
CITY COUNCIL AGENDA

Notice is hereby given that the Rockport City Council will hold a regular meeting on Tuesday, November 8, 2016, at 6:30 p.m. The meeting will be held at Rockport City Hall, 622 E. Market, Rockport, Texas. The matters to be discussed and acted upon are as follows:

Opening Agenda

1. Call meeting to order.
2. Pledge of Allegiance.
3. Presentation: Graduation Certificate from the Public Works Institute of Texas - Ryan Picarazzi
4. Citizens to be heard.
At this time, comments will be taken from the audience on any subject matter that is not on the agenda. To address the Council, please sign the speaker's card located on the table outside the Council Chamber and deliver to the City Secretary before the meeting begins. Please limit comments to three (3) minutes. In accordance with the Open Meetings Act, Council may not discuss or take action on any item that has not been posted on the agenda.

Consent Agenda

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

5. Deliberate and act on approval of City Council Regular Meeting Minutes of October 25, 2016.
6. Deliberate and act on request for approval by the Parks and Leisure Services Department for use of the Festival Grounds and temporary signage at various locations, including a street banner at the Walmart entryway on Highway 35 North for Tropical Christmas festival.
7. Deliberate and act on 4th quarter hotel occupancy tax report from Friends of the Fulton Mansion State Historical Site for 2015-2016 marketing expenditures.

Public Hearing

8. Conduct second Public Hearing on proposed annexation by the City of Rockport, of 92 acres of land, more or less, along Market Street between Warbler Lane and Kelly Lane, out of a portion of the John Smith Survey A-187.
9. Conduct second Public Hearing on proposed annexation by the City of Rockport, of 990 acres of land, more or less, along Highway 35 Bypass between Mundine Road and approximately 1,000 feet south of 18th Street, out of a portion of the Charles Zenn Survey A-226, and the James McKay Survey A-160.
10. Conduct second Public Hearing on proposed annexation by the City of Rockport, of 212 acres of land, more or less, along Highway 35 Bypass between 12th Street and approximately 545 feet north of Griffith Drive, out of portions of the Joseph F. Smith Survey A-198, R.J. Towns Survey A-206, Paul McCombs Survey A-317, and the C.W. Egery Survey A-62.

Regular Agenda

11. Hear, deliberate and act to accept the Utility Bill Surcharge Fund Disbursement Report, Annual Reports from Fulton, Lamar and Rockport Volunteer Fire Departments, and authorize disbursement of funds.
12. *Tabled October 25, 2016* – Deliberate and act on authorizing the Mayor to negotiate and execute all necessary documents for an agreement with Wings Rescue Center to provide bird rescue services.
13. 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:

14. 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.
15. 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.

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.

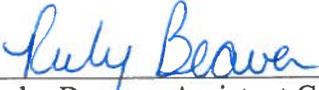
16. Adjournment.

Special Accommodations

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's office at (361) 729-2213, ext. 225 or FAX (361) 790-5966 or email citysec@cityofrockport.com 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, November 4, 2016, by 5:00 p.m. and on the City's website at www.cityofrockport.com. I further certify that the following News Media were properly notified of this meeting as stated above: *The Rockport Pilot*, *Coastal Bend Herald*, and *Corpus Christi Caller Times*.



Ruby Beaven, Assistant City Secretary

CITY COUNCIL AGENDA
Regular Meeting: Tuesday, November 8, 2016

AGENDA ITEM: 3

Presentation: Graduation Certificate from the Public Works Institute of Texas – Ryan Picarazzi

SUBMITTED BY: City Secretary Teresa Valdez

APPROVED FOR AGENDA: PKC

BACKGROUND: The Public Works Institute of Texas is a two-year program that covers basic and advanced management practices developed by The American Public Works Association to meet the training needs of municipal utility and public works agencies. The classes are rotated in three areas of Texas: Bryan / College Station, Dallas / Fort Worth, and Austin / San Antonio. The classes are designed for Public Works professionals who aspire to move their careers forward through an expanded knowledge of supervision, management and leadership.

Ryan Picarazzi currently serves as Crew Leader in the City's Street and Drainage Department. He has been employed by the City of Rockport since August 26, 2004 (12 years). He was promoted to Crew Leader on May 1, 2009. Ryan is also a recent graduate of Leadership Aransas Class 20.

See the accompanying program description for more information.

FISCAL ANALYSIS: N/A

RECOMMENDATION: N/A

Public Works Institute of Texas

The Public Works Institute of Texas (PWITX) continues an award winning tradition of providing members of the Texas Chapter with the highest quality in educational and professional development opportunities.

The Institute will consist of four modules in the American Public Works Association's 90-hour program of instruction in Supervision and Management in Public Works. This program, covering basic and advanced supervision and management over a two-year period, was developed by APWA to meet the training needs of municipal utility and public works agencies. The highly affordable program is taught by public works practitioners to public works employees and culminates in a Public Works Institute Certificate.

Students will be allowed to start the Institute at any session but are required to commit to completing the entire 90 hours of training upon acceptance into the Institute. Students will be able to start the 90 hours of training with any module. In addition, once started, the student will be able to delay enrolling for the next module if the module conflicts with work.

The modules for the Institute will be rotated to occur in three areas of the State: Dallas/Ft. Worth area, the Houston area and the Austin/San Antonio area. Modules will be scheduled each year in the April and October timelines.

The maximum number of students in the class is 25. Application for acceptance into the Institute will be decided by a committee established by the Texas Chapter Board of Directors.

The application for the Institute can be found on the TPWA website (tpwa.org) and in upcoming issues of the Participant.

WHO SHOULD

ATTEND: Current and future supervisors, leaders and managers involved in Public Works.

COST:

APWA/TPWA members - \$1,988 OR \$497 per Module (3 day session)

Non APWA/TPWA members - \$2,138 OR \$535 per Module (3 day session)

Payment for each module will be due upon registration for the module. Students will be sent the registration form upon acceptance to the institute.

Institute cost includes breakfast/lunch, course material and certificate of completion. Students are responsible for lodging, travel to the training site and dinner.

Scholarships are available through the Chapter and Branches! Please go to the website for scholarship applications and criteria. (Chapter and Branch)

Public Works Institute of Texas

The Institute's four modules will consist of the following topics. Individual modules are currently under development but will be available as soon as possible.

- Introduces the basic supervisory role and requisite personal skill sets
- Identifies common methods for selecting, training, and motivating employees
- Discusses positive and negative factors regarding stress in the workplace and related time management
- Examines the problem employee and approaches to discipline
- Discusses the value and impact of conflict management and the means for addressing
- Defines organizational culture and how it further defines an organization
- Examines the necessity of an organization-wide site safety program
- Reviews the importance of the labor – management relationship as it to organizational productivity
- Defines commonly held skills: planning, organizing, staffing, directing, coordinating, reporting
- Overviews the importance of, and difference between, delegation and empowerment
- Provides an understanding of the staff/line relationship
- Introduces the public works process and it relationship under different organizational structures
- Details the legal underpinning of information and records management
- Identifies the importance of, and means to create, an action plan
- Identifies the common factors of a maintenance management system
- Introduces basic communication skills
- Explains methods useful in conducting effective meetings
- Overviews various informal, formal, and technical types of business communication
- Provides an introduction to public and media relations

- Examines the necessity of creating a strong public image within the community
- Defines methods for ensuring a positive relationship with elected officials
- Identifies the format, content, and structure for making effective presentations
- Provides hands-on exercises in media relations, formal presentations, and report writing
- Identifies the competencies of an effective leader
- Examines various leadership styles
- Challenges ethics as an underpinning to successful leadership
- Defines the measurement of excellence
- Introduces the key components of developing effective teams
- Identifies important community service/customer orientation skills
- Examines the critical underpinning and challenges of customer service
- Identifies the necessity and value of creating internal and external partnerships
- Provides a basic understanding of the legal environment within which public works operates
- Discusses the administrative processes related to contracts
- Reviews current federal legislation
- Introduces fundamental government structure and processes
- Reviews the roles of governing bodies
- Reviews the financial environment attendant to local government
- Examines the fundamentals of purchasing and inventory management
- Provides an in-depth understanding of capital project administration from planning to project close-out
- Introduces the significant components of strategic planning
- Examines the value of alternatives in creative decision making
- Details the essentials of effective crew scheduling
- Discusses the consultant relationship in project management
- Introduces and provides an overview of public works operations
 - Transportation
 - Right-of-Way/Utility/One Call
 - Solid Waste Management
 - Emergency Management
 - Facilities and Grounds
 - Potable Water
 - Wastewater
 - Stormwater/ Flood Management Master Plan
 - Engineering and Technology
 - Equipment and Fleet Management
- Identifies the value of the human equation in public works

CITY COUNCIL AGENDA
Regular Meeting: Tuesday, November 8, 2016

AGENDA ITEM: 5

Deliberate and act on approval of Council Regular Meeting Minutes of October 25, 2106.

SUBMITTED BY: City Secretary Teresa Valdez

APPROVED FOR AGENDA: PKC

BACKGROUND: Please see the accompanying minutes of the regular meeting of October 25, 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, October 25, 2016
Rockport City Hall, 622 East Market Street**

On the 25th day of October 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

CITY COUNCIL MEMBER(S) ABSENT

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

STAFF MEMBERS PRESENT

ELECTED OFFICIALS PRESENT

City Manager Kevin Carruth
City Secretary Teresa Valdez
Community Planner Amanda Torres
Police Chief Tim Jayroe
Public Works Director Mike Donoho
Parks & Leisure Services Director Rick Martinez
Finance Director Patty Howard
Municipal Court Clerk Christi Stevens
Municipal Court Clerk Rebecca Garcia
Public Works/Building Services Department Office Supervisor Anna Brandl
Water Department Regulatory Assistant Debbie Mazur
Natural Gas Department Supervisor David Rabroker
Natural Gas Department Team Leader Wayne Unruh
Natural Gas Department Meter Service Operator Jimmy Crisp
Natural Gas Department Maintenance Technician Garth Matheny
Natural Gas Department Maintenance Technician Juan Olivarez
Natural Gas Department Crew Leader Eleazar Gonzalez
Natural Gas Department Maintenance Technician Ramon Honorato

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, October 25, 2016, in the Council Chambers of the Rockport City Hall, 622 E. Market Street, Rockport, Texas.

2. Pledge of Allegiance.

Students from Rockport-Fulton Middle School led the Pledge of Allegiance to the U.S. flag.

3. Presentation: Texas Municipal League Intergovernmental Risk Pool gas utility survey performance rating.

Mayor Wax read a letter from the Texas Municipal League Intergovernmental Risk Pool (TMLIRP) congratulating the City of Rockport on its “100” performance rating on the TMLIRP Gas Utility Survey. Mayor Wax stated the City’s Natural Gas Department has earned a “95” or better on the last six surveys and there are not many cities that receive a “95” performance rating, and even fewer that have received it for six years. Mayor Wax presented the certificate and safety award pins to the City’s Natural Gas Department employees.

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

Mayor Wax read a Proclamation declaring November 9, 2016, as “No Place for Hate Day” in Rockport, Texas. Mayor Wax presented the Proclamation to Rockport-Fulton Middle School teacher Gail Roaten.

Rockport-Fulton Middle School student Laura Lee gave a brief presentation explaining the “No Place for Hate Day” initiative. Ms. Lee stated Rockport-Fulton Middle School is the first school in south Texas to become a “No Place For Hate” school.

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

Mayor Wax presented a Proclamation for Municipal Court Week, November 7-11, 2016, in Rockport, to Municipal Court Judge Diana McGinnis and Court Clerks Christie Stevens and Rebecca Garcia.

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 any action on any item that has not been posted on the agenda.

Jeanette Larson, 185 Heron Oaks, addressed the Council. Ms. Larson voiced concerns about trees being removed in the City, and the City’s tree ordinance. Ms. Larson requested this be put on a future Council agenda for discussion and action.

Neli Spurrell, 166 Heron Oaks, addressed the Council. Ms. Spurrell stated she also was concerned about the number of trees being removed for development of properties. Ms. Spurrell said she has received calls and emails from citizens concerned about the YMCA plans to remove trees when a structure is built. Ms. Spurrell added that she had sent a letter to the Council requesting funding assistance in the amount of \$2,000.00 for insurance for the Keep Aransas

County Beautiful organization. Ms. Spurrell informed the Council that this insurance has to be acquired before Keep Aransas County Beautiful can apply for grants.

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 the 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/Trunk 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.**

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

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

Regular Agenda

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

Rockport-Fulton Chamber of Commerce Chair Rick McKinney addressed the Council. Mr. McKinney presented the Rockport-Fulton Chamber of Commerce Guiding Members to Success report. A Rockport-Fulton Chamber of Commerce television commercial was shown.

15. Deliberate and act on second and 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.

Mayor Wax stated there had been no changes in format or content of the Ordinance since the first reading on September 27, 2016.

Council Member Day stated he thought a second entrance into the property had been agreed upon.

Public Works Director Mike Donoho said the developer had discussed the RV Park being developed in phases and he is amenable to looking at a second entrance in the future.

Council Member Villa stated the developer has addressed every concern that residents had expressed in the previous Council meetings.

Neli Spurrell asked how many RV parks per capita are allowed in the City of Rockport, and asked whether a limit could be placed on the number allowed. Ms. Spurrell asked if the City of Rockport was becoming a good place for middle class homes or a RV resort place. Ms. Spurrell also asked what brings more economic value to the community, one acre with twenty RVs or one acre with five single-family homes.

Mayor Wax stated there is no limit in the city, state, county, or nation on how many RV parks are allowed in a place. Mayor Wax added that this community is supportive of both kinds of development, homes and RV parks. Mayor Wax said at this time, there are single-family homes being built on FM 3036. Mayor Wax added that people use RVs as permanent homes and some use them as their second homes, and these people provide significant contributions to this community.

City Manager Kevin Carruth stated that Ms. Spurrell questions were not germane to the Agenda item.

Jeanette Larson asked if this development had followed the City’s Tree Ordinance and had it been reviewed by the Tree Committee.

Mayor Wax explained that is part of the permit approval process. Mayor Wax said that what is on the Agenda tonight is approval of a Conditional Use Permit for the purpose of building an RV resort park.

MOTION: Mayor Pro-Tem Rios moved to approve the second and 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. Council Member Day 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

16. Deliberate and act on second and 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.

Mayor Wax stated there had been no changes in format or content of the Ordinance since the first reading on September 27, 2016.

MOTION: Council Member Day moved to approve the second and 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. Council Member Villa seconded the motion. Motion carried unanimously.

17. Deliberate and act on second and 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.

Mayor Pro-Tem Rios asked if the City had received any applications for a permit or license for installation of above-ground wireless communications facilities since the last Council meeting.

Public Works Director Mike Donoho said there had been no other applications, only the one previously received.

Brief discussion was held among Council and Mr. Donoho.

Mayor Wax stated there had been no changes in format or content of the Ordinance since the first reading on September 27, 2016.

MOTION: Council Member Villa moved to approve the second and 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. Council Member Gurtner seconded the motion. Motion carried unanimously.

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

Mayor Wax stated the City Attorney had prepared a draft agreement with a reimbursement rate of \$35 per bird, limiting it to 143 documented eligible birds. Mayor Wax added that it was his understanding that the Wings Rescue Center had received their 501(c)(3) designation.

Council Member Villa stated he did not agree with providing General Fund money to this group; the money is not budgeted. Council Member Villa informed the Council that the Parks & Leisure Services Advisory Board had received a request from a parent of a special needs child for playground equipment that can be used by special needs children. Council Member Villa stated he thinks playground equipment for special needs children is more important than birds. Council Member Villa expressed that the Bent Oaks property was purchased by the City to protect the birds and Council should take off the blinders and look at this very closely.

Kay Adams with Wings Rescue Center addressed the Council. Ms. Adams informed the Council that they have received 265 calls for assistance in Aransas County, with 224 birds rescued, 81 within the City of Rockport. Ms. Adams said they receive a lot of calls from people visiting Rockport and the public comment on this is unbelievable. Ms. Adams said the community would be upset if they could not help the birds.

Council Member Day asked if there is an opportunity going forward to obtain funding of their own; do they have a plan.

Ms. Adams answered that they are trying to obtain funding, but this is totally volunteer based. Ms. Adams said if they are able to obtain a permit and facility, then there will be better opportunities for grants.

Jeanette Larson informed the Council the money would be used for veterinary services, care and feeding of the birds; there is no overhead. Ms. Larson said this is truly important to a lot of people in the community.

Council Member Villa stated he is not cold-hearted, but he thinks a child with special needs is more important than birds. Mr. Villa added that the family with the special needs child is telling us this is not fair; the City just spent three million dollars for the birds.

Ms. Adams said they would only charge for the birds rescued.

Neli Spurrell informed the Council that the Animal Rehabilitation Keep (ARK) would be their main help, but a lot of their funding has been cut and they cannot accept Aransas County birds.

Mayor Wax stated that there are any number of stories about rescuing birds and other animals, but the question that the Council is examining is whether to authorize funding with taxpayer dollars. Mayor Wax added that he would like information on why the ARK funding was cut or discontinued.

Ms. Adams stated she would send Mayor Wax a copy of the letter that was sent to the newspaper regarding the ARK funding cut.

Sam Furman addressed the Council. Mr. Furman said he is 80 years old and the Wings Rescue Center has given him a new take on life.

MOTION: Mayor Wax moved to table this item until Ms. Adams provides to City Manager Kevin Carruth the documentation regarding the ARK funding cut. Council Member Villa seconded the motion. Motion carried unanimously.

19. Deliberate and act on location and support of 2016 Tropical Christmas parade route.

Council Member Day stated the 2016 Tropical Christmas Parade Route Committee was tasked with exploring the possibility of moving the Christmas parade back to downtown, Austin Street. He said several meetings were held and the Committee began to look at the major problems identified and then discussed way to find solutions. Council Member Day informed the Council that the concerns centered around spectators and participant safety. Council Member Day said spectators would be able to come dangerously close to vehicles, as well as when things were thrown from floats this encouraged spectators to approach floats. Council Member Day expressed that concern was raised about parade participants being able to unload safely. Council Member Day stated the Committee believes these concerns have been met by implementing the following series of changes:

1) Austin Street must be closed beginning at 4:00 p.m. 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.

Council Member Day added that there is very minimal cost to these changes.

Discussion was held among Council.

New Beginnings store owner Michelle Simmons stated the goal is for people to get back to their cars after the parade.

Mayor Pro-Tem Rios asked how many volunteers were committed to assisting and if there was a list because he has seen this happen; people volunteer and then things happen and there are not enough volunteers. Mayor Pro-Tem Rios stated that this will probably require 70 people or so.

Council Member Day stated the Rockport-Fulton Chamber of Commerce Bay Blazers, the downtown merchants, the Aransas County Leadership Class, and the Rockport Police Department are the volunteers. Council Member Day said 70 volunteers are not needed because of the physical barricades.

It was mentioned that the Rockport Center for the Arts is having a large event that same evening and will this create congestion in that area.

Council Member Day said the route completely misses the area around the Rockport Center for the Arts.

Mayor Pro-Tem Rios stated the Christmas parade route was previously changed because of safety concerns. Mayor Pro-Tem Rios asked Police Chief Tim Jayroe if the proposed changes address his safety concerns.

Police Chief Tim Jayroe stated that the safety of the children is the greatest concern and if the children can be kept back from the floats and vehicles, that addressed the safety concern. Chief Jayroe added that if parade participants can be prevented from throwing candy, that will also help with keeping the children back. Chief Jayroe said he did not know if two volunteers per block would be enough to keep people back from the floats and vehicles, and wondered whether people pay attention to volunteers in vests and carrying flashlights.

Further discussion was held among Council and Chief Jayroe.

Council Member Gurtner commented that this plan is not perfect, but she did like the idea of having an open lane for emergency vehicles if necessary. Council Member Gurtner stated that if floats are not allowed to throw candy this may prevent children from going under the barricade tape.

Council Member Villa stated he like the idea but he is worried about it being to congested on the small sidewalks along Austin Street.

Mayor Wax stated he thinks the sidewalks are going to get overloaded quickly.

City Manager Kevin Carruth stated he is concerned about the time frame; there are only four weeks until the parade and costs involved have not been discussed yet. Mr. Carruth said he did not think two volunteers is enough; minimum of three or four would be better.

Michelle Simmons asked that the Council just let them try this route.

MOTION: Mayor Wax moved to approve the Austin Street route with the four changes as outlined by Council Member Day for the 2016 Tropical Christmas parade. Council Member Villa seconded the motion. Motion carried 4:1.

FOR MOTION: Mayor Wax, Council Member Day, Council Member Villa and Council Member Gurtner.

AGAINST MOTION: Mayor Pro-Tem Rios.

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; 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 stated this is his first Council meeting since he has turned over the gavel as the Texas Municipal League President. Mayor Wax extended his thanks to Council and City Staff for their support.

Council Member Day reported that Jennifer Day is working on things for the Cultural Arts District. Council Member Day informed the Council that Jennifer has been invited to sit in on a round table discussion regarding Cultural Arts Districts.

Council Member Villa stated the Parks & Leisure Services Advisory Board met and discussed the Tropical Christmas event. Council Member Villa said the mother of the special needs child talking about her child wanting to be able to play at the City parks like the other children was heartbreaking. Council Member Villa stated he hoped the City could provide some special needs equipment at the parks for special needs children.

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) Consultation with Attorney on pending or contemplated litigation: (A) Bay Education Center, (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.**

At 8:11 p.m., Mayor Wax convened the Rockport City Council into an executive session pursuant to provisions of Chapter 551 of the Texas Government Code, in accordance with the authority contained in Section 551.087 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.

At 8:23 p.m., Mayor Wax reconvened the Rockport City Council into open session pursuant to the provisions of Chapter 551 of the Texas Government Code to take any necessary actions related to the executive sessions noted herein, or regular agenda items, noted above, and/or related items.

No action was taken.

24. Adjournment

At 8:22 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, November 8, 2016

AGENDA ITEM: 6

Deliberate and act on request for approval by the Parks and Leisure Services Department for use of the Festival Grounds and temporary signage at various locations, including a street banner at the Walmart entryway on Highway 35 North for Tropical Christmas festival.

SUBMITTED BY: Administrative Recreation & Programs Assistant Jackie Hattenbach

APPROVED FOR AGENDA: PKC

BACKGROUND: The Parks and Leisure Services Department is organizing the 12th annual Tropical Christmas Festival for December 3, 2015. They seek approval of the festival site, pursuant to Aransas County Navigation District Festival Site policy which requires general liability insurance coverage naming the City of Rockport as additional insured and provision of proof of that coverage. In addition, the Department request approval of temporary signage at various locations, including a street banner at the Walmart entryway on Highway 35 North.

Please see the accompanying supporting documentation for more information:

1. Letter from the Aransas County Navigation District approving use of the festival site and use of the Rockport Beach Park circle area for the fireworks display.
2. Policy: Navigation District Festival Site Use Located in Rockport-Fulton, Texas
3. City of Rockport Application for Parade Permit
4. Map of Parade route

Temporary signage will be located at Memorial Park, Compass Rose Park, Tule Hike & Bike Trailhead, and street banner at the Walmart entryway on Hwy. 35 N.

FISCAL ANALYSIS: N/A

RECOMMENDATION: Staff recommends City Council approve the request from the City of Rockport Parks & Leisure Services Department's use of the Festival Site on December 3, 2016, and for signage sites, as presented.



ARANSAS COUNTY NAVIGATION DISTRICT

July 14, 2016

Mrs. Jackie Hattenbach
Event Coordinator
City of Rockport
622 E. Market Street
Rockport, Texas 78382

Re: 2016 Tropical Christmas Festival

Dear Mrs. Hattenbach:

Pursuant to Regular Meeting held on Monday, July 5, 2016, the Board of Commission voted unanimously to approve your request to host the 2016 "Tropical Christmas Festival" using the Navigation District festival site on Saturday, December 3, 2016, reserving from Friday, December 2, 2016, subject to festival site policy in effect. This approval also approves your request to use the circle at the end of the Rockport Beach for the fireworks display, subject to all required permits.

Should you have any question(s), please do not hesitate to contact this office.

Sincerely,

ARANSAS COUNTY NAVIGATION
DISTRICT

A handwritten signature in black ink, appearing to read "Nelda Covarrubias", is written over the typed name and title.

Nelda Covarrubias
Office Secretary

Nc/
Copy/file
xc: City of Rockport

Policy:

Navigation District Festival Grounds and Adjacent Site Use

Effective date –October 6th 2014

(1.) User Fee: \$100/ per day Monday -Thursday/\$300 per day Friday, Saturday & Sunday

(2.) Clean -up Deposit : \$500 for clean-up of entire site including all parking and areas surrounding the festival site and any areas permitted to be used as part of the event (Large event or Commercial)or \$200 (for small private event)

Litter removal should be ongoing and completed within 24 hours of the closing of event.

Tent and structure removal should not interfere with the litter clean-up process

It is the responsibility of the event organizers to communicate with the Harbor Master as to the progress of the clean-up operation. This is to assure the timely and satisfactory clean-up during and after the event.

The event Organizers must provide trash cans and dumpsters to handle all trash produced. The cost of the removal of all debris is the responsibility of the event.

