

# CITY OF ROCKPORT

## MINUTES

### CITY COUNCIL WORKSHOP MEETING 1:30 p.m., Tuesday, November 8, 2016 Rockport City Hall, 622 East Market Street

On the 8<sup>th</sup> day of November 2016, the City Council of the City of Rockport, Aransas County, Texas, convened in Workshop Session at 1:30 p.m., at the regular meeting place in City Hall, and notice of meeting giving time, place, date and subject was posted as described in V.T.C.A., Government Code § 551.041.

#### CITY COUNCIL MEMBERS PRESENT

Mayor Charles J. Wax  
Mayor Pro-Tem Pat Rios, Ward 3  
Council Member Barbara Gurtner, Ward 4

#### CITY COUNCIL MEMBER(S) ABSENT

Council Member Rusty Day, Ward 1  
Council Member J. D. Villa, Ward 2

#### STAFF MEMBERS PRESENT

City Manager Kevin Carruth  
City Secretary Teresa Valdez  
City Attorney Terry Baiamonte  
Public Works Director Mike Donoho  
Community Planner Amanda Torres  
Parks & Leisure Services Director Rick Martinez  
Finance Director Patty Howard  
Police Chief Tim Jayroe  
Information Technology Director Brian Jacobs

#### ELECTED OFFICIALS

#### Opening Agenda

##### 1. Call to Order.

With a quorum of the Council Members present, the Workshop Session of the Rockport City Council was called to order by Mayor Wax at 1:30 p.m. on Tuesday, November 8, 2016, in the Council Chambers of the Rockport City Hall, 622 E. Market Street, Rockport, Texas.

Mayor Wax stated the first items on the Agenda are public hearings and he wanted to emphasize before any discussion is held that this is a workshop meeting, no vote will be taken, nor any action on any item on the Agenda. Mayor Wax said that in a public hearing, the intention is to gather from the public input which they wish to offer to the City Council for its ultimate decision. Mayor Wax informed everyone that there will be a second public hearing tonight at 6:30 on the same three items in terms of the proposed annexation. Mayor Wax expressed that there will be no vote on those same

three items to be discussed tonight; it is solely to take public input on the proposed annexation decision to be made later. Mayor Wax stated the City has proposed an annexation plan that has been provided to everyone and the Council looks forward to hearing comments thereon.

Mayor Wax said he was going to read all three of the public hearing items first to ensure that everyone understood what was being considered.

### **Public Hearing**

At 1:34 p.m., Mayor Wax opened the public hearings. Mayor Wax stated that Texas state statute requires two public hearings on annexation and that why there are two public hearings being held, one at 1:30 p.m. today and the other tonight at 6:30 p.m.

#### **2. Conduct first 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.**

Ron Hoover, 343 Olympic Drive, addressed the Council. Mr. Hoover stated he is working on a development on his property in this area and he has received no warning other than recently that this was going to happen, and he did not understand why the Council was holding two meetings on the same day and then going to vote on it. Mr. Hoover added that the City was not giving anybody time to figure out how this was going to affect them or projects they are doing. Mr. Hoover asked that if the City is going to annex this property, what are you doing for the people that you are annexing, other than taxing them. Mr. Hoover asked if the City will be providing sewer and trash pickup services. Mr. Hoover said his biggest complaint is that he felt like the City was hammering this in by doing two public hearings in one day and that at the end of the meetings, you are going to vote on it at the next City Council meeting.

Mayor Wax answered that two public hearings to take public input will be followed by a minimum of two readings of a proposed ordinance presented at two meetings, both of which are open to the public to receive further public input if anyone should desire to do so. Mayor Wax said that cannot happen before December.

Mr. Hoover said that is not very far away, only 30 days, and he is involved in a subdivision that is not completed yet and he cannot present for a permit until it is completed and as fast as this is being pushed through the books he cannot get his permitting done prior to annexing this property, and once annexed he cannot do the project. Mr. Hoover said he talked to the permit department a couple of days ago and that is what he was told, and he only found out about the proposed annexation a couple of days ago. Mr. Hoover added that almost everybody wants to know what they are going to get after their property is annexed other than a tax bill.

