



**CITY OF ROCKPORT
CITY COUNCIL REGULAR MEETING AGENDA
TUESDAY, AUGUST 27, 2024 ~ 6:30 P.M.
ROCKPORT SERVICE CENTER
2751 STATE HIGHWAY 35 BYPASS
ROCKPORT, TEXAS 78382**

Mayor Tim Jayroe
Mayor Pro Tem (Ward 4) Andrea Hattman
Councilmember (Ward 1) Stephanie Rangel

Councilmember (Ward 2) Matt Anderson
Councilmember (Ward 3) Brad Brundrett
Vanessa Shrauner, City Manager

Notice is hereby given that Rockport City Council will hold a regular meeting on the above-mentioned date, time, and location. The meeting will be held in person at the location mentioned above. The live stream link to view the meeting is <https://www.youtube.com/@rockporttxgov>.

The City Council welcomes citizen participation and comments at all City Council Meetings on any Agenda item or any subject matter.



Written comments submitted by 3:00 p.m. on the day of the meeting.

- i. Complete the Speaker Card – locate the card by scanning the QR Code or online at <https://rockport.seamlessdocs.com/f/CouncilCitizenParticipation>
- ii. Written Comments received by the deadline will be read.

Sign up in person.

- i. Speaker's cards are located at the entrance of the meeting room and must be delivered to the City Secretary before the meeting begins.
- ii. Any citizen with handouts should provide them to the City Secretary before the meeting. If you wish the City Council to receive your handouts for the meeting, please provide 8 copies; if not, the City Council will receive your handouts the following day.

Rules for Citizen Participation

- i. Speakers will be limited to three minutes.
- ii. While civil public criticism is not prohibited; disorderly conduct or disturbance of the peace as prohibited by law shall be cause for the chair to terminate the offender's time to speak.

NOTE: Notice is hereby given that other elected or appointed officials may attend the City Council Meeting at the date and time above in numbers that may constitute a quorum. No action or minutes will be taken by such in attendance.

This facility is wheelchair-accessible, and parking spaces are available. Requests for accommodation or interpretive services must be made 48 hours before this meeting. Please get in touch with the City Secretary's office at (361) 729-2213, ext. 225, or FAX (361) 790-5966 or email sgoodwin@rockporttx.gov for further information. Braille is not available.

I. CALL TO ORDER AND ROLL CALL

II. PLEDGE OF ALLEGIANCE

III. CEREMONIAL MATTERS/PROCLAMATIONS/EMPLOYEE RECOGNITION

IV. CITIZENS TO BE HEARD

Speaker participation instructions are provided in writing at the beginning of the agenda. **NOTE:** The Texas Open Meetings Act permits a member of the public or a member of the governmental body to raise a subject that has not been included in the notice for the meeting. However, any discussion of the subject must be limited to a proposal to place the subject on the agenda for a future meeting, and any response to a question posed to the City Council is limited to either a statement of specific factual information or a recitation of existing policy. TEX. GOV'T CODE § 551.042 has not been posted on the agenda.

V. CONSENT

The following items may be acted upon in a single motion. No separate discussion or action on any of these items will be held unless pulled at the request of a member of the City Council.

1. Consider the approval of the City Council Minutes for the July 24, 2024, City Council Workshop Meeting (Shelley Goodwin, City Secretary)
2. Consider the approval of the City Council Minutes for the August 13, 2024, City Council Regular Meeting (Shelley Goodwin, City Secretary)

VI. BUDGET AND TAX RATE RELATED ITEMS

3. Consider the approval of the second and final reading of Ordinance 1941 amending the City of Rockport Code of Ordinances, Chapter 82 "Solid Waste" Article II. "Refuse Collection", Section 82.39 "Fee Schedule" repealing all prior ordinances in conflict herewith: and providing for publication and an effective date (Robbie Sorrell, Director of Finance)
4. Consider the approval of an agreement with the Aransas County Tax Assessor – Collector to act as the Tax Assessor- Collector for the City of Rockport (Robbie Sorrell, Director of Finance)
5. Announcement of upcoming Budget and Tax Rate Meetings
 - September 3, 2024, Special Meeting at 6:30 p.m. (Public Hearing Tax Rate and 1st reading)
 - September 10, 2024, Regular Meeting at 6:30 p.m. (2nd reading on Tax Rate and only reading on Budget)

VII. ORDINANCES, RESOLUTIONS AND PUBLIC HEARING

6. Consider the approval of the second and final reading of Ordinance 1942 granting a Conditional Use Permit for the purpose of allowing the use of a Park Model RV as an office on the property located at 2562 FM 3036; also known as a76 Joseph Hollis Survey, 2.131 acres, City of Rockport, Aransas County, Texas; subject to compliance with the conditions stated within this Ordinance, as well as those stipulated in the City of Rockport Code of Ordinances; repealing all ordinances in conflict therewith; providing for severability; and providing an effective date. (Carey Dietrich, Asst. Director Building & Development/ Community Planner)
7. Consider the approval of the second and final reading of Ordinance 1943 amending the Official Zoning Map as stipulated under Article 4.1 of the City of Rockport Zoning Ordinance Number 1027 by changing the Zoning of Land from B1 (General Business District) for property located at 2202 FM 3036; also known as lots 64a, 64b, and 64c as shown on the Kokomo PH 6 Preliminary Plat, and lot 65, Block 1, Kokomo PH 2, more accurately described on the attached exhibit A; to R2 (2nd Single Family Dwelling District); repealing all Ordinances in conflict

therewith; providing for severability; and providing an effective date. (Carey Dietrich, Asst. Director Building & Development/ Community Planner)

