be from city staff, with an additional seven members from the public. Its members shall be:
 - Amanda Torres, chair, Community Planner
 - Brian Olsen, vice-chair, Public Representative
 - Mike Donoho, Director of Public Works & Building Development

- Art Smith, Assistant Public Works Director
- Frank Truitt, Building Official
- Mary Bellinger, Assistant to Building Director
- Kevin Carruth, City Manager
- Ruth Davis, Public Representative
- Diana Severino-Saxon, Public Representative
- Edward Bellion, Public Representative
- Kent Howard, Public Representative
- Graham Wilson, Public Representative
- Shawn Johnson, Public Representative

4. The City of Rockport's Community Planning office will be responsible for overseeing the development of the plan, to be completed no later than January 1, 2018.

B. This resolution will be effective upon passage.

Passed and approved on the 25th day of October 2016.

CITY OF ROCKPORT, TEXAS

Charles J. Wax, Mayor

ATTEST:

Teresa Valdez, City Secretary

CITY COUNCIL AGENDA
Regular Meeting: Tuesday, October 25, 2016

AGENDA ITEM: 14

Hear and deliberate on presentation of Rockport-Fulton Chamber of Commerce Guiding Members to Success Report.

SUBMITTED BY: City Secretary Teresa Valdez

APPROVED FOR AGENDA: PKC

BACKGROUND: Rockport-Fulton Chamber of Commerce Chairman Rick McKinney will present the accompanying quarterly report.

FISCAL ANALYSIS: N/A

RECOMMENDATION: Not an action item.



Explore the Outdoors in
Rockport-Fulton



Where to Have Fun in
Rockport-Fulton



Learn Tips for Catching a Big
Redfish



Learn to Make a Classic
Seafood Boil From a Rockport
Staple



Create a Painting to
Remember Your Trip to the
Beach



Things to Bring on your Next
Beach Trip

Rockport-Fulton Chamber of Commerce

1. Seafair was the third best ever! Best Saturday ever by a couple \$100 dollars.
2. HummerBird Celebration features representation from hundreds of cities in Texas.
3. New TV / Radio Commercials
4. New Leadership Class all set to begin year
5. Arranged for first online course – Active Shooter Course
6. Veterans Wall Task Force Formed

CITY COUNCIL AGENDA
Called Meeting: Tuesday, October 25, 2016

AGENDA ITEM: 15

Deliberate and act on second & final reading of an Ordinance pursuant to Article 23 “Conditional Use Permit,” Rockport Zoning Ordinance Number 1027, a Conditional Use Permit is hereby granted to 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, for the purpose of building an RV Resort Park; with no conditions other than those stipulated under Article 23, Rockport Zoning Ordinance Number 1027; repealing all ordinances in conflict therewith; providing for severability; and providing an effective date.

SUBMITTED BY: Community Planner Amanda Torres

APPROVED FOR AGENDA: PKC

BACKGROUND: J.R. Gimler/Triumph Builders is seeking approval for a Conditional Use Permit on 48 acres of 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. This item originally came before the Planning & Zoning Commission and the City Council in February 2016. At that time there were multiple concerns about drainage/potential flooding, traffic impact, and environmental impact, including developing over existing wetlands on the property. The item was denied without prejudice at the February 23, 2016, council meeting in order to give the developer time to complete an environmental wetlands delineation study.

The developers have obtained a wetlands delineation letter from the U.S. Army Corps of Engineers for the 1.8 acres of wetlands on the property. They do not intend to disturb the area but instead will incorporate it into their site plan. The developers have also agreed to include an additional emergency exit into their site plan. They are also aware that the development must meet the RV Park standards outlined in the Zoning Ordinance, and all development in the floodplain must meet requirements as outlined in Chapter 50, “Floods,” in the City Code of Ordinances.

The property meets the CUP Review Criteria as outlined in Article 23.4 of the Zoning Ordinance. The Future Land Use Map of the City’s Comprehensive Plan designates this area as low-density residential.

A public notice regarding this item was published in *The Rockport Pilot* in the Saturday, July 27, 2016 edition and mailed out to twenty-five property owners within a 200-foot radius of the property. No letters in support or opposition were received. This item was also heard at a Joint Public Hearing with the City Council on August 23, 2016. Four people spoke on the issue, two in favor and two in opposition:

- Marcie Simmons, 414 Old Salt Lake (**Resident within 200 ft. of development**)
 - Ms. Simmons was concerned about the recent change in FEMA floodplain maps and how that affected drainage for the development in question and the surrounding properties. She also commented that the owners should keep the property mowed.
- James Shaw
 - Mr. Shaw commented that he was an investor in the project and that given its location of Loop 1781 and commercial zoning, it was the “kind of land you want to develop into an RV Park.”
- Sandy Swanson
 - Ms. Swanson commented that all eight of the concerns brought up in the last discussion of this RV park have been addressed. Any surface runoff from the park will drain into the pond, and excess runoff will be directed to the drainage easement on the property. The developers have agreed to an additional emergency exit on the property. A wetlands delineation letter from the U.S. Army Corps of Engineers has been obtained for the 1.8 acres of wetlands on the property, which the developers intend to not disturb.
- Sandra Montie, 149 Old Salt Lake (**Resident within 200 ft. of development**)
 - Ms. Montie commented that she would like to see an environmental study of the development’s potential impact on the property. She mentioned that her fellow neighbors were discouraged at the last public hearing. She was concerned about the eco-impact, traffic impact and drainage.

A second public hearing for Planning & Zoning Commission was held on Monday, September 19. Ms. Swanson also spoke at this hearing, commenting that the items of concerns had been addressed. The Planning and Zoning Commission voted unanimously to recommend to City Council that the request be approved.

Because less than twenty percent of the property owners have stated opposition to the project, this would not require a supermajority approval by City Council to pass. Supporting documentation follows this cover sheet.

Council approved the first reading of the Ordinance on September 25, 2016. There have been no changes in format or content since the first reading.

FISCAL ANALYSIS: N/A.

RECOMMENDATION: Staff and the Planning & Zoning Commission recommend that Council approve the second and final reading of the Ordinance granting the “Conditional Use Permit” to 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, for the purpose of building an RV resort park; with no other conditions other than those stipulated under Article 23, Rockport Zoning Ordinance Number 1027, as presented.

ORDINANCE NO. _____

AN ORDINANCE PURSUANT TO ARTICLE 23 “CONDITIONAL USE PERMIT” (CUP), ROCKPORT ZONING ORDINANCE NUMBER 1027, A CUP IS HEREBY GRANTED TO 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, FOR THE PURPOSE OF BUILDING AN RV RESORT PARK; WITH NO CONDITIONS OTHER THAN THOSE STIPULATED UNDER ARTICLE 23, ROCKPORT ZONING ORDINANCE NUMBER 1027; REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, an application for a Conditional Use Permit was received in the office of the Building Department, Rockport, Texas; and

WHEREAS, On July 22, 2016 notice was posted on the bulletin boards at Rockport City Hall, 622 E. Market Street and Rockport City Hall Annex, 621 E. Market Street and on the City’s webpage www.cityofrockport.com; and

WHEREAS, on July 27, 2016 notice was mailed to affected property owners within 200’ of subject property; and

WHEREAS, on July 22, 2016 the City caused to be published “Notice of Joint Public Hearing” in the official newspaper of the City notifying area residents and the public in general to participate and make their views known regarding this request; and

WHEREAS, on August 23, 2016 at 6:30 p.m., the Rockport City Council did hold a Public Hearing; and

WHEREAS, on September 19, 2016 at 5:30 p.m., the Planning & Zoning Commission did hold a public hearing, meet and said Commission voted unanimously to recommend to the City Council to accept and approve this request for a Conditional Use Permit to property located at 3021-3099 Loop 1781.

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

SECTION 1 – CONDITIONAL USE PERMIT

That, pursuant to Article 23 “Conditional Use Permit” (CUP), Rockport Zoning Ordinance Number 1027, a CUP is hereby granted to 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, for the purpose of building an RV resort park;

with no other conditions other than those stipulated under Article 23, Rockport Zoning Ordinance Number 1027.

SECTION 2 - REPEALER

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

SECTION 3 - SEVERABILITY

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

SECTION 4 - EFFECTIVE DATE

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

APPROVED on first reading this the 27th day of September 2016.

CITY OF ROCKPORT, TEXAS

Charles J. Wax, Mayor

ATTEST:

Teresa Valdez, City Secretary

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

CITY OF ROCKPORT, TEXAS

Charles J. Wax, Mayor

ATTEST:

Teresa Valdez, City Secretary

**CITY OF ROCKPORT
OFFICE OF BUILDING
& DEVELOPMENT****Memo**

To: Mayor and City Council
From: Planning & Zoning Commission
CC: City Manager Kevin Carruth
Date: 09/20/2016
Re: Commission action on requested re-zone request at 3021-3099 Loop 1781

At our meeting held September 19, 2016, the Planning & Zoning Commission discussed the request for a Conditional Use Permit on 48 acres of 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.

The developers have obtained a wetlands delineation letter from the U.S. Army Corps of Engineers for the 1.8 acres of wetlands on the property. They do not intend to disturb the area but instead will incorporate it into their site plan. The developers have also agreed to include an additional emergency exit into their site plan. They are also aware that the development must meet the RV Park standards outlined in the Zoning Ordinance, and all development in the floodplain must meet requirements as outlined in Chapter 50, "Floods," in the City Code of Ordinances.

The property meets the CUP Review Criteria as outlined in Article 23.4 of the Zoning Ordinance. The Future Land Use Map of the City's Comprehensive Plan designates this area as low-density residential.

The Commission voted unanimously to recommend to the City Council that this request be approved.

Respectfully submitted,

Brian Olsen
Chairman, Planning & Zoning Commission



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, August 23, 2016, at 6:30 p.m., at Rockport City Hall, 622 E. Market Street, Rockport, Texas, to consider a request for a Conditional Use Permit on property located at 3021-3099 Loop 1781; also known as 47.981 acres, A76 Joseph Hollis Survey, which includes Lago Vista Village, Lot B, Rockport, Aransas County, Texas, currently zoned B-1 (General Business District) to Conditional Use Permit Overlay. Purpose of the request is to allow development of an RV resort park.

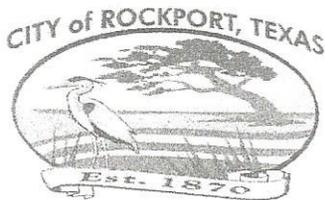
The City encourages citizens to participate and make their views known at this Public Hearing. For further information on this request please contact the Building Department at (361) 790-1125. This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations 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: the 22nd day of July, 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 Wednesday, July 27, 2016, Edition, in accordance with the City of Rockport Code of Ordinances.

