

CITY OF ROCKPORT

MINUTES

CITY COUNCIL REGULAR MEETING 6:30 p.m., Tuesday, November 8, 2016 Rockport City Hall, 622 East Market Street

On the 8th day of November 2016, the City Council of the City of Rockport, Aransas County, Texas, convened in Regular Session at 6:30 p.m., at the regular meeting place in City Hall, and notice of meeting giving time, place, date and subject was posted as described in V.T.C.A., Government Code § 551.041.

CITY COUNCIL MEMBERS PRESENT

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

CITY COUNCIL MEMBER(S) ABSENT

STAFF MEMBERS PRESENT

City Manager Kevin Carruth
City Attorney Terry Baiamonte
City Secretary Teresa Valdez
Community Planner Amanda Torres
Police Chief Tim Jayroe
Public Works Director Mike Donoho
Parks & Leisure Services Director Rick Martinez
Finance Director Patty Howard
Police Commander Jerry Lawing
Police Officer Chad Brooks
Police Detective Tchanee Gates
Public Works Street Superintendent Reuben Garza
Public Works Street Crew Leader Ryan Picarazzi
Public Works Heavy Equipment Operator Pete Cantu

ELECTED OFFICIALS PRESENT

Aransas County Sheriff Bill Mills

Opening Agenda

1. Call to Order.

With a quorum of the Council Members present, the Regular Meeting of the Rockport City Council was called to order by Mayor Wax at 6:30 p.m. on Tuesday, November 8, 2016, in the Council Chambers of the Rockport City Hall, 622 E. Market Street, Rockport, Texas.

2. Pledge of Allegiance.

Mayor Pro-Tem Rios led the Pledge of Allegiance to the U.S. flag.

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

Public Works Director Mike Donoho stated the Public Works Institute of Texas is a two-year program of instruction in supervision and management in public works. Mr. Donoho expressed that Ryan Picarazzi demonstrates a level of excellence in the City's Public Works Department and he commends Mr. Picarazzi for his commitment to the City. Mr. Donoho added that Mr. Picarazzi is an integral part of the present and future of the Public Works Department.

Mayor Wax presented Ryan Picarazzi with a Graduation Certificate from the Public Works Institute of Texas. Mayor Wax commended Mr. Picarazzi for his hard work and dedication.

4. Citizens to be heard.

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

George Riekers, 802 E. Market Street, addressed the Council. Mr. Riekers stated he has lived in Rockport a very long time and in the 1970's there was a group of people that worked very hard to get a community pool for Rockport. Mr. Riekers expressed concern regarding the community pool being turned over to the Corpus Christi YMCA. Mr. Riekers asked what could be done to stop this sanction.

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 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.**

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.

Public Hearings

Mayor Wax read all three of the Public Hearing Agenda items.

At 6:39 p.m., Mayor Wax opened the public hearings.

Aransas County Sheriff Bill Mills addressed the Council. Sheriff Mills apologized for picking this forum to read a statement. Sheriff Mills said due to the arrogance of the annexation meetings and comments made by the Mayor at the Council Workshop this afternoon, he is here in defense of the fine men and women who work for Aransas County Sheriff's office. Sheriff Mills stated that he understood from more than one source that at the annexation meeting this afternoon, the annexation was pitched as an opportunity for better law enforcement since the County does not patrol or conduct investigations. Sheriff Mills went on to provide Aransas County crime statistics for the last 12 months. Sheriff Mills expressed that there are other ways to deal with budget issues: One way is additional revenue, but unlike the federal government we cannot print our own money so the City looks to annexation for higher value areas; the second way is to make budget cuts to control the costs. Sheriff Mills added he understood a reason given this afternoon for the annexation was to connect wards, but that was almost laughable because the wards were created by the City's own actions. Sheriff Mills said there is an area referred to as the donut hole in the middle of Rockport, but the City is not here to annex that and he did not think the City was going to close that gap. Sheriff Mills pointed out that additional patrol seen on the highway and in the City of Rockport is paid for by a federal grant that flows through the Aransas County Sheriff's office. Sheriff Mills stated the County does a very good job of providing service and protection to the people in the County. Sheriff Mills finalized his statement by saying: "If your only pitch for annexation is to tear down someone else, you have no cause for annexation, and you need to get your facts right."