The Harbor Master will make the determination of the effectiveness of the clean-up. Should the event sponsor fail to adequately clean or remove all trash or debris it could result in forfeit of the clean-up deposit. If the ACND maintenance crew is utilized for additional clean-up that cost will be billed to the event sponsor for any amount over the \$500 or \$200 based on type of event. Any amount under the deposit amount will be returned to the event sponsor.

The ACND reserves the right to increase the deposit amount to anyone or event organization sponsor should it become necessary.

- Special attention should be given to litter clean-up where cars park north and southbound Highway 35.
- Private events/benefits may be allowed on festival grounds based on approval of the Harbor Master. Insurance and clean-up deposit based on size of event.

(3.) Damage to Property or Infrastructure: All Damage should be reported to the Aransas County Navigation District Harbor Master. All damages and the cost to repair will be the responsibility of the event sponsor. Damage cost will be deducted from deposit. If damages exceed the amount of the deposit the remainder will be billed to the event sponsor.

(4.) Sponsor(s) to obtain at their expense General Liability Insurance covering said activities in the amounts \$1,000,000 P.I./2,000,000 P.P. naming the Aransas County Navigation District as additional Insured and further provide the District with a certificate as evidence thereof.

(5.) Extra police and traffic control to be provided by event sponsors. Arrangements to be made with the City of Rockport for said services.

(6.) Utilities for use on the grounds are to be arranged by the event sponsor.

(7.) ACND will mow grass before sponsor takes possession of festival grounds. No further mowing will take place.

(8.) NO Tent Spike Zone. Event sponsors must observe the zone where no ground penetrations can be made in order to protect buried utilities. (reference map provided)

(9.) The ACND shall not accept any responsibility or liability for alcohol sold or consumed on the grounds

(10.) All activities to be terminated by 11:00 PM each event kknight.

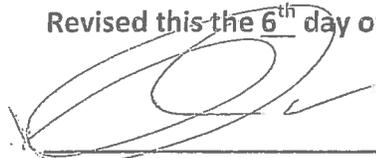
(11.) Application for site use must be made to the Aransas County Navigation District (30) days in advance of event starting date.

(12.) Sponsor(s) to follow all City, State and Federal rules and regulations.

(13.) The ACND shall be mentioned as a named sponsor at the level agreed to with each organization for all events held on the festival grounds. The ACND reserves the right to place a banner at or near all entry points to said events held on its property.

Adopted 4/12/92

Revised this the 6th day of October, 2014.



Thomas W. Moore, Jr.
Chairman
Aransas County Navigation District

CITY OF ROCKPORT
APPLICATION FOR PARADE PERMIT

The undersigned; in accordance with the provisions Chapter 86 of the Code of Ordinances, City of Rockport, Texas, hereby makes application for a Parade Permit:

Applicant Name: "Tropical Christmas Festival" *Telephone No.* (361) 727-2158

Applicant Address: 121 Seabreeze Drive Rockport, Texas 78382
(Street Address) (City/State/Zip)

If applicant is applying on behalf of a firm, corporation, association, or other entity, please attach a copy of the resolution of the governing board or body of such firm, corporation, association, or other entity indicating its sponsorship of the parade and authorizing the applicant to act in its behalf in securing a permit therefore.

This application must be accompanied by, those parades sponsored by a firm, corporation, association, or other entity, a copy of the resolution of the governing board or body of such firm, corporation, association, or other entity indicating its sponsorship of the parade and authorizing the applicant to act in its behalf in securing a permit therefore.

The name, address and telephone number of the person(s) to be responsible for:

Organizing parade:	<u>Jackie Hattenbach</u>	<u>121 Seabreeze Drive</u>	<u>(361) 727-2158</u>
	(Name)	(Address)	(Telephone #)
Conducting parade:	<u>Same as above</u>		
	(Name)	(Address)	(Telephone #)
Cleaning animal waste:	<u>N/A</u>		
	(Name)	(Address)	(Telephone #)

Date December 3, 2016, **time** 6:00 pm **proposed for commencement of the Parade and estimated duration:** (hrs) 30 **(minutes).**

State the location point for assembly of parade: S. Ann St. alongside Rockport City Hall

State the location for disassembly of parade: H.E.B. Parking Lot

Description of the specific Parade route listing all streets to be utilized and direction of flow from the point of commencement to termination: Begin on S. Ann, turn left onto Market St, turn right onto Navigation Circle, turn left onto Concho St. in front of the Women's Club, and disband in the former H.E.B. parking lot.

Type of Parade: Commercial Non-commercial x

Note: A "commercial parade" means a parade sponsored other than by a nonprofit organization, the purpose of which is to advertise a product, whether tangible or intangible, to advertise or promote an exhibition or theatrical performance or otherwise operate to the pecuniary benefit of the sponsor.

If Commercial Parade, described the product, good or service to be advertised: _____

State the estimated number of persons to participate in the parade: *Approximately 300-500*

State the estimated number of participants by category:

<i>Vehicle</i> 20	<i>Floats</i> 30	<i>Motorized displays</i> 7
<i>Animals</i>	<i>Type of Animals</i> <i>Dogs</i>	
<i>Marching Units</i> 5	<i>Bands</i> 1-2	<i>Color Guards</i> 1-2
<i>Drum & Bugle Segments</i> <i>None</i>	<i>Drill Teams</i> 1	
<i>Others not listed:</i> <i>Golf Carts</i>		

I hereby certify that all information contained in this application is true and correct under penalty of law. If further acknowledge by any signature below that I have received a copy of Code of Ordinances Chapter 86 "Streets, Sidewalks, and Other Public Places" Article V. "Parades". I understand that, pursuant to aforesaid Code of Ordinances, the Chief of Police may, in the public interest, place reasonable conditions on any such permit relating to the time, place or manner of conduct of the parade and that the permit may be suspended or revoked, among other things, for violation of such conditions.

Signed: _____ Signed: _____

Signed: _____

ACKNOWLEDGEMENT

STATE OF TEXAS §

COUNTY OF ARANSAS §

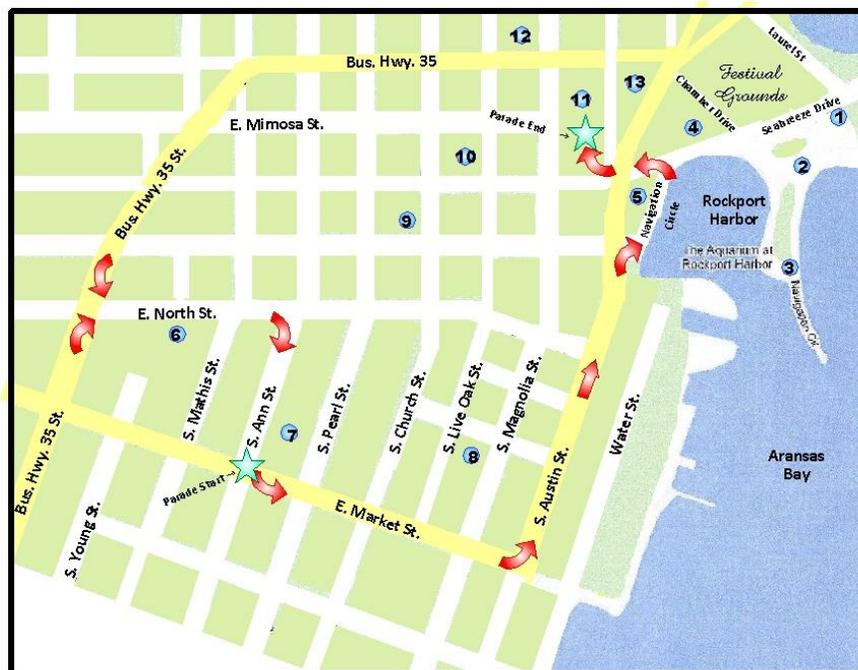
BEFORE ME, the undersigned authority, on this day personally appeared Jackie Hattenbach

_____ known to me to be the person(s) whose name is subscribed to the foregoing application, and upon oath deposes and states that all facts contained therein are true and correct.

(Seal)

Notary Public in and for the State of Texas
Commission Expires: _____
Printed Name: _____

Tropical Christmas Festival 2016 parade Route



- | | |
|---------------------------|--------------------------|
| (1) Bay Education Center | (8) Methodist Church |
| (2) Art Center | (9) Sacred Heart Church |
| (3) Aquarium | (10) Courthouse |
| (4) Texas Maritime Museum | (11) Old H.E.B Building |
| (5) Veterans' Park | (12) Presbyterian Church |
| (6) Pro Build | (13) Chamber of Commerce |
| (7) City Hall | |

CITY COUNCIL AGENDA
Regular Meeting: Tuesday, November 8, 2016

AGENDA ITEM: 7

Deliberate and act on 4th quarter hotel occupancy tax report from Friends of the Fulton Mansion State Historical Site for 2015-2016 marketing expenditures.

SUBMITTED BY: City Secretary Teresa Valdez

APPROVED FOR AGENDA: PKC

BACKGROUND: The Friends of the Fulton Mansion State Historical Site has been allocated \$25,000.00 in FY 2015-2016 Hotel Occupancy Tax (HOT) funds. According to our agreement with the Friends of the Fulton Mansion State Historical Site, 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 6602009. YTD expenses are \$25,000.00 out of \$25,000.00 budgeted.

STAFF RECOMMENDATION: Staff recommends Council approve the Friends of the Fulton Mansion State Historical Site FY 2015-2016 Hotel Occupancy Tax funds 4th quarter expenditures, as presented.

Fulton Mansion

HOT FUNDING EXPENSE REPORT FY 2015-2016

Description of Expense	Approved Budget	1 st Quarter Expenses (Oct – Dec)	2 nd Quarter Expenses (Jan-March)	3 rd Quarter Expenses (April-June)	4 th Quarter Expenses (July-Sep)	TOTAL
Intern Salaries	\$10,000	\$2,134	\$1,380	\$988.20	\$5,497.80	\$10,000
Tour Guide Salaries	\$15,000	\$1,655	\$6,528.75	\$5,709.00	\$1,107.25	\$15,000
TOTAL REQUESTED	\$25,000	\$3,789	\$7,908.75	\$6,697.20	\$6,605.05	\$25,000

Description of Administrative Expenses	Current Fiscal Year * Administrative Expenses Projection	Fiscal Year Administrative Actual Expenses	Percentage of Fiscal Year Projections
Intern and Tour Guide salaries	\$40,000	\$36,500	91%
TOTALS			

* Our Friends of Fulton Mansion fiscal year is the calendar year.

CITY COUNCIL AGENDA
Regular Meeting: Tuesday, November 8, 2016

AGENDA ITEM: 8

Conduct second Public Hearing on proposed annexation by the City of Rockport, of 92 acres of land, more or less, along Market Street between Warbler Lane and Kelly Lane, out of a portion of the John Smith Survey A-187.

SUBMITTED BY: Community Planner Amanda Torres

APPROVED FOR AGENDA: PKC

BACKGROUND: This is the second Public Hearing for the proposed annexation along Market Street. Please see the accompanying metes and bounds description and service plan for additional details.

FISCAL ANALYSIS: N/A

RECOMMENDATION: Not an action item.

MUNICIPAL ANNEXATION SERVICE PLAN FOR AREA “MARKET STREET A” (92 Acres)

Area to be Annexed

Being approximately 92 acres, more or less, out of a portion of the John Smith Survey A-187, with said 92 acres being more particularly described by metes and bounds on Field Notes show in Exhibit “A” and map in “Exhibit B.”

Introduction

In accordance with the directives of the City Council of the City of Rockport, Texas, the City's Comprehensive Plan, and the requirements of Subsection 43.056 of the Texas Local Government Code, the following service plan for the area hereinafter referred to as Area “Market Street A” and as shown on the accompanying map that has been prepared. The proposed plan may be amended as a result of the public hearing process in accordance with Subsection 43.056 of the most current edition of the Texas Local Government Code. This service plan shall become a part of an annexation ordinance submitted to the City Council for consideration and action, if any.

The following services will be provided on the effective date of the annexation of the area according to Subsection 43.056 of the most current edition of the Texas Local Government Code regarding services to newly annexed areas:

1. Animal Control

Existing Services: Animal control services for this area are currently provided by the Aransas County Animal Control Department.

Services to be Provided: The Aransas County Animal Control Department will continue the enforcement of the City of Rockport's animal control ordinances on the effective date of the annexation. Such services can be provided with current Animal Control personnel and within the current budget appropriation.

2. Capital Improvements

Construction of capital improvements shall be considered by the City in the future as the needs dictate on the same basis as such capital improvements are considered throughout the city.

3. Building Inspections

Existing Services: Existing building inspection services are provided in this area by the City of Rockport when required by applicable building codes.

Services to be Provided: The Building & Development Department will provide Code Enforcement and Building Inspection Services upon annexation. This includes issuing building, electrical and plumbing permits for any new construction and remodeling, and enforcing all other applicable codes which regulated building construction within the City of Rockport. Annexation of this area would require an increase of approximately 520 building inspector labor hours and 520 code enforcement officer labor hours.

4. Emergency Medical Services

Existing Services: Emergency medical services are currently provided under contract with Aransas County by Allegiance Ambulance from their facility located at 400 Enterprise in Rockport.

Services to be Provided: Annexation of the proposed area will not alter the response times, service sectors, or the existing interagency agreements.

5. Fire

Existing Services: Existing services are typically provided as outside city limits response by the Rockport Volunteer Fire Department, Inc.

Services to be Provided: Fire suppression will be available to the area upon annexation and will be provided by the Rockport Volunteer Fire Department, Inc. There is a fire substation currently located at 1608 West Terrace Blvd. Annexation of the proposed area will not alter the response times, service sectors or the existing interagency agreements.

6. Health Code Enforcement

Existing Services: Public health services for this area are currently provided by the Aransas County Environmental Health Department.

Services to be Provided: The Aransas County Health Department will implement the enforcement of the City of Rockport's health ordinances and regulations on the effective date of the annexation. Such services can be provided with current Health Department Personnel and within the current budget appropriation.

7. Parks

Existing Services: Library services are provided by the Aransas County Public Library. City parks are currently open to non-city residents.

Services to be Provided: Library services will still be provided by the Aransas County Public Library under the same terms. Annexation will not result in any changes in the availability of parks and library facilities to residents of the area.

8. Planning and Zoning

Existing Services: This area falls within the Extraterritorial Jurisdiction (ETJ) of the City of Rockport. Platting and land subdivision activities are currently co-administered by Aransas County and the City of Rockport. The City's zoning and land use ordinances, however, are not applicable outside of the existing city limits.

Services to be Provided: The Building and Development Department's responsibility for regulating development and land use through the administration of the City of Rockport Zoning Ordinance will extend to this area on the effective date of the annexation. The property will solely be regulated under the requirements of the City of Rockport Subdivision Ordinance. These services can be provided within the department's current budget.

9. Police

Existing Services: Existing services are primarily provided by the Aransas County Sheriff's Office.

Services to be Provided: The Rockport Police Department will initiate full police and law enforcement services to this proposed annexed area at the effective date. Both divisions of the police department will coordinate this service plan.

1. The Patrol Division will provide active patrol services in the proposed area. These services will include accident investigation and preventative patrol to deter violations of statutes and local ordinances. The Patrol Division will also assist other emergency-related agencies responding within this proposed area. The Patrol Division will provide further service to our customers by initiating and monitoring vacation/property checks for residences and businesses requesting such programs during their absence.
2. The Criminal Investigation Division will provide for active investigation services to be implemented in the proposed area. These services include crime scene search and the related analysis and investigation leading to the identification of suspects, issuance of arrest warrants and the apprehension of suspected offenders; preparation and submission of cases to the appropriate agency for prosecution and/or presentation to a Grand Jury; and response to citizen requests for crime prevention and security inspections of their real property. A review of the ongoing criminal investigations will be conducted to determine which (if any) cases should be transferred to the Rockport Police Department Investigation Division: The Criminal Investigation Division will assist in the development of neighborhood watch programs and conduct certified residential and business security surveys upon request.

Annexation of this area would require an increase of approximately 2,080 patrol labor hours, 1,387 criminal investigation labor hours, and 694 administration labor hours. The Rockport Police Department will coordinate with the proper governmental agencies to ensure that 911 map sheets will be updated related to 911 calls within the specified zone.

10. Sanitary Sewer Service

Existing Services: Existing sanitary sewer service in this area is provided by either the City of Rockport or by on-site sewage facilities.

Services to be Provided: Sanitary sewer service to the area of proposed annexation will be provided in accordance with applicable codes and city policy. When property develops in the adjacent areas, sanitary sewer service shall be provided in accordance with the present extension ordinance and as requested by developers. Extension of service shall comply with applicable codes and ordinances.

11. Solid Waste Collection

Existing Services: There is currently no dedicated solid waste disposal service for this area. Residents may contract individually with available service providers.

Services to be Provided: Solid Waste Collection will be provided by the City's contractor, Republic Services, Inc. Service shall comply with existing City policies, beginning with occupancy of structures. As provided for by Section 43.056(n) of the Texas Local Government Code, residents may continue to use their existing solid waste collection service for up to two years following the effective date of annexation. At the end of the two-year period or termination of existing service by the customer (whichever is sooner), the City's contractor will begin providing service.

12. Street Lighting

Existing Services: Existing streetlights in the area are provided by the Texas Department of Transportation.

Services to be Provided: The City of Rockport will coordinate any requests for improved street lighting with the local electric provider in accordance with standard policy.

13. Street Maintenance

Existing Services: Existing street maintenance services for this area are provided by Aransas County Road and Bridge Department.

Services to be Provided: Maintenance to the street facilities will be provided by the City upon the effective date of the annexation. This service can be provided within the current budget appropriation. All streets within the area proposed for annexation are currently paved. Annexation of this area would require an increase of approximately 832 street maintenance labor hours.

14. Storm Water Management

Existing Services: Drainage and storm water management within this area is currently provided by Aransas County.

Services to be Provided: Developers will provide storm water drainage at their own expense and will be inspected by the City Engineers at time of completion. The City will assume maintenance of the developer's drainage facilities upon acceptance from the developer.

15. Water Service

Existing Services: Existing water utility services to this area is provided by the City of Rockport and includes both potable water and fire protection.

Services to be Provided: Water service to the area will continue to be provided by the City of Rockport in accordance with the applicable codes and departmental policy. When other property develops in the adjacent area, water service shall be provided in accordance with extension ordinances and as requested by developers. Extension of service shall comply with City codes and ordinances. Water utility rates will be based on a lower Inside City Limits customer classification as opposed to the Outside City Limits customer classification.

Miscellaneous

All other applicable municipal services will be provided to the area in accordance with the City of Rockport's established policies governing extension of municipal services to newly annexed areas. All City codes shall be in effect upon annexation.

Uniform Level of Services May Not Be Required

Nothing in this plan shall require the City to provide a uniform level of full municipal services to each area of the city, including the annexed areas, if different characteristics of topography, land use, and population density are considered a sufficient basis for providing different levels of services.

Term

This service plan shall be valid for a term of ten (10) years.

Amendments

The plan shall not be amended unless public hearings are held in accordance with V.C.T.A., Local Government Code, Section 43.0561.

EXHIBIT "A"
FIELD NOTE DESCRIPTION
92 ACRES TO BE ANNEXED BY CITY OF ROCKPORT, ARANSAS COUNTY, TEXAS
September 22, 2016

BEING THE DESCRIPTION OF 92 ACRES OF LAND, MORE OR LESS, OUT OF A PORTION OF THE JOHN SMITH SURVEY A-187, WITH SAID 92 ACRES, MORE OR LESS, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGIN at a point at the intersection of the East R.O.W. line of Steart Street and the North R.O.W. line of Elizabeth Street and being the Southwest corner of Block 29, Bellvue Addition, as shown by plat of record in Volume 1, Page 12, Map Records of Aransas County, Texas, with said point being the **NORTHEAST** corner and **PLACE OF BEGINNING** of this description;

THENCE, in a Southerly direction along and with the East R.O.W. line of Steart Street a distance of approximately 1350 feet to a point at the intersection of the North R.O.W. line of Texas State F.M. Road No. 1069 (also known as Market Street), and the East R.O.W. line of said Steart Street, with said point being an **INTERIOR** corner of this description;

THENCE, in a Southeasterly direction and crossing said Texas State F.M. Road No. 1069 (also known as Market Street) a distance of approximately 135 feet to a point at the intersection of said Texas State F.M. Road No. 1069 (also known as Market Street) and the East R.O.W. line of Kelly Lane, with said point being an **EXTERIOR** corner of this description;

THENCE, in a Southerly direction along and with the Easterly R.O.W. line of Kelly Lane a distance of approximately 735 feet to a point at the terminus of said Kelly Lane and being on the North line of a 25.205 acre tract conveyed to Christopher Crowley, et ux, under Clerk's File No. 342937, Official Public Records, Aransas County, Texas, with said point being the **SOUTHEAST** corner of this description;

THENCE, in a Westerly direction along and with the Northerly line of said 25.205 acre tract a distance of approximately 755 feet to a point on the Easterly line of West Terrace Acres Subdivision as shown by plat of record in Volume 2 Page 102, Map Records of Aransas County, Texas, with said point being the most **SOUTHERLY SOUTHWEST** corner of this description;

THENCE, in a Northerly direction along and with the Easterly line of said West Terrace Acres Subdivision a distance of approximately 450 feet to a point at the Northeast corner of Lot 22, Block 17, West Terrace Acres Subdivision, with said point being an **INTERIOR** corner of this description;

THENCE, in a Westerly direction along and with the common line of Lots 21 and 22, Block 17, West Terrace Acres Subdivision, a distance of approximately 286 feet to a point at the intersection of the Westerly R.O.W. line of West Terrace Boulevard and the Southerly R.O.W. line of Red Bird Drive, with said point being an **EXTERIOR** corner of this description;

THENCE, in a Northerly direction along and with the Westerly R.O.W. line of West Terrace Boulevard a distance of approximately 344 feet to a point for the Northeast corner of Lot 16, Block 7, West Terrace Acres Subdivision, with said point being an **INTERIOR** corner of this description;

THENCE, in a Northwesterly direction along and with the Southerly R.O.W. line of West Terrace Boulevard a distance of approximately 1664 feet to a point at the intersection of the Southerly R.O.W. line of West Terrace Boulevard and the Easterly R.O.W. line of Raven Drive and being the Northwest corner of Lot 1, Block 6, West Terrace Acres Subdivision, with said point being an EXTERIOR corner of this description;

THENCE, in a Northeasterly direction and crossing West Terrace Boulevard a distance of approximately 60 feet to a point on the Southerly R.O.W. line of West Terrace Boulevard with said point being an INTERIOR corner of this description;

THENCE, in a Northwesterly direction along and with the Northerly R.O.W. line of West Terrace Boulevard a distance of approximately 236 feet to a point at the intersection of the Northerly R.O.W. line of West Terrace Boulevard and the Easterly R.O.W. line of Warbler Drive, with said point being the most NORTHERLY SOUTHWEST corner of this description;

THENCE, in a Northeasterly direction along and with the Easterly R.O.W. line of Warbler Drive a distance of approximately 246 feet to a point at the intersection of the Easterly R.O.W. line of Warbler Drive and the Southerly R.O.W. line of Texas State F.M. Road No. 1069 (also known as Market Street) with said point being an EXTERIOR corner of this description;

THENCE, in an Easterly direction along and with the Southerly R.O.W. line of Texas State F.M. Road No. 1069 (also known as Market Street) a distance of approximately 216 feet to a point for an INTERIOR corner of this description;

THENCE, in a Northeasterly direction and crossing Texas State F.M. Road NO. 1069 (also known as Market Street) and continuing along the Westerly line of a 3.926 acre tract out of Lot 22, Aransas Pass Colonization Company Subdivision, with said 3.926 acre tract conveyed to Ron C. Hoover under Clerk's File No. 209795, Official Public Records of Aransas County, Texas, and with said line following the existing Rockport City Limit Line, a distance of approximately 1515 feet to a point on the Westerly line of Oak Terrace Subdivision, as shown by plat of record in Volume 2, Page 130, Map Records of Aransas County, Texas, for the NORTHWEST corner of this description;

THENCE, in a Southerly direction along and with the Westerly line of said Oak Terrace Subdivision a distance of approximately 793 feet to a point on the common line of Lots 190 and 191 of said Oak Terrace Subdivision with said point being an INTERIOR corner of this description;

THENCE, in an Easterly direction along and with the common line of Lots 190 and 191 of said Oak Terrace Subdivision a distance of approximately 126 feet to a point on the Westerly R.O.W. line of Redwood Avenue with said point being a corner of this description;

THENCE, continuing in an Easterly direction and crossing said Redwood Avenue a distance of approximately 61 feet to a point at the intersection of the Northerly R.O.W. line of Apple Street with the Easterly R.O.W. line of Redwood Avenue with said point being a corner of this description;

THENCE, continuing in an Easterly direction along and with the Northerly R.O.W. line of Apple Street a distance of approximately 900 feet to a point at the intersection of the Northerly R.O.W. line of Apple Street and the Westerly R.O.W. line Hickory Avenue with said point being a corner of this description;

THENCE, continuing in an Easterly direction and crossing Hickory Avenue a distance of approximately 78 feet to a point on the common line of Lots 17 and 18 of said Oak Terrace Subdivision, with said point being a corner of this description;

THENCE, continuing in an Easterly direction along and with the common line of Lots 17 and 18 of said Oak Terrace Subdivision a distance of approximately 161 feet to a point on the Westerly R.O.W. line of Mission Street (closed and abandoned by Aransas County) with said point being a corner of this description;

THENCE, continuing in an Easterly direction and crossing that portion of Elizabeth Street closed and abandoned by Aransas County a distance of approximately 50 feet to a point for the Southwest corner of Block 27 of said Bellvue Addition, with said point being a corner of this description,

THENCE, continuing in an Easterly direction along and with the Northerly R.O.W. line of Elizabeth Street a distance of approximately 664 feet to the PLACE OF BEGINNING and containing approximately 92 acres or 4,003,239 square feet of land, more or less.