Mayor Wax responded that there are several things in terms of City services they will receive that then become equivalent to other areas of the City: 1) Police protection, 2) Contracted garbage collection under the City's agreement, 3) Maintenance of the streets and roads, and 4) Water and

sewer. He said that those are the basic governmental functions that the City provides to all areas within the City. Mayor Wax added that in addition there will be imposition of zoning ordinances within the City in order to protect the property values of City residents. Mayor Wax said all of those things come with annexation. Mayor Wax expressed that in terms of "short notice" the proposed annexation, especially along these areas, has been discussed for over two years; in the Council's strategic planning sessions, as well as budget workshops, which are all open to the public and covered by the local newspaper. Mayor Wax added that this is not something that appeared yesterday afternoon; it has been being discussed for at least two years.

Mr. Hoover said he did not think anybody in this room is expected to attend City Council meetings to know what is going on in this community. Mr. Hoover added that he just wants time to get his development together and wants to know what he is going to get for paying City taxes; this could cost everybody a lot of money. Mr. Hoover stated that he owns property in a lot of different cities and his property gets annexed all the time. Mr. Hoover said that City sewer was mentioned, and asked whether that meant that the City was going to bring City sewer to everybody in Oak Terrace and his dealership and the property next to his dealership.

Mayor Wax answered that there is a standard process for expansion and extension of the sewer services; water is already there, there are street light opportunities as well that are currently not there. Mayor Wax added in terms of the property taxes, you may want to look at the total balance between services and taxation. For example, your water bill will go down – the larger the user you are, especially being outside the City, the more of an increment to the exterior to the City limits you are paying; that amount will go down. If you are paying for refuse collection, that bill will go away because that will then be included in the utility bill that will be reduced because of the technical movement from the exterior of the City into the interior of the City. Mayor Wax said that the entire package needs to be looked at, not just the taxation.

Mr. Hoover stated that his biggest concern would be the sewer; land is much easier to develop if it has sewer rather than septic tanks and the City is very strict on what you can put on a septic tank and what you can't. Mr. Hoover said that anytime you are looking at developing a piece of property, these are things you have to look at, what utilities are available and how can you develop that. Mr. Hoover then asked when the City could get sewer to his property.

Mayor Wax answered that there is a very regulated process to do that and the Building and Development Services Department can help you with that. Mayor Wax stated in the development of a subdivision, that is primarily the responsibility of the developer – to provide distribution of the sewer within that subdivision.

Mr. Hoover said he understood that, but sewer is not available at the current time and if the property is annexed when will the City bring the main trunk line into which everybody can tie.

Mayor Wax reiterated that there is a very regulated process to provide that service and Mr. Hoover should talk to the Building and Development Services Department for information on that process.

City Manager Kevin Carruth stated there is a distinction between enterprise functions like water and sewer, and taxes. Mr. Carruth informed everyone that *ad valorem* taxes do not support water and sewer and gas, those are supported by user fees. Mr. Carruth said extension of services, whether it is in the City limits or not, is the obligation of the developer. Mr. Carruth explained that if you want to bring sewer to your subdivision, you get with the Building and Development Services Department and they will work with you on what you need to do and the process; that has always been the case.

Community Planner Amanda Torres addressed the Council. Ms. Torres reviewed the Service Plan (below) for the Market Street annexation area.

**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-187, with said 82 acres being more fully described by notes and bounds on Final Notes show in Exhibit "A" and map in Exhibit "B."

**Introduction**

In accordance with the direction of the City Council of the City of Rockport, Texas, the City's Comprehensive Plan, and the requirements of Subchapter 43.028 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 Subchapter 43.028 of the Texas Local Government Code. This service plan shall become a part of an 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 Subchapter 43.028 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.

**4. Planning and Zoning**

**Existing Services:** This area falls within the Estuarine/Intertidal Jurisdiction (EITJ) 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.

**5. Police**

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

**Services to be Provided:** The Rockport Police Department will continue 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.

- 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 meet other emergency-related agencies responding within the proposed area. The Patrol Division will provide further service to our customers by initiating and conducting neighborhood checks for residences and businesses requiring such programs during their absence.
- The Criminal Investigation Division will provide 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, sources of asset interests and the apprehension of suspected offenders, preparation and submission of cases to the appropriate agency for prosecution under 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 the area would require an increase of approximately 2,000 patrol labor hours, 1,300 criminal investigation labor hours, and 604 administrative 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 area.

**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 of other applicable codes which regulate building construction within the City of Rockport. Annexation of this area would require an increase of approximately 500 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 Adair's Ambulance from their facility located at 4300 Enterprise in Rockport.

**Services to be Provided:** Annexation of the proposed area will not alter the response time, service areas, 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 1808 West Texas 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 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 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.

**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 sanitary sewerage is in the adjacent areas, sanitary sewer service shall be provided in accordance with the present minimum 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 private 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 abutment. As provided for by Section 43.028(d) 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 contractor (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 652 street maintenance labor hours.