Mayor Wax stated it was not his intention to denigrate the great service that the Sheriff's office provides. Mayor Wax said his sole comment was intended to have everyone understand that the Sheriff's office has three statutory responsibilities which are provision of the County jail, security at the courthouse, and service of civil papers; whereas the Municipal Police Department has additional responsibilities of patrolling within the areas of the City limits.

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.

Mr. Melvin Moore, 1002 W. Market Street, addressed the Council. Mr. Moore stated he and his wife own the mobile home park and storage at 902 Market Street. Mr. Moore said they have been planning and updating current sites from mobile home sites to recreational vehicle (RV) sites and including future expansion of RV sites within the park. Mr. Moore asked if he will need approval by the City when he wants to add new spots into the park, and will he be at the mercy of the City Council to say whether he can expand by adding additional spots. Mr. Moore asked what if he added 25 more spots to his four-acre property.

Mayor Wax stated that it would need approval by the City, and Mr. Moore is presently within the half-mile Extraterritorial Jurisdiction of the City so approval would be required by the City

in any case. Mayor Wax said the property is an existing operation and if annexed it becomes an existing non-conforming use, and as long as the business does not change, the same rules apply. Mayor Wax added that he would not anticipate problems since that is the same business which exists today.

Mr. Moore said that currently they are zoned Commercial and he understands that it will be changed to R-1 due to annexation, but they will be able to apply for rezoning after it is annexed. Mr. Moore asked if they are guaranteed Commercial zoning.

Mayor Wax stated that currently Mr. Moore is not zoned anything right now, but by State law anything that is annexed has to come into as R-1 zoning designation which is the most restrictive zoning level. Mayor Wax informed Mr. Moore that the Public Works Department has a complete process of inventorying existing businesses in this area to see if they conform with the City's existing Comprehensive Land Use Plan. Mayor Wax said it would then be a relatively simple conversion from R-1 to either R2-M, or B-1, depending on what would be appropriate for the area, and he did not anticipate any problems with that either.

Mr. Moore said they have one block of land that they have sold 10 lots to people to put RVs and mobile homes on, and they are planning on selling 10 more lots. Mr. Moore stated that if they are annexed they will not be able to sell those additional 10 lots to people for RVs or mobile homes, because it says that you cannot put an RV or mobile home in the City Limits of Rockport.

Mayor Wax stated that is not necessarily true, and according to State law property is zoned R-1 when it is annexed into the City, but that can be changed.

Mr. John Young, 570 Oak Avenue, addressed the Council. Mr. Young asked for the duration of time between the Council approving this annexation and the actual time it will be effective; is that a three-year period?

Mayor Wax answered that once the ordinance is passed it is effective immediately.

Mr. Young asked what, if any services, are going to be extended to our area with this annexation other than an inspector looking over his shoulder when he wants to do a little improvement. Mr. Young said he lives in a mobile home and if he understood the rules correctly, if he removed that mobile home he would not be able to bring in another mobile home. Mr. Young asked if this was true, that he would have to build a frame home. Mr. Young stated that his question stems from his belief that Winter Texans bring a whole economy with them; this is one of the beautiful cities that does not dry up in the middle of the winter. Mr. Young added that it seems that the City is less and less allowing, or maybe not at all, mobile homes or RV sites within the City Limits. Mr. Young said that when this area is brought into the City Limits it is really going to restrain them to what they have the freedom to do now; not doing it frivolously, not making a mess, just trying to live practical lives. Mr. Young asked what services will this area have if annexed; will the City bring sewer lines up these streets for residents to hook into at discounted rates like you have at many other places?

Mayor Wax said he wanted to point out some things that he probably should have done earlier. Mayor Wax stated he was going to talk about annexation as a whole. Mayor Wax expressed that there has been a lot of mis-information or incorrect information about the annexation process.