CITY OF ROCKPORT, TEXAS


Teresa Valdez, City Secretary



CITY OF ROCKPORT
ZONING AND LAND DEVELOPMENT APPLICATION

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

A. REQUESTING: Rezoning [] Conditional Permit [X]
Requesting a joint meeting between Pt 2 and City Council.
Planned Unit Development (P.U.D.) by Conditional Permit []

B. ADDRESS AND LOCATION OF PROPERTY 3025 Loop 1781
Rockport, Texas 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 A To Joseph Hollis Survey Block
• Tract of the Survey as per metes and bounds (field notes attached)
• If other, attach copy of survey or legal description from the Records of Aransas County or Appraisal District.

H. NAME OF PROPOSED DEVELOPMENT (if applicable)

I. TOTAL ACREAGE OR SQ. FT. OF SITE(S): 48 Acres

J. REASON FOR REQUEST AND DESCRIPTION OF DEVELOPMENT:
(Please be specific)
Going to be developing an RV Resort park

K. OWNER'S NAME: (Please print) RV Park Holdings, LLC
 ADDRESS: 411 W. Market St
 CITY, STATE, ZIP CODE: Rockport, Texas 78382
 PHONE NO 361-729-9155

L. REPRESENTATIVE: (If Other Than Owner) John Gimler or Anna Marbach
 ADDRESS: 411 W. Market St.
 CITY, STATE, ZIP CODE: Rockport, Texas 78382
 PHONE NO 361-729-9155

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.R. 35 Bypass, Rockport, Texas 78382.

Signed: 
 (Owner or Representative)

(FOR CITY USE)

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

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

If rejected, reasons why: _____

Receipt No. _____













DEPARTMENT OF THE ARMY
GALVESTON DISTRICT, CORPS OF ENGINEERS
CORPUS CHRISTI REGULATORY FIELD OFFICE
5151 FLYNN PARKWAY, SUITE 306
CORPUS CHRISTI, TX 78411-4318

July 1, 2016

REPLY TO
ATTENTION OF:

Corpus Christi Regulatory Field Office

SUBJECT: File No. SWG-2016-00246; Approved Jurisdictional Determination

Mr. J.R. Gimler
P.O. Box 2858
Rockport, TX 78381-2858

Dear Mr. Gimler:

This is in regard to a request submitted on your behalf by Belaire Environmental, Inc., received on April 5, 2016, in which they requested that we verify the jurisdictional status of your property. The property is located adjacent to the southeast shoreline of Salt Lake on an approximately 47.24-acre, undeveloped site situated immediately west of Farm-to-Market Road 1781 and northwest of Texas Highway 35 in Rockport, Aransas County, Texas. A location map is attached in 1 sheet.

Based on the resources available at this time, we have determined that the 0.58-acre freshwater pond within the review area appears to be a stock pond that is not currently in use for livestock/agricultural purposes. According to 33 CFR 328.3(b)(4), artificial, constructed lakes and ponds created in dry land, such as farm and stock watering ponds, are not waters of the United States even where they otherwise meet the terms stated in 33 CFR 328.3(a). Therefore, this feature is not considered jurisdictional and would not require a Department of the Army permit.

We have determined that 1.81 acres of wetlands within the review area are waters of the United States (U.S.). The Corps of Engineers regulates the discharge of dredged and/or fill material into waters of the United States, including navigable waters, under Section 404 of the Clean Water Act. Therefore, the discharge of dredged or fill material into these waters of the U.S. requires a Department of the Army permit.

This determination is an approved jurisdictional determination for your specific site. This approved determination is valid for 5 years from the date of this letter unless new information warrants a revision of the determination prior to the expiration date.

Corps determinations are conducted to identify the limits of the Corps Clean Water Act jurisdiction for particular sites. This determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985, as amended. If you or your tenant are USDA program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service prior to starting work.

-2-

If you object to this determination, you may request an administrative appeal under Corps regulations at 33 CFR Part 331.5. Also enclosed are a combined Notification of Administrative Appeal Options and Process (NAP) and Request for Appeal (RFA) form. If you request to appeal this determination you must submit a completed RFA to the Southwestern Division Office at the following address:

Mr. Elliott Carman
Regulatory Appeals Officer
Southwest Division USACE (CESWD-PD-O)
1100 Commerce Street, Suite 831
Dallas, Texas 75242-1317
Telephone: 469-487-7061; FAX: 469-487-7199

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR Part 331.5, and that it has been received by the Division Office within **60 days** of the date of the NAP. It is not necessary to submit an RFA form to the Division office if you do not object to the determination in this letter.

Please note, this is **not authorization to begin work in jurisdictional areas**. Please reference file number **SWG-2016-00246** in future correspondence pertaining to this subject. If you have any questions, please contact Ms. Kristie Brink, Regulatory Project Manager, at the letterhead address or by telephone at 361-814-5847, ext. 1005. To assist us in improving our service to you, please complete the survey found at http://corpsmapu.usace.army.mil/cm_apex/f?p=136:4:0

Sincerely,

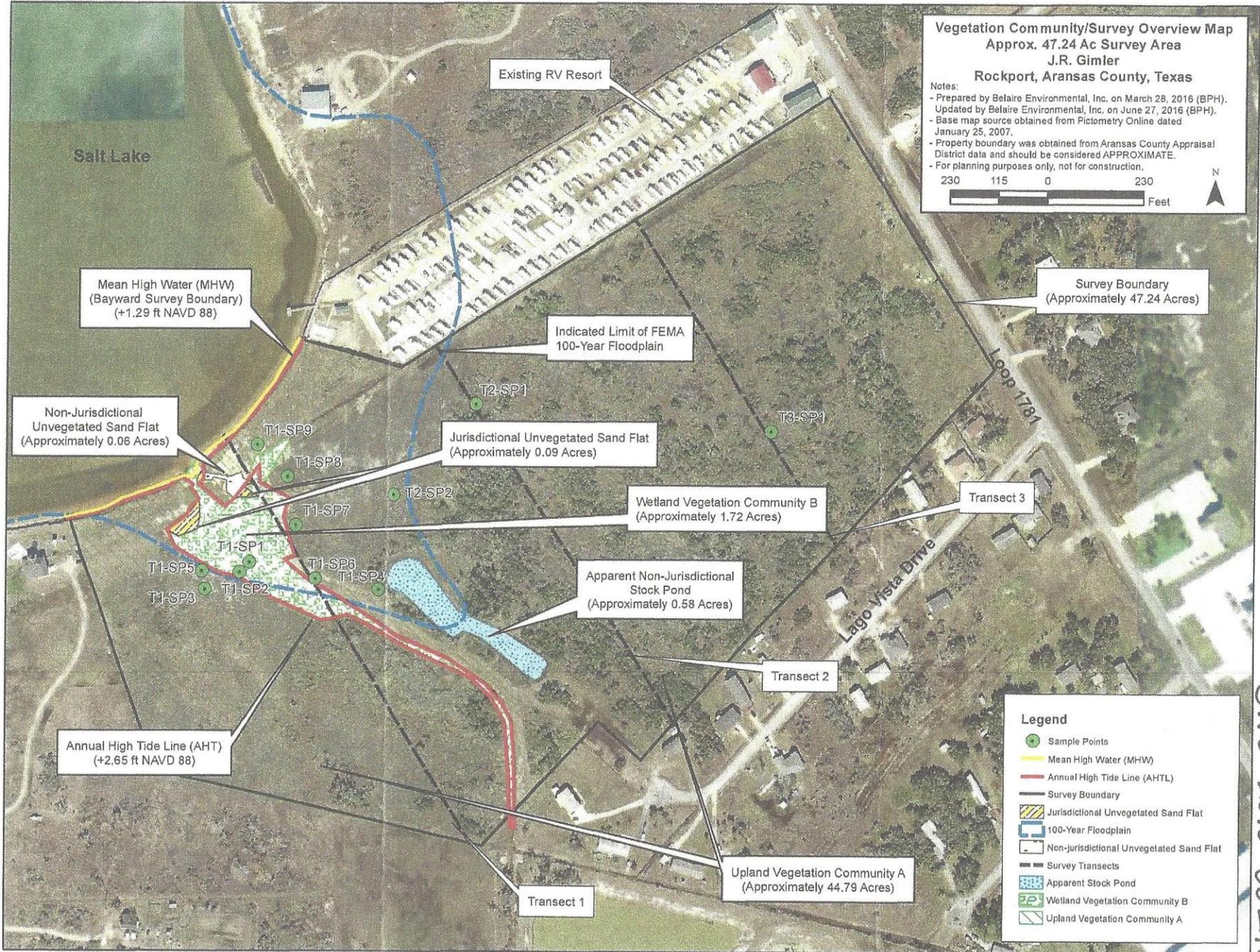


Matthew Kimmel
Supervisor
Corpus Christi Regulatory Field Office

Enclosures

Copy Furnished:

Belaire Environmental, Inc.
Attn: Mr. B.J. Hill
P.O. Box 741
Rockport, TX 78381-0741



SWG-2016-00246

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Mr. J.R. Gimler		File Number: SWG-2016-00246	Date: July 1, 2016
Attached is:			See Section below
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of Permission)		A
	PROFFERED PERMIT (Standard Permit or Letter of Permission)		B
	PERMIT DENIAL		C
X	APPROVED JURISDICTIONAL DETERMINATION		D
	PRELIMINARY JURISDICTIONAL DETERMINATION		E

SECTION I – The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://www.usace.army.mil/inet/functions/cw/cecwo/reg/> or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved jurisdictional determination (JD) or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:

Ms. Kristie Brink
Project Manager
CESWG-RD-CC
U.S. Army Corps of Engineers
5151 Flynn Parkway, Suite 306
Corpus Christi, Texas 78411-4318
361-814-5847 ext. 1005; FAX: 361-814-5912

If you only have questions regarding the appeal process you may also contact:

Mr. Elliott Carman
Regulatory Appeal Review Officer
Southwestern Division USACE (CESWD-PD-O)
1100 Commerce Street, Suite 831
Dallas, Texas 75242-1731
Telephone: 469-487-7061; FAX: 469-487-7199

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15-day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Signature of appellant or authorized agent.