**14. Storm Water Management**

**Existing Services:** Drainage and storm water management within this area is currently provided by Acarosa 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 to this area are 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 external 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 grade 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.

Mr. Mark Kelley, Sr., 1408 Cha Cha Laca, addressed the Council. Mr. Kelley said the information just given by Ms. Torres mentioned there would not be any new parks or new lights in any of these areas that are being annexed. Mr. Kelley asked if they will be getting any new parks, there are not any parks on the south side of Market Street of which he is aware.

Mayor Wax stated the existing lights are supplied by the Texas Department of Transportation (TxDOT) on TxDOT roads which in this case is Market Street, and there are no lights off Market Street in either direction. Mayor Wax added that those lights will be pursued by the City's Building and Development Services Department just as they are in all other areas of the City, in the exact same process.

Ms. Torres stated that there is a large regional park being planned in that vicinity.

Mayor Wax stated Mr. Kelley had asked a question on his request to speak card: Who is responsible for planning this complex spot annexation plan?

Mr. Kelley said he called it "spot" because there are three areas being developed, some are commercial and some are residential. Mr. Kelley said he was just curious if the developer was the person who was actually going to be trusted with this plan. Mr. Kelley added that like Mr. Hoover had stated, they have no information other than what they are just now hearing. Mr. Kelley added that he was just curious as to whether this was being left up to the planner, whoever the planner might be, to make these decisions for us.

Mayor Wax responded by saying that Ms. Torres is a professional staffer who has assisted the City in this process. Mayor Wax stated the City Council had asked for those areas that would assist further development and growth of the City. Mayor Wax added there are statutory limitations on what the

City can do; for example, based on the total acreage of the City, you can annex 10% of that acreage each year and you can carry over two years of that for a total of 30%. He said in addition to that you must have a minimum of a 1000 feet wide corridor according to state law. Mayor Wax stated that what the Council tried to do here is to seek a way to improve control of development of the City as it grows toward the west and the south, and also to connect some of the City's wards because right now Ward 2 comes down Bypass Highway 35 and stops and also comes up Bypass Highway 35 and stops, so one of the areas there allows that Ward to be connected. Mayor Wax said the City is trying to plan ahead for the redistricting that is going to be required in 2020 when the next census comes around. Mayor Wax expressed that the third reason is control of the commercial corner at Highway 188 and Bypass Highway 35, which then throws the City's Extraterritorial Jurisdiction (ETJ) out across the intersection of Highway 188 and FM 1069. Mayor Wax stated that all three areas are intended to help the Council control for the long term growth of the City to the west and south; that's why it is set up this way. Mayor Wax explained that the City cannot take all of Market Street at one time because there are too many acres involved.

Mr. Jim Collins, 102 Lakeway Court, Victoria, Texas, addressed the Council. Mr. Collins stated he owns some property on Market Street and all he wanted to know is what is was going to cost him to hook up to sewer and water and when will the City be putting the sewer and water there. Mr. Collins said he knows the City has water on the other side of the highway, and when he came to the City several years ago the City wanted \$4,000 just to cross the highway to get him water. Mr. Collins said there is no sewer there at all. Mr. Collins added that what he was asking, is will it be 10 years down the road?

Mayor Wax stated he could not answer Mr. Collins' question but the City's Building and Development Services Department could help him with that. Mayor Wax said there is a process by which sewer and water connections are completed and he could not help Mr. Collins with the timing.

Dale Lloyd, 630 Hickory Avenue, said he would pass on addressing the Council.

Mr. Terry Socia, 1400 E. Hackberry Street, addressed the Council. Mr. Socia said he would just like the Council to forget about annexing until the City gets all the property now in the City taken care of. Mr. Socia stated Lady Claire had no street, no water and sewer and you don't know when you are going to put the water or sewer in, so he does not see any sense in annexing more property.

Mr. Dick Kitchens, 610 Pine Ave, said since he was able to attend the public hearing tonight, he will address the Council at that time.

- 3. Conduct first 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 18<sup>th</sup> Street, out of a portion of the Charles Zen Survey A-226, and the James McKay Survey A-160.**

*{Service Plan below}*

MUNICIPAL ANNEXATION SERVICE PLAN  
FOR  
AREA "SH 35 – FM 188 CROSSROADS" (890 Acres)

**Area to be Annexed**

Being approximately 900 acres out of a portion of the Charles Zann Survey, A-228, and the James McKay Survey, A-160, with said 900 acres being more particularly described by meters 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**

**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 public and library facilities to residents of the area.

**8. Planning and Zoning**

**Existing Services:** This area falls within the **Environmental Jurisdiction (E.J.)** of the City of Rockport. Planning 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 investigations 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 services to our customers by installing and monitoring security cameras 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, separation and subsistence 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) areas 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.