8. Consider the approval of the second and final reading of Ordinance 1944 establishing the Convention and Visitors Bureau Advisory Board and providing for the duties of such Board; providing a severability clause; and providing an effective date (Vanessa Shrauner, City Manager)
9. Consider the approval of the second and final reading of Ordinance 1945 amending the Code of Ordinances Chapter 106 “Vegetation” Article I “General” “Section 106-7 Tree Mitigation and Preservation Account” repealing all ordinances to the extent they are in conflict; providing for severability; providing for penalties; and providing an effective date (Carey Dietrich, Asst. Director Building & Development/ Community Planner)
10. Consider the creation of a Reinvestment Zone Number One (TIRZ) (Vanessa Shrauner, City Manager)
 - i. Hold a public hearing to receive comments for or against the creation of a reinvestment zone for tax increment financing
 - ii. Consider the approval of the first of two readings of Ordinance 1946 designating a geographic area located within the City of Rockport as a Reinvestment Zone for Tax Increment Financing purposes pursuant to Chapter 311 of the Texas Tax Code to be known as Rockport Tax Increment Reinvestment Zone No. 1; describing the boundaries of the zone; establishing a Tax Increment Fund for the Zone; creating a Board of Directors for such Zone; providing a date for termination of the Zone; containing findings and provisions related to the foregoing subject; and providing a severability clause; establishing an effective date; and providing for related matters.
11. Consider the approval of the first of two readings of Ordinance 1947 amending Ordinance No. 1911 which adopted the 2023-2024 Budget beginning October 1, 2023, and ending September 30, 2024; repealing all prior Ordinances in conflict herewith; providing for publication; and providing for an effective date (Budget amendment #6) (Robbie Sorrell, Director of Finance)

VII. OTHER ACTION ITEMS AND UPDATES

12. Consider the approval on an Interlocal Agreement with TX Health Benefits Pool for the administration of the Post-65 Employee Medical Insurance (Kaycee Eddins, Human Resources Manager)
13. Consider ratifying the Binding of the 2024-25 Windstorm Insurance Policy with GSM Insurers for an amount not to exceed \$471,697.67 (Kaycee Eddins, Human Resources Manager)

VIII. CITY MANAGER’S UPDATE

14. City Manager Monthly Report

IX. CITY COUNCIL REPORT

The City Council will report/update on activities in respective Wards, and all committee assignments. No formal action can be taken on these items at this time.

X. EXECUTIVE SESSION

The City Council will recess its open meeting and reconvene in Executive Session pursuant to:

- Note 1:** Texas Government Code § 551.071, Consultation with Attorney
Note 2: Texas Government Code § 551.072, Real Property
Note 3: Texas Government Code § 551.074, Personnel Matters
Note 4: Texas Government Code § 551.076, Security
Note 5: Texas Government Code § 551.087, Economic Development Negotiations
Note 6: Texas Government Code § 551.089, IT Security
Note 7: Texas Government Code § 551.0745, Personnel Matters Affecting County Advisory Board

The City Council will consider the following items in Executive Session. The Council may also consider any other matter posted on the agenda if there are issues that require consideration in Executive Session and the Council announces that the item will be considered during Executive Session.

15. Consider a legal briefing and take appropriate action regarding City Hall-Anchor Project ¹
16. Consider a legal briefing and take appropriate action regarding the Concho Street Project ¹
17. Consider a legal briefing and take appropriate action regarding the General Land Office (GLO) Drainage Projects ¹

XI. BUSINESS ITEM

The City Council will reconvene into Regular Session upon the conclusion of the Executive Session; the City Council may take action on any item posted in the Executive Session as necessary.

XII. ADJOURN

CERTIFICATION

This is to certify that I, Shelley Goodwin, posted this Agenda at 4:00 p.m. on August 23, 2024, on the bulletin board of the City of Rockport Service Center, 2751 S. H. 35 Bypass, Rockport, Texas 78382.


Shelley Goodwin, TRMC/CMC
City Secretary



City of Rockport
CITY COUNCIL WORKSHOP MEETING AGENDA
WEDNESDAY, JULY 24, 2024 ~ 11:00 A.M.
ROCKPORT SERVICE CENTER
2751 STATE HIGHWAY 35 BYPASS
ROCKPORT, TEXAS 78382

City Councilmembers Present:

Mayor Pro Tem (Ward 4) Andrea Hattman
Councilmember (Ward 1) Stephanie Rangel
Councilmember (Ward 2) Matt Anderson
Councilmember (Ward 3) Brad Brundrett

City Councilmembers Absent:

Mayor Tim Jayroe

City Staff Present:

Vanessa Shrauner, City Manager
Nathan Anderson, Police Chief
Bob Argetsinger Director of Information Technology
Lee Brown, Director of Communications Center
Mike Donoho, Director of Public Works and Building & Development Services
Kaycee Eddins, Director of Human Resources
Kimberly Henry, Assistant to the City Manager
Robbie Sorrell, Director of Finance
Shelley Goodwin, City Secretary

I. CALL TO ORDER

Mayor Pro Tem Hattman called the July 24, 2024, Workshop Meeting to order at 11:00 a.m. and announced that a quorum had been met.

Ken Barron, Country Club representative, spoke about the drainage work that still needs to occur at the Golf Course.

I. EXECUTIVE SESSION

The City Council will recess its open meeting and convene in Executive Session pursuant to Texas Government Code Section 551.071 (Consultation with Attorney)

- 1. To seek advice from its attorney regarding pending or contemplated litigation, a settlement offer, or 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, to wit: (i) PUC Docket No. 55942, Petition of Ratepayers Appeal of the City's Water and Wastewater Rates; and (ii) Water and Wastewater Rate appeals.**

Mayor Pro Tem Hattman announced that the City Council will go out of the Regular Meeting into the Executive Session at 11:04 p.m.

Mayor Pro Tem Hattman announced that the City Council will go out of the Executive Session into the Regular Meeting at 12:41 p.m.

II. BUSINESS ITEM

The City Council did not take action when they reconvened into Special Session.

III. DISCUSSIONS

2. Base Budget and Tax Scenarios Discussion

Robbie Sorrell, Finance Director, provided a PowerPoint presentation. Maintenance & Operations (M&O), Interest & Sinking (I&S), and 2024 tax rate. He also reviewed the Average Taxable Homestead Value, and the effects of a tax rate increase it would have on each resident.

Vanessa Shrauner, City Manager, reviewed the history of the M&O rates. She also discussed a V&E replacement and what I&S rates included.

Bob Henderson reviewed the benefits of V&E replacement. He also provided the history of the Solid Waste Rate, Water Sewer Rates, and User Fees. He also discussed the potential of issuance of a bond or a Certificate of Obligation. He also discussed the importance of bond ratings and timeline for issuance of a bond.

The City Council discussed the following:

- The Preliminary Budget scenarios regarding reduction in I&S
- What have to do next year (not be able to raise because no more debt service to transfer)

The City Council agreed by consensus on 3.5 pennies reduction in I&S, 6% debit and Taxable Homestead Value

3. Hotel Occupancy Tax Fund and Path Forward

Vanessa Shrauner, City Manager, stated the City received \$1.6 million in grant funding request. She reviewed the Hotel Occupancy Tax binders, spreadsheet packets, and the different marketing scenarios.