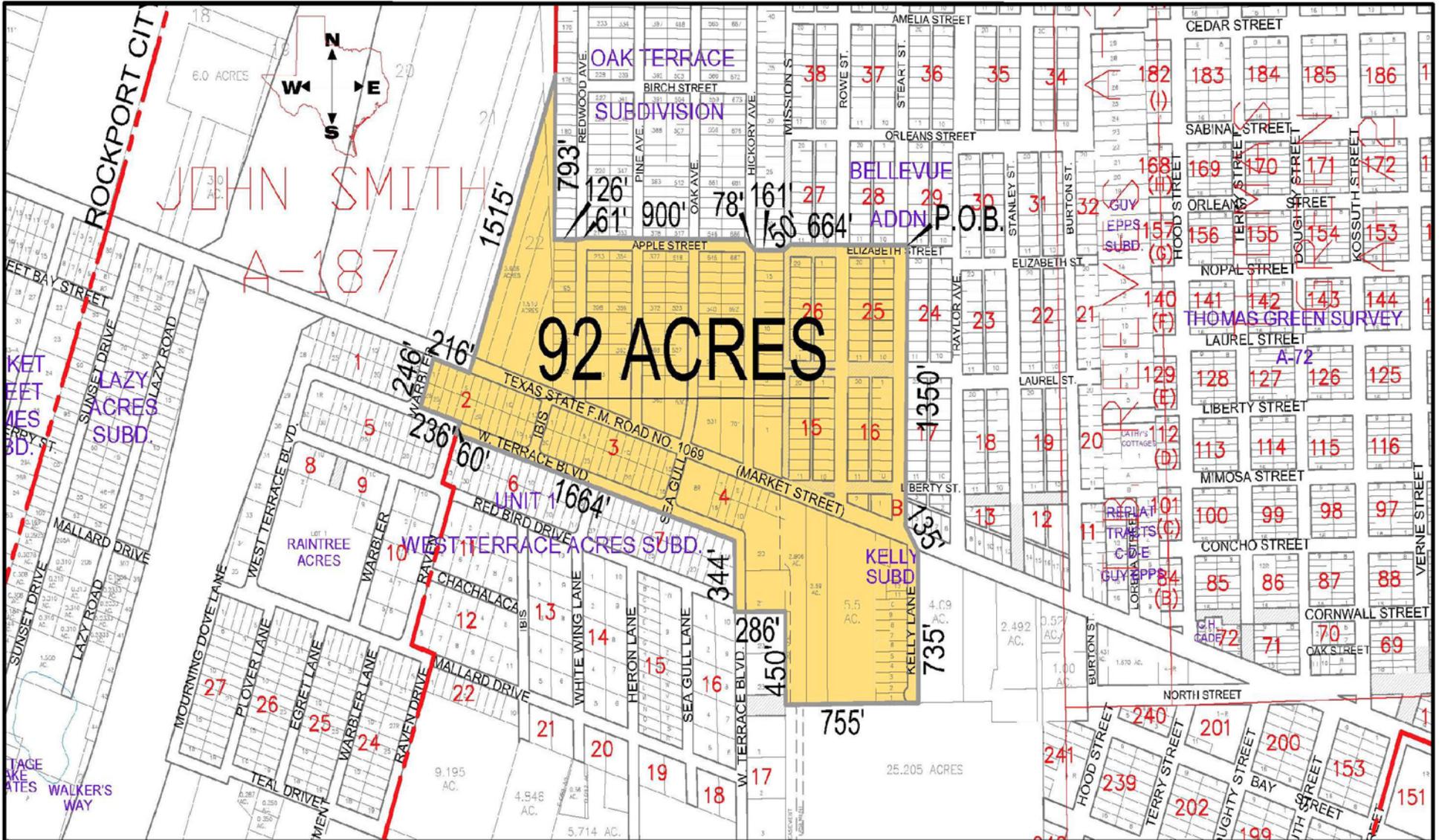


EXHIBIT "B"
PLAT SHOWING A 92 ACRE TRACT OUT OF THE JOHN SMITH SURVEY A-187
TO BE ANNEXED BY THE CITY OF ROCKPORT, ARANSAS COUNTY, TEXAS

NOTE: THIS AREA HAS NOT BEEN SURVEYED ON THE GROUND AND IS APPROXIMATE AS COMPUTED
 BY USING CAD ON THE CITY OF ROCKPORT MAP GENERATED BY GRIFFITH & BRUNDRETT,
 SURVEYING & ENGINEERING, INC.

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

SEPTEMBER 22, 2016
 SCALE 1" = 500'

Public Comments Received on Annexation

Record	Date	Name	Contact	Contact Information	Inquiry
1	10/4/2016	Dick Kitchens	Phone	512-422-4444	Hearings on election day?
2	10/6/2016	Natalie Baker	Phone	361-463-9265	Hearings on election day?
3	10/6/2016	Danny Hale	In-Person	dannyhale@sbcglobal.net	Copy of service plan, proposed tax rate, when taxes will take effect
4	10/6/2016	Jeannie Fisher	Phone	405-650-6245	Proposed tax rate, people on homestead exemption
5	10/6/2016	Mary Simison, AP Post	Email	Mary.B.Simison@usps.gov	Effect of annexation on AP zoned areas
6	10/7/2016	Grove Family Investment	Phone	361-815-8902	Question about Market St annexation
7	10/7/2016	Mary Reilly	Phone	504-621-7362	Question about impact on homeowners
8	10/10/2016	Brandon Ayers	Phone	361-205-5514	Question about taxing entities
9	10/12/2016	Richard Martin	Phone	Unknown	Question about why he got notice (owns storage unit on FM 188)
10	10/12/2016	Candy Monroe	Phone	361-557-0683	Seeking info on annexation
11	10/12/2016	Carolyn Peterson	Phone	210-826-0525	Questions about annexation; how much would taxes go up
12	10/12/2016	Santiago Fuentes	Phone	361-933-6790	Calling in regards to annexation letter
13	10/13/2016	Patricia Heel		361-813-5431	Question about annexation
14	10/14/2016	Laura Oswalt	Phone	512-484-9484	Questions about annexation: How much would her taxes go up? She connected to City service; would she get a refund for what she paid to connect? When City sewer is installed, does she have to connect/pay to connect or can she keep septic? If she needs a driveway installed, does the City pay for that expense or does she? Will her property be trenched through if electricity has to be extended from the alleys to create light poles (or other related infrastructure work)? 601 Hickory"
15	10/14/2016	Kay Mitchell	Phone	361-529-8991	Question about annexation

Public Comments Received on Annexation

Record	Date	Name	Contact	Contact Information	Inquiry
16	10/14/2016	Randy Smith	Phone	361-548-9010	Has 15 acres on the bypass and has been trying to build a manufactured home park. He has been working with the County on building a road but does not have construction of park up. Can his project get grandfathered in? Sent over project plans as evidence
17	10/14/2016	Isaias Navarete	Phone	210-277-7519	Question about annexation
18	10/21/2016	Steve Church	Phone	Unknown	Thought property was going to be taken; explained annexation
19	10/25/2016	Julius Julian	Phone	936-355-1060	If the annexation line crosses their parking lot, does their entire property get annexed including their building?
20	10/25/2016	Santiago Fuentes	Phone	361-933-6790	Question about annexation
21	10/28/2016	Ron Hoover	In-Person	361-463-1075	Had question about MH park project. Determined property where project would be built is already in the city limits.
22	10/31/2016	Concetta Johnson	Phone	Unknown	Wanted to know where to mail an opposition letter for annexation

~~11:30~~ New 8th
11:30
6:30
Meeting

October 3, 2016

DEAGEN MELVIN M ETUX SUSAN L
P O BOX 195
STOCKDALE, TX 78160-0195



Certified Mail Receipt No. 7016 1370 0002 0464 7998

Subject: Annexation of Property

To whom it may concern:

The purpose of this letter is to notify you that your property is included in a proposed annexation by the City of Rockport. The City of Rockport plans on annexing an area generally located along Highway 35 Bypass between Mundine Road and approximately 1,000 feet south of 18th Street (see accompanying map of the proposed annexation area). Aransas County Appraisal District records show that you own property in the area. Under state law, the City may annex the area after following certain notice and hearing procedures contained in Chapter 43 of the Texas Local Government Code.

State law establishes the procedure the City must follow to annex the area. Over the next few weeks City staff will prepare a proposed service plan describing the services the City will provide in the area upon annexation. The City Council will then hold public hearings to discuss the annexation and the service plan. The hearings will be held at the Rockport City Hall Council Chambers at 1:30 p.m. and 6:30 p.m. on November 8, 2016. After the public hearings, the City Council will likely conduct the remaining proceedings required to annex the area during a separately scheduled City Council meeting.

If you have questions concerning the annexation process, I encourage you to contact me at (361) 790-1125, extension 226. If you no longer own property in the area, I would appreciate it you would contact me so that we can provide this notice to the current owner.

Sincerely,

Amanda Torres

Community Planner

10/27/2016
We Vote against being
annexed into the City
limits of Rockport TX
Susan Deagen - *[Signature]*
Melvin Deagen - *[Signature]*

Concetta A. Johnson
 9513 Geronimo Oaks Street
 San Antonio, Texas 78254

October 30, 2016

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

SUBJECT: Landowner Protest of Subjective Proposed Annexation Discrimination

ATTENTION: Teresa Valdez, City Secretary

The purpose of this letter is to express my opposition by the City of Rockport, Texas, to the subjective proposed annexation discrimination of the following property I own: Geo ID: 0848-225-12-002, 1080 SH 188, Rockport, Texas 78382, and to protest the proposed annexation of the adjacent property I own, Geo ID: 0848-225-12-003, 521 Hailey Road, Rockport, Texas 78382. When I purchased them in 1983, they were addressed as a single unit/address with a Box #, Star Route 1, Rockport, Texas 78382, and remained as such until address changes were implemented at later dates.

My property Geo ID: 0848-225-12-002 located at 1080 SH 188, has the distinction of being the ONE and ONLY taxable property addressed on that side of SH 188 past the point of intersection of SH 35 BP and SH 188 of the City of Rockport proposed annexation.

Being the only singled out, targeted, taxable private property on the proposed annexation area on that side of the road beyond the SH 35 BP and SH 188 point of intersection displays intentional discrimination on the part of the City of Rockport, Texas, especially when one considers, for example, the replat property of Farm Lot 11, next to my property line has five each properties in that one block, all five are taxable properties addressed on SH 188, Rockport, Texas, and not one is being considered for proposed annexation, nor is any other property continuing beyond that replat of Farm Lot 11 along that side of the road, SH 188, as validated by documentation Sept.27, 2016 Council Meeting **RESOLUTION SETTING A PUBLIC HEARING ON A PROPOSED ANNEXATION pp.51, 53,54/136**, and the **EXHIBIT "B"**, (the 990 ACRES map view). **See: RESOLUTION SETTING A PUBLIC HEARING ON A PROPOSED ANNEXATION pp. 51,53,54/136** **EXHIBIT "A"**, and **See: EXHIBIT "B"**, (the 990 ACRES map view).

Concerning City of Rockport Utilities and Services:

After making inquiries with various departments of the City of Rockport, Texas, as to (1) which city utilities and services will be made available (2) or are currently in place in the proposed annexation area where my properties are located, I was informed that water, sewer, and gas services will require

engineering services for all three to Geo ID: 0848-225-12-003, 521 Hailey Road, and sewer and gas will require engineering services for Geo ID: 0848-225-012-002, 1080 SH 188, that the current cost for each service would be \$200,000.00 to \$400,000 because the properties are so far away from the service areas in town. The true reality of my situation, I was also informed, is that due to my properties location, I would probably never acquire those city services, and another city employee informed me that his property had been involuntarily annexed by the City of Rockport about twenty years ago, and he still did not have any sewer service at his property. Additionally, city garbage pickup will not be available at my property, the Fire Department is voluntary and services both the city and county, EMS is a contracted service and also covers both the city and county, lastly, concerning the city police department, I was told if the county sheriff's department is closer, the city police calls are answered by the county sheriff officer. This also addresses Item" **8. Annexation** below In the following topic.

In reference to the following item numbers 4 and 8 on p.49/136, from **CITY COUNCIL AGENDA Regular Meeting: Tuesday, September 27, 2016 AGENDA ITEM: 7, p.49/136 (EXHIBIT "C")** concerning the city utilities and services, to include:

"4. Residents and businesses in the annexation area already consume city services but contribute little or nothing to paying the cost of those services." And

"8. Annexation will bring about for many residents lower utility rates, lower sanitation rates, lower fire insurance premiums, lower flood insurance rates, improved police protection, and improve property values. In many cases the reduction in these costs is greater than the expense of the additional City ad valorem tax." Note: I will address item number "8 first.

Re: above item "8., please refer to above **Concerning City of Rockport Utilities and Services** for the issues and details. After assessing the information received concerning both availability and accessibility of city utilities and services to my properties, I do not find anything beneficial in annexation that applies to them, most especially Geo ID: 0848-225-12-003, 521 Hailey Road . **See: CITY COUNCIL AGENDA Regular Meeting: Tuesday, September 27, 2016 AGENDA ITEM: 7 ,Item #8, p.49/136 (EXHIBIT "C")**

RE: above item # 4.,. annexation area residents consuming City of Rockport services. As an Aransas County property owner paying into that tax base for over thirty-three years for items such as school taxes and the Naval Homeport Installation at Ingleside, Texas, neither myself nor mine ever accessed nor received any benefit from any of those taxes I paid, such as school, and others have in the ACISD county's cities and the county proper.. Consequently, in some measure, I have been contributing to the City of Rockport, both when I resided there and in absentia.. **See: CITY COUNCIL AGENDA Regular Meeting: Tuesday, September 27, 2016 AGENDA ITEM: 7, Item # 4, p.49/136 (EXHIBIT "C")**

During the year following the insurance company opting out of selling mobile home insurance, my two mobile homes there were deliberately burned to the ground, my huge blackberry garden was destroyed, too; thankfully, no one was injured during those fires. I experienced great financial losses, and after I had the property cleaned up, I elected to let the area grow over to discourage further trespassing until such time as I move back there. Yet, I refuse to be discouraged. As I am retired, I plan to sell my home in San Antonio, Texas and move back on to my property in Rockport, Texas. At a later date, my daughter

and son-in-law will be transferring to the area with the company he is employed with, and they plan to build a home on the rear part of the property Geo ID: 0848-225-12-003 and retire there.

In conclusion, the manner in which my property Geo ID: 0848-225-12-002, 1080 SH 188, Rockport, Texas 78382, was singled out as the only taxable property for proposed annexation and no other taxable property was considered or selected for proposed annexation in that stated area located on that side of SH 188 past the point of intersection of SH 35 BP and SH 188, as previously described in detail, as documented in the July 27, 2016 Rockport City Council : **RESOLUTION SETTING A PUBLIC HEARING ON A PROPOSED ANNEXATION pp. 51,53,54/136** and as documented on **EXHIBIT "B"**, (the 990 ACRES map), constitutes discrimination and I am requesting the property be removed from the proposed annexation. **See: EXHIBIT "A", RESOLUTION SETTING A PUBLIC HEARING ON A PROPOSED ANNEXATION pp.51, 53,54/136** , and **See: EXHIBIT "B"**, (the 990 ACRES) for map view

Additionally, in consideration of the information I obtained about receiving/accessing future city utilities and services to/at my properties, and that the outcome probability for their acquisition lies beyond bleak-to-none because of their location - especially for the Hailey Road address unless I wish to pay the huge cost for any of them as previously detailed, I am requesting my adjacent properties, Geo ID: 0848-225-12-002, 1080 SH 188, Rockport, Texas 78382 and , Geo ID: 0848-225-12-003, 521 Hailey Road, Rockport, Texas 78382, considered to be the other half of my property, be removed from the proposed annexation that is the subject of a proposed change of/by the City of Rockport city council organization.

Thank you for your consideration in this matter.

Sincerely,

Concetta A. Johnson
Property Owner

cc: Amanda Torres, Community Planner

Enc: 3 ea EXHIBITS

EXHIBIT "A"

RESOLUTION NO. _____

→ **RESOLUTION SETTING A PUBLIC HEARING ON A PROPOSED ANNEXATION** ←

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 990 ACRES OUT OF A PORTION OF THE CHARLES ZENN SURVEY, A-226, AND THE JAMES MCKAY SURVEY, A-160, AUTHORIZING AND DIRECTING PUBLICATION OF NOTICE OF SUCH PUBLIC HEARINGS AND DIRECTING CITY STAFF TO PREPARE ANNEXATION SERVICE PLAN.

WHEREAS, §43 of the Texas Local Government Code and Article I, Section 3 of the Charter of the City of Rockport, Texas, an incorporated city, authorizes the annexation of territory, subject to the laws of this state;

WHEREAS, the City has the desire to extend its boundaries to provide for the strategic management of growth of the City, and to better manage the provision of public services to residents of the area;

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROCKPORT, TEXAS:

SECTION 1. On the 8th day of November, 2016, at 1:30 p.m. and 6:30 p.m. in the City Council Chambers of the City Hall of the City of Rockport, Texas, the City Council will hold public hearings giving all interested persons the right to appear and be heard on the proposed annexation by the City of Rockport, Texas of the following described property, to-wit:

DESCRIPTION OF 990 ACRES OF LAND, MORE OR LESS, OUT OF A PORTION OF THE CHARLES ZENN SURVEY, A-226, AND THE JAMES MCKAY SURVEY, A-160, WITH SAID 990 ACRES, MORE OR LESS, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGIN at a point for the Northwest corner of the Charles Zenn Survey, A-226, and being the Northwest corner of a called 476 acre tract (437.175 acres) as described in a deed of record to D.W. & B. Grant Properties, Ltd., under Clerks File Number 326488, Official Public Records of Aransas County, Texas, and being in the East boundary line of the H. Ryals Survey, A-184, and the East boundary line of a called 105.50 acre tract as described in a deed of record to Hugh T. Chapman under Clerks File Number 268808, Official Public Records of Aransas County, Texas, and being in the West boundary line of a called 7.134

described in a deed of record under Clerks File Number 176546, Real Property Records of Aransas County, Texas, and being an INTERIOR corner of this description;

THENCE, in a Southeasterly direction, along and with the North boundary line of said 20.0 acre tract, a distance of approximately 490 feet to a point in the Upper Northwestern boundary line of Farm Lot 12, of said Landblock 227, Burton and Danforth Subdivision, and being an INTERIOR corner of this description;

THENCE, in a Northeasterly direction, along and with the Upper Northwestern boundary line of said Farm Lot 12, a distance of approximately 313 feet to a point at the Southerly R.O.W. terminus of Nell Road, and being the Northwest corner of said Farm Lot 12, and being an EXTERIOR corner of this description;

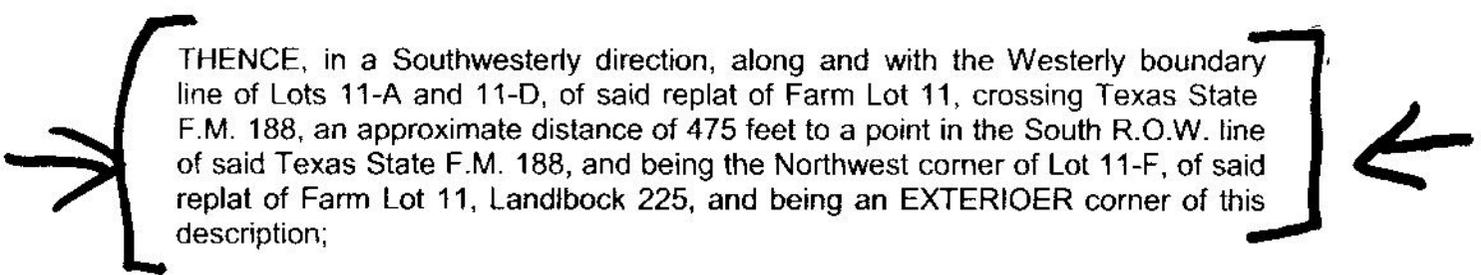
THENCE, in a Southeasterly direction, along and with the South R.O.W. line of Nell Road, and the North boundary line of said Farm Lot 12, a distance of approximately 85 feet to a point for the Northeast corner of said Farm Lot 12 and being an EXTERIOR corner of this description;

THENCE, in a Southwesterly direction, along and with the common boundary line of Farm Lots 11 and 12, an approximate distance of 2104 feet to a point in the South R.O.W. line of Walker Road, and being in the North boundary line of Farm Lot 10, of Land Block 226, of said Burton and Danforth Subdivision, and being an EXTERIOR corner of this description;

THENCE, in a Northwesterly direction, along and with the South R.O.W. line of said Walker Road, a distance of approximately 43 feet to a point for the common corner of Farm Lots 10 and 11, of said Landblock 226, and being an INTERIOR corner of this description;

THENCE, in a Southwesterly direction, along and with the common boundary line of Farm Lots 10 and 11, and 19 and 18, an approximate distance of 1326 feet to a point in the South R.O.W. line of Hailey Road and being in the North boundary line of Lot 10-B, of a replat of Farm Lot 10, Burton and Danforth Subdivision, lying North of Texas State F.M. 188, according to the plat recorded in Volume 3, Page 54, Plat Records of Aransas County, Texas, and being an EXTERIOR corner of this description;

THENCE, in a Northwesterly direction, along and with the South R.O.W. line of Hailey Road, an approximate distance of 353 feet to a point for the common corner of Lot 11-A, of a replat of Farm Lot 11, Landblock 225, Burton and Danforth Subdivision, according to the plat recorded in Volume 3, Page 123, Plat Records of Aransas County, Texas, and Fractional Farm Lot 12, of said Landblock 225, Burton and Danforth Subdivision, an being an INTERIOR corner of this description;



THENCE, in a Southwesterly direction, along and with the Westerly boundary line of Lots 11-A and 11-D, of said replat of Farm Lot 11, crossing Texas State F.M. 188, an approximate distance of 475 feet to a point in the South R.O.W. line of said Texas State F.M. 188, and being the Northwest corner of Lot 11-F, of said replat of Farm Lot 11, Landblock 225, and being an EXTERIOER corner of this description;

THENCE, in a Northwesterly direction, along and with the South R.O.W. line of said Texas State F.M. 188, an approximate distance of 25 feet to a point for the Northeast corner of Lot 17-B, Kelsey Subdivision, Unit 2, according to the plat recorded in Volume 4, Page 176, Plat Records of Aransas County, Texas, and being an INTERIOR corner of this description;

THENCE, in a Southwesterly direction, along and with the common boundary line of said Farm Lot 18, Landblock 225, and Kelsey Subdivision, Unit 2, an approximate distance of 870 feet to a point in the South R.O.W. line of Mack Road and being the common corner of Farm Lots 9 and 10, of said Landblock 224, and being an EXTERIOR corner of this description;

THENCE, in a Northwesterly direction, along and with the South R.O.W. line of Mack Road, an approximate distance of 830 feet to a point in the Easterly R.O.W. line of said Texas State Highway No. 35 Relief Route, and being the Northwest corner of Lot 12-B, of a replat of Farm Lot 12, Landblock 224, Burton and Danforth Subdivision, according to the plat recorded in Volume 6, Page 161, Plat Records of Aransas County, Texas, and being an INTERIOR corner of this description;

THENCE, in a Southwesterly direction, along and with the Easterly R.O.W. line of said Texas State Highway No. 35 Relief Route, a distance of approximately 460 feet to a point in the West boundary line of Lot 12-A, of said replat of Farm Lot 12, Landblock 224, and being at the projection of the South R.O.W. line of Mundine Road, and being the SOUTHEAST corner of this description;

THENCE, in a Northwesterly direction, along and with the projection of the South R.O.W. line of Mundine Road, crossing said Texas State Highway No. 35 Relief Route, a distance of approximately 2753 feet to a point for the common corner of Farm Lots 8 and 9, of Landblock 17, T.P. McCampbell Subdivision, according to the plat recorded in Volume 1, Pages 3 and 4, Plat Records of Aransas County, Texas, and being the SOUTHWEST corner of this description;

THENCE, in a Northeasterly direction, crossing said Mundine Road, and along and with the common boundary line of Lots 8A and 8B and Lots 8C and 9D, of Ken Mar No. 3, Unit 4, according to the plat recorded in Volume 3, Page 70, Plat Records of Aransas County, Texas, crossing said Texas State F.M. 188, and with the East boundary line of Little Ponds, according to the plat recorded in Volume 5, Page 119, Plat Records of Aransas County, Texas, and the West

EXHIBIT "B"