**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 220 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.

Annexation of this area would require an increase of approximately 2,000 patrol labor hours, 1,367 criminal investigation labor hours, and 694 administration labor hours. The Rockport Police Department will coordinate with the proper governmental agencies to ensure that 811 map sheets will be updated related to 811 calls within the specified area.

**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 minimum 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 contractor (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 proposed 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

pared. Annexation of this area would require an increase of approximately \$32 about maintenance labor costs.

#### 14. Storm Water Management

**Existing Services:** Drainage and storm water management within the 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 in the 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 in 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 services 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 43.0081.

RE PP-16119 Approved 17<sup>th</sup> Public Meeting - November 8, 2016 Closed Workshop Meeting Page 8 of 17

Mr. Sidney Bergoon, 1520 Highway 188, addressed the Council. Mr. Bergoon said he owns Aransas Memorial Cemetery, and in his lifetime he will not see any services from the City, except the Police and Fire and he gets those already from the County. Mr. Bergoon stated the City will be annexing the whole 40 acres and the only thing he will be doing is paying the difference in the taxes. Mr. Bergoon said he does not think this was thought out, and attending the meeting today was a waste of his time because he has not received any idea from the planning department when he would be receiving services, other than "it is in the planning stages." Mr. Bergoon added that it was like the previous person had stated, that they have been annexed for years and they still don't have any services. Mr. Bergoon expressed that he thought this was a travesty.

Mr. Charles Knighton, 243 Highway 35 Bypass South, addressed the Council. Mr. Knighton stated his concern is the same as the others who had addressed the Council; what are we going to get for our taxes, looks like nothing for a long, long time and this looks like a big tax rev to him. Mr. Knighton said his biggest concern is that he is in the process of building a residence, and he has the permits to do that, so how will that affect him. Mr. Knighton asked when the annexation will be voted upon and effective.

Mayor Wax said this annexation will not affect that. Mayor Wax stated that if he is already permitted to build, regardless of what he is building, and the areas that are annexed to a community are annexed by state law as R-1, Single Family Dwelling, any existing use of property when the annexation take place, if it is not R-1, is considered an existing non-conforming use. Mayor Wax said this means it remains as it is; if there is a business, gas station, school, whatever, that is not an R-1, it continues. Mayor Wax explained that in Mr. Knighton's case if he already has the permit to build and is in the process of building, the annexation would have zero impact on that. Mayor Wax stated that the annexation will be operative on the effective date of the Ordinance and the Council's target date is December 31, 2016.

Mr. Knighton asked that since the majority of the services like fire, security and lighting, things like that which are already being provided by the County, TxDOT, and Sheriff's Department, will the City services replace that and the taxes reflect that over from what they are now, or will he be paying both?

Mayor Wax answered that the taxation rate is the same across the entire City based on the appraised value of the property and it is no different in the north, south, east or west ends of the City. Mayor Wax stated that Mr. Knighton had said that all those services were currently being provided, but he wanted to correct that by pointing out that one of those services, the Police Department; you currently do not have patrolling assets in your area at all, and should you be annexed by the City you would get that. Mayor Wax added that Mr. Knighton would also have increased attention from the City criminal investigation division of the Rockport Police Department that you do not have today. Mayor Wax stated that this area does not have the imposition of a zoning ordinances which protects the value of your property for the long-term. Mayor Wax stated none of those exist in the County; the County does not have the authority to do that.

An unidentified member of the audience stated he wanted to object to Mayor Wax's statement.

John Bowen, 116 Whistlers Cove, addressed the Council. Mr. Bowen said they own Elite Diesel Service and the property at Highway 35 Bypass near the Highway 188 intersection. Mr. Bowen stated that for them the annexation does nothing but stifle future growth plans and adds a tax burden.

Mr. Bowen said they have their own water and sewer and have great faith in the County patrolling the area. Mr. Bowen added that it is all TxDOT frontage so they handle the drainage, lights and road repair. Mr. Bowen stated he did not see where this does anything at all for the business other than put additional restrictions for future growth plans.

Mayor Wax asked Mr. Bowen if he had current plans to grow.