Jennifer Day, Cultural District of Arts, stated she feels there is value in consolidating marketing, but also feels there needs to be specificity target marketing.

Mike Ables, Executive Director of Maritime Museum, stated he feels leaving HOT funding as it is #2 gives each has its own marketing, but with all the cuts he would support a unified marketing plan.

Shelly Stuart, President/CEO of Rockport Fulton Chamber of Commerce, stated with the funding for the Chamber getting cut it will be hard to do marketing.

Luis Puron, Executive Director of Rockport Center for the Arts and Rockport Conference Center stated a portion of their marketing is considered boutique marketing. He stated there needs to be an annual campaign which constantly changes. He noted whoever the City hires needs to have experience with marketing, social media and television knowledge.

Jaten Bhakta expressed that Option 1 (bring marketing in-house) is more favorable for hoteliers and restaurants, as it would enable additional marketing efforts and the inclusion of private funding. He also emphasized the need for increased sports marketing and suggested consolidating marketing initiatives with the school district, County, and the City of Fulton.

The City Council discussed the following:

- A CVB Advisory Board
- Widening advertising base
- Work as a Team to market the City as a whole
- Currently not working together and want to work together to improve tourism
- Long term plans
- Hold a public hearing to hear from all the residents

4. Next steps for the Fiscal Year 2024/2025 Budget process

Vanessa Shrauner, City Manager, reviewed the upcoming public hearing on the budget and tax rate. She also noted that the numbers are changing daily, and she will have better numbers at the upcoming Budget Workshop.

5. Budget and Tax Rate Announcements

Vanessa Shrauner, City Manager, announced the following:

- City Council Workshop August 6, 2024, at 1:00 p.m.
- City Council Meeting August 13, 2024, at 6:30 p.m. (Public Hearing Utility Rates, Fees, Fire Fund, and proposed tax rate)
- City Council Meeting August 27, 2024, at 6:30 p.m. (1st reading on Tax Rate and Public Hearing on FY2025 Budget)

IV. ADJOURN

Motion: A motion was made by Councilmember Brundrett and seconded by Councilmember Rangel to adjourn the Tuesday, July 24, 2024, City Council Workshop Meeting at 2:37 p.m. The City Council voted four (4) aye and none (0) nay; passed unanimously.

Tim Jayroe
Mayor

Shelley Goodwin, TRMC/CMC
City Secretary



City of Rockport
CITY COUNCIL REGULAR MEETING AGENDA
TUESDAY, AUGUST 13, 2024 ~ 6:30 P.M.
ROCKPORT SERVICE CENTER
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ROCKPORT, TEXAS 78382

City Councilmembers Present:

Mayor Tim Jayroe
Mayor Pro Tem (Ward 4) Andrea Hattman
Councilmember (Ward 1) Stephanie Rangel
Councilmember (Ward 2) Matt Anderson
Councilmember (Ward 3) Brad Brundrett

City Councilmembers Absent:

None

City Staff Present:

Vanessa Shrauner, City Manager
Art Rodriguez, City Attorney
Nathan Anderson, Police Chief
Bob Argetsinger Director of Information Technology
Lee Brown, Director of Communications Center
Mike Donoho, Director of Public Works and Building & Development Services
Kimberly Henry, Assistant to the City Manager
Robbie Sorrell, Director of Finance
Shelley Goodwin, City Secretary

I. CALL TO ORDER

Mayor Jayroe called the August 13, 2024, Regular Meeting to order at 6:30 p.m. and announced that a quorum had been met.

II. PLEDGE OF ALLEGIANCE

Mayor Jayroe led the Pledge of Allegiance to the United States flag.

III. CEREMONIAL MATTERS/EMPLOYEE RECOGNITION

Mayor Jayroe introduced the Rockport Fulton Little League Minor Softball Team. He presented the Certificate of Excellence to the team and thanked them for their representative of the City.

IV. CITIZENS TO BE HEARD

Patrick Kane spoke regarding the Agenda 8, proposed budget and asked the City Council to consider budget cuts to lower the tax rate.

V. CONSENT

The following items may be acted upon in a single motion. No separate discussion or action on any of these items will be held unless pulled at the request of a member of the City Council.

- 1. Consider the approval of the City Council Minutes for the July 23, 2024, City Council Regular Meeting**

2. **Consider the approval of the 3rd Quarter Hotel Occupancy Tax Report for April 2024 – June 2024 for the Rockport Little Theatre and authorize a payment in the amount of \$23,500.00**
3. **Consider the approval of the 3rd Quarter Hotel Occupancy Tax Report for April 2024 – June 2024 for the Rockport Culture Art District and authorize a payment in the amount of \$32,475.00**

Motion: Upon a motion made by Mayor Pro Tem Hattman and a second by Councilmember Anderson to approve Consent Agenda Items V. 1-3. The City Council voted by roll call:

Councilmember (Ward 1) Rangel	aye
Councilmember (Ward 2) Anderson	aye
Councilmember (Ward 3) Brundrett	aye
Mayor Pro Tem (Ward 4) Hattman	aye
Mayor Jayroe	aye

The motion to approve passed unanimously; five (5) for and none (0) against.

VI. BUDGET AND TAX RATE RELATED ITEMS

4. **Receive a presentation from Dan Jackson with Wildan regarding the Utility Rates Study and Utility Fee supporting the 2024-2025 Budget**

Robbie Sorrell, Director of Finance, introduced Dan Jackson and Dennis Goral.

Dan Jackson from Wildan presented a PowerPoint on the Utility Rates Study, including a comparison of current rates. He recommended that the City Council consider a rate adjustment beginning October 1st, to be implemented over the next five years, resulting in an average yearly increase of \$5.50 for typical usage. Additionally, he discussed the method for calculating costs and rates for customers outside the city limits and suggested not adjusting these rates immediately, but rather implementing a 20% increase for water in three years. He urged the City Council to adopt both the Utility Rates and the Utility Fee structure.

Dennis Goral from Wildan delivered a PowerPoint presentation on the User Fee Study. During his presentation, he explained the methodology for determining Utility Fees, providing a detailed overview of how these fees are calculated.

The City Council discussed several key points:

- It has been 10 years since the fees were last reviewed.
- The 5-year plan is appreciated, as it helps explain the necessity for fee increases.
- Consideration of a 3% inflation rate, rising equipment costs, and the need to keep up with these changes.
- Consensus to move forward with both the Utility Rates and the Utility Fee structure.