Mayor Wax stated the average annual *ad valorem* tax change on the annexed area for the average home in the City of Rockport, for a year, it is \$28.52. Mayor Wax continued by saying that the point of annexation is to control development of a community as it grows. Mayor Wax expressed in our community we are growing west and south, and some north, and inclusion gives our residents a voice in this government. Mayor Wax added that the County as a whole is impacted by the efforts of the City. He said Aransas County is 528 square miles and the City of Rockport is 15 square miles, but Rockport is the largest single incorporated municipality and is the County seat, so what happens here impacts the entire community; Fulton as well as County residents that surround Rockport. Mayor Wax said our business leaders, our community leaders, our civic leaders can all have a greater voice in what happens in the City if you live in that annexed area. Mayor Wax informed everyone that the donut hole that Sheriff Mills referred to on Market Street basically to Camper Clinic, out to Ron Hoover RV and that area north, there are three Colonia areas there that are defined by the State. Mayor Wax said by being a Colonia, there are grant opportunities to provide water and wastewater in those areas that are not the result of taxation on the users or citizens of the community. Mayor Wax declared that is the largest reason the City has not annexed those properties, because once you annex those properties you have statutory limits on other actions that must be performed within that area. Mayor Wax said that would include street maintenance, street lights, and expansion of the Police Department to cover the additional area. Mayor Wax stated that once you are annexed, should that occur, your utility rates go down, the water charge that you have today with City water is reduced; your flood insurance premium goes down because you are within an incorporated municipality; your sanitation rates go down because you are not paying a premium for being outside the City limits; Police protection will come from the Rockport Police Department versus Aransas County Sheriff's office, plus the criminal investigation will come from the Rockport Police Department as opposed to Aransas County. Mayor Wax said he would return to the fact that Aransas County is 528 square miles and the City is 15 square miles; a greater concentration of those assets into a somewhat smaller area. Mayor Wax added that the emergency medical services (EMS) response times, not for the area that Mr. Young lives in because he is already within the Allegiance EMS response time, that the City has contracted for is eight minutes fifty-nine seconds, whereas the two other areas would have reduced EMS response times should the annexation go through. Mayor Wax continued by saying that there are no street lights in this area except those provided by the Department of Transportation, and street standards and maintenance are at a different level than those maintained by the County because the County has different standards than the City. Mayor Wax concluded by saying that all of those things are a direct result of annexation and the purpose of annexation is to allow a community to provide urbanizing areas greater control over development within the community. Mayor Wax stated that in the area where Mr. Young lives, there are no zoning requirements for his neighbors because the County does not have zoning requirements by law but the City does. Mayor Wax said that what happens next door to Mr. Young can be managed by the City's Building and Development Department and the City's Code Enforcement Department, which today does not exist because that service does not exist in the County. Mayor Wax reiterated that all of those things are benefits of annexation.

Mr. Young stated that his concern is the extent to which he will be governed. Mr. Young said he moved from Austin and if you spit on the sidewalk in Austin, you better have a permit. Mr. Young expressed that around him he did not see anyone doing any improper construction or dumping their sewage on the ground. Mr. Young added that his only hope is that they will not, in any way, be bullied by the City when this area is annexed and for the sake of everyone in this

area, not be over-governed by rules; he does not want anybody telling him what side of the driveway his trash can has to be on and that he has to pull it back in by 9:00 a.m.

Mr. Dick Kitchens, 610 Pine Avenue, addressed the Council. Mr. Kitchens stated he bought his property in Rockport two years ago and he came here from Austin, but he grew up in Arlington, a little city that he watched grow into what it is today. Mr. Kitchens said he sees the growth in Rockport and understands what the City is trying to do in this process. Mr. Kitchens stated there have been a lot of concerns about the annexation and people are wondering what annexation is and what they are going to get as far as utilities. Mr. Kitchens said the last annexation the City did was to the South, Sixteenth Street and a little further than that and also between Cove Harbor and Palm Harbor, and he would like to know what has been done in those areas since they have already been annexed.

Mayor Wax answered the process for extension of utilities throughout this community is exactly the same regardless of the area of the City in which you reside. Mayor Wax stated in some areas, like down Highway 35, in 2010 a force main went all the way down to the Islands of Rockport and has been available for connection by Palm Harbor and others ever since. Mayor Wax added they have chosen whether they wish to join the extension, and there have been some developments along Highway 35 that have chosen to join and some developments have chosen not to join.