Mr. Bowen answered that they intend to build another building as things grow; they have been developing the business – opened it up just short of one year ago and it is moving along nicely toward a neutral cash flow position and as it starts to go in a positive direction they intend to build a bigger building and have more technicians to take better care of the South Texas marine environment with the boats, work boats and yachts here.

Mayor Wax asked Mr. Bowen if he already had the property platted for that.

Mr. Bowen answered that they have not yet laid the property out for a second building, but they own the property and it is platted. Mr. Bowen said they are perfectly happy with the County, they have not had any issues and there is no win for them with City services that they can tell.

Mayor Wax stated that Mr. Bowen will have an existing non-conforming business.

Glen Thomas, 1075 Highway 188, Aransas Pass, addressed the Council. Mr. Thomas said he was 62 years old, retired and moved here so he could afford to live where he is living. Mr. Thomas stated he

has his own water and septic system and self-contained and you cannot see his house from the street, and he loves it. Mr. Thomas said he has a shooting range in his back yard, he burns his own garbage, trims his own trees, and he is wondering why the City is attacking him. Mr. Thomas asked if he would be able to shoot anymore if he is annexed into the City, and would he be able to use his shooting range.

Mayor Wax answered that discharge of a firearm inside the City limits is violation of a City ordinance. Mayor Wax asked if it was a personal or business shooting range.

City Manager Kevin Carruth asked how many acres were in Mr. Thomas' property.

Mr. Thomas answered that it is a personal shooting range for him and his friends and he has 1.9 acres.

Mr. Carruth stated that according to State law you have to have 10 contiguous acres.

Mr. Thomas said that all he can really see about this annexation is that he loses some privileges and his taxes go up. Mr. Thomas stated he understood this was being done for the betterment of the City, but he is out in the middle of nowhere, nobody even knows he is there. Mr. Thomas said the police came into his driveway one time and said they did not even know his place was there. Mr. Thomas added that the County police come out there all the time and they do a fantastic job.

Carl Ready Smith, 3432 Private Road, Taft, addressed the Council. Mr. Smith said he owns 10 acres that is under consideration for annexation. Mr. Smith said he retired two years ago and finished purchasing the property as of his retirement date and he had been working on a mobile home project on that property. Mr. Smith stated he went through the County, talked to David Reid, has done his water evacuation, has his septic engineer Klaus working on his septic system, has his finished drawing with AEP and easements from AEP, has his loop set up for electrical, does not have any primary in the ground yet, but he has been working on this project for over two years. Mr. Smith expressed that from what he understands, he should be grandfathered in because the project was began 90 days previous to the annexation. Mr. Smith said that is his primary concern. Mr. Smith asked if there was any timeline at all as to when they would have septic and water.

Mayor Wax answered that Mr. Smith was correct and his project would be grandfathered in. Mayor Wax answered that there is no timeline for those kinds of things, the process by which they are attached to the existing sewer line is really dependent on the level of development within a given area and on that developer. Mayor Wax encouraged Mr. Smith to go to the City's website where he can download and read all of this information with significant background detail.

Mr. Smith stated that from some of his research and what he understood, and he may be incorrect that under Article 43 of the Texas Annexation Code you are limited on secondary annexation until you have provided basic city services to the residents who are already residing within the city limits. Mr. Smith said he understands there are still some places within the City limits that do not have water and sewer. Mr. Smith asked what his property would be zoned.

Mayor Wax answered that by state law any annexation comes in zoned as R-1 Single Family Dwelling District, but in Mr. Smith's case, he has an existing non-conforming use of property. Mayor Wax stated that the simplest thing for Mr. Smith to do would be to come in, should the annexation take place, and request a rezone to B-1 or R-2M, and since he would be existing non-conforming, that would be fairly simple to do. Mayor Wax added that as far as the annexation law, the City services that are being offered have to be provided at an equivalent level as other areas within the City. Mayor Wax explained that some areas within the City do not have sewer, in some cases some still have septic and are still operating fine, but all have the same level of Police protection, criminal investigation, water charging, refuse collection to include recycling that does not exist by contract outside the City, but does exist by contract inside the City.

Mr. Smith stated that refuse collection may be a problem because there is not a road to his property. Mr. Smith explained the circumstances of why there is no road to his property.

Ms. Melanie Lyon, 210 Oak Bay, addressed the Council. Ms. Lyon stated her family owns a distribution center in what is labeled the Muskoff Family Subdivision in the area being annexed. Ms. Lyon asked that it be explained to her what non-conforming means and why the zoning will be designated as R-1.