5. **Hold a public hearing on Solid Waste, Water, Wastewater Rates, voluntary Fire Fund and Utility Fees for all customers**

Mayor Jayroe opened the public hearing at 7:08 p.m.

Patrick Kane expressed his gratitude for hiring a consultant to conduct the rate study. He raised concerns about the franchise fee charges and suggested that the methodology for calculating administrative costs should be revised.

Mayor Jayroe closed the public hearing at 7:13 p.m.

Mayor Jayroe reopened the public hearing at 7:15 p.m.

Mayor Pro Tem Hattman inquired to charging an administrative cost for utilities.

Dan Jackson from Wildan reviewed the fairness and adjustments related to charging administrative costs to the utility. He also addressed concerns regarding the franchise fees.

Mayor Jayroe closed the public hearing at 7:17 p.m.

6. Consider the approval of the first of two readings of Ordinance 1941 amending the City of Rockport Code of Ordinances, Chapter 82 “Solid Waste” Article II. “Refuse Collection”, Section 82.39 “Fee Schedule” repealing all prior ordinances in conflict herewith: and providing for publication and an effective date

Robbie Sorrell, Director of Finance, stated the City received a letter from Republic Services. He reviewed the different rates and stated this is a pass-through fee.

Motion: Upon a motion made by Councilmember Brundrett and a second by Councilmember Rangel to approve Ordinance 1041 on the first of two readings amending the City of Rockport Code of Ordinances, Chapter 82 “Solid Waste” Article II. “Refuse Collection”, Section 82.39 “Fee Schedule” repealing all prior ordinances in conflict herewith: and providing for publication and an effective date. The City Council voted by roll call:

Councilmember (Ward 1) Rangel	aye
Councilmember (Ward 2) Anderson	aye
Councilmember (Ward 3) Brundrett	aye
Mayor Pro Tem (Ward 4) Hattman	aye
Mayor Jayroe	aye

The motion to approve passed unanimously; five (5) for and none (0) against.

7. Consider providing direction on Voluntary Fees to set for the Utility Bill Surcharge Fund (A/K/A Fire Fund) for Fiscal Year 2024-2025

Robbie Sorrell, Director of Finance, stated last year, the City Council requested that the Fire Fund be discussed before the budget process so he is requesting directions on how to proceed.

The City Council expressed a desire to hear directly from the Volunteer Fire Departments regarding their needs and challenges.

Volunteer Fire Department Input:

Cody, Fire Chief of Fulton, stated that operational costs continue to rise each year. With no paid employees, all funds are allocated towards operational expenses. He reviewed the increasing costs of essential equipment.

Roy Laird, Assistant Fire Chief of Rockport, discussed the need to replace a 25-year-old fire truck and provided a detailed overview of the associated costs.

Tim Dorr, Assistant Fire Chief of Lamar, highlighted the rising costs, including fuel and gear. He emphasized the collaborative nature of the three departments, stating that while they are separate, they collectively serve all the citizens of Rockport.

The City Council discussed the following:

- The City Council inquired whether the previous \$0.50 increase led to a decrease in volunteer contributions.
- Concerns were raised about whether a proposed \$3.00 increase might result in a drop-off in volunteer payments.
- The Council discussed the potential impact on the number of volunteers and donor contributions if the fee increase is implemented.

Vanessa Shrauner, City Manager, stated she will bring back an Ordinance at a future meeting and include information on the option to opt-out of the \$3.00 fee increase in the upcoming City Manager Update.

8. Receive a presentation on the proposed FY2025 Budget

Vanessa Shrauner, City Manager, reviewed the attached Budget PowerPoint presentation. She reviewed the Tax Rate History, Tax Rate comparison with other cities, and decline in Hotel Occupancy Tax and Sales Tax. She noted a Tax Rate increase will allow the City to rebuild their reserves and without will create a need to cut employees and services. She also reviewed the following benefits of I&S Increase:

- V&E program
- Computers Switches
- City Hall short fall
- Computers
- Fleet Building
- Road Improvements
- Water Improvements
- Wastewater Improvements

The City Council discussed

- The unused increment
- Will consider to see a high number of protest
- Include that average tax bill with surrounding areas
- Get more information to the public

Vanessa Shrauner, City Manager, presented the attached Budget PowerPoint that covered key areas of the City's financial outlook and the implications of a proposed tax rate increase.

- Tax Rate History - provided an overview of the City's tax rate history, illustrating how it has evolved over time.
- Tax Rate Comparison - tax rates from other cities, highlighting how Rockport's current rate stacks up against its peers.
- Decline in Revenue - noted a significant decline in both Hotel Occupancy Tax (HOT) and Sales Tax, which impacts the City's revenue streams.
- Impact of a Tax Rate Increase - a proposed tax rate increase is crucial for the City to rebuild its reserves. Without this increase, the City may face the difficult decision of cutting employees and reducing services.
- Benefits of the Interest & Sinking (I&S) Fund Increase - outlined the following benefits of increasing the I&S portion of the tax rate:

- Vehicles & Equipment (V&E) Program: Essential for maintaining and updating the City's fleet.
- Computer Switches & IT Infrastructure: Critical updates to ensure the City's technology remains functional and secure.
- Fleet Building: Necessary improvements to the facility housing City vehicles.
- Road Improvements: Vital repairs and upgrades to the City's roadways.
- Water & Wastewater Improvements: Ensuring reliable and safe water and wastewater services for residents.

The City Council discussed the following:

- Unused Increment and the possibility of utilizing the unused tax increment.
- There was concern about the potential for a high number of protests from residents regarding the tax increase.
- The Council expressed interest in including a comparison of the average tax bill with those of surrounding areas to provide context to residents.
- The need for more information to be made available to the public was emphasized, ensuring transparency and understanding of the proposed changes.
- This presentation and subsequent discussion lay the groundwork for future budget decisions, with an emphasis on balancing necessary improvements with fiscal responsibility.

Vanessa Shrauner, City Manager, provided the next steps for the FY2024-2025 Budget process (with subject to change):

- Record vote to schedule a date and time for a required Public Hearing on the proposed Tax Rate- August 13, 2024
- Public Hearing on proposed Tax Rate and First Reading of Ordinance - August 27, 2024
- Adoption of 2024 Tax Rate (2nd Reading) - September 3, 2024
- Adoption of 2024 -25 Budget - September 17, 2024

9. Consider a record vote to schedule a date and time for a required public hearing on the proposed tax rate

Robbie Sorrell, Director of Finance, stated the City Council is required to hold a record vote to set the public hearing date and time and set the proposed tax rate.