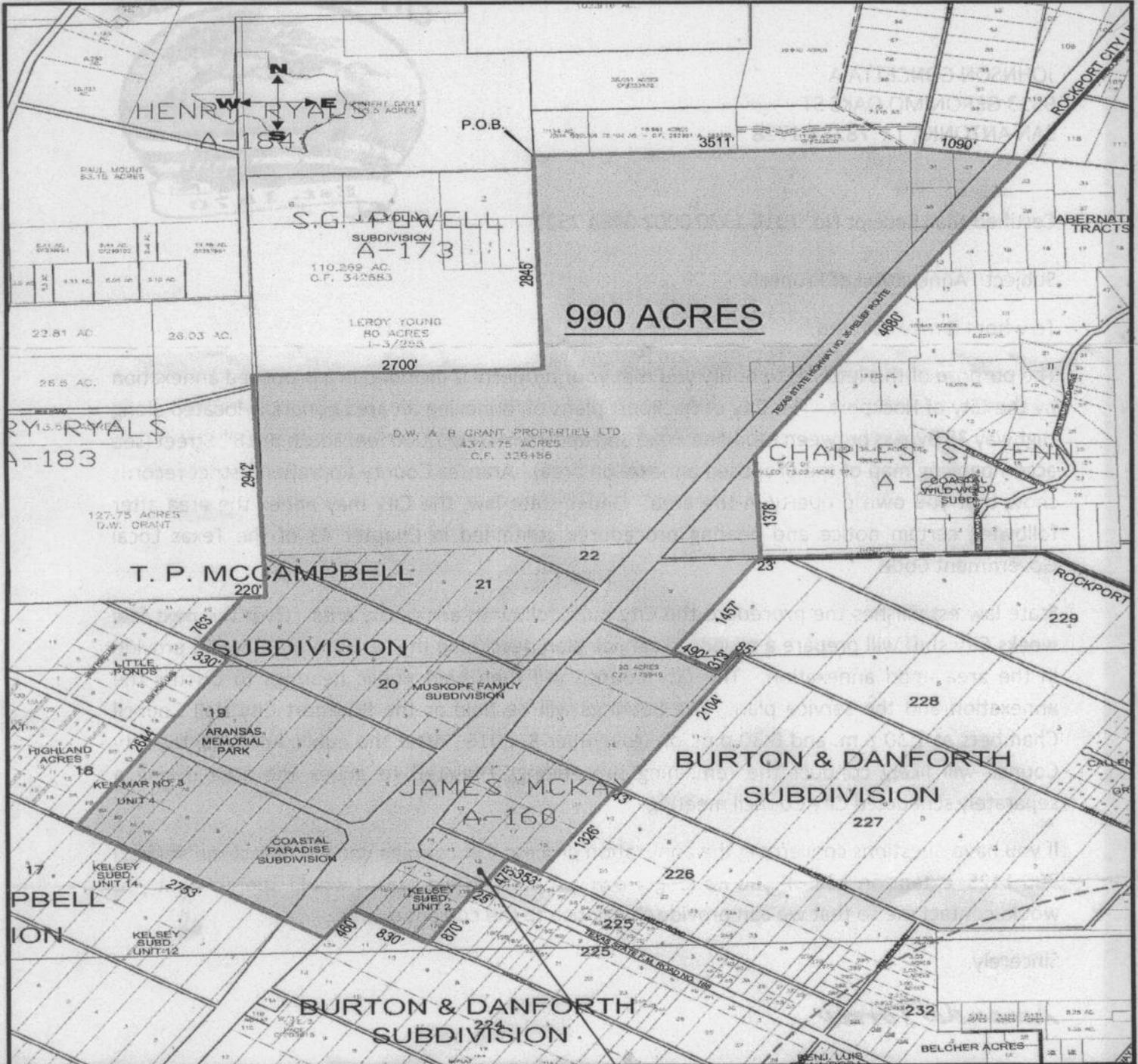


EXHIBIT "B"

PLAT SHOWING A 990 ACRE TRACT OUT OF PORTIONS OF THE CHARLES S. ZENN SURVEY A-226 AND THE JAMES MCKAY SURVEY A-160, TO BE ANNEXED BY THE CITY OF ROCKPORT, ARKANSAS COUNTY, TEXAS

NOTE: THIS AREA HAS NOT BEEN SURVEYED ON THE GROUND AND IS APPROXIMATE AS COMPUTED BY USING CAD ON THE CITY OF ROCKPORT MAP GENERATED BY GRIFFITH & BRUNDRETT, SURVEYING & ENGINEERING, INC.

SEPTEMBER 22, 2016
SCALE 1"=1000'

Griffith & Brundrett
Surveying & Engineering, Inc.
411 S. Pearl St., P.O. Box 2522
Rockport, Texas 78381
Phone: 361-729-6479
Fax: 361-729-7933
Email: jbr@griffithsurveyor.com
www.gbsurveyor.com

FILE NAME: MARSHAMANN/ANNEXATION/AREAS_02016
SEE ACCOMPANYING FIELD NOTE DESCRIPTION

2751 SH 35 Bypass, Rockport, Texas 78382 Phone: (361) 729-2213 Fax: (361) 729-6476

www.cityofrockport.com

Conetta A. Johnson
PROPERTY

EXHIBIT "C"

CITY COUNCIL AGENDA
Regular Meeting: Tuesday, September 27, 2016

AGENDA ITEM: 7

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 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.

SUBMITTED BY: City Manager Kevin Carruth; City Secretary Teresa Valdez

APPROVED FOR AGENDA: PKC

BACKGROUND: Over the course of the last several months Council and staff have evaluated reasons for and against annexation of certain areas, including the proposed 990 acres along the Market Street corridor. Reasons for annexation include:

1. The Market Street corridor is a main entry point into the community and serves as the City's "front porch". As is, there is a strong need for unified code enforcement, planning, and zoning in order to transform the area and improve the quality of life for residents and enhance the climate for businesses.
2. Because of the strong interrelationship between the annexation area and the City and because the actions of Rockport substantially affect residents in the annexation area, annexation gives residents a voice in the government of the larger community in which they live.
3. Business, professional, and community leaders living in the annexation area can have a more direct role in community affairs by being elected or appointed to public office in the City.
- ④ 4. Residents and businesses in the annexation area already consume city services but contribute little or nothing to paying the cost of those services.
5. Annexation leads to a unified community and helps to eliminate and prevent conflicts of authority, absence of cooperation, inadequate service levels, and the lack of effective area-wide planning and programming.
6. Political boundaries, after annexation, will more accurately reflect the true and existing sociological, economic, cultural, and physical boundaries of the city.
7. Blight, and its attendant issues, does not respect political boundaries and has a negative impact on residents already in the city limits. Annexation will protect or enhance property values for all.
- ↘ ⑧ 8. Annexation will bring about for many residents lower utility rates, lower sanitation rates, lower fire insurance premiums, lower flood insurance rates, improved police protection, and improve property values. In many cases the reduction in these costs is greater than the expense of the additional City *ad valorem* tax.

Reasons against annexation are:

CITY COUNCIL AGENDA
Regular Meeting: Tuesday, November 8, 2016

AGENDA ITEM: 9

Conduct second Public Hearing on proposed annexation by the City of Rockport, of 990 acres of land, more or less, along Highway 35 Bypass between Mundine Road and approximately 1,000 feet south of 18th Street, out of a portion of the Charles Zenn Survey, A-226, and the James McKay Survey, A-160.

SUBMITTED BY: Community Planner Amanda Torres

APPROVED FOR AGENDA: PKC

BACKGROUND: This is the second Public Hearing for the proposed annexation along Market Street. Please see the accompanying metes and bounds description and service plan for additional details.

FISCAL ANALYSIS: N/A

RECOMMENDATION: Not an action item.

**MUNICIPAL ANNEXATION SERVICE PLAN
FOR
AREA “SH 35 – FM 188 CROSSROADS” (990 Acres)**

Area to be Annexed

Being approximately 990 acres out of a portion of the Charles Zenn Survey, A-226, and the James McKay Survey, A-160, with said 990 acres being more particularly described by metes and bounds on Field Notes show in Exhibit “A” and map in “Exhibit B.”

Introduction

In accordance with the directives of the City Council of the City of Rockport, Texas, the City's Comprehensive Plan, and the requirements of Subsection 43.056 of the Texas Local Government Code, the following service plan for the area hereinafter referred to as Area “Market Street A” and as shown on the accompanying map that has been prepared. The proposed plan may be amended as a result of the public hearing process in accordance with Subsection 43.056 of the most current edition of the Texas Local Government Code. This service plan shall become a part of an annexation ordinance submitted to the City Council for consideration and action, if any.

The following services will be provided on the effective date of the annexation of the area according to Subsection 43.056 of the most current edition of the Texas Local Government Code regarding services to newly annexed areas:

1. Animal Control

Existing Services: Animal control services for this area are currently provided by the Aransas County Animal Control Department.

Services to be Provided: The Aransas County Animal Control Department will continue the enforcement of the City of Rockport’s animal control ordinances on the effective date of the annexation. Such services can be provided with current Animal Control personnel and within the current budget appropriation.

2. Capital Improvements

Construction of capital improvements shall be considered by the City in the future as the needs dictate on the same basis as such capital improvements are considered throughout the city.

3. Building Inspections

Existing Services: Existing building inspection services are provided in this area by the City of Rockport when required by applicable building codes.

Services to be Provided: The Building & Development Department will provide Code Enforcement and Building Inspection Services upon annexation. This includes issuing building, electrical and plumbing permits for any new construction and remodeling, and enforcing all other applicable codes which regulated building construction within the City of Rockport. Annexation of this area would require an increase of approximately 520 building inspector labor hours and 520 code enforcement officer labor hours.

4. Emergency Medical Services

Existing Services: Emergency medical services are currently provided under contract with Aransas County by Allegiance Ambulance from their facility located at 400 Enterprise in Rockport.

Services to be Provided: Annexation of the proposed area will not alter the response times, service sectors, or the existing interagency agreements.

5. Fire

Existing Services: Existing services are typically provided as outside city limits response by the Rockport Volunteer Fire Department, Inc.

Services to be Provided: Fire suppression will be available to the area upon annexation and will be provided by the Rockport Volunteer Fire Department, Inc. There is a fire substation currently located at 119 Freeze Lane. Annexation of the proposed area will not alter the response times, service sectors or the existing interagency agreements.

6. Health Code Enforcement

Existing Services: Public health services for this area are currently provided by the Aransas County Environmental Health Department.

Services to be Provided: The Aransas County Health Department will implement the enforcement of the City of Rockport's health ordinances and regulations on the effective date of the annexation. Such services can be provided with current Health Department Personnel and within the current budget appropriation.

7. Parks

Existing Services: Library services are provided by the Aransas County Public Library. City parks are currently open to non-city residents.

Services to be Provided: Library services will still be provided by the Aransas County Public Library under the same terms. Annexation will not result in any changes in the availability of parks and library facilities to residents of the area.

8. Planning and Zoning

Existing Services: This area falls within the Extraterritorial Jurisdiction (ETJ) of the City of Rockport. Platting and land subdivision activities are currently co-administered by Aransas County and the City of Rockport. The City's zoning and land use ordinances, however, are not applicable outside of the existing city limits.

Services to be Provided: The Building and Development Department's responsibility for regulating development and land use through the administration of the City of Rockport Zoning Ordinance will extend to this area on the effective date of the annexation. The property will solely be regulated under the requirements of the City of Rockport Subdivision Ordinance. These services can be provided within the department's current budget.

9. Police

Existing Services: Existing services are primarily provided by the Aransas County Sheriff's Office.

Services to be Provided: The Rockport Police Department will initiate full police and law enforcement services to this proposed annexed area at the effective date. Both divisions of the police department will coordinate this service plan.

1. The Patrol Division will provide active patrol services in the proposed area. These services will include accident investigation and preventative patrol to deter violations of statutes and local ordinances. The Patrol Division will also assist other emergency-related agencies responding within this proposed area. The Patrol Division will provide further service to our customers by initiating and monitoring vacation/property checks for residences and businesses requesting such programs during their absence.
2. The Criminal Investigation Division will provide for active investigation services to be implemented in the proposed area. These services include crime scene search and the related analysis and investigation leading to the identification of suspects, issuance of arrest warrants and the apprehension of suspected offenders; preparation and submission of cases to the appropriate agency for prosecution and/or presentation to a Grand Jury; and response to citizen requests for crime prevention and security inspections of their real property. A review of the ongoing criminal investigations will be conducted to determine which (if any) cases should be transferred to the Rockport Police Department Investigation Division: The Criminal Investigation Division will assist in the development of neighborhood watch programs and conduct certified residential and business security surveys upon request.

Annexation of this area would require an increase of approximately 2,080 patrol labor hours, 1,387 criminal investigation labor hours, and 694 administration labor hours. The Rockport Police Department will coordinate with the proper governmental agencies to ensure that 911 map sheets will be updated related to 911 calls within the specified zone.

10. Sanitary Sewer Service

Existing Services: Existing sanitary sewer service in this area is provided by either the City of Rockport or by on-site sewage facilities.

Services to be Provided: Sanitary sewer service to the area of proposed annexation will be provided in accordance with applicable codes and city policy. When property develops in the adjacent areas, sanitary sewer service shall be provided in accordance with the present extension ordinance and as requested by developers. Extension of service shall comply with applicable codes and ordinances.

11. Solid Waste Collection

Existing Services: There is currently no dedicated solid waste disposal service for this area. Residents may contract individually with available service providers.

Services to be Provided: Solid Waste Collection will be provided by the City's contractor, Republic Services, Inc. Service shall comply with existing City policies, beginning with occupancy of structures. As provided for by Section 43.056(n) of the Texas Local Government Code, residents may continue to use their existing solid waste collection service for up to two years following the effective date of annexation. At the end of the two-year period or termination of existing service by the customer (whichever is sooner), the City's contractor will begin providing service.

12. Street Lighting

Existing Services: Existing streetlights in the area are provided by the Texas Department of Transportation.

Services to be Provided: The City of Rockport will coordinate any requests for improved street lighting with the local electric provider in accordance with standard policy.

13. Street Maintenance

Existing Services: Existing street maintenance services for this area are provided by Aransas County Road and Bridge Department.

Services to be Provided: Maintenance to the street facilities will be provided by the City upon the effective date of the annexation. This service can be provided within the current budget appropriation. All streets within the area proposed for annexation are currently

paved. Annexation of this area would require an increase of approximately 832 street maintenance labor hours.

14. Storm Water Management

Existing Services: Drainage and storm water management within this area is currently provided by Aransas County.

Services to be Provided: Developers will provide storm water drainage at their own expense and will be inspected by the City Engineers at time of completion. The City will assume maintenance of the developer's drainage facilities upon acceptance from the developer.

15. Water Service

Existing Services: Existing water utility services to this area is provided by the City of Rockport and includes both potable water and fire protection.

Services to be Provided: Water service to the area will continue to be provided by the City of Rockport in accordance with the applicable codes and departmental policy. When other property develops in the adjacent area, water service shall be provided in accordance with extension ordinances and as requested by developers. Extension of service shall comply with City codes and ordinances. Water utility rates will be based on a lower Inside City Limits customer classification as opposed to the Outside City Limits customer classification.

Miscellaneous

All other applicable municipal services will be provided to the area in accordance with the City of Rockport's established policies governing extension of municipal services to newly annexed areas. All City codes shall be in effect upon annexation.

Uniform Level of Services May Not Be Required

Nothing in this plan shall require the City to provide a uniform level of full municipal services to each area of the city, including the annexed areas, if different characteristics of topography, land use, and population density are considered a sufficient basis for providing different levels of services.

Term

This service plan shall be valid for a term of ten (10) years.

Amendments

The plan shall not be amended unless public hearings are held in accordance with V.C.T.A., Local Government Code, Section 43.0561.

EXHIBIT "A"
FIELD NOTE DESCRIPTION
990 ACRES TO BE ANNEXED BY CITY OF ROCKPORT, ARANSAS COUNTY, TEXAS

BEING THE DESCRIPTION OF 990 ACRES OF LAND, MORE OR LESS, OUT OF A PORTION OF THE CHARLES ZENN SURVEY, A-226, AND THE JAMES MCKAY SURVEY, A-160, WITH SAID 990 ACRES, MORE OR LESS, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGIN at a point for the Northwest corner of the Charles Zenn Survey, A-226, and being the Northwest corner of a called 476 acre tract (437.175 acres) as described in a deed of record to D.W. & B. Grant Properties, Ltd., under Clerks File Number 326488, Official Public Records of Aransas County, Texas, and being in the East boundary line of the H. Ryals Survey, A-184, and the East boundary line of a called 105.50 acre tract as described in a deed of record to Hugh T. Chapman under Clerks File Number 268808, Official Public Records of Aransas County, Texas, and being in the West boundary line of a called 7.134 acre tract out of a 72.104 acre tract as described in a deed of record to John Cooling under Clerks File Numbers 292381 and 292388, Official Public Records of Aransas County, Texas, with said point being the NORTHWEST corner and PLACE OF BEGINNING of this description;

THENCE, in an Easterly direction along and with the North boundary line of the Charles Zenn Survey, A-226 and the North boundary line of called 476 acre tract, a distance of approximately 3511 feet to a point for the Northeast corner of said called 476 acre tract, and being the Northwest corner of Tract 31, of the Abernathy Tracts, according to the plat recorded in Volume 1, Page 27, Plat Records of Aransas County, Texas, and being an angle point and EXTERIOR corner of this description;

THENCE, in a Southeasterly direction, along and with the North boundary line of the Charles Zenn Survey, A-226, and the North boundary line of Lots 31 and 32, of said Abernathy Tracts, crossing Texas State Highway No. 35 Relief Route, an approximate distance of 1090 feet to a point in the East R.O.W. line of said Texas State Highway No. 35 Relief Route, and being the existing Northwest corner of Fractional Tract 33, of said Abernathy Tract, and being the NORTHEAST corner of this description;

THENCE, in a Southwesterly direction, along and with the East R.O.W. line of said Texas State Highway No. 35 Relief Route, an approximate distance of 4680 feet to a point for the Lower Northwest corner of a called 28.877 acre tract as described in a deed of record to RS Barns LLC, under Clerks File Number 279992, Official Public Records of Aransas County, Texas, and being also called the West One-Half of a 73.02 acre tract out of said Charles Zenn Survey, A-226, and being an INTERIOR corner of this description;

THENCE, in a Southerly direction, along and with the West boundary line of said called 28.877 acre tract, an approximate distance of 1378 feet to a point in the projection of the South R.O.W. line of Lamar Drive, and being in the Northerly boundary line of Landblock 228, Burton and Danforth Subdivision, according to the plat recorded in Volume 1, Pages 62-63, Plat Records of Aransas County, Texas, and being an EXTERIOR corner of this description;

THENCE, in a Westerly direction, along and with the South R.O.W. line of Lamar Drive, as platted, and the North boundary line of Farm Lot 8, of said Landblock 228, a distance of approximately 23 feet to a point for the common corner of Farm Lots 8 and 9, of said Landblock 228, and being an INTERIOR corner of this description;

THENCE, in a Southwesterly direction, along and with the common boundary line of Farm Lots 8 and 9, of said Landblock 228, a distance of approximately 1457 feet to a point in the North boundary line of a called 20 acre tract out of the Northwest corner of Landblock 227, of said Burton and Danforth Subdivision, and described in a deed of record under Clerks File Number 176546, Real Property Records of Aransas County, Texas, and being an INTERIOR corner of this description;

THENCE, in a Southeasterly direction, along and with the North boundary line of said 20.0 acre tract, a distance of approximately 490 feet to a point in the Upper Northwesterly boundary line of Farm Lot 12, of said Landblock 227, Burton and Danforth Subdivision, and being an INTERIOR corner of this description;

THENCE, in a Northeasterly direction, along and with the Upper Northwesterly boundary line of said Farm Lot 12, a distance of approximately 313 feet to a point at the Southerly R.O.W. terminus of Nell Road, and being the Northwest corner of said Farm Lot 12, and being an EXTERIOR corner of this description;

THENCE, in a Southeasterly direction, along and with the South R.O.W. line of Nell Road, and the North boundary line of said Farm Lot 12, a distance of approximately 85 feet to a point for the Northeast corner of said Farm Lot 12 and being an EXTERIOR corner of this description;

THENCE, in a Southwesterly direction, along and with the common boundary line of Farm Lots 11 and 12, an approximate distance of 2104 feet to a point in the South R.O.W. line of Walker Road, and being in the North boundary line of Farm Lot 10, of Land Block 226, of said Burton and Danforth Subdivision, and being an EXTERIOR corner of this description;

THENCE, in a Northwesterly direction, along and with the South R.O.W. line of said Walker Road, a distance of approximately 43 feet to a point for the common corner of Farm Lots 10 and 11, of said Landblock 226, and being an INTERIOR corner of this description;

THENCE, in a Southwesterly direction, along and with the common boundary line of Farm Lots 10 and 11, and 19 and 18, an approximate distance of 1326 feet to a point in the South R.O.W. line of Hailey Road and being in the North boundary line of Lot 10-B, of a replat of Farm Lot 10, Burton and Danforth Subdivision, lying North of Texas State F.M. 188, according to the plat recorded in Volume 3, Page 54, Plat Records of Aransas County, Texas, and being an EXTERIOR corner of this description;

THENCE, in a Northwesterly direction, along and with the South R.O.W. line of Hailey Road, an approximate distance of 353 feet to a point for the common corner of Lot 11-A, of a replat of Farm Lot 11, Landblock 225, Burton and Danforth Subdivision, according to the plat recorded in Volume 3, Page 123, Plat Records of Aransas County, Texas, and Fractional Farm Lot 12, of said Landblock 225, Burton and Danforth Subdivision, and being an INTERIOR corner of this description;

THENCE, in a Southwesterly direction, along and with the Westerly boundary line of Lots 11-A and 11-D, of said replat of Farm Lot 11, crossing Texas State F.M. 188, an approximate distance of 475 feet to a point in the South R.O.W. line of said Texas State F.M. 188, and being the Northwest corner of Lot 11-F, of said replat of Farm Lot 11, Landblock 225, and being an EXTERIOR corner of this description;

THENCE, in a Northwesterly direction, along and with the South R.O.W. line of said Texas State F.M. 188, an approximate distance of 25 feet to a point for the Northeast corner of Lot 17-B, Kelsey Subdivision, Unit

2, according to the plat recorded in Volume 4, Page 176, Plat Records of Aransas County, Texas, and being an INTERIOR corner of this description;

THENCE, in a Southwesterly direction, along and with the common boundary line of said Farm Lot 18, Landblock 225, and Kelsey Subdivision, Unit 2, an approximate distance of 870 feet to a point in the South R.O.W. line of Mack Road and being the common corner of Farm Lots 9 and 10, of said Landblock 224, and being an EXTERIOR corner of this description;

THENCE, in a Northwesterly direction, along and with the South R.O.W. line of Mack Road, an approximate distance of 830 feet to a point in the Easterly R.O.W. line of said Texas State Highway No. 35 Relief Route, and being the Northwest corner of Lot 12-B, of a replat of Farm Lot 12, Landblock 224, Burton and Danforth Subdivision, according to the plat recorded in Volume 6, Page 161, Plat Records of Aransas County, Texas, and being an INTERIOR corner of this description;

THENCE, in a Southwesterly direction, along and with the Easterly R.O.W. line of said Texas State Highway No. 35 Relief Route, a distance of approximately 460 feet to a point in the West boundary line of Lot 12-A, of said replat of Farm Lot 12, Landblock 224, and being at the projection of the South R.O.W. line of Mundine Road, and being the SOUTHEAST corner of this description;

THENCE, in a Northwesterly direction, along and with the projection of the South R.O.W. line of Mundine Road, crossing said Texas State Highway No. 35 Relief Route, a distance of approximately 2753 feet to a point for the common corner of Farm Lots 8 and 9, of Landblock 17, T.P. McCampbell Subdivision, according to the plat recorded in Volume 1, Pages 3 and 4, Plat Records of Aransas County, Texas, and being the SOUTHWEST corner of this description;

THENCE, in a Northeasterly direction, crossing said Mundine Road, and along and with the common boundary line of Lots 8A and 8B and Lots 8C and 9D, of Ken Mar No. 3, Unit 4, according to the plat recorded in Volume 3, Page 70, Plat Records of Aransas County, Texas, crossing said Texas State F.M. 188, and with the East boundary line of Little Ponds, according to the plat recorded in Volume 5, Page 119, Plat Records of Aransas County, Texas, and the West boundary line of Farm Lot 8, Landblock 19, of said T.P. McCampbell Subdivision, an approximate distance of 2644 feet to a point in the South R.O.W. line of a 40.0 foot wide platted roadway, and being the Northeast corner of Lot 13, of said Little Ponds, and being an INTERIOR corner of this description;

THENCE, in a Northwesterly direction, along and with the South R.O.W. line of said 40.0 foot wide platted R.O.W. and the North boundary line of said Little Ponds, an approximate distance of 330 feet to a point for the Northwest corner of said Lot 13, and being an EXTERIOR corner of this description;

THENCE, in a Northeasterly direction, crossing said 40.0 foot wide platted R.O.W. and along and with the common boundary line of Farm Lots 9 and 10, Landblock 20, of said T.P. McCampbell Subdivision, an approximate distance of 763 feet to a point for the Northeast corner of said Farm Lot 10, Landblock 20, and being in the South boundary line of a called 127.75 acre tract out of the D.W. Grant Properties, according to the deed of record under Clerks File Number 326488, Official Public Records of Aransas County, Texas, and being an EXTERIOR corner of this description;

THENCE, in an Easterly direction, along and with the South boundary line of said called 127.75 acre tract, a distance of approximately 220 feet to a point for the Southeast corner of said 127.75 acre tract, and being an INTERIOR corner of this description;

THENCE, in a Northerly direction, along and with the Easterly boundary line of said 127.75 acre tract, an approximate distance of 2942 feet to a point for the Southwest corner of a called 80 acre tract, referred to as the Leroy Young 80 acre tract, according to the deed of record under Volume "I-3", Page 255, Deed Records of Aransas County, Texas, and being the Southwest corner of a called 110.269 acre tract, including said 80 acres, called Tract 4, in a deed to Hugh T. Chapman and recorded under Clerks File Number 342683, Official Public Records of Aransas County, Texas, and being an EXTERIOR corner of this description;

THENCE, in an Easterly direction, along and with the common boundary line of said called 476 acre tract and said 110.269 acre tract, a distance of approximately 2700 feet to a point for the Southeast corner of said 110.269 acre tract and being an INTERIOR corner of this description;

THENCE, in a Northerly direction, along and with the East boundary line of said 110.269 acre tract, the East boundary line of Lots 1 and 2, of said J.A. Young Subdivision, according to the plat recorded in Volume 1, Page 57, Plat Records of Aransas County, Texas, and the East boundary line of said 105.50 acre tract, an approximate distance of 2845 feet to the **PLACE OF BEGINNING** and containing approximately 990 acres or 43, 144,568 square feet of land, more or less.