Mayor Wax explained that when an area is annexed, by state law, all the property is zoned R-1 Single Family Dwelling District.

City Manager Kevin Carruth stated it is the most restrictive zoning and from that point forward you can evaluate what changes need to be made. Mr. Carruth said the Future Land Use Map has a lot of the property along the Bypass zoned as Light Industrial or Commercial. Mr. Carruth added that Ms. Lyon's family property, when annexed into the City, will automatically receive R-1 zoning, and the property has existing non-conforming use that can continue, and as part of the process after annexation, the City would look at rezoning those areas with non-conforming uses.

Ms. Lyon asked if the City would be guided by the Land Use Map that was shown at a public hearing and shows her property at Light Industrial? Ms. Lyon asked if the annexation would change the zoning of her property from Light Industrial.

Mayor Wax answered that upon annexation the zoning of the property would change to R-1.

Ms. Lyon asked that after annexation will she have to file paperwork and then the property will go back to what the City included in the Land Use Map that made her property as Light Industrial?

Ms. Torres clarified that whenever the City does change the zoning to appropriate land uses that are existing in that area property owners in the immediate area have to be notified. Ms. Torres stated that gives everyone an opportunity to make sure that what the City is proposing is appropriate.

Ms. Lyon said she wanted to make a comment: "Governmental agencies, I'm a PR professional, I have done this for more than 30 years, you cannot rely on a single newspaper that does not cover every single person in this community for information. I realize that you are only legally obligated to post stuff in the newspaper. I know that is your legal obligation, I worked for a city at one point, but that doesn't mean it's right, that it's proper, that it's fair, and it's just, that you are having all this information and that its really incumbent because there is limited media in this community. I think that you should have actually sent direct mail to every single person at their address in these affected areas with a specific legal explanation of what is going on." Mr. Lyon said she did not receive any notification about the proposed annexation.

Mr. Carruth stated that is what the City did. Mr. Carruth said the City mailed notices to whatever addresses are on file with the appraisal district.

Mr. Terry Harrison, 1224 Meadowbrook Drive, Portland, addressed the Council. Mr. Harrison stated he owns property along Highway 188. Mr. Harrison said he appreciated and thanked the Council for having this meeting, and he realizes it is required by law, but he appreciates the fact that we still live in America. Mr. Harrison expressed that he had a little bit of a different take on this situation. Mr. Harrison said that he realizes that zoning happens and so forth and so on, but he thinks there is another reason why this property is going to be zoned way out there on Highway 188, and he did not think it had a darn thing to do with the fact that it is out on Highway 188. Mr. Harrison declared that he thinks Rockport and Aransas Pass are playing a give-and-take game so they can see who gets to that area first with no concern about furnishing the services. Mr. Harrison added that he checked with Ms. Torres recently when she was employed with the City of Aransas Pass and he had also checked with Rockport previous to that, and everybody wanted to run the water line to him and serve him if the price was right, and there was not any way that you could afford either one of them. Mr. Harrison stated he thinks this is a situation where we are trying to beat the other community.

Ms. Janet Noel, 1531 State Highway 188, addressed the Council. Ms. Noel said this property belongs to her parents and is across from the cemetery. Ms. Noel stated her problem is that the City is annexing the cemetery; all that property, and there is nothing out there that the State and County does not take care of already. Ms. Noel said that all the property owners out there have sewer, water, trash pick-up and she does not see what the City can add to what they already have. Ms. Noel said it was being talked about that the taxes would be related to whatever the value of the property is, but that still did not tell them what the tax increase will be. Ms. Noel added that living in the County and living in the City are two different things. Ms. Noel asked if there was any idea of what the tax increase would be and how does that vary with the County tax rate.

Mayor Wax stated that the City's tax rate this year is \$.3892 and the County is higher at about \$.40.

Mr. Tom Smith addressed the Council. Mr. Smith said his partner is Jimmy Wilson and they own Coastal Paradise RV Park at Highway 188. Mr. Smith asked if the City could tell them what their taxes are going to be for the RV Park. Mr. Smith said that it will be nice to have more police patrol at that intersection because acceleration is really bad. Mr. Smith added that he is a little uncomfortable with the annexation but it will all work out in the end.

Mayor Wax said he could not tell Mr. Smith what the taxes would be, but Mr. Smith could get that information from the appraisal district. Mayor Wax stated he appreciated the work that Mr. Smith did with the City in conjunction with developing that RV Park.