Motion: Upon a motion made by Councilmember Rangel and a second by Mayor Pro Tem Hattman to hold a public hearing on August 27, 2024 at 6:30 p.m. at the Rockport Service Center for a proposed tax rate of \$.405294 per \$100 of valuation. The City Council voted by roll call:

Councilmember (Ward 1) Rangel	aye
Councilmember (Ward 2) Anderson	aye
Councilmember (Ward 3) Brundrett	aye
Mayor Pro Tem (Ward 4) Hattman	aye
Mayor Jayroe	aye

The motion to approve passed unanimously; five (5) for and none (0) against.

VII. ORDINANCES, RESOLUTIONS AND PUBLIC HEARING

10. Consider the request for a Conditional Use Permit at 2562 FM 3036

i. Hold a public hearing on the request

Mayor Jayroe opened the public hearing at 8:01 p.m.

Bertina Schreiber, owner of the property, reviewed the history of the request. She noted after adding a tiny home to their property for her husband's office they found out that it was considered as an RV and was not allowed, and this is why she is requesting a Conditional Use Permit (CUP). She stated the Planning and Zoning Commission recommended approval of the CUP for a tiny home to be used as an office. Encouraged the City Council to support the CUP.

Mayor Jayroe closed the public hearing at 8:04 p.m.

- ii. Consider the approval of the first of two readings of Ordinance 1942 granting a Conditional Use Permit for the purpose of allowing the use of a Park Model RV as an office on the property located at 2562 FM 3036; also known as a76 Joseph Hollis Survey, 2.131 acres, City of Rockport, Aransas County, Texas; subject to compliance with the conditions stated within this Ordinance, as well as those stipulated in the City of Rockport Code of Ordinances; repealing all ordinances in conflict therewith; providing for severability; and providing an effective date.**

Mike Donahoe, Public Works and Building & Development Services, provided the history of the request and stated the Planning & Zoning Commission voted to allow the CUP. He noted the need for a CUP is because the tiny home is in violation of the City Codes. He also noted that If you approve the request then you should add a condition that the use is for an office only.

Kim Hessley, P&Z member, stated that even though it's categorized as an RV it is not an RV. She stated she went to look at the tiny home and it is tied to the slab. She noted that the Planning and Zoning Commission felt this was a unique situation.

This City Council discussed the following:

- Keeping up the standards and setting a president if approved
- Possibility of changes to the Ordinance.
- The state's registration of tiny homes

Art Rodriguez, City Attorney, stated the staff has no discretion, however the City Council does have the ability to make decisions based on CUP standards.

Motion: Upon a motion made by Mayor Pro Tem Hattman and a second by Councilmember Anderson to approve on the first of two readings Ordinance 1942 granting a Conditional Use Permit for the purpose of allowing the use of a Park Model RV as an office on the property located at 2562 FM 3036; also known as a76 Joseph Hollis Survey, 2.131 acres, City of Rockport, Aransas County, Texas; subject to compliance with the conditions stated within this Ordinance, as well as those stipulated in the City of Rockport Code of Ordinances; repealing all ordinances in conflict therewith; providing for severability; and providing an effective date with the condition that the tiny home can only be used by the current owner as an office.

The City Council voted by roll call:

Councilmember (Ward 1) Rangel	aye
Councilmember (Ward 2) Anderson	aye
Councilmember (Ward 3) Brundrett	aye
Mayor Pro Tem (Ward 4) Hattman	aye
Mayor Jayroe	aye

The motion to approve passed unanimously; five (5) for and none (0) against.

11. Consider the request for rezoning properties located at 2202 FM 3036 from B1 (2nd General Business District) to R2 (2nd Single Family Dwelling District)

i. Hold a public hearing on the request

Mayor Jayroe opened the public hearing at 8:34 p.m.

Brett Bonn, owner, reviewed the history of the property and the development. He stated the request is for rezoning of Lots 64 A-64 C and 65 to Single Family Dwelling District. He noted it is difficult to put in businesses when there are no homes to support them.

Mayor Jayroe closed the public hearing at 8:40 p.m.

ii. Consider the approval of the first of two readings of Ordinance 1943 amending the Official Zoning Map as stipulated under Article 4.1 of the City of Rockport Zoning Ordinance Number 1027 by changing the Zoning of Land from B1 (General Business District) for property located at 2202 FM 3036; also known as lots 64a, 64b, and 64c as shown on the Kokomo PH 6 Preliminary Plat, and lot 65, Block 1, Kokomo PH 2, more accurately described on the attached exhibit A; to R2 (2nd Single Family Dwelling District); repealing all Ordinances in conflict therewith; providing for severability; and providing an effective date.

Mike Donahoe, Public Works and Building & Development Services stated the Planning and Zoning Commission voted unanimously to approve the rezoning request. He noted staff recommended denial because the Comprehensive Plan reflects that these lots are designated as commercial. He also stated that if the rezoning is approved then the developer should be required to build a sound barriers.

The City Council discussed the following:

- Home cost (the low \$200,000)
- Commercial property on the Bypass
- Affordable housing needs
- Additional entrance to the development

Motion: Upon a motion made by Councilmember Brundrett and a second by Mayor Pro Tem Hattman to approve first of two readings of Ordinance 1943 amending the Official Zoning Map as stipulated under Article 4.1 of the City of Rockport Zoning Ordinance Number 1027 by changing the Zoning of Land from B1 (General Business District) for property located at 2202 FM 3036; also known as lots 64a, 64b, and 64c as shown on the Kokomo PH 6 Preliminary Plat, and lot 65, Block 1, Kokomo PH 2, more accurately described on the attached exhibit A; to R2 (2nd Single Family Dwelling District); repealing all Ordinances in conflict therewith; providing for severability; and providing an effective date. The City Council voted by roll call:

Councilmember (Ward 1) Rangel	aye
Councilmember (Ward 2) Anderson	aye
Councilmember (Ward 3) Brundrett	aye
Mayor Pro Tem (Ward 4) Hattman	aye
Mayor Jayroe	aye

The motion to approve passed unanimously; five (5) for and none (0) against.