Mr. Kitchens stated he was not against annexation, he understands growth, but he is asking if there is a possibility of getting a variance because where he lives there are only a few homes, and asked if whether the annexation line could be drawn differently (distributed a map with the annexation lines drawn differently excluding his home – see below). Mr. Kitchens said that the annexation lines may have been drawn a certain way to follow streets, or because of property lines. Mr. Kitchens asked if the City would take a look at his suggestion and change the annexation area line.



REDWOOD AVE SOUTH
EAST AT 64903 62489 TO PINE AVE (SOUTH SIDE OF BOTH LOTS)

SOUTH ON PINE AVE EAST AT 63304 TO 62365 TO OAK AVE (SOUTH SIDE OF
BOTH LOTS)

EAST TO 29962 AND 66863 BICKNORY AVE (SOUTH SIDE OF BOTH LOTS)

BACK NORTH ON HICKORY TO APPLE CO EAST AT 29604 LOT TO ORIGINAL
DRAWING

THIS IS THE LOTS ON MY DRAWING LINE

Mayor Wax said that annexation is not proposed across property lines, but it is a restriction in the statute that it must be a minimum of 1000 feet.

- 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.**

Ms. Jane Dysarz, 18 Front Street, addressed the Council. Ms. Dysarz said she and her husband Edward moved to Lamar from Houston and they own a warehouse on ByPass 35 and Highway 188. Ms. Dysarz stated her husband is an inventor and he is working on a new invention at that warehouse. Ms. Dysarz asked how it is decided what is going to be annexed and why. Ms. Dysarz informed the Council that there is a cemetery next to them and they just built a big RV park across the street. Ms. Dysarz asked why the City was not annexing toward the water.

Mayor Wax answered that the City has a statutory limitation in the number of acres that can be annexed per year which is 10% of the total acreage of the City. Mayor Wax said that you can carry over two years of that and the City has not annexed anything since 2010. Mayor Wax stated that the City had to find the most advantageous areas that would help the City control development for the future without exceeding the statutory limitation on the number of acres. Mayor Wax said that is why the three areas were chosen: the one along Market Street, the front porch of the City as Mr. Kitchens described it; the area along Highway 35 ByPass, which is already, by the City's Comprehensive Use Plan, light industry and those kinds of commercial development and by annexing that the City can impose zoning restrictions so there are not competing interests along that same area; and the third area connects our Ward 2 area that will permit some more efficient redistricting once the census occurs in 2020.

Ms. Dysarz asked if they will be getting street lights and utilities.

Mayor Wax answered all of those things follow the exact same processes as they do in other areas of the City.

Ms. Dysarz asked if she will still be required to pay San Patricio County School District taxes.

City of Rockport Community Planner, Ms. Amanda Torres, answered that part of Aransas Pass Independent School District's jurisdictional lines overlap in that area.

Mayor Wax explained that Ms. Dysarz will still be required to pay San Patricio County School District taxes because that is different from Aransas County taxes, and she will not be billed for Aransas County Independent School District taxes.

Ms. Dysarz concluded by saying that she owns a home in Lamar and in the Rockport Country Club and she is a very concerned citizen.

Mr. Charles Knighton, 243 Highway 35 ByPass, addressed the Council. Mr. Knighton said his concerns were the same as Ms. Dysarz' if they were going to be double taxed by the Rockport Independent School District since they already pay Aransas Pass Independent School District taxes. Mr. Knighton asked why they would not be brought into the Rockport Independent School District.

Mayor Wax answered Mr. Knighton that he would not be double taxed. Mayor Wax said Mr. Knighton's question about being brought into the Rockport Independent School District is a question for the Aransas Pass Independent School District because the City does not manage the schools at all.

Mr. Knighton asked if there is development and tax abatement for developers driving this annexation.

Mayor Wax answered that there is development going on right now in the City at Highway 3036 and Highway 35 Bypass that is completely independent of an annexation decision.