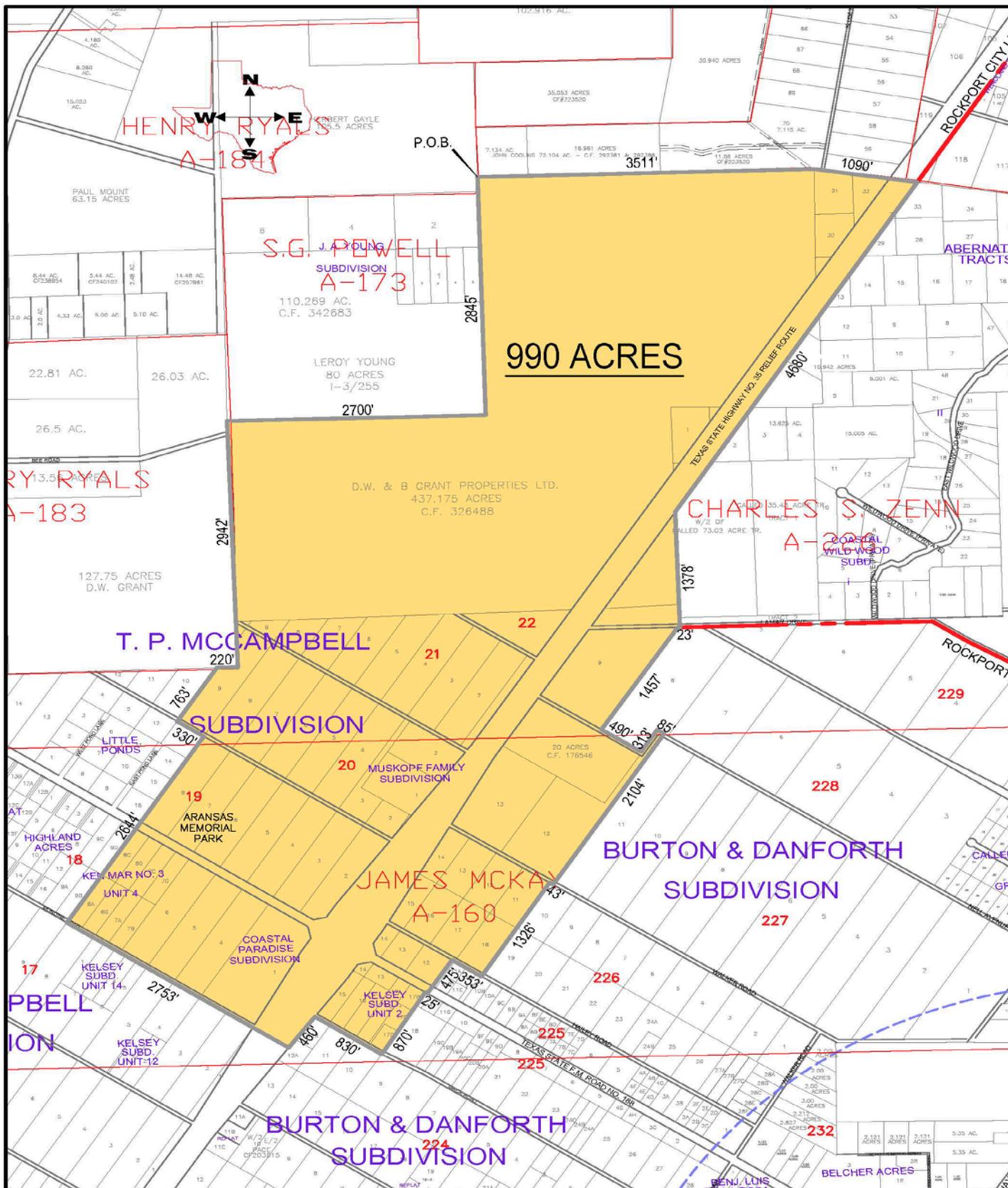


EXHIBIT "B"

PLAT SHOWING A 990 ACRE TRACT OUT OF PORTIONS OF THE CHARLES S. ZENN SURVEY A-226 AND THE JAMES MCKAY SURVEY A-160, TO BE ANNEXED BY THE CITY OF ROCKPORT, ARKANSAS COUNTY, TEXAS

NOTE: THIS AREA HAS NOT BEEN SURVEYED ON THE GROUND AND IS APPROXIMATE AS COMPUTED BY USING CAD ON THE CITY OF ROCKPORT MAP GENERATED BY GRIFFITH & BRUNDRETT, SURVEYING & ENGINEERING, INC.

SEPTEMBER 22, 2016
SCALE 1"=1000'

Griffith & Brundrett
Surveying & Engineering, Inc.
411 S. Pearl St., P.O. Box 2322
Rockport, Texas 78881
 ☎ 361-729-6479
 ☎ 361-729-7933
 ✉ jerryb@gsurveyor.com
 🌐 www.gbsurveyor.com

Public Comments Received on Annexation

Record	Date	Name	Contact	Contact Information	Inquiry
1	10/4/2016	Dick Kitchens	Phone	512-422-4444	Hearings on election day?
2	10/6/2016	Natalie Baker	Phone	361-463-9265	Hearings on election day?
3	10/6/2016	Danny Hale	In-Person	dannyhale@sbcglobal.net	Copy of service plan, proposed tax rate, when taxes will take effect
4	10/6/2016	Jeannie Fisher	Phone	405-650-6245	Proposed tax rate, people on homestead exemption
5	10/6/2016	Mary Simison, AP Post	Email	Mary.B.Simison@usps.gov	Effect of annexation on AP zoned areas
6	10/7/2016	Growe Family Investment	Phone	361-815-8902	Question about Market St annexation
7	10/7/2016	Mary Reilly	Phone	504-621-7362	Question about impact on homeowners
8	10/10/2016	Brandon Ayers	Phone	361-205-5514	Question about taxing entities
9	10/12/2016	Richard Martin	Phone	Unknown	Question about why he got notice (owns storage unit on FM 188)
10	10/12/2016	Candy Monroe	Phone	361-557-0683	Seeking info on annexation
11	10/12/2016	Carolyn Peterson	Phone	210-826-0525	Questions about annexation; how much would taxes go up
12	10/12/2016	Santiago Fuentes	Phone	361-933-6790	Calling in regards to annexation letter
13	10/13/2016	Patricia Heel		361-813-5431	Question about annexation
14	10/14/2016	Laura Oswalt	Phone	512-484-9484	Questions about annexation: How much would her taxes go up? She connected to City service; would she get a refund for what she paid to connect? When City sewer is installed, does she have to connect/pay to connect or can she keep septic? If she needs a driveway installed, does the City pay for that expense or does she? Will her property be trenched through if electricity has to be extended from the alleys to create light poles (or other related infrastructure work)? 601 Hickory"
15	10/14/2016	Kay Mitchell	Phone	361-529-8991	Question about annexation

Public Comments Received on Annexation

Record	Date	Name	Contact	Contact Information	Inquiry
16	10/14/2016	Randy Smith	Phone	361-548-9010	Has 15 acres on the bypass and has been trying to build a manufactured home park. He has been working with the County on building a road but does not have construction of park up. Can his project get grandfathered in? Sent over project plans as evidence
17	10/14/2016	Isaias Navarete	Phone	210-277-7519	Question about annexation
18	10/21/2016	Steve Church	Phone	Unknown	Thought property was going to be taken; explained annexation
19	10/25/2016	Julius Julian	Phone	936-355-1060	If the annexation line crosses their parking lot, does their entire property get annexed including their building?
20	10/25/2016	Santiago Fuentes	Phone	361-933-6790	Question about annexation
21	10/28/2016	Ron Hoover	In-Person	361-463-1075	Had question about MH park project. Determined property where project would be built is already in the city limits.
22	10/31/2016	Concetta Johnson	Phone	Unknown	Wanted to know where to mail an opposition letter for annexation

~~11:30~~ New 8th
11:30
6:30
Meeting

October 3, 2016

DEAGEN MELVIN M ETUX SUSAN L
P O BOX 195
STOCKDALE, TX 78160-0195



Certified Mail Receipt No. 7016 1370 0002 0464 7998

Subject: Annexation of Property

To whom it may concern:

The purpose of this letter is to notify you that your property is included in a proposed annexation by the City of Rockport. The City of Rockport plans on annexing an area generally located along Highway 35 Bypass between Mundine Road and approximately 1,000 feet south of 18th Street (see accompanying map of the proposed annexation area). Aransas County Appraisal District records show that you own property in the area. Under state law, the City may annex the area after following certain notice and hearing procedures contained in Chapter 43 of the Texas Local Government Code.

State law establishes the procedure the City must follow to annex the area. Over the next few weeks City staff will prepare a proposed service plan describing the services the City will provide in the area upon annexation. The City Council will then hold public hearings to discuss the annexation and the service plan. The hearings will be held at the Rockport City Hall Council Chambers at 1:30 p.m. and 6:30 p.m. on November 8, 2016. After the public hearings, the City Council will likely conduct the remaining proceedings required to annex the area during a separately scheduled City Council meeting.

If you have questions concerning the annexation process, I encourage you to contact me at (361) 790-1125, extension 226. If you no longer own property in the area, I would appreciate it you would contact me so that we can provide this notice to the current owner.

Sincerely,

Amanda Torres

Community Planner

10/27/2016
We Vote against being
annexed into the City
limits of Rockport TX
Susan Deagen - *[Signature]*
Melvin Deagen - *[Signature]*

2751 SH 35 Bypass, Rockport, Texas 78382 Phone: (361) 729-2213 Fax: (361) 729-6476

www.cityofrockport.com

Concetta A. Johnson
 9513 Geronimo Oaks Street
 San Antonio, Texas 78254

October 30, 2016

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

SUBJECT: Landowner Protest of Subjective Proposed Annexation Discrimination

ATTENTION: Teresa Valdez, City Secretary

The purpose of this letter is to express my opposition by the City of Rockport, Texas, to the subjective proposed annexation discrimination of the following property I own: Geo ID: 0848-225-12-002, 1080 SH 188, Rockport, Texas 78382, and to protest the proposed annexation of the adjacent property I own, Geo ID: 0848-225-12-003, 521 Hailey Road, Rockport, Texas 78382. When I purchased them in 1983, they were addressed as a single unit/address with a Box #, Star Route 1, Rockport, Texas 78382, and remained as such until address changes were implemented at later dates.

My property Geo ID: 0848-225-12-002 located at 1080 SH 188, has the distinction of being the ONE and ONLY taxable property addressed on that side of SH 188 past the point of intersection of SH 35 BP and SH 188 of the City of Rockport proposed annexation.

Being the only singled out, targeted, taxable private property on the proposed annexation area on that side of the road beyond the SH 35 BP and SH 188 point of intersection displays intentional discrimination on the part of the City of Rockport, Texas, especially when one considers, for example, the replat property of Farm Lot 11, next to my property line has five each properties in that one block, all five are taxable properties addressed on SH 188, Rockport, Texas, and not one is being considered for proposed annexation, nor is any other property continuing beyond that replat of Farm Lot 11 along that side of the road, SH 188, as validated by documentation Sept.27, 2016 Council Meeting **RESOLUTION SETTING A PUBLIC HEARING ON A PROPOSED ANNEXATION pp.51, 53,54/136**, and the **EXHIBIT "B"**, (the 990 ACRES map view). **See: RESOLUTION SETTING A PUBLIC HEARING ON A PROPOSED ANNEXATION pp. 51,53,54/136** **EXHIBIT "A"**, and **See: EXHIBIT "B"**, (the 990 ACRES map view).

Concerning City of Rockport Utilities and Services:

After making inquiries with various departments of the City of Rockport, Texas, as to (1) which city utilities and services will be made available (2) or are currently in place in the proposed annexation area where my properties are located, I was informed that water, sewer, and gas services will require

engineering services for all three to Geo ID: 0848-225-12-003, 521 Hailey Road, and sewer and gas will require engineering services for Geo ID: 0848-225-012-002, 1080 SH 188, that the current cost for each service would be \$200,000.00 to \$400,000 because the properties are so far away from the service areas in town. The true reality of my situation, I was also informed, is that due to my properties location, I would probably never acquire those city services, and another city employee informed me that his property had been involuntarily annexed by the City of Rockport about twenty years ago, and he still did not have any sewer service at his property. Additionally, city garbage pickup will not be available at my property, the Fire Department is voluntary and services both the city and county, EMS is a contracted service and also covers both the city and county, lastly, concerning the city police department, I was told if the county sheriff's department is closer, the city police calls are answered by the county sheriff officer. This also addresses Item" **8. Annexation** below In the following topic.

In reference to the following item numbers 4 and 8 on p.49/136, from **CITY COUNCIL AGENDA Regular Meeting: Tuesday, September 27, 2016 AGENDA ITEM: 7, p.49/136 (EXHIBIT "C")** concerning the city utilities and services, to include:

"4. Residents and businesses in the annexation area already consume city services but contribute little or nothing to paying the cost of those services." And

"8. Annexation will bring about for many residents lower utility rates, lower sanitation rates, lower fire insurance premiums, lower flood insurance rates, improved police protection, and improve property values. In many cases the reduction in these costs is greater than the expense of the additional City ad valorem tax." Note: I will address item number "8 first.

Re: above item "8., please refer to above **Concerning City of Rockport Utilities and Services** for the issues and details. After assessing the information received concerning both availability and accessibility of city utilities and services to my properties, I do not find anything beneficial in annexation that applies to them, most especially Geo ID: 0848-225-12-003, 521 Hailey Road . **See: CITY COUNCIL AGENDA Regular Meeting: Tuesday, September 27, 2016 AGENDA ITEM: 7 ,Item #8, p.49/136 (EXHIBIT "C")**

RE: above item # 4.,. annexation area residents consuming City of Rockport services. As an Aransas County property owner paying into that tax base for over thirty-three years for items such as school taxes and the Naval Homeport Installation at Ingleside, Texas, neither myself nor mine ever accessed nor received any benefit from any of those taxes I paid, such as school, and others have in the ACISD county's cities and the county proper.. Consequently, in some measure, I have been contributing to the City of Rockport, both when I resided there and in absentia.. **See: CITY COUNCIL AGENDA Regular Meeting: Tuesday, September 27, 2016 AGENDA ITEM: 7, Item # 4, p.49/136 (EXHIBIT "C")**

During the year following the insurance company opting out of selling mobile home insurance, my two mobile homes there were deliberately burned to the ground, my huge blackberry garden was destroyed, too; thankfully, no one was injured during those fires. I experienced great financial losses, and after I had the property cleaned up, I elected to let the area grow over to discourage further trespassing until such time as I move back there. Yet, I refuse to be discouraged. As I am retired, I plan to sell my home in San Antonio, Texas and move back on to my property in Rockport, Texas. At a later date, my daughter

and son-in-law will be transferring to the area with the company he is employed with, and they plan to build a home on the rear part of the property Geo ID: 0848-225-12-003 and retire there.

In conclusion, the manner in which my property Geo ID: 0848-225-12-002, 1080 SH 188, Rockport, Texas 78382, was singled out as the only taxable property for proposed annexation and no other taxable property was considered or selected for proposed annexation in that stated area located on that side of SH 188 past the point of intersection of SH 35 BP and SH 188, as previously described in detail, as documented in the July 27, 2016 Rockport City Council : **RESOLUTION SETTING A PUBLIC HEARING ON A PROPOSED ANNEXATION pp. 51,53,54/136** and as documented on **EXHIBIT "B"**, (the 990 ACRES map), constitutes discrimination and I am requesting the property be removed from the proposed annexation. **See: EXHIBIT "A", RESOLUTION SETTING A PUBLIC HEARING ON A PROPOSED ANNEXATION pp.51, 53,54/136** , and **See: EXHIBIT "B"**, (the 990 ACRES) for map view

Additionally, in consideration of the information I obtained about receiving/accessing future city utilities and services to/at my properties, and that the outcome probability for their acquisition lies beyond bleak-to-none because of their location - especially for the Hailey Road address unless I wish to pay the huge cost for any of them as previously detailed, I am requesting my adjacent properties, Geo ID: 0848-225-12-002, 1080 SH 188, Rockport, Texas 78382 and , Geo ID: 0848-225-12-003, 521 Hailey Road, Rockport, Texas 78382, considered to be the other half of my property, be removed from the proposed annexation that is the subject of a proposed change of/by the City of Rockport city council organization.

Thank you for your consideration in this matter.

Sincerely,

Concetta A. Johnson
Property Owner

cc: Amanda Torres, Community Planner

Enc: 3 ea EXHIBITS

EXHIBIT "A"

RESOLUTION NO. _____



RESOLUTION SETTING A PUBLIC HEARING ON A PROPOSED ANNEXATION



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 990 ACRES OUT OF A PORTION OF THE CHARLES ZENN SURVEY, A-226, AND THE JAMES MCKAY SURVEY, A-160, AUTHORIZING AND DIRECTING PUBLICATION OF NOTICE OF SUCH PUBLIC HEARINGS AND DIRECTING CITY STAFF TO PREPARE ANNEXATION SERVICE PLAN.

WHEREAS, §43 of the Texas Local Government Code and Article I, Section 3 of the Charter of the City of Rockport, Texas, an incorporated city, authorizes the annexation of territory, subject to the laws of this state;

WHEREAS, the City has the desire to extend its boundaries to provide for the strategic management of growth of the City, and to better manage the provision of public services to residents of the area;

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROCKPORT, TEXAS:

SECTION 1. On the 8th day of November, 2016, at 1:30 p.m. and 6:30 p.m. in the City Council Chambers of the City Hall of the City of Rockport, Texas, the City Council will hold public hearings giving all interested persons the right to appear and be heard on the proposed annexation by the City of Rockport, Texas of the following described property, to-wit:

DESCRIPTION OF 990 ACRES OF LAND, MORE OR LESS, OUT OF A PORTION OF THE CHARLES ZENN SURVEY, A-226, AND THE JAMES MCKAY SURVEY, A-160, WITH SAID 990 ACRES, MORE OR LESS, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGIN at a point for the Northwest corner of the Charles Zenn Survey, A-226, and being the Northwest corner of a called 476 acre tract (437.175 acres) as described in a deed of record to D.W. & B. Grant Properties, Ltd., under Clerks File Number 326488, Official Public Records of Aransas County, Texas, and being in the East boundary line of the H. Ryals Survey, A-184, and the East boundary line of a called 105.50 acre tract as described in a deed of record to Hugh T. Chapman under Clerks File Number 268808, Official Public Records of Aransas County, Texas, and being in the West boundary line of a called 7.134

described in a deed of record under Clerks File Number 176546, Real Property Records of Aransas County, Texas, and being an INTERIOR corner of this description;

THENCE, in a Southeasterly direction, along and with the North boundary line of said 20.0 acre tract, a distance of approximately 490 feet to a point in the Upper Northwestern boundary line of Farm Lot 12, of said Landblock 227, Burton and Danforth Subdivision, and being an INTERIOR corner of this description;

THENCE, in a Northeasterly direction, along and with the Upper Northwestern boundary line of said Farm Lot 12, a distance of approximately 313 feet to a point at the Southerly R.O.W. terminus of Nell Road, and being the Northwest corner of said Farm Lot 12, and being an EXTERIOR corner of this description;

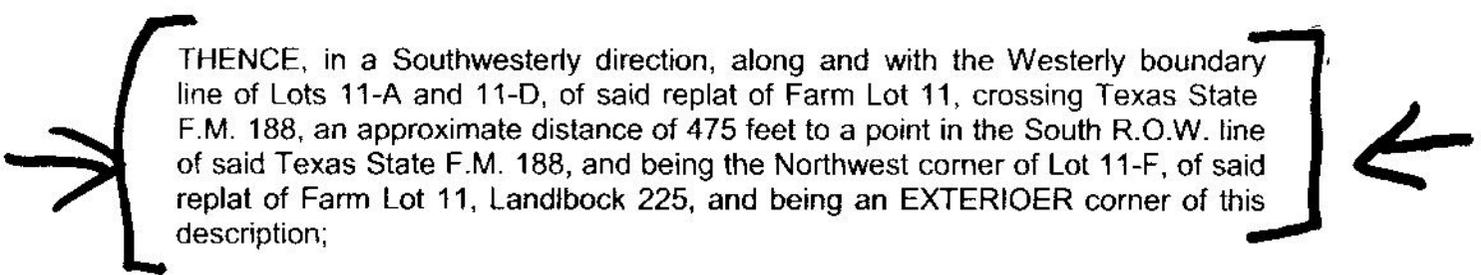
THENCE, in a Southeasterly direction, along and with the South R.O.W. line of Nell Road, and the North boundary line of said Farm Lot 12, a distance of approximately 85 feet to a point for the Northeast corner of said Farm Lot 12 and being an EXTERIOR corner of this description;

THENCE, in a Southwesterly direction, along and with the common boundary line of Farm Lots 11 and 12, an approximate distance of 2104 feet to a point in the South R.O.W. line of Walker Road, and being in the North boundary line of Farm Lot 10, of Land Block 226, of said Burton and Danforth Subdivision, and being an EXTERIOR corner of this description;

THENCE, in a Northwesterly direction, along and with the South R.O.W. line of said Walker Road, a distance of approximately 43 feet to a point for the common corner of Farm Lots 10 and 11, of said Landblock 226, and being an INTERIOR corner of this description;

THENCE, in a Southwesterly direction, along and with the common boundary line of Farm Lots 10 and 11, and 19 and 18, an approximate distance of 1326 feet to a point in the South R.O.W. line of Hailey Road and being in the North boundary line of Lot 10-B, of a replat of Farm Lot 10, Burton and Danforth Subdivision, lying North of Texas State F.M. 188, according to the plat recorded in Volume 3, Page 54, Plat Records of Aransas County, Texas, and being an EXTERIOR corner of this description;

THENCE, in a Northwesterly direction, along and with the South R.O.W. line of Hailey Road, an approximate distance of 353 feet to a point for the common corner of Lot 11-A, of a replat of Farm Lot 11, Landblock 225, Burton and Danforth Subdivision, according to the plat recorded in Volume 3, Page 123, Plat Records of Aransas County, Texas, and Fractional Farm Lot 12, of said Landblock 225, Burton and Danforth Subdivision, an being an INTERIOR corner of this description;



THENCE, in a Southwesterly direction, along and with the Westerly boundary line of Lots 11-A and 11-D, of said replat of Farm Lot 11, crossing Texas State F.M. 188, an approximate distance of 475 feet to a point in the South R.O.W. line of said Texas State F.M. 188, and being the Northwest corner of Lot 11-F, of said replat of Farm Lot 11, Landblock 225, and being an EXTERIOER corner of this description;

THENCE, in a Northwesterly direction, along and with the South R.O.W. line of said Texas State F.M. 188, an approximate distance of 25 feet to a point for the Northeast corner of Lot 17-B, Kelsey Subdivision, Unit 2, according to the plat recorded in Volume 4, Page 176, Plat Records of Aransas County, Texas, and being an INTERIOR corner of this description;

THENCE, in a Southwesterly direction, along and with the common boundary line of said Farm Lot 18, Landblock 225, and Kelsey Subdivision, Unit 2, an approximate distance of 870 feet to a point in the South R.O.W. line of Mack Road and being the common corner of Farm Lots 9 and 10, of said Landblock 224, and being an EXTERIOR corner of this description;