12. Consider the approval of the first of two readings of Ordinance 1944 establishing the Convention and Visitors Bureau Advisory Board and providing for the duties of such Board; providing a severability clause; and providing an effective date

Vanessa Shrauner, City Manager, reviewed the need for the creation of a Convention and Visitors Bureau Advisory Board, their role and duties. She reviewed the proposed Board composition and feels that the hired staff be ex-officio.

The City Council discussed the following:

- Adding a seventh seat for a Rockport Fulton Chamber of Commerce member representative
- The qualifications to be a Board member.

Art Rodriguez, City Attorney, stated a new Ordinance was placed on the dais, a section to make the terms staggered was added to the Ordinance.

Motion: Upon a motion made by Mayor Pro Tem Hattman and a second by Councilmember Rangel to approve on first of two readings of Ordinance 1944 establishing the Convention and Visitors Bureau Advisory Board and providing for the duties of such Board; providing a severability clause; and providing an effective date and to add a seventh seat for a Rockport Fulton Chamber of Commerce member representative. The City Council voted by roll call:

Councilmember (Ward 1) Rangel	aye
Councilmember (Ward 2) Anderson	aye
Councilmember (Ward 3) Brundrett	aye
Mayor Pro Tem (Ward 4) Hattman	aye
Mayor Jayroe	aye

The motion to approve passed unanimously; five (5) for and none (0) against.

13. Consider the approval of the first of two readings of Ordinance 1945 amending the Code of Ordinances Chapter 106 “Vegetation” Article I “General” “Section 106-7 Tree Mitigation and Preservation Account” repealing all ordinances to the extent they are in conflict; providing for severability; providing for penalties; and providing an effective date

Mike Donoho, Director of Public Works and Building & Development Services, this Ordinance would create a process for expenditures and provide guidelines of which expenditure can go to City Manager and which ones have to go to the City Council.

Motion: Upon a motion made by Councilmember Brundrett and a second by Mayor Pro Tem Hattman to approve on first of two readings of Ordinance 1945 amending the Code of Ordinances Chapter 106 “Vegetation” Article I “General” “Section 106-7 Tree Mitigation and Preservation Account” repealing all ordinances to the extent they are in conflict; providing for severability; providing for penalties; and providing an effective date. The City Council voted by roll call:

Councilmember (Ward 1) Rangel	aye
Councilmember (Ward 2) Anderson	aye
Councilmember (Ward 3) Brundrett	aye
Mayor Pro Tem (Ward 4) Hattman	aye
Mayor Jayroe	aye

The motion to approve passed unanimously; five (5) for and none (0) against.

14. Consider the approval on the second and final reading of Ordinance 1940 amending Code of Ordinances Chapter 86, Streets, Sidewalks and other public places, by deleting Article V, Parades and replacing said Article V as Special Events in the attached form, and as may be modified in the future by Ordinances; adopting penalties for violation of this Ordinance in an amount not to exceed \$500.00 per violation; repealing all other Ordinances in conflict therewith; providing for severability, effective date, and

publication

Shelley Goodwin, City Secretary, stated there was one change to the Ordinance. The size of the gathering, special event or activities on someone's private property was listed in two different areas of the Ordinance with two different sizes. The Ordinance was corrected to match 300 or more people, and she also requested the City Council make this Ordinance effective date October 1, 2024.

Motion: Upon a motion made by Councilmember Brundrett and a second by Councilmember AH to approve on the second and final reading of Ordinance 1940 amending Code of Ordinances Chapter 86, Streets, Sidewalks and other public places, by deleting Article V, Parades and replacing said Article V As Special Events in the attached form, and as may be modified in the future by Ordinances; adopting penalties for violation of this Ordinance in an amount not to exceed \$500.00 per violation; repealing all other Ordinances in conflict therewith; providing for severability, effective date as October 1, 2024, and publication. The City Council voted by roll call:

Councilmember (Ward 1) Rangel	aye
Councilmember (Ward 2) Anderson	aye
Councilmember (Ward 3) Brundrett	aye
Mayor Pro Tem (Ward 4) Hattman	aye
Mayor Jayroe	aye

The motion to approve passed unanimously; five (5) for and none (0) against.

15. Consider the approval of Resolution 2024-18R determining that certain expenses meet the requirements of the Hotel Occupancy Tax (HOT) and approve expenses for FY2024-2025

Shelley Goodwin, City Secretary, stated the Resolution establishes that the expenditure and distribution of HOT Funds meets qualifications of the Texas Tax Code Chapter 351. She also stated the Resolution includes the attachments of the awards of funds that were made on August 6, 2024.

Motion: Upon a motion made by Councilmember Brundrett and a second by Councilmember Rangel to approve approval of Resolution 2024-18R determining that certain expenses meet the requirements of the Hotel Occupancy Tax (HOT) and approve expenses for FY2024-2025. The City Council voted by roll call:

Councilmember (Ward 1) Rangel	aye
Councilmember (Ward 2) Anderson	aye
Councilmember (Ward 3) Brundrett	aye
Mayor Pro Tem (Ward 4) Hattman	aye
Mayor Jayroe	aye

The motion to approve passed unanimously; five (5) for and none (0) against.

16. Consider the approval of Resolution 2024-19R approving the selection of Anchor QEA, as Consulting Engineers for the design and implementation phase of the Texas General Land Office Texas Coastal Management Program (CMP) Grant Cycle 30; and declaring an effective date

Kimberly Henry, Assistant to the City Manager, stated once hurricane season has ended the General Land Office (GLO) is providing funding through the Texas Coastal Management Program (CMP) Grant Cycle 30. She noted an application was submitted for the Tule Lake Wetlands Enhancement and Stormwater Retrofit for approximately \$3,200,000. She also stated the City went ahead and went through the RFQ process and selected Anchor QEA, as the Consulting Engineer.

Motion: Upon a motion made by Mayor Pro Tem Hattman and a second by Councilmember Rangel to approve Resolution 2024-19R approving the selection of Anchor QEA, as Consulting Engineers for the design and implementation phase of the Texas General Land Office Texas Coastal Management Program (CMP) Grant Cycle 30; and declaring an effective date. The City Council voted by roll call:

Councilmember (Ward 1) Rangel	aye
Councilmember (Ward 2) Anderson	aye
Councilmember (Ward 3) Brundrett	abstain
Mayor Pro Tem (Ward 4) Hattman	aye
Mayor Jayroe	aye

The motion to approve passed unanimously; four (4) for, none (0) against, and one (1) abstain.