Date:

Telephone number:

*Mailed
7-26-16*

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

TRIUMPH BUILDERS LLP
411 W MARKET ST
ROCKPORT TX 78382-4927

CITY COUNCIL AGENDA
Regular Meeting: Tuesday, October 25, 2016

AGENDA ITEM: 16

Deliberate and act on second & final reading of an Ordinance amending Article 4 of the City of Rockport Zoning Ordinance Number 1027 by changing the zoning of land located at 2201 State Highway 35 Bypass; also described as Lot 44 (West 100' x 49'), Block 1, West Terrace Unit 2, Rockport, Volume 2, Page 116, Map Records of Aransas County, Texas; from R-1 (1st Single Family Dwelling District), to B-1 (General Business District); repealing all ordinances in conflict therewith; providing for severability; and providing an effective date.

SUBMITTED BY: Community Planner Amanda Torres

APPROVED FOR AGENDA: PKC

BACKGROUND: Travis and Elizabeth Kelley have submitted an application seeking approval for a rezoning request on 0.112 acres of property that is currently zoned R-1 (1st Single Family Dwelling District), located at 2201 State Highway 35 Bypass. The property owners intend to use the land as the site of a utility trailer sales lot. Because this property was incorporated into the city as part of a previous annexation, this and surrounding properties were designated as R-1 (1st Single Family Dwelling District) in accordance to the City's zoning policy for newly annexed territory (City of Rockport Code of Ordinances, Chapter 118 Zoning, Article 5 Newly Annexed Territory). The Future Land Use Map of the City's Comprehensive Plan designates this area as commercial/business.

A public notice regarding this item was published in *The Rockport Pilot* in the Wednesday, August 24, 2016 edition and mailed out to eight property owners within a 200-foot radius of the property. No letters in support or opposition were received. This item was also heard at a Joint Public Hearing with the City Council on September 13, 2016. The property owner spoke about the project. At the September 19, 2016, Planning and Zoning Commission meeting, the Commission voted unanimously to recommend to Council that the requested rezoning be approved.

Council approved the first reading of the Ordinance on September 27, 2016. There have been no changes in format or content since the first reading.

See the accompanying documentation for additional detail.

FISCAL ANALYSIS: N/A.

RECOMMENDATION: Staff and the Planning & Zoning Commission recommend Council approve the second and final reading of an Ordinance granting the rezone request at 2201 State Highway 35 Bypass to change the zoning district from R-1 (1st Single Family Dwelling District), to B-1 (General Business District), as presented.

ORDINANCE NO.

AN ORDINANCE AMENDING ARTICLE 4 OF THE CITY OF ROCKPORT ZONING ORDINANCE NUMBER 1027 BY CHANGING THE ZONING OF LAND LOCATED AT 2201 STATE HIGHWAY 35 BYPASS; ALSO DESCRIBED AS LOT 44 (WEST 100' X 49'), BLOCK 1, WEST TERRACE UNIT 2, ROCKPORT, VOLUME 2, PAGE 116, MAP RECORDS OF ARANSAS COUNTY, TEXAS; FROM R-1 (1ST SINGLE FAMILY DWELLING DISTRICT) TO B-1 (GENERAL BUSINESS DISTRICT); REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, a request to re-zone property was received in the office of the Building Department, Rockport, Texas; and

WHEREAS, on August 19, 2016 notice was posted on the bulletin boards at Rockport City Hall, 622 E. Market Street and Rockport City Hall Annex, 621 E. Market Street and on the City's webpage www.cityofrockport.com; and

WHEREAS, on August 19, 2016 notice was mailed to affected property owners within 200' of subject property; and

WHEREAS, on August 24, 2016 the City caused to be published "Notice of Joint Public Hearing" in the official newspaper of the City notifying area residents and the public in general to participate and make their views known regarding this request; and

WHEREAS, on September 13, 2016 at 6:30 p.m., the Rockport City Council and the Planning & Zoning Commission did hold a Joint Public Hearing; and

WHEREAS, on September 19, 2016 the Planning & Zoning Commission did meet and said Commission voted unanimously to recommend to the City Council to accept and approve this request to re-zone property, located at 2201 State Highway 35 Bypass from R-1 (1st Single Family Dwelling District), to B-1 (General Business District).

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

SECTION 1 – AMENDMENT

That, pursuant to Article 4 of the City of Rockport Zoning Ordinance Number 1027, the current zoning of land located at 2201 State Highway 35 Bypass; also described as Lot 44 (West 100' x 49'), Block 1, West Terrace Unit 2, Rockport, volume 2, page 116, Map Records of Aransas County, Texas; be changed from R-1 (1st Single Family Dwelling District), to B-1 (General Business District).

SECTION 2 - REPEALER

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

SECTION 3 - SEVERABILITY

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

SECTION 4 - EFFECTIVE DATE

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

APPROVED on first reading this the 25th day of September 2016.

CITY OF ROCKPORT, TEXAS

Charles J. Wax, Mayor

ATTEST:

Teresa Valdez, City Secretary

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

CITY OF ROCKPORT, TEXAS

Charles J. Wax, Mayor

ATTEST:

Teresa Valdez, City Secretary

**CITY OF ROCKPORT
OFFICE OF BUILDING
& DEVELOPMENT****Memo**

To: Mayor and City Council
From: Planning & Zoning Commission
CC: City Manager Kevin Carruth
Date: 09/20/2016
Re: Commission action on requested re-zone request at 2201 State Highway 35 Bypass

At our meeting held September 19, 2016, the Planning & Zoning Commission discussed the request to rezone property located at 2201 State Highway 35 Bypass; also known as Lot 44 (West 100' x 49'), Block 1, West Terrace Unit 2, Rockport, Aransas County, Texas, currently zoned R-1 (1st Single Family Dwelling District), to B-1 (General Business District). The purpose of the request is to allow development of a utility trailer sales lot.

Because this property was incorporated into the city as part of a previous annexation, this and surrounding properties were designated as R-1 (1st Single Family Dwelling District) in accordance to the City's zoning policy for newly annexed territory (City of Rockport Code of Ordinances, Chapter 118 Zoning, Article 5 Newly Annexed Territory). The Future Land Use Map of the City's Comprehensive Plan designates this area as commercial/business.

The Commission voted unanimously to recommend to the City Council that this request be approved.

Respectfully submitted,

Brian Olsen
Chairman, Planning & Zoning Commission



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, September 13, 2016, at 6:30 p.m. at Rockport City Hall, 622 E. Market Street, Rockport, Texas, to consider a request to rezone property located at 2201 State Highway 35 Bypass; also known as Lot 44 (West 100' x 49'), Block 1, West Terrace Unit 2, Rockport, Aransas County, Texas, currently zoned R-1 (1st Single Family Dwelling District), to B-1 (General Business District). The purpose of the request is to allow development of a utility trailer sales lot.

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

POSTED the 19th day of August 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 Wednesday, August 24, 2016, Edition, in accordance with the City of Rockport Code of Ordinances.

CITY OF ROCKPORT, TEXAS



Diana R. Leonard, Administrative Assistant



RECEIVED
AUG 15 2016
BY: KF

**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 2201 S Hwy 35 Byp-SS

C. CURRENT ZONING OF PROPERTY: Residential

D. PRESENT USE OF PROPERTY: Vacant land

E. ZONING DISTRICT REQUESTED: B-1

F. CONDITIONAL USE REQUESTED: _____

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

• Lot or Tract Lot 44 Block 1

• Tract _____ of the _____
Survey as per metes and bounds (field notes attached)

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

H. NAME OF PROPOSED DEVELOPMENT (if applicable) _____

I. TOTAL ACREAGE OR SQ. FT. OF SITE(S): 4,900 sq ft

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

Want to Rezone the Property to open Utility Trailer
Sales lot.

K. OWNER'S NAME: (Please print) Trauers and Elizabeth Kelley
 ADDRESS: 1703 W Corpus Christi St
 CITY, STATE, ZIP CODE: Rockport, TX 78382
 PHONE NO 361-633-8303

L. REPRESENTATIVE: (If Other Than Owner) _____
 ADDRESS: _____
 CITY, STATE, ZIP CODE: _____
 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] Elizabeth Kelley
 (Owner or Representative)

(FOR CITY USE)

Received by: Kerri Falkner Date: 8/15/14 Fees Paid: \$ 150.00

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

If rejected, reasons why: _____

Receipt No. _____



1.223 Acres
CF #144052

LOT 43

FND. 3/8" STEEL REBAR
0.52' N. & 0.1' W OF
FND. 5/8" STEEL REBAR

N70°48'38"W 50.65

FND. 5/8" STEEL REBAR

100.0

D = 00°30'36"
R = 11,239.16
CH = 100.04
T = 50.02
L = 100.04

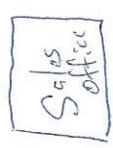
Remainder of Out Lot 35
Aransas Pass
Colonization Subdivision
John Smith Survey A-187

NORTH 100.0'
LOT 44
Save & Except
Highway R.O.W.

Edge of Asphalt Pavement

TEXAS HIGHWAY 35 BYPASS
440' R.O.W. (Not to Scale)

S19°00'00"W



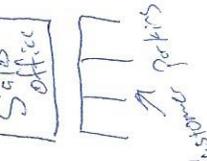
SOUTH 50.0'
LOT 44
Vol. 116, Pg. 105
D.R.A.C.T.

FND. 5/8" STEEL REBAR

S70°48'38"E 47.57

FND. 5/8" STEEL REBAR

Hand Drawings of property at 2201 St 35 Bypass intended use Located at 2201 St 35 Bypass



THIS IS TO CERTIFY THAT I HAVE CONSULTED THE FEDERAL FLOOD HAZARD MAP DATED 3-4-85, AND FOUND THAT THE PROPERTY DESCRIBED HEREIN IS (OR) IS NOT X LOCATED IN A "SPECIAL FLOOD HAZARD AREA," ZONE C, BASE ELEVATION N/A, PANEL NO. 0149C, COMMUNITY NO. 485452. THIS INFORMATION IS BASED ON SCALING THE LOCATION OF THIS SURVEY ON THE ABOVE REFERENCED MAP AND IS INTENDED TO BE USED TO DETERMINE INSURANCE RATES ONLY, AND NOT TO IDENTIFY SPECIFIC FLOODING CONDITIONS.

PLAT BEARING USED FOR DIRECTIONAL CONTROL UNLESS OTHERWISE SHOWN.

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

COPYRIGHT NOTICE

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THIS ORIGINAL WORK IS PROTECTED UNDER COPYRIGHT LAWS, TITLE 17, UNITED STATES CODE SECTIONS 101 AND 102. ALL VIOLATORS WILL BE PROSECUTED TO THE FULLEST EXTENT OF THE LAW.