Mr. Richard Bailey, 634 Pine, addressed the Council. Mr. Bailey stated he anticipated a little more information coming from the Council and the letter he received mentioned "service plans" and service plans are something that are already developed and you are going to get and he hasn't heard what he is going to get and what will he have to pay to get that other than the tax rate to continue a service but the implementation of that service is a cost. Mr. Bailey said he has not heard a timeline as to when it will take place. Mr. Bailey added that he paid over \$5,000 to have a septic system put in within the last 3-4 years. Mr. Bailey said Seguin, Texas, annexed an area called Oak Terrace North and he would advise the City to review the complications they went through as far as providing the sewer services alone. Mr. Bailey stated they said they would not be annexing soon because of the cost associated with implementation of that. Mr. Bailey expressed that he also understood if there were a certain number of residences the City had a certain amount of time to provide sewer services if it was providing it to other residences currently. Mr. Bailey asked if he has a registered on-site sewer facility on which he pays for maintenance every year, will he be able to continue to use it, or until he hears from the City that it is mandating he connects to the City sewer system.

Mayor Wax answered that Mr. Bailey would be allowed to continue to use his existing septic tank system if properly permitted, or he could come to the City and request connection to the sewer system.

Mr. Bailey said he anticipated attending the Public Hearing to hear timelines and costs for being taken in by the City. Mr. Bailey commented that for the future it would be up to public entities to provide that information to people whom they are getting ready to absorb.

Mayor Wax said those do not exist.

- 4. Conduct first Public Hearing on proposed annexation by the City of Rockport, of 212 acres of land, more or less, along Highway 35 Bypass between 12<sup>th</sup> Street and approximately 545 feet north of Griffith Drive, out of portion 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.**

*{Service Plan below}*

**MUNICIPAL ANNEXATION SERVICE PLAN  
FOR  
AREA "H H5 CONNECTION" (212 Acres)**

**Area to be Annexed**

Being approximately 212 acres out of portions of the Joseph F. Smith Survey A-156, R.J. Young Survey A-208, Paul McCordie Survey A-157, 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 described is submitted in an Area "Market Street A" and an exhibit 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 in 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 parts and library facilities to residents of the area.

**3. 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 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 the 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.

**4. 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 the proposed annexed area on 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 investigative 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 services to our customers by issuing and reissuing vehicle inspection checks for residents 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 increase of approximately 520 building inspector labor hours and 520 code enforcement official labor hours.

**4. Emergency Medical Services**

**Existing Services:** Emergency medical services are currently provided under contract with Aransas County by Abilene 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 station currently located at 1600 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 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.

Annexation of this area would require an increase of approximately 2,080 patrol labor hours, 1,367 criminal investigator labor hours, and 604 administrative 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(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. Armatization of this area would require an increase of approximately 632 street maintenance labor hours.

#### **14. Storm Water Management**

**Existing Services:** Drainage and storm water management within the area is currently provided by Aconnes Courts.

**Services to be Provided:** Developer will provide storm water drainage of their own expense and will be inspected by the City Engineers 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 services in the 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 developer ordinances and as requested by developers. Extent of service shall comply with City codes and ordinances. Water utility rates will be based on a lower inside City Limits customer classification as approved by 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 in 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.

#### **Attachments**

The plan shall not be amended unless public hearings are held in accordance with V.C.T.A., Local Government Code, Section 43.0961.

There were no public comments on this item.

At 2:23 p.m., Mayor Wax closed the public hearings.

## **Regular Agenda**

### **5. Hear and deliberate on policy for funding requests from General Fund.**

Mayor Wax said the Council should have had an opportunity to review the memorandum he wrote after the last Council meeting addressing an issue that he thinks the Council needs to take steps on and he is interested in hearing comments from the Council. Mayor Wax stated no vote would be taken on this because this is a Workshop meeting.

Council Member Gurtner said she had read the Mayor's memorandum and she had also received input from her constituency that brought up some points about the fact that we are already paying County funds and Navigation District taxes. Ms. Gurtner said the City planned the budget, worked the budget, we are still tight, and there is lots of funding that we did not get to do that we wanted to do. Ms. Gurtner added that part of that is for personnel that we need. Ms. Gurtner added that having a policy of putting it in the budget prior to transferring funds out is a very good one.

Mayor Pro-Tem Rios said he asked a few people from his Ward for input on this after the request came up at the last Council meeting. Mr. Rios said that the Council is charged to be keepers of citizens' public funds and there are so many good organizations like the Mayor's memorandum refers to, but where do we draw the line between what he considers to be non-governmental activities and good deeds. Mr. Rios said there are so many 501c(3)'s out there that manage to get by through a

lot of hard work by the members and volunteers, and they do tremendous fundraising. Mr. Rios stated there are so many people out there who do so many good things, but the City is limited with funds.