THENCE, in a Northwesterly direction, along and with the South R.O.W. line of Mack Road, an approximate distance of 830 feet to a point in the Easterly R.O.W. line of said Texas State Highway No. 35 Relief Route, and being the Northwest corner of Lot 12-B, of a replat of Farm Lot 12, Landblock 224, Burton and Danforth Subdivision, according to the plat recorded in Volume 6, Page 161, Plat Records of Aransas County, Texas, and being an INTERIOR corner of this description;

THENCE, in a Southwesterly direction, along and with the Easterly R.O.W. line of said Texas State Highway No. 35 Relief Route, a distance of approximately 460 feet to a point in the West boundary line of Lot 12-A, of said replat of Farm Lot 12, Landblock 224, and being at the projection of the South R.O.W. line of Mundine Road, and being the SOUTHEAST corner of this description;

THENCE, in a Northwesterly direction, along and with the projection of the South R.O.W. line of Mundine Road, crossing said Texas State Highway No. 35 Relief Route, a distance of approximately 2753 feet to a point for the common corner of Farm Lots 8 and 9, of Landblock 17, T.P. McCampbell Subdivision, according to the plat recorded in Volume 1, Pages 3 and 4, Plat Records of Aransas County, Texas, and being the SOUTHWEST corner of this description;

THENCE, in a Northeasterly direction, crossing said Mundine Road, and along and with the common boundary line of Lots 8A and 8B and Lots 8C and 9D, of Ken Mar No. 3, Unit 4, according to the plat recorded in Volume 3, Page 70, Plat Records of Aransas County, Texas, crossing said Texas State F.M. 188, and with the East boundary line of Little Ponds, according to the plat recorded in Volume 5, Page 119, Plat Records of Aransas County, Texas, and the West

EXHIBIT "B"

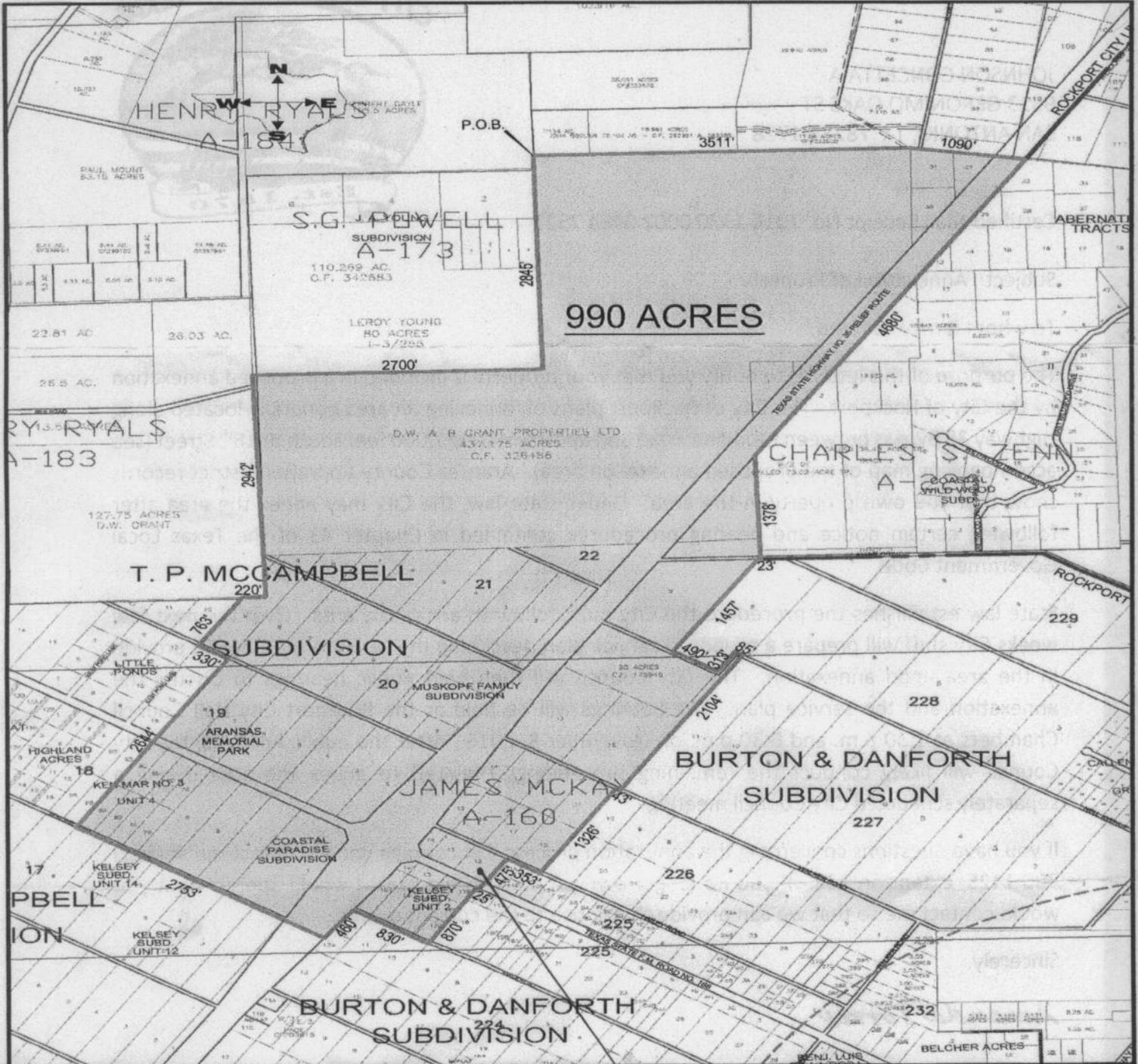


EXHIBIT "B"

PLAT SHOWING A 990 ACRE TRACT OUT OF PORTIONS OF THE CHARLES S. ZENN SURVEY A-226 AND THE JAMES MCKAY SURVEY A-160, TO BE ANNEXED BY THE CITY OF ROCKPORT, ARANSAS COUNTY, TEXAS

NOTE: THIS AREA HAS NOT BEEN SURVEYED ON THE GROUND AND IS APPROXIMATE AS COMPUTED BY USING CAD ON THE CITY OF ROCKPORT MAP GENERATED BY GRIFFITH & BRUNDRETT, SURVEYING & ENGINEERING, INC.

SEPTEMBER 22, 2016
SCALE 1"=1000'

Griffith & Brundrett
Surveying & Engineering, Inc.
411 S. Pearl St., P.O. Box 2522
Rockport, Texas 78381
Phone: (361) 729-6479
Fax: (361) 729-7933
Email: jbr@griffithsurveyor.com
www.gbsurveyor.com

FILE NAME: MARSHAMANN/ANNEXATION/AREAS_02016
SEE ACCOMPANYING FIELD NOTE DESCRIPTION

2751 SH 35 Bypass, Rockport, Texas 78382 Phone: (361) 729-2213 Fax: (361) 729-6476

www.cityofrockport.com

Conetta A. Johnson
Property

EXHIBIT "C"

CITY COUNCIL AGENDA
Regular Meeting: Tuesday, September 27, 2016

AGENDA ITEM: 7

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 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.

SUBMITTED BY: City Manager Kevin Carruth; City Secretary Teresa Valdez.

APPROVED FOR AGENDA: PKC

BACKGROUND: Over the course of the last several months Council and staff have evaluated reasons for and against annexation of certain areas, including the proposed 990 acres along the Market Street corridor. Reasons for annexation include:

1. The Market Street corridor is a main entry point into the community and serves as the City's "front porch". As is, there is a strong need for unified code enforcement, planning, and zoning in order to transform the area and improve the quality of life for residents and enhance the climate for businesses.
2. Because of the strong interrelationship between the annexation area and the City and because the actions of Rockport substantially affect residents in the annexation area, annexation gives residents a voice in the government of the larger community in which they live.
3. Business, professional, and community leaders living in the annexation area can have a more direct role in community affairs by being elected or appointed to public office in the City.
- ④ 4. Residents and businesses in the annexation area already consume city services but contribute little or nothing to paying the cost of those services.
5. Annexation leads to a unified community and helps to eliminate and prevent conflicts of authority, absence of cooperation, inadequate service levels, and the lack of effective area-wide planning and programming.
6. Political boundaries, after annexation, will more accurately reflect the true and existing sociological, economic, cultural, and physical boundaries of the city.
7. Blight, and its attendant issues, does not respect political boundaries and has a negative impact on residents already in the city limits. Annexation will protect or enhance property values for all.
- ↘ ⑧ 8. Annexation will bring about for many residents lower utility rates, lower sanitation rates, lower fire insurance premiums, lower flood insurance rates, improved police protection, and improve property values. In many cases the reduction in these costs is greater than the expense of the additional City *ad valorem* tax.

Reasons against annexation are:

CITY COUNCIL AGENDA
Workshop Meeting: Tuesday, November 8, 2016

AGENDA ITEM: 10

Conduct second Public Hearing on proposed annexation by the City of Rockport, of 212 acres of land, more or less, along Highway 35 Bypass between 12th Street and approximately 545 feet north of Griffith Drive, out of portions of the Joseph F. Smith Survey A-198, R.J. Towns Survey A-206, Paul McCombs Survey A-137, and the C.W. Egery Survey A-62.

SUBMITTED BY: Community Planner Amanda Torres

APPROVED FOR AGENDA: PKC

BACKGROUND: This is the second Public Hearing for the proposed annexation connecting the two city limits along Highway 35 Bypass. Please see the accompanying metes and bounds description and service plan for additional details.

FISCAL ANALYSIS: N/A

RECOMMENDATION: Not an action item.

MUNICIPAL ANNEXATION SERVICE PLAN FOR AREA “SH 35 CONNECTION” (212 Acres)

Area to be Annexed

Being approximately 212 acres out of portions of the Joseph F. Smith Survey A-198, R.J. Towns Survey A-206, Paul McCombs Survey A-137, and the C.W. Egery Survey A-62, with said 212 acres being more particularly described by metes and bounds on Field Notes show in Exhibit “A” and map in “Exhibit B.”

Introduction

In accordance with the directives of the City Council of the City of Rockport, Texas, the City's Comprehensive Plan, and the requirements of Subsection 43.056 of the Texas Local Government Code, the following service plan for the area hereinafter referred to as Area “Market Street A” and as shown on the accompanying map that has been prepared. The proposed plan may be amended as a result of the public hearing process in accordance with Subsection 43.056 of the most current edition of the Texas Local Government Code. This service plan shall become a part of an annexation ordinance submitted to the City Council for consideration and action, if any.

The following services will be provided on the effective date of the annexation of the area according to Subsection 43.056 of the most current edition of the Texas Local Government Code regarding services to newly annexed areas:

1. Animal Control

Existing Services: Animal control services for this area are currently provided by the Aransas County Animal Control Department.

Services to be Provided: The Aransas County Animal Control Department will continue the enforcement of the City of Rockport’s animal control ordinances on the effective date of the annexation. Such services can be provided with current Animal Control personnel and within the current budget appropriation.

2. Capital Improvements

Construction of capital improvements shall be considered by the City in the future as the needs dictate on the same basis as such capital improvements are considered throughout the city.

3. Building Inspections

Existing Services: Existing building inspection services are provided in this area by the City of Rockport when required by applicable building codes.

Services to be Provided: The Building & Development Department will provide Code Enforcement and Building Inspection Services upon annexation. This includes issuing building, electrical and plumbing permits for any new construction and remodeling, and enforcing all other applicable codes which regulated building construction within the City of Rockport. Annexation of this area would require an increase of approximately 520 building inspector labor hours and 520 code enforcement officer labor hours.

4. Emergency Medical Services

Existing Services: Emergency medical services are currently provided under contract with Aransas County by Allegiance Ambulance from their facility located at 400 Enterprise in Rockport.

Services to be Provided: Annexation of the proposed area will not alter the response times, service sectors, or the existing interagency agreements.

5. Fire

Existing Services: Existing services are typically provided as outside city limits response by the Rockport Volunteer Fire Department, Inc.

Services to be Provided: Fire suppression will be available to the area upon annexation and will be provided by the Rockport Volunteer Fire Department, Inc. There is a fire substation currently located at 1608 West Terrace Blvd. Annexation of the proposed area will not alter the response times, service sectors or the existing interagency agreements.

6. Health Code Enforcement

Existing Services: Public health services for this area are currently provided by the Aransas County Environmental Health Department.

Services to be Provided: The Aransas County Health Department will implement the enforcement of the City of Rockport's health ordinances and regulations on the effective date of the annexation. Such services can be provided with current Health Department Personnel and within the current budget appropriation.

7. Parks

Existing Services: Library services are provided by the Aransas County Public Library. City parks are currently open to non-city residents.

Services to be Provided: Library services will still be provided by the Aransas County Public Library under the same terms. Annexation will not result in any changes in the availability of parks and library facilities to residents of the area.

8. Planning and Zoning

Existing Services: This area falls within the Extraterritorial Jurisdiction (ETJ) of the City of Rockport. Platting and land subdivision activities are currently co-administered by Aransas County and the City of Rockport. The City's zoning and land use ordinances, however, are not applicable outside of the existing city limits.

Services to be Provided: The Building and Development Department's responsibility for regulating development and land use through the administration of the City of Rockport Zoning Ordinance will extend to this area on the effective date of the annexation. The property will solely be regulated under the requirements of the City of Rockport Subdivision Ordinance. These services can be provided within the department's current budget.

9. Police

Existing Services: Existing services are primarily provided by the Aransas County Sheriff's Office.

Services to be Provided: The Rockport Police Department will initiate full police and law enforcement services to this proposed annexed area at the effective date. Both divisions of the police department will coordinate this service plan.

1. The Patrol Division will provide active patrol services in the proposed area. These services will include accident investigation and preventative patrol to deter violations of statutes and local ordinances. The Patrol Division will also assist other emergency-related agencies responding within this proposed area. The Patrol Division will provide further service to our customers by initiating and monitoring vacation/property checks for residences and businesses requesting such programs during their absence.
2. The Criminal Investigation Division will provide for active investigation services to be implemented in the proposed area. These services include crime scene search and the related analysis and investigation leading to the identification of suspects, issuance of arrest warrants and the apprehension of suspected offenders; preparation and submission of cases to the appropriate agency for prosecution and/or presentation to a Grand Jury; and response to citizen requests for crime prevention and security inspections of their real property. A review of the ongoing criminal investigations will be conducted to determine which (if any) cases should be transferred to the Rockport Police Department Investigation Division: The Criminal Investigation Division will assist in the development of neighborhood watch programs and conduct certified residential and business security surveys upon request.

Annexation of this area would require an increase of approximately 2,080 patrol labor hours, 1,387 criminal investigation labor hours, and 694 administration labor hours. The Rockport Police Department will coordinate with the proper governmental agencies to ensure that 911 map sheets will be updated related to 911 calls within the specified zone.

10. Sanitary Sewer Service

Existing Services: Existing sanitary sewer service in this area is provided by either the City of Rockport or by on-site sewage facilities.

Services to be Provided: Sanitary sewer service to the area of proposed annexation will be provided in accordance with applicable codes and city policy. When property develops in the adjacent areas, sanitary sewer service shall be provided in accordance with the present extension ordinance and as requested by developers. Extension of service shall comply with applicable codes and ordinances.

11. Solid Waste Collection

Existing Services: There is currently no dedicated solid waste disposal service for this area. Residents may contract individually with available service providers.

Services to be Provided: Solid Waste Collection will be provided by the City's contractor, Republic Services, Inc. Service shall comply with existing City policies, beginning with occupancy of structures. As provided for by Section 43.056(n) of the Texas Local Government Code, residents may continue to use their existing solid waste collection service for up to two years following the effective date of annexation. At the end of the two-year period or termination of existing service by the customer (whichever is sooner), the City's contractor will begin providing service.

12. Street Lighting

Existing Services: Existing streetlights in the area are provided by the Texas Department of Transportation.

Services to be Provided: The City of Rockport will coordinate any requests for improved street lighting with the local electric provider in accordance with standard policy.

13. Street Maintenance

Existing Services: Existing street maintenance services for this area are provided by Aransas County Road and Bridge Department.

Services to be Provided: Maintenance to the street facilities will be provided by the City upon the effective date of the annexation. This service can be provided within the current budget appropriation. All streets within the area proposed for annexation are currently

paved. Annexation of this area would require an increase of approximately 832 street maintenance labor hours.

14. Storm Water Management

Existing Services: Drainage and storm water management within this area is currently provided by Aransas County.

Services to be Provided: Developers will provide storm water drainage at their own expense and will be inspected by the City Engineers at time of completion. The City will assume maintenance of the developer's drainage facilities upon acceptance from the developer.

15. Water Service

Existing Services: Existing water utility services to this area is provided by the City of Rockport and includes both potable water and fire protection.

Services to be Provided: Water service to the area will continue to be provided by the City of Rockport in accordance with the applicable codes and departmental policy. When other property develops in the adjacent area, water service shall be provided in accordance with extension ordinances and as requested by developers. Extension of service shall comply with City codes and ordinances. Water utility rates will be based on a lower Inside City Limits customer classification as opposed to the Outside City Limits customer classification.

Miscellaneous

All other applicable municipal services will be provided to the area in accordance with the City of Rockport's established policies governing extension of municipal services to newly annexed areas. All City codes shall be in effect upon annexation.

Uniform Level of Services May Not Be Required

Nothing in this plan shall require the city to provide a uniform level of full municipal services to each area of the city, including the annexed areas, if different characteristics of topography, land use, and population density are considered a sufficient basis for providing different levels of services.

Term

This service plan shall be valid for a term of ten (10) years.

Amendments

The plan shall not be amended unless public hearings are held in accordance with V.C.T.A., Local Government Code, Section 43.0561.

EXHIBIT "A"
FIELD NOTE DESCRIPTION
212 ACRE TRACT TO BE ANNEXED BY CITY OF ROCKPORT, ARANSAS COUNTY, TEXAS
September 22, 2016

BEING THE DESCRIPTION OF A 212 ACRES OF LAND, MORE OR LESS, OUT OF PORTIONS OF THE JOSEPH F. SMITH SURVEY A-198, R. J. TOWNS SURVEY A-206, PAUL MCCOMBS SURVEY A-317, AND THE C. W. EGERY SURVEY A-62, WITH SAID 121 ACRES, MORE OR LESS, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGIN at the common Northeast corner Lot 14, Peninsula Oaks Subdivision, Unit 3, as shown by plat of record in Volume 3, Page 34, Map Records of Aransas County, Texas, and the Northwest corner of Lot 15A, Peninsula Oaks Subdivision, Unit 3, as shown by a replat in Volume 4, Page 137, Map Records of Aransas County, Texas, with said point being the NORTHWEST corner and PLACE OF BEGINNING of this description;

THENCE, in a Southeasterly direction and following the Northerly boundary line of said Lot 15A, then Lot 16 of said Peninsula Oaks Subdivision, Unit 3, and crossing Texas State Highway No. 35 Relief Route a distance of approximately 1330 feet to a point for the Northeast corner of Lot 18, Peninsula Oaks Subdivision, Unit 3, with said point being the NORTHEAST corner of this description;

THENCE, in a Southwesterly direction a distance of approximately 2307 feet to a point for the Southeast corner of a 31.398 acre tract out the C. W. Egery Survey A-62 conveyed to Buffalo Park, Inc. under Clerk's File No. 245633, Official Public Records of Aransas County, Texas, with said point being an EXTERIOR corner of this description;

THENCE, in a Northwesterly direction a distance of approximately 632 feet to a point for the common Northwest corner of Lot 17 and Northeast corner of Lot 18, Block 253, Foor & Swickheimer Subdivision, as shown by plat of record in Volume 1, Page 28, Map Records of Aransas County, Texas, with said point being an INTERIOR corner of this description;

THENCE, in a Southwesterly direction along and with the Easterly line of said Lot 18 and crossing Kresta Lane a distance of approximately 627 feet to a point on the Southerly R.O.W. line of Kresta Lane, with said point being the an EXTERIOR corner of this description;

THENCE, in a Northwesterly direction along and with the Southerly R.O.W. line of Kresta Lane a distance of approximately 232 feet to a point for the common Northwest corner of Lot 28 and the Northeast corner of Lot 29, Block 252 of said Foor & Swickheimer Subdivision with said point being an INTERIOR corner of this description;

THENCE, in a Southwesterly direction along and with the Easterly line of Lots 29 and 39, Block 252 of said Foor & Swickheimer Subdivision and crossing Twelfth Street for an approximate distance of 2010 feet to a point on the Southerly R.O.W. line of Twelfth Street and being the Northeast corner of Lot 49, Block 251 of the Foor & Swickheimer Subdivision with said point being the SOUTHEAST corner of this description;

THENCE, in a Northwesterly direction along and with the Southerly R.O.W. line of Twelfth Street a distance of approximately 780 feet to a point in the cut-back R.O.W. line of Texas State Highway No. 35 Relief Route with said point being Northwest corner of Lot 50, Block 251 of said Foor & Swickheimer Subdivision and an INTERIOR corner of this description;

THENCE, in a Southwesterly direction of said cut-back R.O.W. line of Texas State Highway No. 35 Relief Route a distance of approximately 52 feet to a point on the Easterly line of a portion of Lot 20, Sartain & Montgomery Subdivision of the Paul McCombs Survey A-317 as shown by plat of record in Volume 1, Page 34, Map Records of Aransas County, Texas, with said point being an EXTERIOR corner of this description;

THENCE, in a Southwesterly direction of said cut-back R.O.W. line of Texas State Highway No. 35 Relief Route a distance of approximately 180 feet to a point on the Westerly line of a portion Lot 21 of said Sartain & Montgomery Subdivision with said point being an INTERIOR corner of this description;

THENCE, in a Southwesterly direction along and with the Easterly R.O.W. line of Texas State Highway No. 35 Relief Route a distance of approximately 202 feet to a point for the Southwest corner of a portion of Lot 22 of said Sartain & Montgomery Subdivision with said point being an EXTERIOR corner of this description;

THENCE, in a Westerly direction and crossing Texas State Highway No. 35 Relief Route a distance of approximately 621 feet to a point at the intersection of the Easterly R.O.W. line of Holly Road with the Westerly R.O.W. line of Texas State Highway No. 35 Relief Route with said point being the SOUTHWEST corner of this description;

THENCE, in a Northwesterly direction and crossing Holly Road a distance of approximately 42 feet to a point for the Southeast corner of Lot 41 of said Sartain and Montgomery Subdivision and being on the Westerly R.O.W. line of Holly Road with said point being an EXTERIOR corner of this description;

THENCE, in a Northeasterly direction along and with the Westerly R.O.W. line of Holly Road a distance of approximately 2032 feet to a point for the Northeast corner of Lot 23 of said Sartain and Montgomery Subdivision with said point being an INTERIOR corner of this description;

THENCE, in a Northwesterly direction along and with the Southerly R.O.W. line of Holly Road a distance of approximately 30 feet to a point for the Southeast corner of Lot 2-A of said Sartain and Montgomery Subdivision with said point being an EXTERIOR corner of this description;

THENCE, in a Northeasterly direction along and with the Westerly R.O.W. line of Holly Road a distance of approximately 273 feet to a point for the Northeast corner of said Lot 2-A of said Sartain and Montgomery Subdivision with said point being an EXTERIOR corner of this description;

THENCE, in a Northeasterly direction along and with the Northerly R.O.W. line of Holly Road a distance of approximately 410 feet to a point for the Southeast corner of Lot 13A, Peninsula Oaks Subdivision, Unit 5, as shown by a replat of record in Volume 5, Page 211, Map Records of Aransas County, Texas, with said point being an INTERIOR corner of this description;

THENCE, in a Northeasterly direction along and with the Westerly R.O.W. line of Alexander Drive a distance of approximately 1230 feet to a point at its intersection with the Southerly R.O.W. line of St. Francis Circle with said point being an EXTERIOR corner of this description;

THENCE, in a Northeasterly direction and crossing St. Francis Circle a distance of approximately 65 feet to a point for the Southwest corner of Lot 18, Club Lake Estates, as shown by plat of record in Volume 3, Page 79, Map Records of Aransas County, Texas, with said point being an EXTERIOR corner of this description;

THENCE, in a Southeasterly direction along and with the Northerly R.O.W. line of St. Francis Circle a distance of approximately 770 feet to a point with its intersection with the Westerly R.O.W. line of St. Francis Circle and with said point being the Southeast corner of Lot 15 of said Club Lake Estates and an INTERIOR corner of this description;

THENCE, in a Northeasterly direction along and with the Westerly R.O.W. line of St. Francis Circle a distance of approximately 1005 feet to a point at its intersection with the Southerly R.O.W. line of Griffith Drive and being the Northeast corner of Lot 7 of the said Club Lake Estates and being an EXTERIOR corner of this description;

THENCE, in a Northeasterly direction and crossing Griffith Drive a distance of approximately 63 feet to a point for the Southwest corner of Lot 14A, Peninsula Oaks Subdivision, Unit 3, as shown by a replat of record in Volume 4, Page 137, Map Records of Aransas County, Texas, with said point being an INTERIOR corner of this description;

THENCE, in a Northeasterly direction a distance of approximately 508 feet to the PLACE OF BEGINNING and containing 212 acres or 9,241,648 square feet of land, more or less.