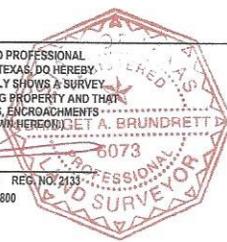
NORTH 100.0 FEET OF LOT NO. 44, BLOCK NO. 1
WEST TERRACE ACRES SUBDIVISION UNIT 2
VOLUME 2, PAGE 116, MAP RECORDS
ARANSAS COUNTY, TEXAS, SAVE AND EXCEPT
THAT PORTION CONVEYED FOR HIGHWAY 35, RELIEF ROUTE.

SCALE 1" = 20' JUNE 10, 2015

Filename: 150610d3

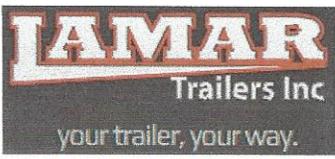
I, Bridget A. Brundrett, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THIS PLAT CORRECTLY SHOWS A SURVEY ON THE GROUND OF THE FOREGOING PROPERTY AND THAT THERE ARE NO VISIBLE EASEMENTS, ENCROACHMENTS OR PROTRUSIONS (EXCEPT AS SHOWN HEREON).

BRIDGET A. BRUNDRETT, R.P.L.S. REG. NO. 2133
TBPLS Firm No. 10004800
TBPE Firm F-414



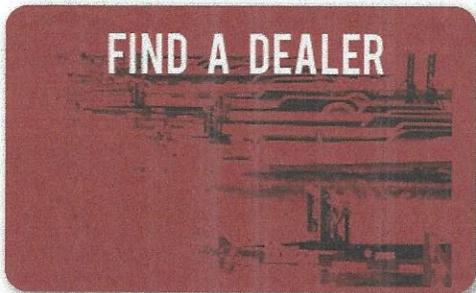
Griffith & Brundrett
Surveying & Engineering, Inc.
411 S. Pearl St., P.O. Box 2322
Rockport, Texas 78381
☎: 361-729-6479
☎: 361-729-7933
✉: jerryb@gsurveyor.com
🌐: www.gsurveyor.com

Buyer: Travis Kelley
and Elizabeth Kelley
Title Co: Stewart Title/Rockport



Snapshot of Manufacturer's Website.

HOME



SIGNUP FOR OUR NEWS-LETTER

Sign Up



TRAVIS & ELIZABETH KELLEY
1703 W CORPUS CHRISTI ST
ROCKPORT TX 78382-6300

GERALD & JO PERCIVAL
208 W WALNUT
BLUE SPRINGS MO 64014-3061

WILLIAM D WALKER III
P O BOX 2952
CORPUS CHRISTI TX 78403-2952

AZ SOUTHWEST PROPERTIES LLC
7000 N 16TH ST, STE 120 #508
PHOENIX AZ 85020-5547

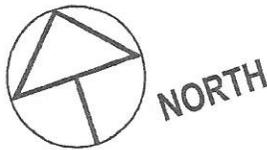
DAVID & JOCELYN PRIDDY
333 LAZY RD
ROCKPORT TX 78382-7015

JIMMY & CHERYL CLARK
P O BOX 442
ROCKPORT TX 78381-0442

KLUGE FAMILY PROPERTIES LTD
P O BOX 2323
ROCKPORT TX 78381-2323

BILL WRITMANN
P O BOX 1367
SINTON TX 78387

*mailed
8.22.16*



1.223 Acres
CF #144052

LOT 43

FND. 3/8"
STEEL REBAR
0.52' N. & 0.1' W OF
FND. 5/8"
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VOLUME 2, PAGE 116, MAP RECORDS
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THAT PORTION CONVEYED FOR HIGHWAY 35, RELIEF ROUTE.

SCALE 1" = 20'

JUNE 10, 2015

Filename: 150610d3

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Surveying & Engineering, Inc.

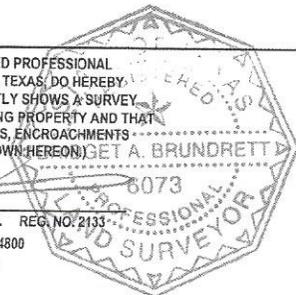
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Phone: 361-729-6479
Fax: 361-729-7933

Email: jerryb@gsurveyor.com
Website: www.gsurveyor.com

Buyer: Travis Kelley
and Elizabeth Kelley
Title Co: Stewart Title/Rockport

BRIDGET A. BRUNDRETT, R.P.L.S. REG. NO. 2133
TBPLS Firm No. 10004800
TBPE Firm F-414



CITY COUNCIL AGENDA
Regular Meeting: Tuesday, October 25, 2016

AGENDA ITEM: 17

Deliberate and act on second & final reading of an Ordinance to implement a temporary moratorium on the submission, acceptance, processing, and approval of any application for any permit or license for the installation of above-ground wireless communications facilities in the public right-of-way or on public or private property.

SUBMITTED BY: Public Works / Building & Development Director, Mike Donoho

APPROVED FOR AGENDA: PKC

BACKGROUND: The City has recently received an application from a distributed antenna system (DAS) infrastructure provider for the installation of wireless communications facilities, consisting of a permit for a 120 foot antennae pole to be installed in the public rights-of-way (ROW) within the City of Rockport. The City anticipates receiving additional requests by small cell and DAS infrastructure providers to install above-ground wireless communications facilities in the public rights-of-way and on public and private property within the City of Rockport.

The City does not currently allow the placement of above-ground wireless communications facilities, including but not limited to antennae, poles and other support structures within the City ROW. The existing provisions of the City Code are inadequate and time is needed to review, study, and revise the City Code to fully take into account the impacts related to the timing, location, and manner of construction of above-ground wireless communication facilities by multiple telecommunication, small cell, and DAS providers within the public ROW as well as other public and private property, including the public health, safety, and welfare concerns of pedestrian and vehicular traffic. More time is also needed to assess what is an appropriate level of compensation a DAS provider should pay for use of the public's ROW.

Council approved the first reading of the Ordinance on September 25, 2016. There have been no changes in format or content since the first reading.

See the accompanying description of DAS for more details on the system.

FISCAL ANALYSIS: N/A.

STAFF RECOMMENDATION: Staff recommends Council approve an ordinance on second and final reading placing a moratorium on the submission, acceptance, processing and approval of any new or pending applications for the installation of above-ground wireless communications facilities, effective immediately upon passage of this Ordinance, for a period of one hundred twenty (120) days or as maybe extended by action of City council, until the adoption and implementation of regulations as described in the above recitals, whichever may occur earlier.

Distributed Antenna Systems

A **distributed antenna system**, or DAS, is a network of spatially separated antenna nodes connected to a common source via a transport medium that provides wireless service within a geographic area or structure. DAS antenna elevations are generally at or below the clutter level and node installations are compact. A distributed antenna system may be deployed indoors (an iDAS) or outdoors (an oDAS).

The idea is to split the transmitted power among several antenna elements, separated in space so as to provide coverage over the same area as a single antenna but with reduced total power and improved reliability. A single antenna radiating at high power is replaced by a group of low-power antennas to cover the same area.

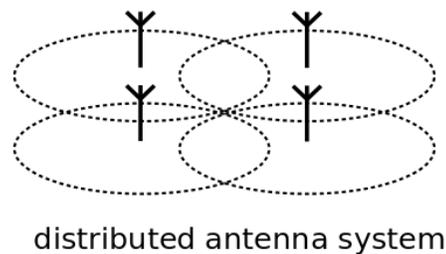
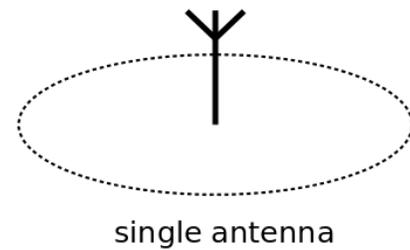
These antennas have recently been employed by several service providers in many areas around the United States. DAS is often used in scenarios where alternate technologies are infeasible due to terrain or zoning challenges.

The idea works because less power is wasted in overcoming penetration and shadowing losses, and because a line-of-sight channel is present more frequently, leading to reduced fade depths and reduced delay spread.

A distributed antenna system can be implemented using passive splitters and feeders, or active-repeater amplifiers can be included to overcome the feeder losses. In systems where equalization is applied, it may be desirable to introduce delays between the antenna elements. This artificially increases delay spread in areas of overlapped coverage, permitting quality improvements via time diversity.

If a given area is covered by many distributed antenna elements rather than a single antenna, then the total radiated power is reduced and the power per antenna is reduced. As an alternative, the total area covered could be extended for a given limit of effective radiated power, which may be important to ensure compliance with safety limits on radiation into the human body.

Using a distributed antenna system to create an area of wireless coverage, it is possible to use this technique to propagate indoor WiFi for commercial uses. It is estimated that only about five percent of commercial WiFi use a distributed antenna system.



Examples of Outdoor Distributed Antenna System Installations



ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ROCKPORT, TEXAS IMPLEMENTING A TEMPORARY MORATORIUM ON THE SUBMISSION, ACCEPTANCE, PROCESSING, AND APPROVAL OF ANY APPLICATION FOR ANY PERMIT OR LICENSE FOR THE INSTALLATION OF ABOVE-GROUND WIRELESS COMMUNICATIONS FACILITIES IN THE PUBLIC RIGHT-OF-WAY OR ON PUBLIC OR PRIVATE PROPERTY; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; FINDING AND DETERMINING THAT THE MEETINGS AT WHICH THE ORDINANCE WAS PASSED WERE OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, Section 332 of Title 47 of the United States Code, the City may regulate the placement, construction, and modification of wireless telecommunication facilities, subject to specified limitations.

WHEREAS, the Rockport City Code is silent with respect to the development, siting, installation, and operation of above-ground Wireless Communications Facilities, including but not limited to antennae, poles, and other support structures in City rights-of-way and on other public property.

WHEREAS, the City has recently received an application from a DAS infrastructure provider for the installation of wireless communications facilities, consisting of a permit for a 120 foot antennae pole to be installed in the public rights-of-way within the City of Rockport; and

WHEREAS, the City anticipates receiving additional requests by small cell and DAS infrastructure providers to install above-ground Wireless Communications Facilities in the public rights-of-way and on public and private property within the City of Rockport; and

WHEREAS, the City does not currently allow the placement of above-ground Wireless Communications Facilities, including but not limited to antennae, poles and other support structures within the City rights-of-way. The existing provisions of the City Code are inadequate and time is needed to review, study, and revise the City Code to fully take into account the impacts related to the timing, location, and manner of construction of above-ground Wireless Communication Facilities by multiple telecommunication, small cell and DAS providers within the public rights-of-way as well as other public and private property, including the public health, safety, and welfare concerns of pedestrian and vehicular traffic.