City Manager Kevin Carruth added that two more recent examples are the Islands of Rockport where that developer paid a quarter of a million dollars to run the sewer line to his development and Paradise RV park paid to run a water line under the highway to serve their development. Mr. Carruth said the City partnered with both those developers to oversize the lines and the City paid for that additional capacity, but those developers paid to get those lines extended in order to receive City services.

Mr. Greg DeNigro, 1272 Mack Road, Aransas Pass, Texas, addressed the Council. Mr. DeNigro stated he would like to address the flooding in his area; with as little rain that was received today there was flooding in the bar ditches and on the roads. Mr. DeNigro said they get flooded in that whole area and he wanted to know if the City has a plan for that.

Mayor Wax stated in the case of what Mr. DeNigro is talking about, which is stormwater, in Rockport it is managed in conjunction with Aransas County, Town of Fulton, and the Aransas County Navigation District under the Stormwater Advisory Committee. Mayor Wax said there is one Stormwater Plan that covers the entire community. Mayor Wax informed Mr. DeNigro that the County Engineer, Mr. David Reid, is the Executive Secretary of that group and the Chairman is De McLallen from Lamar. Mayor Wax said that entire plan is not independent of those various municipalities. Mayor Wax said the City of Rockport has a Master Drainage Plan for the City and it funnels into the Stormwater Advisory Plan, and if annexation occurs, that same

attention will be given to those new areas as those areas that have been in the City for more extended periods of time.

Mr. DeNigro asked if this annexation was a three-year, five-year or 90-day plan. Mr. DeNigro stated he understood that the Council will have a meeting on December 5, 2016 to decide on the annexation.

Mayor Wax answered that annexation plans are normally three years long and they deal with specific, by statute, areas of proposed annexation that have a larger voting population within a individual community, but that is not what is being talked about here; these are three different areas of the community. Mayor Wax stated that annexation plans do not apply to this type of annexation. Mayor Wax said the Council will further consider the annexation at the December 13th meeting.

Ms. Concetta Johnson, of San Antonio, addressed the Council. Ms. Johnson said she owns the property on Highway 188 and it's the only taxable property on that side of the road, and she feels she should not be included in the annexation, or if she is included in the annexation, other people should be included. Ms. Johnson stated the other properties included in the annexation are non-taxable. Ms. Johnson said she has owned this property since 1983 and then the City put the waterworks next to her, and she would never purchase property next to City utilities where she would have the risk of it being taken away from her for future City growth. Ms. Johnson expressed that she would also like a variance and have her property removed from the annexation list because she feels singled out, that she is the only taxable property on that side of the street that was selected for annexation. Ms. Johnson stated that after checking with the City utilities, in order for her to put City sewer lines in today, she was told it would be between \$200,000 to \$400,000. Ms. Johnson asked how long it would be before she would get City utilities.

Mayor Wax answered that the process for utility extension is the same, should the annexation occur, for her, as it would be for anyone else in the City no matter where they live. Mayor Wax said there is no timeline associated with that because it depends very much on the individual residence. Mayor Wax stated that Mr. Carruth had mentioned earlier that City sewer had been extended to the Islands of Rockport which is outside the City Limits, because that is what the developer chose to do at that time. Mayor Wax added that it was driven by the developer and not the City.

Ms. Johnson said she is not a developer.

Mayor Wax said Ms. Johnson was talking about having the only taxable property on that side of the street but all property within the annexation area is taxable with the exception of governmentally owned properties.

Ms. Johnson said her property is the only taxable property on that side of the street and she feels other properties should be included. Ms. Johnson asked why she has to be included.

Mayor Wax answered that the person best able to answer that question would be the City's Community Planner, Ms. Torres. Mayor Wax encouraged Ms. Johnson to visit Ms. Torres who could provide her answers.

Ms. Johnson asked if it was true that there was a City of Rockport rule that a manufactured home could not be brought into the area.

Mayor Wax said that was not true, and at the last Council meeting, development of a mobile home park/RV resort inside the City limits was approved.

Ms. Johnson asked when the Council would be discussing this again.

Mayor Wax answered that it will be at the next Council Meeting.

City Manager Kevin Carruth stated Ms. Johnson had submitted a letter which was included in the Agenda packet.