17. Consider the approval of Resolution 2024-20R approving the selection of Langford Community Management, as Grant Administration of the Texas General Land Office, Texas Coastal Management Program (CMP) Grant Cycle 30, declaring an effective date

Kimberly Henry, Assistant to the City Manager, stated once hurricane season has ended the General Land Office (GLO) is providing funding through the Texas Coastal Management Program (CMP) Grant Cycle 30. She noted an application was submitted for the Tule Lake Wetlands Enhancement and Stormwater Retrofit. She also stated the City went ahead and went through the RFQ process and for Grant Administration and selected Langford.

Motion: Upon a motion made by Councilmember Brundrett and a second by Mayor Pro Tem Hattman to approve Resolution 2024-20R approving the selection of Langford Community Management, as Grant Administration of the Texas General Land Office, Texas Coastal Management Program (CMP) Grant Cycle 30, declaring an effective date. The City Council voted by roll call:

Councilmember (Ward 1) Rangel	aye
Councilmember (Ward 2) Anderson	aye
Councilmember (Ward 3) Brundrett	aye
Mayor Pro Tem (Ward 4) Hattman	aye
Mayor Jayroe	aye

The motion to approve passed unanimously; five (5) for and none (0) against.

VII. OTHER ACTION ITEMS AND UPDATES

18. Consider the approval of an emergency purchase of an Electrical Control Panel and Two Submersible Pumps for the Gagon Lift Station

Mike Donoho, Director of Public Works and Building Development, discussed at the City Council Special Meeting, but no action could be taken since the wrong amount was posted. He reviewed the cost to replace the control panel is \$74, 170 and the cost for the replacement pumps is \$66,072

The City Council discussed the following:

- Notify the City Council if the insurance pays the claim
- This situation is a great example of why the City needs reserves

Motion: Upon a motion made by Councilmember Brundrett and a second by Councilmember Rangel, to approve an emergency purchase of an Electrical Control Panel and Two Submersible Pumps for the Gagon Lift Station. The City Council voted by roll call:

Councilmember (Ward 1) Rangel	aye
Councilmember (Ward 2) Anderson	aye
Councilmember (Ward 3) Brundrett	aye

Mayor Pro Tem (Ward 4) Hattman aye
Mayor Jayroe aye

The motion to approve passed unanimously; five (5) for and none (0) against.

VIII. CITY MANAGER'S UPDATE

No Update was provided.

IX. CITY COUNCIL REPORT

The City Council will report/update on activities in respective Wards, and all committee assignments. No formal action can be taken on these items at this time.

Councilmember Rangel (Ward 1) reported heard a TIRZ presentation for downtown and great participation

Mayor Jayroe Friday to speak to Representatives in Austin.

X. EXECUTIVE SESSION

The City Council did not hold an Executive Session.

XI. BUSINESS ITEM

The City Council did not hold an Executive Session

XII. ADJOURN

Motion: Upon a motion made by Councilmember Rangel and a second Mayor Pro Tem Hattman to adjourn the Tuesday, August 13, 2024, City Council Regular Meeting at 9:13 p.m. The City Council voted by roll call:

Councilmember (Ward 1) Rangel aye
Councilmember (Ward 2) Anderson aye
Councilmember (Ward 3) Brundrett aye
Mayor Pro Tem (Ward 4) Hattman aye
Mayor Jayroe aye

The motion to approve passed unanimously; five (5) for and none (0) against.

Tim Jayroe
Mayor

Shelley Goodwin, TRMC/CMC
City Secretary

CITY COUNCIL AGENDA
Regular Meeting: Tuesday, August 27, 2024

AGENDA ITEM: 3

Deliberate and act on second and final reading of an Ordinance amending the City of Rockport Code of Ordinances, Chapter 82 “Solid Waste” Article II. “Refuse Collection”, Section 82.39 “Fee Schedule” Setting New Fees for Service; Repealing all Prior Ordinances in Conflict Herewith; and Providing for Publication and an Effective Date.

SUBMITTED BY: Robbie Sorrell, Director of Finance

APPROVED FOR AGENDA: VRS

BACKGROUND:

In accordance with Section 14.02 (a)-(d) of the Solid Waste Collection and Disposal Contract between BFI Waste Services of Texas, LP d/b/a Republic Services of Corpus Christi and the City of Rockport, Republic Services submitted a comparative statement reflecting an increase of 4.0% in the Base Rates to become effective September 15, 2024, and will be reflected on the November 1, 2024 billing.

The 4.00% CPI increase will also be applied to all commercial customers, including hand carts and dumpsters.

The accompanying letter from Republic Service and the ordinance for additional details. In addition to the presented Republic rates, the City applies an additional 6% Franchise Fees on all commercial carts and dumpsters as well as a \$1.48 administrative fee on all residential carts.

FISCAL ANALYSIS:

The new rates will be effective October 1, 2024, and will be reflected on the November 1, 2024, utility bill. The proposed solid waste rate increase will provide additional revenue as a direct passthrough to Republic Services. The City collects 6% Franchise Fees from Republic Services on solid waste services. The net increase to residential customers will be \$1.10 per month.

RECOMMENDED ACTION:

Staff recommend approval of the second and final reading of the Ordinance amending the City of Rockport Code of Ordinances, Chapter 82 “Solid Waste” Article II. “Refuse Collection”, Section 82.39 “Fee Schedule” Setting New Fees for Service. Repealing all Prior Ordinances in Conflict Herewith; and Providing for Publication and an Effective Date, as presented.

ORDINANCE NO. 1941

AN ORDINANCE AMENDING THE CITY OF ROCKPORT CODE OF ORDINANCES, CHAPTER 82 “SOLID WASTE” ARTICLE II. “REFUSE COLLECTION”, SECTION 82.39 “FEE SCHEDULE”; REPEALING ALL PRIOR ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

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

SECTION 1. SECTION 82.39 "FEE SCHEDULE" AMENDMENT.

That the Rockport Code of Ordinances, Chapter 82 “Solid Waste”, Article II. “Refuse Collection”, Section 82.39 “Fee Schedule, is hereby amended to read as follows:

Sec. 82-39. - Fee schedule.