WHEREAS, The City wireless telecommunication facility regulations are administered through the zoning and site development review ordinances. Conditional use permits are required in certain zoning districts; and

WHEREAS, the Rockport City Code is in need of updating to protect the public against the potential health, safety, and welfare dangers caused by multiple telecommunication providers and small cell and DAS infrastructure providers constructing above-ground Wireless Communications Facilities throughout the City; and

WHEREAS, the City requires additional time to prepare, evaluate and adopt reasonable regulations regarding the use of the public rights-of-way and other public and private property within the City for Wireless Communications Facilities; and

WHEREAS, the absence of this ordinance would impair the orderly and effective implementation of contemplated amendments to the Rockport City Code, and any further authorization to construct Wireless Facilities in the City's rights-of-way or on other public within the City during the period of this moratorium may be in conflict with or may frustrate the contemplated updates and revisions to the Rockport City Code; and

WHEREAS, without the enactment of this ordinance, multiple telecommunication, small cell and DAS infrastructure providers could quickly receive permits to install Wireless Communications Facilities that pose a threat to the public health, safety, and welfare. For example, without this ordinance, above-ground Wireless Communications Facilities could:

- i. Create land use conflicts and incompatibilities including excessive height of poles and towers;
- ii. Create visual and aesthetics blights and potential safety concerns arising from excessive size, heights, noise, or lack of camouflaging of above-ground Wireless Communications Facilities including the associated pedestals, meters, equipment boxes, and power generators;
- iii. Create unnecessary visual and aesthetic blight by failing to utilize alternative technologies or capitalize on co-location opportunities;
- iv. Cause substantial disturbances to rights-of-way through the installation and maintenance of above-ground Wireless Communications Facilities;
- v. Create traffic and pedestrian safety hazards due to the unsafe location of above-ground Wireless Communications Facilities; and
- vi. Negatively impact the predominantly residential quality and character of the City.

WHEREAS, the City Council further finds that this moratorium is a matter of local and City-wide importance and is not directed towards any particular telecommunications provider or small cell or DAS infrastructure provider that currently seeks to establish an above-ground Wireless Communication Facility but is necessary to ensure that the provision of such services and facilities are addressed in a uniform and non-discriminatory manner; and

WHEREAS, the City Council finds that there is a current and immediate threat to the public health, safety, and welfare based on the above findings, and upon that basis has determined that an urgency ordinance prohibiting the issuance of new permits or approvals for above-ground Wireless Communications Facilities in public rights-of-way or other public or private property within the City is warranted; and

WHEREAS, the City Council finds that it is necessary and proper for the good government, peace or order of the City of Rockport to implement a Temporary Moratorium on the submission, acceptance processing and approval of any new or pending applications for the installation of above-ground wireless communications facilities within the City of Rockport.

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

SECTION 1.

The findings and recitations set out in the recitals to this Ordinance are found to be true and correct and they are hereby adopted by the City Council and made a part hereof for all purposes.

SECTION 2.

The City Council of the City of Rockport hereby places a moratorium on the submission, acceptance, processing and approval of any new or pending applications for the installation of above-ground wireless communications facilities, effective immediately upon passage of this Ordinance, for a period of one hundred twenty (120) days or as maybe extended by action of City council, until the adoption and implementation of regulations as described in the above recitals, whichever may occur earlier.

SECTION 3.

This Temporary Moratorium applies to all public rights-of-way and other public and private property located within the City of Rockport;

SECTION 4.

Waivers for relief of hardship caused by this Temporary Moratorium may be made in writing to the City Council. Waivers may be granted by the City Council when the City Council in its discretion determines the applicant shall suffer undue hardship if the moratorium is not waived, that being something beyond or in addition to financial hardship and that it is in the public interest to allow a limited exception to the moratorium.

SECTION 5.

In the case of any conflict between the provisions of this ordinance and any existing ordinances of the City the provision of this ordinance will control during the moratorium period.

SECTION 6.

If any section, paragraph, sentence, clause, phrase or word of this ordinance is declared unconstitutional or invalid for any purpose, the remainder of this ordinance shall not be affected thereby and to this end the provisions of this ordinance are declared to be severable.

SECTION 7.

It is hereby found and determined that the meetings at which this ordinance was passed were open to the public, as required by Section 551.001, et seq., of the Texas Government Code, and that advance public notice of the time, place and purpose of said meetings was given, pursuant to all applicable law.

SECTION 8.

That this ordinance shall take effect immediately upon second and final reading.

PRESENTED AND APPROVED on first reading on the 27th day of September 2016, at a meeting of the City Council of the City of Rockport, Texas; and given second reading, **APPROVED, PASSED and ADOPTED** on the ___ day of October 2016, by a vote of _____ ayes and _____ nays at a regular meeting of the City Council of the City of Rockport, Texas.

ATTEST:

CITY OF ROCKPORT, TEXAS

Teresa Valdez, City Secretary

Charles J. Wax, Mayor

APPROVED AS TO FORM:
Terry E. Baiamonte, City Attorney

CITY COUNCIL AGENDA
Regular Meeting: Tuesday, October 25, 2016

AGENDA ITEM: 18

Deliberate an act on authorizing the Mayor to negotiate and execute all necessary documents for an agreement with Wings Rescue Center to provide bird rescue services.

SUBMITTED BY: City Manager Kevin Carruth

APPROVED FOR AGENDA: PKC

BACKGROUND: At the August 23, 2016, Council Workshop, President Kay Adams presented a request for the City to reimburse Wings Rescue Center for the rescue of injured birds. In the intervening time staff has drafted an agreement incorporating the following terms, among others:

1. Quarterly reimbursement after submission of detailed activity report that includes a description of the bird and receipt from the rehabilitation center.
2. Birds that do not survive collection and transport to the rehabilitation center are not eligible for reimbursement.
3. Submit detailed revenue and expense budgets quarterly.
4. Reimbursement rate of \$35 per bird.
5. Not to exceed 143 birds or \$5,005.
6. Except as otherwise noted, only birds protected by the Migratory Bird Treaty Act are eligible for reimbursement.
7. Species listed by the U.S. Department of the Interior in Volume 70, Number 49, of the March 15, 2005 Federal Register as not protected by the Migratory Bird Treaty Act are not eligible for reimbursement (see <https://www.fws.gov/policy/library/2005/05-5127.html>).
8. The following non-native, invasive, or nuisance species are also not eligible for reimbursement:
 - a. Yellow-headed Blackbirds
 - b. Red-winged Blackbirds
 - c. Rusty Blackbirds
 - d. Brewer's Blackbirds
 - e. All Cow Birds
 - f. Eurasian Collard-Dove
 - g. European Starling
 - h. All Grackles
 - i. House Sparrow
 - j. Laughing Gull
 - k. Rock Pigeon.
9. Twelve-month term, no renewal option.
10. Submit copy of and maintain a Texas Parks and Wildlife Department wildlife rehabilitation permit and any other required state or federal permits.
11. Must maintain IRS 501(c)(3) status.

Please see the accompanying draft agreement and correspondence for additional information.

FISCAL ANALYSIS: The proposed \$5,005 funding is unbudgeted and would come out of the General Fund Non-Departmental account (699-5040). This would be the first time, at least in memory, where the City has provided such funding out of the General Fund to a private entity. It is likely to lead to multiple requests from other organizations performing equally beneficial and noble work.

RECOMMENDATION: If Council wishes to fund bird rescues, staff recommends Council authorize the Mayor to negotiate and execute all necessary documents for an agreement with Wings Rescue Center to provide bird rescue services, as presented.

1 CITY OF ROCKPORT
2 AND
3 WINGS RESCUE CENTER
4 BIRD REHABILITATION AGREEMENT
5

6 STATE OF TEXAS §
7 §
8 COUNTY OF ARANSAS §
9

10 This Agreement is made by and between the City of Rockport, a Texas home rule municipal
11 corporation, hereinafter called "City," and Wings Rescue Center, a private non-profit
12 association, located at 102 Pintail Lane, Rockport, Texas, hereinafter called "Wings,"
13 acting by and through its duly elected officers.
14

15 SECTION 1. PURPOSE OF AGREEMENT
16

17 Injured birds are found each year in the city of Rockport. Birds and birding activities are
18 an integral part of Rockport, it's citizens, and tourism industry. Areas within the city, and
19 city property, come under the jurisdiction of the Migratory Bird Treaty Act. Rescuing
20 injured birds should be done, whenever practicable, by trained people who have the
21 necessary permits to execute the recovery of these birds.
22

23 Wings is a non-profit organization, based in Rockport, Texas, qualified and duly licensed
24 to rescue injured birds and transport them to the Texas Sea Life Center, Wings sub-
25 permitted partner, for rehabilitation or long-term care.
26

27 Wings agrees to rescue, stage and transport eligible injured birds, as defined below, that
28 are found within the city limits, excluding birds found on property owned or operated by
29 the Aransas County Navigation District, as those birds are already covered under a separate
30 agreement with the Aransas County Navigation District.
31

32 SECTION 2. TERM OF AGREEMENT
33

34 This Agreement shall become effective on November 1, 2016 and terminate on October
35 31, 2017.
36

37 SECTION 3. SERVICES TO BE PROVIDED
38

39 3.1 As authorized under this agreement, the City hereby agrees to pay to Wings ***A MAXIMUM***
40 ***OF \$35.00 PER ELIGIBLE BIRD RESCUED AND DELIVERED ALIVE TO A***
41 ***LICENSED REHABILITATION CENTER, A TOTAL AMOUNT NOT TO EXCEED***
42 ***FIVE THOUSAND AND FIVE DOLLARS (\$5,005.00) OR 143 DOCUMENTED***
43 ***ELIGIBLE BIRDS***, subject to the terms and conditions herein.
44

45 3.2 Obligation: Wings will collect and transport eligible birds to the rehabilitation center
46 following recognized wildlife rehabilitation protocols.
47

48 3.3 Eligible Species: Except as otherwise noted, only birds protected by the Migratory Bird
49 Treaty Act are eligible for reimbursement.