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.

There were no public comments.

Mayor Wax asked Ms. Torres to discuss the proposed Service Plans for the three areas of annexation.

Community Planner Amanda Torres addressed the Council. Ms. Torres reviewed the Service Plans (below) for the three areas of annexation.

**MUNICIPAL ANNEXATION SERVICE PLAN
FOR
AREA "MARKET STREET A" (82 Acres)**

Area to be Annexed

Being approximately 82 acres, more or less, out of a portion of the John Smith Survey A-147 with said 82 acres being more particularly described by notes and bounds on Field Notes shown in Exhibit "A" and map in Exhibit "B."

Introduction

In accordance with the directions 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 the area by the City of Rockport when required by applicable building codes.

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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 A&G Ambulance from their facility located at 400 Enter price 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 to outside city limits in 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 station 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 the 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 and nuisance 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 not be provided by the Aransas County Public Library under the same terms. Annexation will not result in any change in the availability of parks and library facilities to residents of the area.

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8. Planning and Zoning

Existing Services. The area falls within the Extrajurisdictional Jurisdiction (E.J.) of the City of Rockport. Planning and land subdivision activities are currently 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 in this proposed annexed area at the effective date. Both divisions of the police department will coordinate the service plan.

1. The Patrol Division will provide active patrol services in the proposed area. These services will include accident investigation and preventive patrol to deter violations of statutes and local ordinances. The Patrol Division will also assist other emergency-related agencies responding within the proposed area. The Patrol Division will provide further service to our customers by initiating and monitoring vehicle safety 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 2,650 patrol labor hours, 1,527 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.

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 all municipal services to each area of the city, including the annexed area, 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 43.051.

16. 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 area, 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 contact 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 43.050(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 earlier), 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.

**MUNICIPAL ANNEXATION SERVICE PLAN
FOR
AREA "SH 35 – FM 138 CROSSROADS" (890 Acres)**

Area to be Annexed

Being approximately 890 acres out of a portion of the Charles Zarr Survey, A-228, and the James McKay Survey, A-160, with said 890 acres being more particularly described by metes and bounds on Field Notes shown 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. The service plan shall become a part of an ordinance 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.

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 Extrajurisdictional Jurisdiction (EJ) of the City of Rockport. Planning and land subdivision activities are currently 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 presently 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 the service plan.

1. The Patrol Division will provide active patrol services to 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 the 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.

3. Building Inspections

Existing Services: Existing building inspection services are provided in the 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 expense 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 Adagiance Ambulance from their facility located at 420 Eastergrove 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 responses 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 station 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.

Annexation of the area would require an increase of approximately 2,680 patrol labor hours, 1,367 criminal investigation labor hours, and 804 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 seepage 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 development 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 subsection. As provided for by Section 43.056(n) of the Texas Local Government Code, residents may continue to use their existing solid waste collection and/or 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

posed. Annexation of this area would require an increase of approximately 6.32 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 Engineer 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 in this area are provided by the City of Rockport and include 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 minimum 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 all 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

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

MUNICIPAL ANNEXATION SERVICE PLAN FOR AREA "3H 86 CONNECTION" (212 Acres)

Area to be Annexed

Being approximately 212 acres out of portions of the Joseph F. Smith Survey A-164, R.J. Torres Survey A-200, Paul McCaslin Survey A-137, and the C.W. Egery Survey A-02, with said 212 acres being more particularly described by notes and bounds on Field Notes shown 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 emergency 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 on 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 1008 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 be provided by the Aransas County Public Library under the same terms. Amendments 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 Extrajurisdictional Jurisdiction (E.T.J.) of the City of Rockport. Planning and land subdivision activities are currently 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 registering 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 presently provided by the Aransas County Sheriff's Office.

Services to be Provided. The Rockport Police Department will extend 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 the proposed area. The Patrol Division will provide further service to our customers by issuing and monitoring vacation/holiday 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 2,650 patrol labor hours, 1,367 criminal investigation labor hours, and 634 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 area, sanitary sewer service shall be provided in accordance with the present extension ordinances 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 in the 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(a) 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 earlier), 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 \$32 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 Engineer at time of completion. The City will ensure maintenance of the developer's drainage facilities upon acceptance from the developer.