Public Comments Received on Annexation

Record	Date	Name	Contact	Contact Information	Inquiry
1	10/4/2016	Dick Kitchens	Phone	512-422-4444	Hearings on election day?
2	10/6/2016	Natalie Baker	Phone	361-463-9265	Hearings on election day?
3	10/6/2016	Danny Hale	In-Person	dannyhale@sbcglobal.net	Copy of service plan, proposed tax rate, when taxes will take effect
4	10/6/2016	Jeannie Fisher	Phone	405-650-6245	Proposed tax rate, people on homestead exemption
5	10/6/2016	Mary Simison, AP Post	Email	Mary.B.Simison@usps.gov	Effect of annexation on AP zoned areas
6	10/7/2016	Grove Family Investment	Phone	361-815-8902	Question about Market St annexation
7	10/7/2016	Mary Reilly	Phone	504-621-7362	Question about impact on homeowners
8	10/10/2016	Brandon Ayers	Phone	361-205-5514	Question about taxing entities
9	10/12/2016	Richard Martin	Phone	Unknown	Question about why he got notice (owns storage unit on FM 188)
10	10/12/2016	Candy Monroe	Phone	361-557-0683	Seeking info on annexation
11	10/12/2016	Carolyn Peterson	Phone	210-826-0525	Questions about annexation; how much would taxes go up
12	10/12/2016	Santiago Fuentes	Phone	361-933-6790	Calling in regards to annexation letter
13	10/13/2016	Patricia Heel		361-813-5431	Question about annexation
14	10/14/2016	Laura Oswalt	Phone	512-484-9484	Questions about annexation: How much would her taxes go up? She connected to City service; would she get a refund for what she paid to connect? When City sewer is installed, does she have to connect/pay to connect or can she keep septic? If she needs a driveway installed, does the City pay for that expense or does she? Will her property be trenched through if electricity has to be extended from the alleys to create light poles (or other related infrastructure work)? 601 Hickory"
15	10/14/2016	Kay Mitchell	Phone	361-529-8991	Question about annexation

Public Comments Received on Annexation

Record	Date	Name	Contact	Contact Information	Inquiry
16	10/14/2016	Randy Smith	Phone	361-548-9010	Has 15 acres on the bypass and has been trying to build a manufactured home park. He has been working with the County on building a road but does not have construction of park up. Can his project get grandfathered in? Sent over project plans as evidence
17	10/14/2016	Isaias Navarete	Phone	210-277-7519	Question about annexation
18	10/21/2016	Steve Church	Phone	Unknown	Thought property was going to be taken; explained annexation
19	10/25/2016	Julius Julian	Phone	936-355-1060	If the annexation line crosses their parking lot, does their entire property get annexed including their building?
20	10/25/2016	Santiago Fuentes	Phone	361-933-6790	Question about annexation
21	10/28/2016	Ron Hoover	In-Person	361-463-1075	Had question about MH park project. Determined property where project would be built is already in the city limits.
22	10/31/2016	Concetta Johnson	Phone	Unknown	Wanted to know where to mail an opposition letter for annexation

~~11:30~~ New 8th
11:30
6:30
Meeting

October 3, 2016

DEAGEN MELVIN M ETUX SUSAN L
P O BOX 195
STOCKDALE, TX 78160-0195



Certified Mail Receipt No. 7016 1370 0002 0464 7998

Subject: Annexation of Property

To whom it may concern:

The purpose of this letter is to notify you that your property is included in a proposed annexation by the City of Rockport. The City of Rockport plans on annexing an area generally located along Highway 35 Bypass between Mundine Road and approximately 1,000 feet south of 18th Street (see accompanying map of the proposed annexation area). Aransas County Appraisal District records show that you own property in the area. Under state law, the City may annex the area after following certain notice and hearing procedures contained in Chapter 43 of the Texas Local Government Code.

State law establishes the procedure the City must follow to annex the area. Over the next few weeks City staff will prepare a proposed service plan describing the services the City will provide in the area upon annexation. The City Council will then hold public hearings to discuss the annexation and the service plan. The hearings will be held at the Rockport City Hall Council Chambers at 1:30 p.m. and 6:30 p.m. on November 8, 2016. After the public hearings, the City Council will likely conduct the remaining proceedings required to annex the area during a separately scheduled City Council meeting.

If you have questions concerning the annexation process, I encourage you to contact me at (361) 790-1125, extension 226. If you no longer own property in the area, I would appreciate it you would contact me so that we can provide this notice to the current owner.

Sincerely,

Amanda Torres

Community Planner

10/27/2016
We Vote against being
annexed into the City
limits of Rockport TX
Susan Deagen - *[Signature]*
Melvin Deagen - *[Signature]*

Concetta A. Johnson
 9513 Geronimo Oaks Street
 San Antonio, Texas 78254

October 30, 2016

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

SUBJECT: Landowner Protest of Subjective Proposed Annexation Discrimination

ATTENTION: Teresa Valdez, City Secretary

The purpose of this letter is to express my opposition by the City of Rockport, Texas, to the subjective proposed annexation discrimination of the following property I own: Geo ID: 0848-225-12-002, 1080 SH 188, Rockport, Texas 78382, and to protest the proposed annexation of the adjacent property I own, Geo ID: 0848-225-12-003, 521 Hailey Road, Rockport, Texas 78382. When I purchased them in 1983, they were addressed as a single unit/address with a Box #, Star Route 1, Rockport, Texas 78382, and remained as such until address changes were implemented at later dates.

My property Geo ID: 0848-225-12-002 located at 1080 SH 188, has the distinction of being the ONE and ONLY taxable property addressed on that side of SH 188 past the point of intersection of SH 35 BP and SH 188 of the City of Rockport proposed annexation.

Being the only singled out, targeted, taxable private property on the proposed annexation area on that side of the road beyond the SH 35 BP and SH 188 point of intersection displays intentional discrimination on the part of the City of Rockport, Texas, especially when one considers, for example, the replat property of Farm Lot 11, next to my property line has five each properties in that one block, all five are taxable properties addressed on SH 188, Rockport, Texas, and not one is being considered for proposed annexation, nor is any other property continuing beyond that replat of Farm Lot 11 along that side of the road, SH 188, as validated by documentation Sept.27, 2016 Council Meeting **RESOLUTION SETTING A PUBLIC HEARING ON A PROPOSED ANNEXATION pp.51, 53,54/136**, and the **EXHIBIT "B"**, (the 990 ACRES map view). **See: RESOLUTION SETTING A PUBLIC HEARING ON A PROPOSED ANNEXATION pp. 51,53,54/136** **EXHIBIT "A"**, and **See: EXHIBIT "B"**, (the 990 ACRES map view).

Concerning City of Rockport Utilities and Services:

After making inquiries with various departments of the City of Rockport, Texas, as to (1) which city utilities and services will be made available (2) or are currently in place in the proposed annexation area where my properties are located, I was informed that water, sewer, and gas services will require

engineering services for all three to Geo ID: 0848-225-12-003, 521 Hailey Road, and sewer and gas will require engineering services for Geo ID: 0848-225-012-002, 1080 SH 188, that the current cost for each service would be \$200,000.00 to \$400,000 because the properties are so far away from the service areas in town. The true reality of my situation, I was also informed, is that due to my properties location, I would probably never acquire those city services, and another city employee informed me that his property had been involuntarily annexed by the City of Rockport about twenty years ago, and he still did not have any sewer service at his property. Additionally, city garbage pickup will not be available at my property, the Fire Department is voluntary and services both the city and county, EMS is a contracted service and also covers both the city and county, lastly, concerning the city police department, I was told if the county sheriff's department is closer, the city police calls are answered by the county sheriff officer. This also addresses Item" **8. Annexation** below In the following topic.

In reference to the following item numbers 4 and 8 on p.49/136, from **CITY COUNCIL AGENDA Regular Meeting: Tuesday, September 27, 2016 AGENDA ITEM: 7, p.49/136 (EXHIBIT "C")** concerning the city utilities and services, to include:

"4. Residents and businesses in the annexation area already consume city services but contribute little or nothing to paying the cost of those services." And

"8. Annexation will bring about for many residents lower utility rates, lower sanitation rates, lower fire insurance premiums, lower flood insurance rates, improved police protection, and improve property values. In many cases the reduction in these costs is greater than the expense of the additional City ad valorem tax." Note: I will address item number "8 first.

Re: above item "8., please refer to above **Concerning City of Rockport Utilities and Services** for the issues and details. After assessing the information received concerning both availability and accessibility of city utilities and services to my properties, I do not find anything beneficial in annexation that applies to them, most especially Geo ID: 0848-225-12-003, 521 Hailey Road . **See: CITY COUNCIL AGENDA Regular Meeting: Tuesday, September 27, 2016 AGENDA ITEM: 7 ,Item #8, p.49/136 (EXHIBIT "C")**

RE: above item # 4.,. annexation area residents consuming City of Rockport services. As an Aransas County property owner paying into that tax base for over thirty-three years for items such as school taxes and the Naval Homeport Installation at Ingleside, Texas, neither myself nor mine ever accessed nor received any benefit from any of those taxes I paid, such as school, and others have in the ACISD county's cities and the county proper.. Consequently, in some measure, I have been contributing to the City of Rockport, both when I resided there and in absentia.. **See: CITY COUNCIL AGENDA Regular Meeting: Tuesday, September 27, 2016 AGENDA ITEM: 7, Item # 4, p.49/136 (EXHIBIT "C")**

During the year following the insurance company opting out of selling mobile home insurance, my two mobile homes there were deliberately burned to the ground, my huge blackberry garden was destroyed, too; thankfully, no one was injured during those fires. I experienced great financial losses, and after I had the property cleaned up, I elected to let the area grow over to discourage further trespassing until such time as I move back there. Yet, I refuse to be discouraged. As I am retired, I plan to sell my home in San Antonio, Texas and move back on to my property in Rockport, Texas. At a later date, my daughter

and son-in-law will be transferring to the area with the company he is employed with, and they plan to build a home on the rear part of the property Geo ID: 0848-225-12-003 and retire there.

In conclusion, the manner in which my property Geo ID: 0848-225-12-002, 1080 SH 188, Rockport, Texas 78382, was singled out as the only taxable property for proposed annexation and no other taxable property was considered or selected for proposed annexation in that stated area located on that side of SH 188 past the point of intersection of SH 35 BP and SH 188, as previously described in detail, as documented in the July 27, 2016 Rockport City Council : **RESOLUTION SETTING A PUBLIC HEARING ON A PROPOSED ANNEXATION pp. 51,53,54/136** and as documented on **EXHIBIT "B"**, (the 990 ACRES map), constitutes discrimination and I am requesting the property be removed from the proposed annexation. **See: EXHIBIT "A", RESOLUTION SETTING A PUBLIC HEARING ON A PROPOSED ANNEXATION pp.51, 53,54/136** , and **See: EXHIBIT "B"**, (the 990 ACRES) for map view

Additionally, in consideration of the information I obtained about receiving/accessing future city utilities and services to/at my properties, and that the outcome probability for their acquisition lies beyond bleak-to-none because of their location - especially for the Hailey Road address unless I wish to pay the huge cost for any of them as previously detailed, I am requesting my adjacent properties, Geo ID: 0848-225-12-002, 1080 SH 188, Rockport, Texas 78382 and , Geo ID: 0848-225-12-003, 521 Hailey Road, Rockport, Texas 78382, considered to be the other half of my property, be removed from the proposed annexation that is the subject of a proposed change of/by the City of Rockport city council organization.

Thank you for your consideration in this matter.

Sincerely,

Concetta A. Johnson
Property Owner

cc: Amanda Torres, Community Planner

Enc: 3 ea EXHIBITS

EXHIBIT "A"

RESOLUTION NO. _____



RESOLUTION SETTING A PUBLIC HEARING ON A PROPOSED ANNEXATION



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 990 ACRES OUT OF A PORTION OF THE CHARLES ZENN SURVEY, A-226, AND THE JAMES MCKAY SURVEY, A-160, AUTHORIZING AND DIRECTING PUBLICATION OF NOTICE OF SUCH PUBLIC HEARINGS AND DIRECTING CITY STAFF TO PREPARE ANNEXATION SERVICE PLAN.

WHEREAS, §43 of the Texas Local Government Code and Article I, Section 3 of the Charter of the City of Rockport, Texas, an incorporated city, authorizes the annexation of territory, subject to the laws of this state;

WHEREAS, the City has the desire to extend its boundaries to provide for the strategic management of growth of the City, and to better manage the provision of public services to residents of the area;

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROCKPORT, TEXAS:

SECTION 1. On the 8th day of November, 2016, at 1:30 p.m. and 6:30 p.m. in the City Council Chambers of the City Hall of the City of Rockport, Texas, the City Council will hold public hearings giving all interested persons the right to appear and be heard on the proposed annexation by the City of Rockport, Texas of the following described property, to-wit:

DESCRIPTION OF 990 ACRES OF LAND, MORE OR LESS, OUT OF A PORTION OF THE CHARLES ZENN SURVEY, A-226, AND THE JAMES MCKAY SURVEY, A-160, WITH SAID 990 ACRES, MORE OR LESS, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGIN at a point for the Northwest corner of the Charles Zenn Survey, A-226, and being the Northwest corner of a called 476 acre tract (437.175 acres) as described in a deed of record to D.W. & B. Grant Properties, Ltd., under Clerks File Number 326488, Official Public Records of Aransas County, Texas, and being in the East boundary line of the H. Ryals Survey, A-184, and the East boundary line of a called 105.50 acre tract as described in a deed of record to Hugh T. Chapman under Clerks File Number 268808, Official Public Records of Aransas County, Texas, and being in the West boundary line of a called 7.134

described in a deed of record under Clerks File Number 176546, Real Property Records of Aransas County, Texas, and being an INTERIOR corner of this description;

THENCE, in a Southeasterly direction, along and with the North boundary line of said 20.0 acre tract, a distance of approximately 490 feet to a point in the Upper Northwestern boundary line of Farm Lot 12, of said Landblock 227, Burton and Danforth Subdivision, and being an INTERIOR corner of this description;

THENCE, in a Northeasterly direction, along and with the Upper Northwestern boundary line of said Farm Lot 12, a distance of approximately 313 feet to a point at the Southerly R.O.W. terminus of Nell Road, and being the Northwest corner of said Farm Lot 12, and being an EXTERIOR corner of this description;

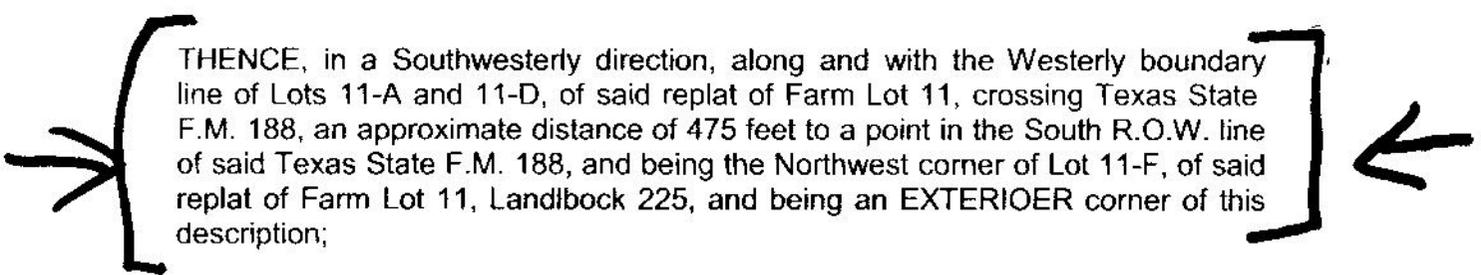
THENCE, in a Southeasterly direction, along and with the South R.O.W. line of Nell Road, and the North boundary line of said Farm Lot 12, a distance of approximately 85 feet to a point for the Northeast corner of said Farm Lot 12 and being an EXTERIOR corner of this description;

THENCE, in a Southwesterly direction, along and with the common boundary line of Farm Lots 11 and 12, an approximate distance of 2104 feet to a point in the South R.O.W. line of Walker Road, and being in the North boundary line of Farm Lot 10, of Land Block 226, of said Burton and Danforth Subdivision, and being an EXTERIOR corner of this description;

THENCE, in a Northwesterly direction, along and with the South R.O.W. line of said Walker Road, a distance of approximately 43 feet to a point for the common corner of Farm Lots 10 and 11, of said Landblock 226, and being an INTERIOR corner of this description;

THENCE, in a Southwesterly direction, along and with the common boundary line of Farm Lots 10 and 11, and 19 and 18, an approximate distance of 1326 feet to a point in the South R.O.W. line of Hailey Road and being in the North boundary line of Lot 10-B, of a replat of Farm Lot 10, Burton and Danforth Subdivision, lying North of Texas State F.M. 188, according to the plat recorded in Volume 3, Page 54, Plat Records of Aransas County, Texas, and being an EXTERIOR corner of this description;

THENCE, in a Northwesterly direction, along and with the South R.O.W. line of Hailey Road, an approximate distance of 353 feet to a point for the common corner of Lot 11-A, of a replat of Farm Lot 11, Landblock 225, Burton and Danforth Subdivision, according to the plat recorded in Volume 3, Page 123, Plat Records of Aransas County, Texas, and Fractional Farm Lot 12, of said Landblock 225, Burton and Danforth Subdivision, an being an INTERIOR corner of this description;



THENCE, in a Southwesterly direction, along and with the Westerly boundary line of Lots 11-A and 11-D, of said replat of Farm Lot 11, crossing Texas State F.M. 188, an approximate distance of 475 feet to a point in the South R.O.W. line of said Texas State F.M. 188, and being the Northwest corner of Lot 11-F, of said replat of Farm Lot 11, Landblock 225, and being an EXTERIOER corner of this description;

THENCE, in a Northwesterly direction, along and with the South R.O.W. line of said Texas State F.M. 188, an approximate distance of 25 feet to a point for the Northeast corner of Lot 17-B, Kelsey Subdivision, Unit 2, according to the plat recorded in Volume 4, Page 176, Plat Records of Aransas County, Texas, and being an INTERIOR corner of this description;

THENCE, in a Southwesterly direction, along and with the common boundary line of said Farm Lot 18, Landblock 225, and Kelsey Subdivision, Unit 2, an approximate distance of 870 feet to a point in the South R.O.W. line of Mack Road and being the common corner of Farm Lots 9 and 10, of said Landblock 224, and being an EXTERIOR corner of this description;

THENCE, in a Northwesterly direction, along and with the South R.O.W. line of Mack Road, an approximate distance of 830 feet to a point in the Easterly R.O.W. line of said Texas State Highway No. 35 Relief Route, and being the Northwest corner of Lot 12-B, of a replat of Farm Lot 12, Landblock 224, Burton and Danforth Subdivision, according to the plat recorded in Volume 6, Page 161, Plat Records of Aransas County, Texas, and being an INTERIOR corner of this description;

THENCE, in a Southwesterly direction, along and with the Easterly R.O.W. line of said Texas State Highway No. 35 Relief Route, a distance of approximately 460 feet to a point in the West boundary line of Lot 12-A, of said replat of Farm Lot 12, Landblock 224, and being at the projection of the South R.O.W. line of Mundine Road, and being the SOUTHEAST corner of this description;

THENCE, in a Northwesterly direction, along and with the projection of the South R.O.W. line of Mundine Road, crossing said Texas State Highway No. 35 Relief Route, a distance of approximately 2753 feet to a point for the common corner of Farm Lots 8 and 9, of Landblock 17, T.P. McCampbell Subdivision, according to the plat recorded in Volume 1, Pages 3 and 4, Plat Records of Aransas County, Texas, and being the SOUTHWEST corner of this description;

THENCE, in a Northeasterly direction, crossing said Mundine Road, and along and with the common boundary line of Lots 8A and 8B and Lots 8C and 9D, of Ken Mar No. 3, Unit 4, according to the plat recorded in Volume 3, Page 70, Plat Records of Aransas County, Texas, crossing said Texas State F.M. 188, and with the East boundary line of Little Ponds, according to the plat recorded in Volume 5, Page 119, Plat Records of Aransas County, Texas, and the West

EXHIBIT "B"

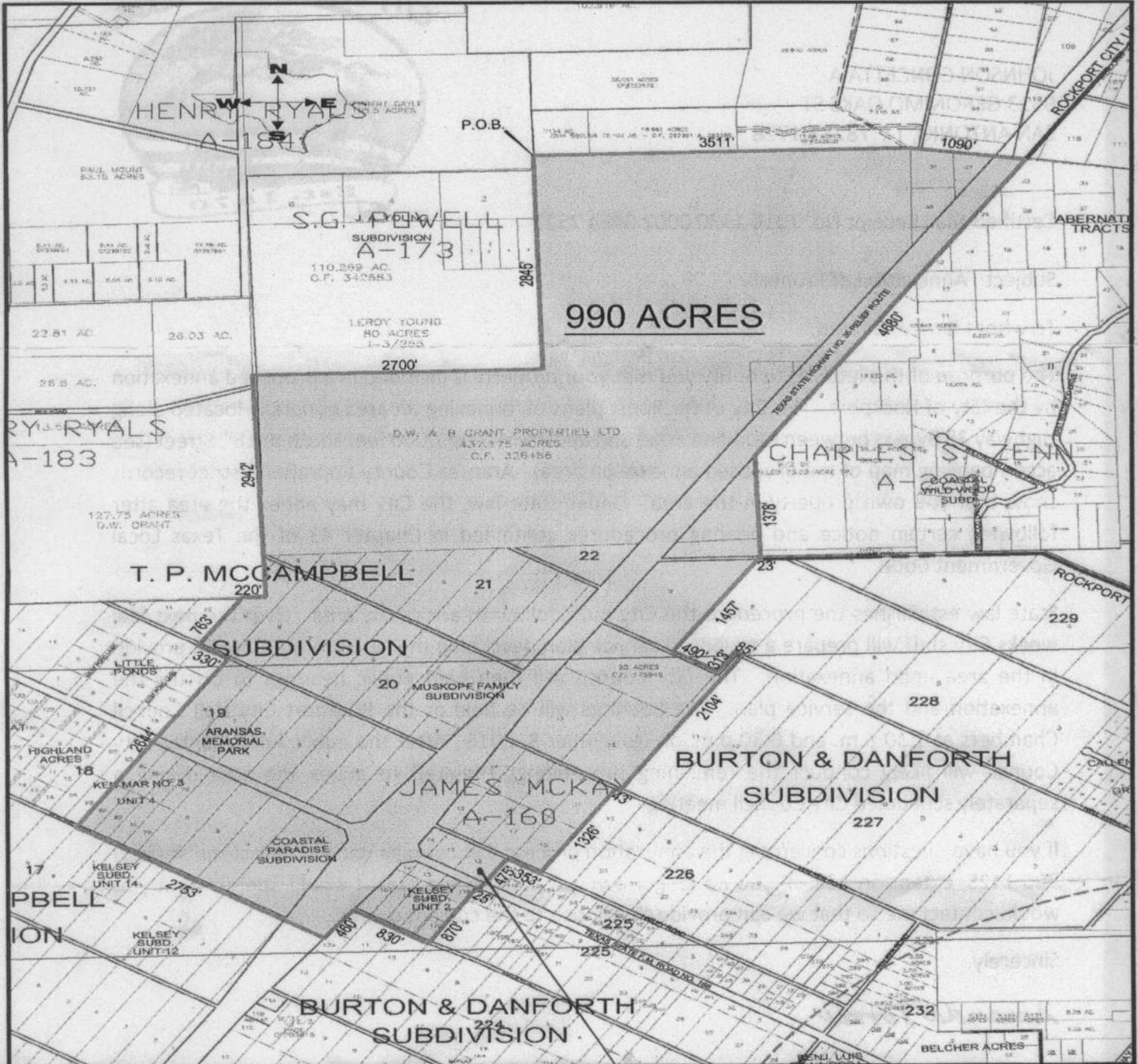


EXHIBIT "B"

PLAT SHOWING A 990 ACRE TRACT OUT OF PORTIONS OF THE CHARLES S. ZENN SURVEY A-226 AND THE JAMES MCKAY SURVEY A-160, TO BE ANNEXED BY THE CITY OF ROCKPORT, ARKANSAS COUNTY, TEXAS

NOTE: THIS AREA HAS NOT BEEN SURVEYED ON THE GROUND AND IS APPROXIMATE AS COMPUTED BY USING CAD ON THE CITY OF ROCKPORT MAP GENERATED BY GRIFFITH & BRUNDRETT, SURVEYING & ENGINEERING, INC.

SEPTEMBER 22, 2016
SCALE 1"=1000'

Griffith & Brundrett
Surveying & Engineering, Inc.
411 S. Pearl St., P.O. Box 2522
Rockport, Texas 78381
Phone: (361) 729-6479
Fax: (361) 729-7933
Email: jbr@griffithsurveyor.com
www.gbsurveyor.com

FILE NAME: MARSHAMANN/ANNEXATION/AREAS_02016
SEE ACCOMPANYING FIELD NOTE DESCRIPTION

2751 SH 35 Bypass, Rockport, Texas 78382 Phone: (361) 729-2213 Fax: (361) 729-6476

www.cityofrockport.com

Conetta A. Johnson
PROPERTY

EXHIBIT "C"

CITY COUNCIL AGENDA
Regular Meeting: Tuesday, September 27, 2016

AGENDA ITEM: 7

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 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.