50

51 3.4 Ineligible Species: The following non-native, invasive, or nuisance species are also not
52 eligible for reimbursement:

- 53 • Brewer's Blackbirds
- 54 • Red-winged Blackbirds
- 55 • Rusty Blackbirds
- 56 • Yellow-headed Blackbirds
- 57 • All Cow Birds
- 58 • Eurasian Collard-Dove
- 59 • All Grackles
- 60 • Laughing Gull
- 61 • Rock Pigeon
- 62 • House Sparrow
- 63 • European Starling

64

65 Additionally, species listed by the U.S. Department of the Interior in Volume 70, Number
66 49, of the March 15, 2005 Federal Register as not protected by the Migratory Bird Treaty
67 Act are not eligible for reimbursement (see <https://www.fws.gov/policy/library/2005/05-5127.html>).

68

69
70 3.5 Reimbursement: The City will provide Wings a reimbursement rate of \$35.00 per carrier
71 for the rescue and transporting of injured birds, provided the bird is an eligible bird and the
72 bird survives the collection and transport to the rehabilitation center. This fee only applies
73 to birds rescued in the area defined in Section 1 above. A "carrier" is a cage, box or other
74 device used to contain and transport injured birds.

75

76 3.6 Wings shall maintain, and within 14 days of the effective date of this contract, submit a
77 copy to the City of its Texas Parks and Wildlife Department wildlife rehabilitation permit
78 and any other required state or federal permits.

79

80 **SECTION 4. INDEPENDENT CONTRACTOR**

81

82 It is expressly understood and agreed by and between the parties that Wings is engaged as
83 an independent contractor and is not an officer, agent or employee of the City. Wings will
84 exercise its independent judgment in all aspects of the services and other actions performed
85 under this agreement.

86

87 **SECTION 5. MANAGEMENT OF FUNDS**

88

89 5.1 It is understood and agreed by and between the parties that, upon budget approval by the
90 City, a fiduciary duty is created in Wings with respect to expenditure of the revenue
91 provided.

92

93 5.2 The Wings shall submit a reimbursement request, quarterly, to the City, to include a
94 detailed activity report of that quarter that states: the date, location and description of each

95 bird collected and transported, the written authorization to enter private property (if
 96 applicable), a description of the outcome for each rescued bird, a receipt from the
 97 rehabilitation facility for each bird treated reflecting the date, bird description, and cost of
 98 rehabilitation. Upon request of the City, Wings shall make the records available for
 99 inspection and review during normal business hours in accordance with the provisions of
 100 the Texas Public Information Act (Texas Government Code, Chapter 552).

101
 102 5.3 Wings shall submit to the City, on a quarterly basis, a detailed revenue and expense budget
 103 for the operations of the Wings. It shall show the amount budgeted for the quarter by
 104 category item and the actual expenditures of such within the fiscal year quarter being
 105 reported. In addition, all administrative expenses shall be reported in detail comparing the
 106 current fiscal year expenses projection, the current fiscal year actual expenses and the
 107 percent of the fiscal year projection. See Exhibit A below.

108
 109 5.4 Wings shall upon request submit an audited financial report to the City, showing in detail
 110 the disbursement and use of funds paid to Wings pursuant to this Agreement, no later than
 111 sixty (60) days after the end of each fiscal year of this Agreement. In addition, the City
 112 reserves the right to request an annual audited financial statement reflecting the financial
 113 position of the entire Wings for the duration of this Agreement.

114 **SECTION 6. TRANSFER OF FUNDS**

115
 116
 117 Upon compliance with all conditions precedent, the City Secretary shall remit to Wings
 118 any amounts to which Wings shall be entitled based on the conditions herein. Each
 119 quarterly payment, if any, shall be made to Wings within ten (10) business days after
 120 receipt of the required quarterly report as provided under Sec. 5.2, but not sooner than the
 121 31st day after the end of each calendar quarter, and after approval of said report by the City
 122 Council.

123 **SECTION 7. LIABILITY**

124
 125
 126 The City shall have no liability, and Wings waives and releases all causes of action against
 127 City or any of its employees, officers, or agents, for injury to Wings or any employee,
 128 officer, agent or volunteer of Wings, arising from or related to any condition on, under, or
 129 above the real or personal property upon which Wings volunteers may enter, whether or
 130 not the condition is visible or obvious.

131
 132 Wings and every employee, officer, agent and volunteer of Wings shall assume all risk of
 133 injury incurred in any manner in connection with the performance of this agreement or the
 134 presence or activities described herein and in connection with the handling or proximity to
 135 any animals or other organisms.

136
 137 Wings shall not enter upon private property to provide services described in Section 3 of
 138 this agreement without first obtaining written permission of the property owner. The
 139 property owner's authorization shall be included with Wing's quarterly reimbursement
 140 request.

141

142 Wings shall require each of its employees, agents, and volunteers to sign a waiver and
 143 release of liability regarding the above stated matters, in a form acceptable to the City, prior
 144 to engaging in any activities, on behalf of the City, as described herein. described. Wings
 145 agrees to indemnify the City, its officers, agents, and employees, from any and all claims,
 146 losses, causes of action and damages, suits, and liability of every kind, including all
 147 expenses of litigation, courts costs and attorney fees, for injury to or death of any person,
 148 or for damage to any property arising from or in connection with the operations or actions
 149 of the Wings, its officers, agents and employees carried out in furtherance of this
 150 Agreement.

151

152 **SECTION 10. TERMINATION**

153

154 If either party materially breaches this Agreement, the other party may terminate the
 155 Agreement by providing thirty (30) days' written notice to the defaulting party. Should a
 156 dispute arise regarding the existence of a material breach, either party may request that the
 157 issue be presented to a licensed mediator.

158

159 **SECTION 11. NON-RENEWAL**

160

161 It is understood and agreed that Wings is not entitled to any right of automatic renewal of
 162 this Agreement for the ensuing year, or years, since such option under the Act rests
 163 exclusively with the City Council.

164

165 **SECTION 12. NOTICE**

166

167 All communications required by this Agreement between the City and Wings shall be in
 168 writing and addressed to the attention of the City Manager, 622 E. Market Street, Rockport,
 169 TX 78382 or to the President, Wings Rescue Center, 102 Pintail Lane, Rockport, TX
 170 78382.

171

172 **SECTION 13. COMPLIANCE WITH LAWS**

173

174 In performing its duties under this Agreement, Wings shall at all times comply with the
 175 City of Rockport Code and all the State of Texas Acts. (See Sections 1 & 5.)

176

177 Wings shall maintain at all times it's IRS 501 (c) (3) status, shall provide the City a copy
 178 of their current IRS status determination, and notify the City if there is a change in that
 179 status.

180

181 **SECTION 14. PROHIBITION AGAINST DISCRIMINATION**

182

183 In the performance of this Agreement, Wings shall not discriminate against any employee
 184 or applicant for employment because of an individual's race, color, religion, national
 185 origin, sex, or mental or physical disability. Proven breach of this provision may be
 186 regarded as a material breach of this Agreement allowing for termination.

187

188 **SECTION 15. CONTROLLING LAW**

189

190 It is understood and agreed that in the event any provision of this Agreement is inconsistent
191 with the requirements of the Act, or any other applicable State law, the requirements of the
192 law will control and supersede the terms set forth herein.

193

194 **SECTION 16. ENTIRE AGREEMENT**

195

196 This Agreement constitutes the entire agreement between the parties, relative to the funds
197 made the basis hereof.

198

199 **IN WITNESS WHEREOF**, the parties have herein unto set their hands on duplicate
200 originals, in the City of Rockport, Aransas County, Texas on this ____ day of
201 _____, 2016.

202

203 **CITY OF ROCKPORT**

WINGS RESCUE CENTER

204

205

206

207

Charles J. Wax, Mayor

Kay Adams, President

208

209

210

211

ATTEST:

ATTEST:

212

213

214

215

Teresa Valdez, City Secretary

216

217

218

FUNDING EXPENSE REPORT FY 2016-2017

Description of Expense	Approved Budget	1 st Quarter Expenses	2 nd Quarter Expenses	3 rd Quarter Expenses	4 th Quarter Expenses	TOTAL
TOTAL REQUESTED						

220

Description of Administrative Expenses	Current Fiscal Year Administrative Expenses Projection	Fiscal Year Administrative Actual Expenses	Percentage of Fiscal Year Projections
TOTALS			

221

Kay Adams, Wings Rescue Center.

We wanted to update you on our successful bird Rescue volunteer group for Rockport Fulton.

Our volunteers to date 6/26/16 we have rescued 111 birds since 3/21/16 and transported them to Texas Sealife Center. We also had a public release of our first Pelican rescue and the public, 3 different newspapers were there for support including Rockport Pilot, Caller Times and Victoria News.

The support from the public, media and our Facebook account has been tremendous. Captain Tommy Moore donated a fund raising sunset cruise and all proceeds donated to WRC to allow us to keep rescuing more birds.

Aransas County has offered us a building but sadly too many funds were needed to install a new roof on building.

ACND and Wings have an agreement that started 6/1/16 to pay us \$35.00 per carrier for birds rescued and transport within ACND property which has really helped.

These rescues are at a cost of \$25.00 per carrier to Texas Sealife center for care. This has been paid by donations and our volunteers, also many hours are spent rescuing and transporting the birds with calls from the public and including local police, sheriff department, animal control and ACND that the visiting public called in for rescue.

I am here today to ask for help with funds from the City for rescues within city limits. To help us at least cover WRC costs.

From: [Kay Adams](#)
To: [Kevin Carruth](#)
Subject: RE: Meeting
Date: Thursday, July 21, 2016 4:53:37 PM

Kevin,

You are asking a question there is no way to know. Rescues you never know. The Ark use to get average 100 birds a year from Rockport. We have already had 165 calls for rescues but only 25 rescues from City of Rockport to date. We keep close records of location of rescues. ACND put a max of 100 rescues for the contact year not to exceed \$3,500.00 total. We pay \$25.00 per carrier for the birds, So just that much support from City of Rockport to cover our donors cost to care for the birds we rescue in Rockport would be greatly appreciated. The volunteers use their cars, gas and time to take them to Corpus Christi until we have a home and no longer need to transport. After this year we will have a better idea of rescues for a average, but again rescues we always hope will be very little.

And as far as revenue, How many nice people will donate to us to help rescue? That is all we have to pay with as of now and started out paying out of our own pockets, now the caring of donors and thanks to a wonderful donation of sunset cruise with all proceeds to go to us for bird care. We are getting them taken care of.