15. Water Service

Existing Services. Existing water utility service in 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 all 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.

City Manager Kevin Carruth clarified that Allegiance EMS' response time for the County is 15 minutes, whereas in the City it is 8 minutes.

Mayor Wax thanked the public for participating this evening and providing input on the proposed annexation, and stated that it would become part of the record of the Council meeting. Mayor

Wax said it will be available to read as soon as it is published on the City's website at www.cityofrockport.com.

At 7:41 p.m., Mayor Wax closed the public hearings.

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.

Mayor Wax stated part of the basic governmental functions of a City, not only streets, drainage and sewage, is also the basic protection of life and property executed through our Police Department, emergency medical services and Fire Departments. Mayor Wax said it was a great pleasure to recognize these volunteer fire departments.

Mayor Wax presented a check in the amount of \$38,230.29 to Rickey McLester, Jr. of the Fulton Volunteer Fire Department.

Mayor Wax presented a check in the amount of \$107,442.39 to Danny Cox, Jr. of the Rockport Volunteer Fire Department.

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.

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

Mayor Wax said the Council had a conversation this afternoon at the Council Workshop and has seen a memorandum that he had written to the Council.

Mr. John Aquilino, 2208 Cape Charles Street, addressed the Council. Mr. Aquilino thanked the Council for the contribution to the birds in terms of spending 2.9 million dollars for the Bent Oaks Park; you can't have birds without habitat. Mr. Aquilino stated birds and fish are probably the two most important things, besides the residents, that make this community what it is. Mr. Aquilino said there are 100 species of birds that migrate here every season and it would be great if the City could help with the cost of rescuing birds. Mr. Aquilino added that it would also be good if the City could, in some way, endorse the work of these volunteers; whether that is on the City's website or some type of public announcement.

Ms. Harvette Green, 102 Silver Oak, addressed the Council. Ms. Green said she is a volunteer with Wings Rescue and she is asking for City support for the organization. Ms. Green stated she hopes the City Council would agree with the organization and other members of the City that birds are an asset to Rockport. Ms. Green asked that the Council give careful consideration of the Wings Rescue Center request.

Council Member Day stated this is an unfunded item in the City budget. Mr. Day asked how many unbudgeted funds the Council has discretion over, and would this be a huge portion of them.

Mayor Wax called the Council's attention to the memorandum he wrote to the Council. Mayor Wax said in this particular case the Council has requests from Wings Rescue Center and Keep Aransas County Beautiful which amount to about \$7,000. Mayor Wax stated in the case of General Funds as opposed to Hotel Occupancy Tax funds, there is an opportunity cost with that. Mayor Wax expressed that \$7,000 would not cover the losses from vandalism and theft that the City discovered this morning in Memorial Park.

Parks & Leisure Services Director Rick Martinez stated that the loss for equipment was approximately \$8,500 and the total loss is approximately \$12,000 which includes damage to the building.

Mayor Wax stated that the point he is making is that there are nine specific categories for which Hotel Occupancy Tax funds may be used, and you cannot do anything else with those funds, versus the General Fund which is a balance of priorities, a decision that you are going to fund this instead of that. Mayor Wax said the Council saw this at the Budget Workshops this summer where the Department Heads requested something and did not get it because there was not funding available. Mayor Wax expressed that it is difficult for him to support a General Fund expenditure for a non-budgeted item that detracts from basic governmental functions of streets, water, wastewater, and protection of life and property.

Council Member Day said that every citizen is going to pay for the \$12,000 worth of damage at the park and if the Council chooses to do this, every citizen will be paying for it also. Council Member Day expressed that not every citizen would say fund it, or that not everybody would say that there is too much trash on the beach and they do not want to pay for clean-up of that.

Council Member Villa stated that nothing had changed from the last meeting. Mr. Villa said he read the Mayor's memorandum and he agrees this is an unbudgeted item and the Council has to look at future 501c(3)s and any other things that may happen. Mr. Villa expressed that this may be an item to be discussed at the Council planning session. Mr. Villa said that if the group goes to the Navigation District and they get funded, that would be three different entities that they will get funding from, Navigation District, Aransas County and the City of Rockport, so City residents would get hit three times.