Mr. Rios said he is approached about taxes all the time and if the Council is going to start considering every request, that money has to come from somewhere, and that would have to be from taxes, and he does not particularly like raising taxes for things that are not government activities. Mr. Rios said the City needs a policy and this needs to be discussed more. Mayor Pro-Tem Rios said the City has received two requests, both from great organizations, but he is not sure if it is the taxpayers' responsibility to fund those things.

Mayor Wax commented that taxpayers have an opportunity to fund any number of functions, as a matter of fact the 71 organizations that are registered in the City of Rockport today, 501c(3)'s alone, taxpayers are already funding, but that is an individual decision and not a decision being made by the Council. Mayor Wax stated that every allocation of General Fund dollars has an associated opportunity cost with it, not true of hotel occupancy tax, and he has a lot of trouble when the Council gets requests for General Fund allocations that begin to be equal to a full-time employee in parks and recreation, public works, police, utilities, or anywhere. Mayor Wax said that if he tries to balance what the City property taxes should be funding, it should be the governmental functions of streets and water, drainage, public safety, protection of life and property. Mayor Wax said beyond that he has trouble spending General Fund dollars. Mayor Wax added that he provided a list of 71 501c(3)s but there are a lot of other activities that are doing great work that may not be tax exempt functions.

Mayor Wax asked the City Attorney if there were any legal restrictions to providing general fund dollars to 501c(3) organizations. Mayor Wax said he knows the City provides funding to the Rockport Volunteer Fire Department but he views that as protection of life and property.

City Attorney Terry Baiamonte said the primary limitation comes out of the Constitution and that is that the City cannot donate funds to anyone unless a determination is made that it is related to the betterment of the City and can be tied to the City. Ms. Baiamonte stated it cannot be arbitrary and is subject to judicial review.

Mayor Wax stated that arbitrary becomes *ad hoc* very quickly, and if you do not have an established policy or procedures to deal with requests of this type, then you have to fall back on the interest of the moment, the *ad hoc* approach to this, and he thinks that is the wrong thing for the long-term for the City.

Mayor Pro-Tem Rios said there are only nine categories that hotel occupancy tax funds can be used for and he has been trying to figure out if there is a stretch for these two projects. Mr. Rios said in talking to other officials they say it is a tourism issue, but he is not sure the City is "putting heads in beds."

Mayor Wax said that if Council made the decision to provide hotel occupancy tax funds, the City would demand of these entities the same things that the other entities have to provide, evidence of "heads in beds." Mayor Wax added that he believes that would be a very difficult thing to do.

Mayor Pro-Tem added that there would be a more-filled room if the Council were talking about the Humane Society. Mr. Rios said the Council needs to be sure they have a clear-cut policy and take a look at things, and if they do not fit in the hotel occupancy tax funds, he is not necessarily sure the Council should stretch the General Fund for activities that are non-governmental in nature.

City Manager Kevin Carruth stated that the City already faces pressures on just the core functions due to general growth of the City year after year; public safety being the big one. Mr. Carruth said that absent any guidelines or policy, just on an *ad hoc* basis giving General Fund dollars to organizations doing good noble work, should the City be providing funds that way at the expense of police, public works, streets, etc. Mr. Carruth shared a previous experience with another community that did not have guidelines and over a period of 15-20 year time span it had grown to over \$500,000 for cash contributions, plus free rent and other things and it was a strain on the budget.

Mayor Pro-Tem Rios said the budget process is still fresh in his mind, the City just came out of it, August and September, and he knows department heads did not get their entire wish list filled and that was basically personnel. Mr. Rios agreed with Mayor Wax that a couple of these groups come in and request small amounts and they are not asking a lot, what happens when the City gets requests from a lot of organizations; they could equal 4-5 personnel.

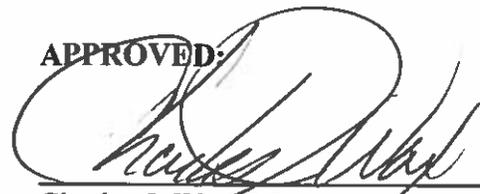
## 6. Adjournment.

At 2:37 p.m., Mayor Pro-Tem Rios moved to adjourn. Council Member Gurtner seconded the motion. Motion carried unanimously.



ATTEST:

  
Teresa Valdez, City Secretary

APPROVED:   
Charles J. Wax, Mayor