SUBMITTED BY: City Manager Kevin Carruth; City Secretary Teresa Valdez

APPROVED FOR AGENDA: PKC

BACKGROUND: Over the course of the last several months Council and staff have evaluated reasons for and against annexation of certain areas, including the proposed 990 acres along the Market Street corridor. Reasons for annexation include:

1. The Market Street corridor is a main entry point into the community and serves as the City's "front porch". As is, there is a strong need for unified code enforcement, planning, and zoning in order to transform the area and improve the quality of life for residents and enhance the climate for businesses.
2. Because of the strong interrelationship between the annexation area and the City and because the actions of Rockport substantially affect residents in the annexation area, annexation gives residents a voice in the government of the larger community in which they live.
3. Business, professional, and community leaders living in the annexation area can have a more direct role in community affairs by being elected or appointed to public office in the City.
- ④ 4. Residents and businesses in the annexation area already consume city services but contribute little or nothing to paying the cost of those services.
5. Annexation leads to a unified community and helps to eliminate and prevent conflicts of authority, absence of cooperation, inadequate service levels, and the lack of effective area-wide planning and programming.
6. Political boundaries, after annexation, will more accurately reflect the true and existing sociological, economic, cultural, and physical boundaries of the city.
7. Blight, and its attendant issues, does not respect political boundaries and has a negative impact on residents already in the city limits. Annexation will protect or enhance property values for all.
- ↘ ⑧ 8. Annexation will bring about for many residents lower utility rates, lower sanitation rates, lower fire insurance premiums, lower flood insurance rates, improved police protection, and improve property values. In many cases the reduction in these costs is greater than the expense of the additional City *ad valorem* tax.

Reasons against annexation are:

CITY COUNCIL AGENDA
Regular Meeting: Tuesday, November 8, 2016

AGENDA ITEM: 11

Hear, deliberate, and act to accept the Utility Bill Surcharge Fund Disbursement Report, Annual Reports from Fulton, Lamar, and Rockport Volunteer Fire Departments, and authorize disbursement of funds.

SUBMITTED BY: Patty Howard, Finance Director

APPROVED FOR AGENDA: PKC

BACKGROUND: Utility Bill Surcharge funds are collected from utility customers and distributed to the three Aransas County volunteer fire departments at the end of the fiscal year. The Chapter 102, Article IV of the Code of Ordinances prescribes that Rockport Volunteer Fire Department (RVFD) and Fulton Volunteer Fire Department (FVFD) receive 77 and 23 percent, respectively, of the surcharge and that Lamar Volunteer Fire Department (LVFD) receive the amount collected from customers (who are gas only) in Lamar. The City retains a 5 percent administrative fee.

The disbursements for the current year as well as the previous three years are detailed in the table below. The portion of the 1998 C.O. Bonds used for the central RFVD station is paid from the 77% RFVD receives, with the balance being disbursed to the department.

Department	2013	2014	2015	2016
Fulton VFD	\$36,421.75	\$37,070.68	\$37,591.32	\$38,230.29
Lamar VFD	\$3,563.95	\$3,432.73	\$3,483.69	\$4,066.99
Rockport VFD	\$86,414.00	\$88,488.34	\$89,824.83	\$107,442.39

Please see the accompanying ordinance, letters that were sent to each department, the disbursement report, and the annual report from RVFD and FVFD. Note that LVFD has not submitted their required annual report.

FISCAL ANALYSIS: Total collections for FY 2015-2016 are \$179,248.06. The City retains 5% of collections as an administrative fee (\$8,962.40), with the balance of the fund being disbursed to the VFDs.

RECOMMENDED ACTION: Staff recommends acceptance of the FY 2015-2016 Volunteer Fire Department reports, Utility Bill Surcharge Fund Disbursement Report, and authorize disbursement of funds, as presented.

ARTICLE IV. SURCHARGE REVENUE ACCOUNT*

Sec. 102-400. Authorization.

A special account titled municipal utility bill surcharge revenue account shall be established and maintained by the city for the purpose of collecting a monthly surcharge on all municipal utility bills.

(Ord. No. 1486, § 2, 12-1-09; Ord. No. 1487, § 1, 12-15-09)

Sec. 102-401. Surcharge.

(a) *Single unit customer.* A surcharge in the amount of \$1.35 per municipal utility bill per month is hereby established for each non-wholesale single unit customer.

(b) *Multi-unit customer.* A surcharge in the amount of \$1.35 for each meter connection, plus \$0.27 for each space, room, apartment, condo or like multiple unit, per municipal utility bill per month, is hereby established for each non-wholesale multi-unit customer. Multi-unit customers shall include but not limited to R.V. parks, apartments, condominiums, hotels/motels and shopping centers.

(c) *Wholesale customer.* A surcharge per municipal utility bill per month is hereby established for each wholesale customer in an amount equal to the sum of \$1.35 per each single unit served, plus \$0.27 for each space, room, apartment, condo or like multiple unit served by the wholesale customer. Wholesale customers shall include all contracted resale customers being charged wholesale water rate.

(Ord. No. 1486, § 2, 12-1-09; Ord. No. 1487, § 1, 12-15-09; Ord. No. 1509, § 1, 8-24-10)

Sec. 102-402. Use of revenues.

Use of the revenues resulting from the municipal utility bill surcharge are expressly limited for the exclusive purpose of capital outlay purchases by the Rockport, Fulton and Lamar Volunteer Fire Departments. Capital outlay is defined as any material item having an intended life of more than two years and/or a unit cost of more than \$100.00.

(Ord. No. 1486, § 2, 12-1-09; Ord. No. 1487, § 1, 12-15-09)

Sec. 102-403. Administration; date of allocation of revenues; date of annual reporting.

(a) *Allocation of revenues.* The city shall retain five percent of all surcharge revenues collected for the purpose of administration of the surcharge. On or before October 15, of each year the city shall disburse the fund balance to the Rockport, Fulton and Lamar Volunteer Fire Departments as follows:

- (1) Fulton Volunteer Fire Department, 23 percent;
- (2) Rockport Volunteer Fire Department, 77 percent; and
- (3) Lamar Volunteer Fire Department will receive funds generated from the municipal utility service accounts (natural gas) on the Lamar Peninsula.

(b) *Required reporting.* The Rockport, Fulton and Lamar Volunteer Fire Departments must present an annual report to the Rockport City Council outlining the use of the funds from the prior disbursement on or before the second regularly scheduled city council meeting of the month of October. Funds held by each volunteer fire department must be maintained in a fully insured account. No fire department is obligated to spend the funds allocated to them every year. Funds may carry over from year to year.

(Ord. No. 1486, § 2, 12-1-09; Ord. No. 1487, § 1, 12-15-09)

Sec. 102-404. Penalties.

(a) *Failure to pay.* Municipal utility customers who fail to pay the municipal utility bill surcharge under this article will be subject to the suspension or loss of municipal utility service until the delinquent bills and all appropriate reconnect fees are paid in full.

(b) *Failure to expend properly.* Should any fire department misuse the funds allocated to them under this article the council shall have the option of:

- (1) Requiring a repayment of a like amount to the municipal utility bill surcharge revenue account;
- (2) Deducting a like amount from the next annual disbursement, with the funds remaining in the municipal utility bill surcharge revenue account; or
- (3) Deducting a like amount from the next annual disbursement and adding that amount to the disbursement to the other volunteer fire department.

(Ord. No. 1486, § 2, 12-1-09; Ord. No. 1487, § 1, 12-15-09)

Sec. 102-405. Scheduled review.

The allocation of municipal utility surcharge revenues outlined above shall be reviewed by the Rockport and Fulton Fire Chiefs during the budget process on even numbered years. The allocation of revenues may be reviewed and amended sooner upon a receipt of a written request from both the Rockport Fire Chief and the Fulton Fire Chief. To the extent possible, the allocation of municipal utility surcharge revenue shall be based upon the percentage of actual municipal utility accounts for Rockport and for Fulton, excluding all accounts within dual response areas of Rockport and Fulton.

(Ord. No. 1486, § 2, 12-1-09; Ord. No. 1487, § 1, 12-15-09)

Secs. 102-406—102-499. Reserved.

City of Rockport
FY 2015-2016 Utility Bill Surcharge Fund
Disbursement Report
30-Sep-16

<u>FY 2015-2016 Collections</u>	<u>Total</u>	<u>City 5%</u>	<u>Lamar VFD</u>	<u>RVFD - 77%</u>	<u>FVFD - 23%</u>
Surcharge Collection	\$179,248.06	\$8,962.40	\$4,066.99	\$127,988.37	\$38,230.29
<hr/>					
<u>Disbursement:</u>			<u>LVFD</u>	<u>RVFD</u>	<u>FVFD</u>
Less: Debt Service -- Bond Principal & Interest			0	\$20,545.98	0
			<hr/>		
FY 2015-2016 Net Disbursement:			\$4,066.99	\$107,442.39	\$38,230.29

October 28, 2016

Mr. Carl Stubbs, Fire Chief
Lamar Volunteer Fire Department
PO Box 294
Fulton, Texas 78358-0294

Dear Chief Stubbs:

The annual distribution of the Fire Fund will be at the City Council Meeting held on November 8, 2016 at 6:30 p.m. in Council chambers at City Hall. Please plan to have a representative from your department at that meeting to accept the check from the City. **We will NOT disburse the check unless someone is there personally to accept it.**

Chapter 102, Section 403(b) sets the requirements for reporting as follows: “The Rockport, Fulton and Lamar Volunteer Fire Departments must present an annual report to the Rockport City Council outlining the use of the funds from the prior disbursement on or before the second regularly scheduled city council meeting of the month of October. Funds held by each volunteer fire department must be maintained in a fully insured account. No fire department is obligated to spend the funds allocated to them every year. Funds may carry over from year to year.”

Please send your report to me before November 2, 2016 so I can include it with the agenda packet sent out prior to the City Council Meeting.

If you have any questions, please feel free to contact me at (361) 729-2213 ext. 228 or by email at finance@cityofrockport.com.

Sincerely,

Patty Howard
Finance Director

Cc: Kevin Carruth, City Manager
Teresa Valdez, City Secretary

October 28, 2016

Mr. Rick McLester, Jr., Fire Chief
Fulton Volunteer Fire Department
PO Box 503
Fulton, Texas 78358-00503

Dear Chief McLester:

The annual distribution of the Fire Fund will be at the City Council Meeting held on November 8, 2016 at 6:30 p.m. in Council chambers at City Hall. Please plan to have a representative from your department at that meeting to accept the check from the City. **We will NOT disburse the check unless someone is there personally to accept it.**

Chapter 102, Section 403(b) sets the requirements for reporting as follows: “The Rockport, Fulton and Lamar Volunteer Fire Departments must present an annual report to the Rockport City Council outlining the use of the funds from the prior disbursement on or before the second regularly scheduled city council meeting of the month of October. Funds held by each volunteer fire department must be maintained in a fully insured account. No fire department is obligated to spend the funds allocated to them every year. Funds may carry over from year to year.”

Please send your report to me before November 2, 2016 so I can include it with the agenda packet sent out prior to the City Council Meeting.

If you have any questions, please feel free to contact me at (361) 729-2213 ext. 228 or by email at finance@cityofrockport.com.

Sincerely,

Patty Howard
Finance Director

Cc: Kevin Carruth, City Manager
Teresa Valdez, City Secretary

October 28, 2016

Mr. Danny Cox, Jr., Fire Chief
Rockport Volunteer Fire Department
PO Box 1325
Rockport, Texas 78381-1325

Dear Chief Cox:

The annual distribution of the Fire Fund will be at the City Council Meeting held on November 8, 2016 at 6:30 p.m. in Council chambers at City Hall. Please plan to have a representative from your department at that meeting to accept the check from the City. **We will NOT disburse the check unless someone is there personally to accept it.**

Chapter 102, Section 403(b) sets the requirements for reporting as follows: “The Rockport, Fulton and Lamar Volunteer Fire Departments must present an annual report to the Rockport City Council outlining the use of the funds from the prior disbursement on or before the second regularly scheduled city council meeting of the month of October. Funds held by each volunteer fire department must be maintained in a fully insured account. No fire department is obligated to spend the funds allocated to them every year. Funds may carry over from year to year.”

Please send your report to me before November 2, 2016 so I can include it with the agenda packet sent out prior to the City Council Meeting.

If you have any questions, please feel free to contact me at (361) 729-2213 ext. 228 or by email at finance@cityofrockport.com.

Sincerely,

Patty Howard
Finance Director

Cc: Kevin Carruth, City Manager
Teresa Valdez, City Secretary

**Rockport Volunteer Fire Department Inc.
PO Box 1325
Rockport Texas 78381
361-729-5392**

MEMO

TO: Kevin Carruth, Rockport City Manager

From: Danny Cox Jr, RVFD Chief

Date: October 31, 2016

**RE: Accounting of Expenditures as per Ordinance #1119, Chapter 102,
Section 102-403(b)**

Opening Fund Balance		
October 1, 2015	\$	93,593
 Revenues		
Fire Fund	\$	89,825
Interest	\$	279
 Expenditures		
Bunker Gear	\$	0
Radio Units	\$	0
Fire Equipment	\$	0
Truck Purchase	\$	0
Bank Charges	\$	0
 Ending Fund Balance		
September 30, 2016	\$	183,697

November 3, 2016

Patty Howard, Finance Director

City of Rockport

622 E. Market St.

Rockport, TX. 78382

Dear Patty Howard,

The Fulton Volunteer Fire Department thanks the City of Rockport for taking care of the paperwork involved with the collection of the Water Tap Assessment funds.

Listed below are the capital expenditures for the fiscal year 2015 – 2016.

Bunker Gear: 14894.03

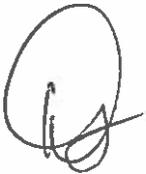
Wildland Gear: 12696.41

Fire Hoses: 4524.24

Radios and Headsets: 5022.44

Saving for funding of Skid Unit for brush truck: 452.20

Sincerely Yours,



David L. Mays, Sr.

Treasurer FVFD



Rickey McLester

Fire Chief

CITY COUNCIL AGENDA
Regular Meeting: Tuesday, November 8, 2016

AGENDA ITEM: 12

Tabled October 25, 2016 - 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 (WRC) 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, correspondence, 501(c)(3) letter from the Internal Review Service, and wildlife rehabilitation permit for additional information.

Council tabled this item at the October 25, 2016, Council Meeting and requested that WRC provide the City Manager with documentation concerning the cut in funding to UTMSI's Animal Rehabilitation Keep (ARK) that precipitated ARK no longer serving Aransas County. That documentation has not been provided.

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. Council should consider adopting guidelines for considering General Fund requests from nonprofit organizations if Council wants to honor WRC's request.

RECOMMENDATION: If Council wishes to adopt guidelines and 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 _____
208 Charles J. Wax, Mayor

Kay Adams, President

209
210
211
212 **ATTEST:**

ATTEST:

213
214
215 _____
216 Teresa Valdez, City Secretary

217
218

FUNDING EXPENSE REPORT FY 2016-2017

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

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

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.

Checked by AVG - www.avg.com

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

INTERNAL REVENUE SERVICE
P. O. BOX 2508
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: **APR 13 2016**

WINGS RESCUE CENTER
102 PINTAIL LANE
ROCKPORT, TX 78382-0000

Employer Identification Number:
30-0931951
DLN:
26053503001606
Contact Person:
CUSTOMER SERVICE ID# 31954
Contact Telephone Number:
(877) 829-5500
Accounting Period Ending:
December 31
Public Charity Status:
170(b)(1)(A)(vi)
Form 990/990-EZ/990-N Required:
Yes
Effective Date of Exemption:
April 1, 2016
Contribution Deductibility:
Yes
Addendum Applies:
No

Dear Applicant:

We're pleased to tell you we determined you're exempt from federal income tax under Internal Revenue Code (IRC) Section 501(c)(3). Donors can deduct contributions they make to you under IRC Section 170. You're also qualified to receive tax deductible bequests, devises, transfers or gifts under Section 2055, 2106, or 2522. This letter could help resolve questions on your exempt status. Please keep it for your records.

Organizations exempt under IRC Section 501(c)(3) are further classified as either public charities or private foundations. We determined you're a public charity under the IRC Section listed at the top of this letter.

If we indicated at the top of this letter that you're required to file Form 990/990-EZ/990-N, our records show you're required to file an annual information return (Form 990 or Form 990-EZ) or electronic notice (Form 990-N, the e-Postcard). If you don't file a required return or notice for three consecutive years, your exempt status will be automatically revoked.

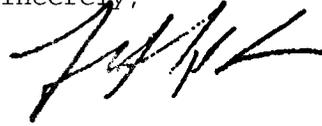
If we indicated at the top of this letter that an addendum applies, the enclosed addendum is an integral part of this letter.

For important information about your responsibilities as a tax-exempt organization, go to www.irs.gov/charities. Enter "4221-PC" in the search bar to view Publication 4221-PC, Compliance Guide for 501(c)(3) Public Charities, which describes your recordkeeping, reporting, and disclosure requirements.

Letter 5436

WINGS RESCUE CENTER

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey I. Cooper". The signature is stylized with a large, sweeping initial "J" and a long horizontal stroke at the end.

Jeffrey I. Cooper
Director, Exempt Organizations
Rulings and Agreements



Texas Parks and Wildlife Department
WILDLIFE REHABILITATION PERMIT NUMBER REH-0913-137
 IS HEREBY ISSUED TO:

Amanda Terry
Texas Sealife Center

UNDER THE AUTHORITY OF CHAPTER 43, SUBCHAPTER C OF THE
 TEXAS PARKS AND WILDLIFE CODE

The activities authorized by this document are to be carried out in accordance with the Parks and Wildlife Code, the Rules and Regulations of the Parks and Wildlife Commission, and all of the following provisions:

1. This permit may not be transferred, assigned or conveyed by the holder.
2. The issuance of this permit is not a guarantee that a subsequent permit or renewal of this permit will be granted.
3. Required information and data shall be maintained at the address of the permit holder and shall be available for inspection at the request of personnel of the Texas Parks and Wildlife Department during the active life of the permit.
4. Acceptance of this permit constitutes an acknowledgment and agreement that the holder will comply with all Rules, Regulations, Orders and Proclamations of the Texas Parks and Wildlife Commission issued in accordance with law and the conditions precedent to the granting of this permit. Failure to comply with any and all provisions of this permit may result in enforcement action, including criminal any penalties authorized by the Parks and Wildlife Code.
5. This permit does not relieve the holder of the responsibility to obey all other local, county, state and federal laws while carrying out the authorized activities.
6. This permit will expire on midnight, **12/31/2018**.

Issued by:

5/2/2016

Amend Date

A handwritten signature in black ink, appearing to read "Megan Nelson", written over a horizontal line.

Megan Nelson
 Wildlife Permitting Specialist

- ADDITIONAL PROVISIONS FOLLOW ON ATTACHED PAGES. -

- 7. The following individuals may conduct the activities authorized by this permit only under the direct supervision** of the permittee:

SEE APPENDIX I

**** Transportation is authorized to permitted facility listed on page 4. Care of wildlife at a sub-permittee's location is for temporary holding purposes only. Sub-permittees may only transport or temporarily handle species authorized by this permit.**

- 8. The following wildlife species are authorized by this permit to be received & possessed for rehabilitation purposes only:

Common Name	Scientific Name	Quantity
Birds	N.A.	N.A.
Raptors	N.A.	N.A.

- 9. This permit **does not** authorize holding animals in captivity for indefinite periods of time. Rehabilitated wildlife should be released to the wild as soon as possible once the animals have been conditioned to be self-sufficient. Humane euthanasia is recommended if, in the best judgment of the permit holder, an animal is unlikely to be able to survive successfully in the wild.

- 10. Permission to permanently retain non-releasable wildlife shall be granted on a case-by-case basis only as specified in regulations. Permittee may retain the following non-releasable animals for socialization, fostering, or educational purposes at the permitted facility address.

Common Name	Scientific Name	Quantity
None permitted		

- 11. Permittee may receive sick or injured animals authorized above from any location within the State of Texas, and may transport such animals to any location within the state for transfer to another permitted rehabilitator or for medical treatment or release to the wild.

- 12. Interstate transport of animals **is not authorized** by this permit. Authority to transport from Texas to another state must be obtained on a case-by-case basis from Texas Parks and Wildlife Department, Wildlife Division at (512) 389-4481.

- 13. Facilities where protected wildlife are in held shall be maintained in accordance with Appendix II (General Facilities Standards).

- 14. PERMIT HOLDER IS REQUIRED TO:

- a. File a completed report form (provided on issuance of this permit) with the Texas Parks and Wildlife Department, Wildlife Permits Section, 4200 Smith School Road, Austin, Texas 78744, no later than fourteen days following the expiration date of the permit. **YOUR PERMIT WILL NOT BE RENEWED UNTIL YOUR REPORT HAS BEEN**

RECEIVED.

- b. Carry a copy of this permit at all times when exercising the provisions of this permit, which shall be subject to inspection by any authorized agent of the Department upon request.
 - c. **Release wildlife at an appropriate site where all animals can survive under natural conditions and do not become a nuisance or depredation threat. Wildlife releases shall not be made in or to fenced or enclosed areas that prevent the animal from leaving at will.**
 - d. Dispose of protected wildlife which die in custody only in one of the following ways:
 - (1). Necropsy, use for training prospective rehabilitators or dispose of as waste in accordance with state law and city or county regulations. (Burning is suggested if not in conflict with city, county or state regulations).
 - (2). Donate or transfer to another permit holder with authority to receive such specimens.
 - (3). Donate edible portions of game species to charitable organizations, public hospitals, orphanages or indigent persons. Arrangements for donations are the responsibility of the permit holder.
15. **PERMIT HOLDER IS PROHIBITED FROM:**
- a. **Propagating, selling, or bartering animals or animal remains received or held under authority of this permit.**
 - b. Receiving or holding species listed in the Department's threatened or endangered species rules without express authority in paragraph 8 of this permit.
 - c. Transporting species quarantined by the Texas Department of Health with the exception that raccoons may be rehabilitated and transported within a 10 mile radius.
 - d. **Displaying to the public any animals held for the purpose of rehabilitation.**
 - e. **Releasing wildlife in or to fenced or enclosed areas that prevent the animal from leaving at will.**
16. **ADDITIONAL PROVISIONS:**
- a. No other state license is required for permit holders or sub-permittees listed at paragraph 7 while conducting activities authorized by this permit. Sub-permittees shall carry a copy of the permit during rehabilitation activities.
 - b. **Rehabilitation shall be conducted in an environment that minimizes human contact and prevents human and domestic animal imprinting or bonding.**
 - c. **Wildlife possessed under this permit shall not come in contact with anyone other than the permit holder, sub-permittees, volunteers, veterinarians or the staff of licensed veterinarians.**
 - d. Receipt of any endangered species must be reported within 48 hours to the Wildlife Division (512/389-4481).
 - e. **This permit may be subject to any applicable federal permit requirements.** When a federal permit is required, the permit holder shall carry a copy of the federal and state permit during any activity. For information on the federal permit contact: U.S.F.W.S., PO Box 709,

Albuquerque, NM 87103-0709; (505) 248-7882 or by email at: [permitsr2mb @fws.gov](mailto:permitsr2mb@fws.gov).
Webpage address:<http://www.fws.gov/permits>.

17. **PERMITTEE'S ADDRESS WHERE ANIMALS WILL BE CARED FOR:**

Texas Sealife Center
14220 Park Road 22
Corpus Christi, TX 78418

18. **DESIGNATED DEER RELEASE LOCATION(S) WITHIN TEXAS:**

Properties should not be high-fenced.

County	Location Description

None permitted	

- a. Deer releases should occur no later than December 31st.
- b. Only critically injured deer may be held over into the next year for continued treatment and release.

APPENDIX I

Kay Adams, John Aquilino, Mary Aquilino, Rachael Diaz, Sarah Kimbrough, Jamie McWilliams, Marcus Pacheco

APPENDIX II -- GENERAL FACILITIES STANDARDS

Protected wildlife held in captivity by authority of a Rehabilitation permit and the facilities in which they are held, shall be maintained in accordance with the following minimum standards:

- 1. Holding facilities shall be constructed of materials appropriate to hold the wildlife involved and shall be maintained in good repair so as to protect the wildlife from injury.
- 2. Holding facilities shall provide adequate and appropriate heating, cooling, ventilation, lighting and shelter from inclement weather conditions so as to provide for the protection and health of wildlife held.
- 3. Outdoor holding facilities shall contain sufficient shade to protect wildlife from direct sunshine.
- 4. Holding facilities shall be equipped with potable water. Water receptacles shall be appropriate for the wildlife held.
- 5. Wildlife held shall be provided with wholesome palatable food sufficient to maintain good health. Food receptacles shall be kept clean and sanitary and shall be adequate to contain the food supplied.
- 6. Holding facilities shall be cleaned daily or as often as necessary to minimize disease, hazards and odors.
- 7. An efficient program of disease prevention and parasite control shall be established and maintained by each permittee.

8. Wildlife held shall be observed daily. Diseased, stressed, injured, or lame wildlife shall be provided with appropriate care or humanely destroyed.
9. Handling of animals shall be done expeditiously and carefully so as not to cause unnecessary discomfort, behavioral stress, or physical harm to the wildlife.
10. Holding facilities shall be located and constructed so as to minimize human contact and secured so that the wildlife is reasonably protected from theft or predation by other domestic or wild animals.