I hope you understand, this is all volunteer with a unknown amount of injured birds and not a regular business where we can give you Revenue and expenses. We are only asking for Rockport to support care only for the birds rescued in their City limits only.

I am also asking Fulton and Aransas County to help in some way.

Thank you for your support
Kay Adams WRC

From: Kevin Carruth [mailto:citymgr@cityofrockport.com]
Sent: Thursday, July 21, 2016 4:30 PM
To: Kay Adams
Subject: RE: Meeting

The cost per bird is good to know but what is the total amount you are requesting? How many birds do you anticipate rescuing? From October 1, 2016 – September 30, 2017, what do you anticipate your total organizational revenue and expenses to be?

Kevin Carruth, City Manager
City of Rockport
622 E. Market Street
Rockport, Texas 78382
Ph.: (361) 729-2213, ext. 221

From: Kay Adams [mailto:kadams7747@austin.rr.com]
Sent: Thursday, July 21, 2016 12:49 PM

To: Kevin Carruth <citymgr@cityofrockport.com>

Subject: RE: Meeting

From: Kevin Carruth [<mailto:citymgr@cityofrockport.com>]

Sent: Wednesday, July 20, 2016 11:58 AM

To: Kay Adams

Subject: RE: Meeting

I apologize but I assumed that since you took advantage of the citizen comment period at last week's meeting that you had taken care of your request.

Before I put you on the agenda we will need to know some additional information, specifically:

1. Exactly how much money are you asking for? **\$25.00 per carrier for the care is what we have to pay, the rescue and transport is volunteer. We are getting \$35.00 from ACND to cover our transportation costs.**
2. What other sources of support, both financial and in-kind, are you currently receiving and from what sources? **Donations, fundraisers & ACND is what keeping us able to still do the rescues.**
3. Do you have an annual budget to share? **No, Still working from home and cars, all volunteer except for the cost per carrier for care.**
4. Excluding Aransas County Navigation District property, how many birds to date have you rescued that were inside the Rockport city limits? **only 25 just for City of Rockport as of last night but changes daily.**

To answer your question about timing, requests need to be submitted by noon Thursday, 12 days prior to the regular meetings on the second and fourth Tuesday of each month. I have attached a form for future use.

Please contact me if you have any questions. Thanks!

Kevin Carruth, City Manager
City of Rockport
622 E. Market Street
Rockport, Texas 78382
Ph.: (361) 729-2213, ext. 221

From: Kay Adams [<mailto:kadams7747@austin.rr.com>]

Sent: Wednesday, July 20, 2016 10:16 AM

To: Kevin Carruth <citymgr@cityofrockport.com>

Subject: Meeting

Kevin,

Any idea on when I will be added to a City meeting or workshop agenda? I sent the new format back to you taking off the Hotel Tax part of my talk on 6/27/2016.

Just so I know for the future what is the normal time frame to be able to officially talk to City council, not just the 3 minute where there cannot be in 2 way conversation, WRC Board of directors was asking me that question and I did not know the answer?

Thank you

Kay Adams

Wings Rescue

No virus found in this message.

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Version: 2016.0.7688 / Virus Database: 4627/12656 - Release Date: 07/21/16

CITY COUNCIL AGENDA
Regular Meeting: Tuesday, October 25, 2016

AGENDA ITEM: 19

Deliberate and act on location and support of Tropical Christmas parade route.

SUBMITTED BY: Council Member Rusty Day.

APPROVED FOR AGENDA: PKC

BACKGROUND: In early 2015, following ongoing concerns about spectator safety, negative comments from some Austin Street merchants about being on the parade route, and at least one incident at the 2014 Tropical Christmas parade, the City made the decision to prohibit parades on Austin Street and, instead, reroute any parades to Magnolia Street. Magnolia Street, at 45 feet wide, offers a much safer buffer than the 12-foot lane on Austin Street, especially for children who may dart into the parade formation out of excitement or to get to candy that may be thrown.

At the end of the parade, participants historically have been directed to either the Beach Park or down Laurel and across Hwy 35 Business. Participants have never been directed onto the Festival Grounds due to safety concerns and because it would slow or stop the parade.

Following discussion at the June 28, 2016, workshop, the Mayor appointed an *ad hoc* committee chaired by Council Member Rusty Day to develop recommendations to address the issues raised. The committee submitted their accompanying recommendations on October 19, 2016.

The Mayor Pro Tem, City Manager, Police Chief, and Public Works Director met October 20 to review and discuss the committee's recommendations. The consensus of this group is that the recommendations lack sufficient details to adequately address safety and logistic concerns. In addition, with six weeks before the December 3 event, there is insufficient time to more fully develop the committee's proposal and secure any commitments.

The October 20 group examined two other routes – Magnolia Street and Seabreeze. The chief safety concern for the Magnolia route was the lack of adequate light. This can be addressed by renting three light sets (see fiscal analysis below).

The Seabreeze route would have the parade starting at the north end of the Beach Park and ending at Laurel Street. This route provides two lane miles of almost completely uninterrupted parking along Seabreeze, in addition to the parking next to the park gate and around the fairgrounds and harbor area. Stopping the parade at Laurel also allows parade entries to disperse at Laurel, Chamber, Concho, and Navigation, relieving much of the bottleneck that has occurred in recent years. Aransas County Navigation District (ACND) Chairperson Malcolm Dieckow was contacted about the possibility of ACND's support. Chairperson Dieckow said pending details of Council deliberation and action, he liked the idea and would support it before his board. This route places everyone at the center of the evening festivities, including the tree lighting ceremony, Cast in Bronze concert, fireworks show, and eases the bottleneck at the end of the parade.

The chief drawback to the Seabreeze route is that it moves it moves the parade completely out of downtown. However, it was noted that most merchants do not appear stay open now and once the parade begins and most or all potential customers are focused on the parade and fireworks and are no longer in shopping mood that evening. Regardless of the final route, it would seem that the most productive action for merchants would be to work with the Chamber and Tropical Christmas to develop events downtown that would drive potential business to them during the day.

Please see the accompanying minutes from the June 28 workshop and Parade Committee recommendations for additional information.

FISCAL ANALYSIS: The current committee recommendations lack sufficient detail to determine the full scope of responsibilities (and attendant costs) for any participating organizations, including the City of Rockport. Unknown costs include:

1. Barricades – The 54 barricades committed by the City and TxDOT are inadequate to provide a safe level of crowd control for the 18 lane blocks of the parade route. Additional barricades would have to be purchased or rented.
2. Labor – The City will have labor costs associated with the pick-up, set up, tear down, and returning of barricades should there not be a sufficient number of volunteers.
3. Personal Safety Equipment – The committee’s recommendations include the City providing safety vests and flashlights for volunteers. The number of volunteers is not identified but would likely need to total 54 – 72 in order to provide 3-4 volunteers per block, per side along the nine blocks of the route.

Light sets can be rented to better illuminate the Magnolia Street route at a cost of \$552 for the recommended three light sets required, plus the cost of fuel (four light sets would cost \$853).

STAFF RECOMMENDATION: Staff recommends that the parade route remain on the already scheduled Magnolia Street route and that deliberations concerning alternative routes continue.

Proposed City Council Meeting Agenda Item

Proposal to move the Tropical Christmas Parade back to Austin Street.

A committee representing downtown merchants, city public works department, the Rockport police department and Rockport city council have been meeting for several months after downtown merchants expressed a strong desire to see the parade moved back to Austin Street. Councilmember Rusty Day representing Ward 1 and the Heritage District, held a series of meetings with a variety of downtown business owners and other representatives of the city's support staff, to address the issues which forced the move to Magnolia St. Those meetings led to variety of ideas and workable solutions that were distilled down to a viable plan. Resources to implement that plan were identified and pledged by the parties supplying them.

The primary concern of the city is the safety of its citizens. This was established early in our meetings and this was the primary reason the parade was moved to Magnolia St. The committee began to address all the various safety concerns and their solutions and they are as follows:

1. Concerns about spectators inadvertently being in danger of injury because of proximity to the moving vehicles.
2. Concerns about spectators (children and adults) approaching the moving vehicles to pick up toys or candy thrown from the floats.
3. The ability of parade participants (adults and children) to unload and make their way to their transportation safely after the parade ends.

We believe all of these concerns have been met by implementing the following series of changes:

1. Austin St must be closed beginning at 4:00pm the day of the parade. All shop owners are in agreement. To that end the City and State have allocated sufficient portable barricades to control traffic in and around the area. The City will need to purchase additional disposable warning tape to be used to control pedestrians.
2. Volunteers from several groups including business owners, Aransas County Leadership Class, and Rockport Fulton Chamber of Commerce Bay Blazers have been secured to pick up, set up, and tear down barricades and other crowd control measures well in advance of the start of the parade. Other identified individuals will provide live crowd control during the actual parade. We ask that the City purchase reusable or disposable high visibility vests and inexpensive flash lights to assist.
3. Parade participants must not be allowed under any circumstances to throw candy, toys, etc. from the floats. This may only be done by walking participants.
4. The parade will end on the fairgrounds. All participating floats will be allowed an option to exit from Chamber Drive onto Broadway. Although this option is not encouraged, it is available. We feel the disbursement of the participants of the parade in previous years unnecessarily places those at risk because of traffic exiting the beach park at the end of the fireworks display and added to the congestion. We also encourage more parade participants to stay and enjoy the various entertainment opportunities available at that time.

RECEIVED
OCT 10 2016
CITY MANAGER

CITY OF ROCKPORT

MINUTES

CITY COUNCIL WORKSHOP MEETING 1:30 p.m., Tuesday, June 28, 2016 Rockport City Hall, 622 East Market Street

On the 28th day of June 2016, the City Council of the City of Rockport, Aransas County, Texas, convened in Workshop Session at 1:30 p.m., at the regular meeting place in City Hall, and notice of meeting giving time, place, date and subject was posted as described in V.T.C.A., Government Code § 551.041.

CITY COUNCIL MEMBERS PRESENT

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

CITY COUNCIL MEMBER(S) ABSENT

STAFF MEMBERS PRESENT

City Manager Kevin Carruth
City Secretary Teresa Valdez
City Attorney Terry Baiamonte
Public Works Director Mike Donoho
Finance Director Patty Howard
Police Chief Tim Jayroe
Park & Leisure Services Director Tom Staley
Information Technology Director Brian Jacobs
Public Works Assistant Director Art Smith
Public Works Administrative Supervisor Anna Brandl
Public Works Regulatory Compliance Assistant Debbie Mazur
Community Planner Amanda Torres

ELECTED OFFICIALS PRESENT

Opening Agenda

1. Call to Order.

With a quorum of the Council Members present, the Workshop Session of the Rockport City Council was called to order by Mayor Wax at 1:30 p.m. on Tuesday, June 28, 2016, in the Council Chambers of the Rockport City Hall, 622 E. Market Street, Rockport, Texas.