Mayor Pro-Tem Rios stated his concern is it is unbudgeted and the City is already behind based on what happened this morning. Mr. Rios said he thinks it is a wonderful thing the group does, but he compares it to the other groups in Rockport that do not get funding such as the Humane Society, Meals on Wheels, different churches that provides meals for the needy, and those are not government activities but those are things that individuals do on their own. Mr. Rios said he was not sure the Council can decide for every taxpayer.

Council Member Gurtner stated that one of her constituents came to her and said they were already paying Aransas County taxes and Navigation District taxes and they are funding this organization and this is just hitting them one more time. Ms. Gurtner said the Council needs to carefully consider setting the precedent of funding one organization over another. Ms. Gurtner

said to put funding this over hiring employees and doing things that the City needs to do she has to really think about it.

Jeanette Larson addressed the Council. Ms. Larson said the Navigation District is already paying them for birds rescued in the Navigation District and the City is pushing its burden on somebody else.

Mayor Wax stated: "Absolutely not." Mayor Wax said it makes no difference what decision the Navigation District makes or the approach the County takes, but in the Council's case this is an extremely worthwhile cause, but each citizen has an opportunity to support whatever they choose to support, but the Council would be making a decision for the entire City of Rockport.

MOTION: Mayor Wax moved to deny the request for funding from Wings Rescue Center to provide bird rescue services. Council Member Villa seconded the motion.

Sam Burnman addressed the Council. Mr. Burnman stated that fish and birds bring people and all of your jobs are supported by the fish and the birds. Mr. Burnman said the fish and birds bring in all the people that come here. Mr. Burnman asked that the Council not write this off as not belonging to the City because these are the types of things that built this City.

Mayor Wax said he was not questioning that at all, but that the only issue here was whether General Funds should be used to support this particular activity.

Kay Adams addressed the Council. Ms. Adams said they got 50 people inside the City to sign a petition. Ms. Adams stated that as of today there has been 84 birds rescued in the City, which would come to \$2800 which is not even one-half of what the proposed agreement provided. Ms. Adams said the \$5000 contained in the proposed agreement is a lot more than they would ever request.

Mayor Wax stated that the group could have requested any amount of funding, but the issue before the Council is the dedication of General Fund dollars to support this activity.

Council Member Day stated that when the budget process comes around again next year, in June and July, if they want the City to consider building some funds in to the budget, that is the time to request it.

Mr. Aquilino asked if it would be possible for the Council to issue a Resolution endorsing the Wings Rescue Center. Mr. Aquilino said that could be helpful in getting grants to underwrite expenses.

Mayor Wax said the Council would have the City Attorney look into that.

Mayor Wax stated there was a Motion and a Second and called for the vote.

Motion carried unanimously.

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; 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.

Council Member Day said a list of volunteers is being put together for crowd control at the Tropical Christmas Parade.

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

At 8:07 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 551.071(1)(A) Consultation with Attorney on pending or contemplated litigation: (A) Bay Education Center, (B) Texaz Construction and AZ Southwest Properties; and 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

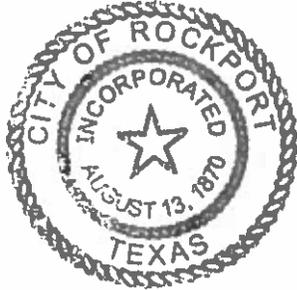
City Council will reconvene into open session pursuant to the provisions of Chapter 551 of the Texas Government Code to take any actions necessary related to the executive sessions noted herein, or regular agenda items, noted above, and/or related items.

At 8:43 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.

16. Adjournment

At 8:44 p.m., Council Member Villa moved to adjourn. Motion was seconded by Mayor Pro-Tem Rios. Motion carried unanimously.



APPROVED:

A handwritten signature in cursive script, appearing to read "Charles J. Wax", is written over a horizontal line.

Charles J. Wax, Mayor

ATTEST:

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

Teresa Valdez, City Secretary