Regular Agenda

2. Hear and deliberate on routes for downtown parades.

Mayor Wax reminded everyone that Council Workshops are not decision making meetings; the purpose of them is to educate and inform.

Mayor Wax stated there have been discussions internally and externally about the Tropical Christmas Parade.

Penny Hong addressed the Council. Ms. Hong stated the Rockport Heritage & Art District Association has debated how to bring the Tropical Christmas parade back to Austin Street and disembark at the festival grounds. Ms. Hong expressed that there has been a lot of money spent to make downtown a destination point. Ms. Hong said the Association has come up with some solutions, and safety is a priority. Ms. Hong conveyed some of the safety solutions: 1) the primary one, because the floats come up on the water side of the street, is not to allow parking on that side of street after 4:00 p.m. on the day of the parade, then all you have left is the bulb-outs; 2) width of the street from bulb-out to median is 13 feet, candy can be thrown over heads of people; 3) want to make sure there are no children on bulb-outs – suggested that we have certain things on the bulb-outs (vendors, dancers, etc.); and 4) proposed also that no parking be allowed on west side of street – leave that open as a discussion point. Ms. Hong expressed that merchants in downtown are encouraged to keep their stores open, lights on and have refreshments for the Tropical Christmas parade, to invite customers into the stores. Ms. Hong thanked the Council for the opportunity to address this and she thinks as a community we can come up with ideas, volunteers and task force of police to make the parade safer.

Mayor Wax asked Police Chief Tim Jayroe to comment on removing parking.

Police Chief Tim Jayroe stated he has talked with Ms. Hong and assured her that the biggest concern is safety of children on the bulb outs. Chief Jayroe said that if we can keep children back on the bulb outs and off the media, that may solve some of the problem, but he is not sure how to use volunteers because people always do what they want to do. Chief Jayroe expressed that he would be happy to have the patrol commander meet with the Association to try to figure out what can be done to ensure safety of everyone. Chief Jayroe added that when there are 12-13 foot long trucks and 10 foot wide trailers in the parade on Austin Street, the children can reach out and touch them. Chief Jayroe stated there is a concern about that; if we can get people not to park, it is a good idea, not sure of practicality of it. Chief Jayroe said that people visiting Rockport would not know about not being able to park on Austin Street for the parade. Chief Jayroe stated that the idea of parking on the west side is a particular concern; people back their trucks in and sit on the back – having that open should not be a serious problem, but may be a pedestrian problem when trying to get out after parade.

Discussion was held among Council and Chief Jayroe regarding the types of barricades or other things that could be used to keep people off the median and block parking where the bulb outs are.

City Manager Kevin Carruth asked everyone to keep in mind that we are talking about 9 blocks, that is 18 lane blocks, and no matter what type of barricade you put up, you have to have people to enforce it; 19 lane blocks would mean 60 volunteers who have no enforcement authority and are we going to create a problem.

Steve Akin, owner of Maison, addressed the Council. Mr. Akin asked if all this would be done on Magnolia Street as well, where there are no sidewalks, no lighting and empty lots. Mr. Akin asked what was the assessment that shows there is a safety risk. Mr. Akin asked what is the difference in risk that makes it so imperative that Santa Claus is on a back road of back lots; this is not where Christmas parades are held.

Mayor Wax responded that the fundamental thing is that the lane on Magnolia Street is four times as wide as Austin Street.

Mr. Akin stated that they were just told it was the safety of kids that was the concern; on Magnolia Street there are people setting up chairs on the street because there are no sidewalks. Mr. Akin stated he really wants the parade to be downtown and all the things that are being discussed have implications such as expense, police and volunteers, and it is not going to happen, Magnolia Street is easier.

City Manager Kevin Carruth stated that there is a bigger margin of safety on Magnolia Street.

Council Member Gurtner stated that the parade application states that things should not be thrown from floats. Ms. Gurtner said if you have walkers who hand out the candy, then you do not have the risk of safety. Ms. Gurtner added that it is not always the children who are at risk.

Michelle Simmons, owner of New Beginnings, addressed the Council. Ms. Simmons stated she has participated in the parade and it was so dark on Magnolia Street that you could not see people in the parade, nor could you see the children on the side of the street. Ms. Simmons added that there were people who walked in the dark on Magnolia Street and fell or twisted their ankles. Ms. Simmons said she knew that disembarking at the festival grounds is also an issue, but crossing Highway 35 is not good. Ms. Simmons expressed that as a merchant she thought it was ridiculous to not have the parade downtown.

Stan Armstrong addressed the Council. Mr. Armstrong stated he has driven in and also watched the parade. Mr. Armstrong said Magnolia Street is too dark, you cannot see the people on the floats. Mr. Armstrong suggested having the parade during daylight hours around 4:00 p.m., that would make it 100% safer.

Mayor Wax stated that at the conclusion of the parade, there is a stage at the festival grounds where the presentation of art awards to children is conducted and then the children assist him in lighting the Christmas tree at Compass Rose Park. Mayor Wax added that the festival grounds are also the location for the Cast in Bronze performance. Mayor Wax said it is just not a parade, there are all sorts of activities being conducted all day on the festival grounds. Mayor Wax asked businesses to comment on the possibility of closing Austin Street to parking all day on the day of the parade.

Council Member Villa stated that the City wants the parade to happen, it is all about safety. Mr. Villa asked that everyone please take that into consideration.

Marsha Reed, co-owner of Sassy, addressed the Council. Ms. Reed thanked the Council for the opportunity to speak. Ms. Reed stated that the day of the Tropical Christmas parade is a huge day for downtown businesses and if Austin Street is blocked all day that would hurt the businesses.

Other business owners in the audience agreed with Ms. Reed that closing Austin Street on the day of the Christmas parade would hurt their businesses.

Lee Copeland addressed the Council. Mr. Copeland stated he had participated in all the parades and he thinks Chief Jayroe has made it clear that if the safety concern is taken care of then having the parade on Austin Street is doable. Mr. Copeland said maybe if the business owners quantified how many people would be needed to block the medians and blub outs and work with Chief Jayroe, it could be worked out.

Eric Heller, Chairman of SeaFair, addressed the Council. Mr. Heller asked if anyone has ever watched the parades that travel Magnolia Street during the day. Mr. Heller said he has personally driven in these parades and almost run over 10 children. Mr. Heller stated that either way, we have to do something about safety; which is easier to control from logistical standpoint.

Council Member Day stated that the issue is children running towards the floats. Mr. Day said you can eliminate that issue on Magnolia Street by handing candy out and not throwing it; on Austin Street that will not necessarily solve the problem. Mr. Day added that if candy throwing is the issue, maybe that be eliminated altogether. Mr. Day expressed that he has seen numerous near misses of children almost being hit.

Mr. Carruth said safety has been a concern on Austin Street for quite some time and what brought this to mind was the Christmas parade two years ago when a man fell off of a truck tailgate and fell into marchers. Mr. Carruth stated that if it had been a float, the man would have been a flat Stanley.

Penny Hong thanked the Council for the opportunity to share their concerns and stated she thought the issues could be worked out and the parade be held on Austin Street. Ms. Hong said we are six months away from parade time and there is plenty time to educate the public about safety to ensure the parade can be held on Austin Street. Ms. Hong suggested a task force of police and merchants be formed to assist to do this.

Council Member Villa asked Ms. Hong if the downtown group would be willing to do that.

Ms. Hong answered: "Yes, if we can have a task force, we can do that. The community will understand. As wide as Magnolia Street is, Austin Street has so much more. There is nothing quite like being on South Austin Street during that time with the rest of the community participating."

Marsha Reed stated there seems to be a few potential problems and rather than taking steps to ensure

close calls do not happen, and keeping things the way they used to be, the City made a drastic change. Ms. Reed said that people in the community did not like this and there is a petition with 300 signatures asking that the parade route be changed back to Austin Street.

Mayor Wax stated that throwing anything from floats happens all over the country and has been a prohibition in our parade application forever. Mayor Wax said it is impossible to enforce. Mayor Wax asked that everyone keep that in mind as we work through this. Mayor Wax expressed that Chief Jayroe and the Police Department have very real concerns because that is what they do, and the Council thought that was the best thing for the community, it may be, it may not be. Mayor Wax encouraged everyone that if you have particular things that you would like to share and did not want to say, please send it to Chief Jayroe and copy Mr. Carruth.

3. Hear and deliberate on a proposal to adopt a policy to have all new gas meters placed at the front property line.

Public Works Assistant Director Art Smith addressed the Council. Mr. Smith stated the Gas Department has been researching best practices of other gas providers to determine if adopting a property line meter set policy will increase the safety of our gas technicians and citizens, improve operational efficiency, and lower the liability exposure to the City of Rockport. Mr. Smith said staff has developed a proposal to place all new gas meters (both new installations and those being repaired or replaced) moved to the property line instead of the current practice of having them near or next to the customer's building. Mr. Smith informed the Council that the cities of Corpus Christi, Port Aransas, Robstown, and Sinton have all adopted similar policies and the Texas Municipal League Intergovernmental Risk Pool's gas consultant recommends adopting the proposed policy as a positive risk management strategy. Mr. Smith added that private utilities (i.e. AEP, AT&T, TWC) have also been placing their facilities at the front property line for some time.

Mayor Wax noted that there has been dialogue with some of the local developers.

Discussion was held among Council and Mr. Smith.

Mark Uhr, Real Estate Agent and General Contractor, addressed the Council. Mr. Uhr expressed concerns about the safety of putting gas meters where they could be hit by vehicles. Mr. Uhr stated he thinks this would be a big hazard and unsightly and he is opposed to it.

Spencer Parks, Development Manager at The Reserve, addressed the Council. Mr. Parks stated they are selling a dream and this was going to affect that. Mr. Parks said this would be unsightly and a safety hazard. Mr. Parks said they would like to have gas in all the new homes being constructed, but they cannot do that with this proposal.

Public Works Director Mike Donoho addressed the Council. Mr. Donoho said there were other mitigating circumstances at The Reserve and accommodations will have to be made. the goal is to work with developers and provide safety.

City Manager Kevin Carruth stated that the Islands of Rockport developers have also expressed