The monthly fees charged for refuse collection shall be as follows:

- (1) Residential 96-gallon cart rate: **\$26.16**
- (2) Additional 96-gallon residential cart rate: **\$22.52**
- (3) Residential 65-gallon cart rate: **\$25.56**
- (4) Commercial 96-gallon cart rate: **\$41.27**
- (5) Commercial container customers, each additional container price and extra pickup charges:

Commercial Container Customers

Container Size	1X Week	2X Week	3X Week	4X Week	5X Week	6X Week
2 cu yd	<u>\$ 110.53</u>	<u>\$216.90</u>	<u>\$274.18</u>	<u>\$335.61</u>	<u>\$427.39</u>	<u>\$491.52</u>
3 cu yd	<u>\$132.53</u>	<u>\$262.93</u>	<u>\$332.48</u>	<u>\$399.10</u>	<u>\$466.14</u>	<u>\$556.04</u>
4 cu yd	<u>\$156.00</u>	<u>\$294.90</u>	<u>\$419.46</u>	<u>\$579.67</u>	<u>\$714.97</u>	<u>\$882.65</u>
6 cu yd	<u>\$183.85</u>	<u>\$353.49</u>	<u>\$524.11</u>	<u>\$688.94</u>	<u>\$879.04</u>	<u>\$894.50</u>
8 cu yd	<u>\$232.42</u>	<u>\$453.27</u>	<u>\$630.67</u>	<u>\$771.00</u>	<u>\$1,003.41</u>	<u>\$1,202.23</u>

Each Additional Container

Container Size	1X Week	2X Week	3X Week	4X Week	5X Week	6X Week
2 cu yd	<u>\$85.10</u>	<u>\$142.89</u>	<u>\$190.68</u>	<u>\$249.58</u>	<u>\$319.12</u>	<u>\$368.16</u>
3 cu yd	<u>\$95.39</u>	<u>\$178.88</u>	<u>\$223.74</u>	<u>\$282.56</u>	<u>\$352.19</u>	<u>\$421.22</u>
4 cu yd	<u>\$113.48</u>	<u>\$216.98</u>	<u>\$320.84</u>	<u>\$436.70</u>	<u>\$538.44</u>	<u>\$667.26</u>
6 cu yd	<u>\$135.93</u>	<u>\$276.50</u>	<u>\$385.90</u>	<u>\$524.53</u>	<u>\$670.11</u>	<u>\$788.29</u>
8 cu yd	<u>\$173.68</u>	<u>\$323.77</u>	<u>\$474.60</u>	<u>\$593.08</u>	<u>\$770.82</u>	<u>\$924.66</u>

(6) Additional Service Charges:

Extra Pickups: **\$88.19**

Exchanges: **\$104.83**

Deliveries: **\$55.12**

Autolocks: **\$55.12**

Relocations: **\$55.12**

Extra Yardage: **\$55.12**

Removals: **\$55.12**

SECTION 2. REPEALER.

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

SECTION 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

This ordinance shall become effective upon adoption on second reading by the Rockport City Council and publication of the Ordinance caption in the official newspaper of the City of Rockport. Rates would become effective on September 15, 2024, and reflected on the November 1, 2024, billing.

APPROVED on first reading the 13th day of August 2024

APPROVED, PASSED and ADOPTED on second and final reading the 27th day of August 2024.

CITY OF ROCKPORT, TEXAS

Tim Jayroe, Mayor

ATTEST:

Shelley Goodwin, TRMC/CMC
City Secretary

July 15, 2024

Ms. Vanessa Shrauner
City Manager
City of Rockport
2751 State Highway 35 Bypass
Rockport, TX 78382

Dear Ms. Shrauner,

In accordance with the Second Amendment dated April 11, 2023, of the Solid Waste Collection and Disposal Contract between BFI Waste Services of Texas, LP d/b/a Republic Services of Corpus Christi and the City of Rockport, we hereby submit a comparative statement reflecting a **4.0% increase in the residential and commercial rates** to become effective October 1, 2024.

The base residential contract rate on October 1, 2023, was \$23.73. Per the Second Amendment, this **rate will become \$24.68 effective October 1, 2024**. Attached is the commercial rate sheet for the city's record. Thank you for your continued partnership.

Sincerely,

Mike Reeves

Mike Reeves
Manager, Municipal Services



Sustainability in Action



Sustainability in Action

City of Rockport, Texas

CPI Adjustment Commencing October 1, 2024

Computation of Increase:

Fixed: 4.0%

4.00%

TOTAL= 4.00%

CATEGORY	FREQUENCY RATE PER COLLECTIO MONTH	INCREASE FACTOR	NEW RATE PER MONTH
Residential 96 Gallon	\$23.73	1.0400	\$24.68
Additional 96 Gallon	\$20.23	1.0400	\$21.04
Residential 65 Gallon	\$23.15	1.0400	\$24.08

Commercial Cart 96 Gallon	\$37.43	1.0400	\$38.93
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New Rate

Commercial : Container Service

Additional Containers

2 Cubic Yard Container	1/wk	\$100.26	1.0400	\$104.27	2 Cu Yd	1/wk	\$77.19	1.0400	\$80.28
	2/wk	\$196.75	1.0400	\$204.62		2/wk	\$129.62	1.0400	\$134.80
	3/wk	\$248.71	1.0400	\$258.66		3/wk	\$172.97	1.0400	\$179.89
	4/wk	\$304.43	1.0400	\$316.61		4/wk	\$226.39	1.0400	\$235.45
	5/wk	\$387.69	1.0400	\$403.20		5/wk	\$289.48	1.0400	\$301.06
	6/wk	\$445.87	1.0400	\$463.70		6/wk	\$333.96	1.0400	\$347.32
3 Cubic Yard Container	1/wk	\$120.22	1.0400	\$125.03	3 Cu Yd	1/wk	\$86.53	1.0400	\$89.99
	2/wk	\$238.51	1.0400	\$248.05		2/wk	\$162.26	1.0400	\$168.75
	3/wk	\$301.60	1.0400	\$313.66		3/wk	\$202.96	1.0400	\$211.08
	4/wk	\$362.03	1.0400	\$376.51		4/wk	\$256.32	1.0400	\$266.57
	5/wk	\$422.84	1.0400	\$439.75		5/wk	\$319.47	1.0400	\$332.25
	6/wk	\$504.39	1.0400	\$524.57		6/wk	\$382.10	1.0400	\$397.38
4 Cubic Yard Cont	1/wk	\$141.51	1.0400	\$147.17	4 Cu Yd	1/wk	\$102.94	1.0400	\$107.06
	2/wk	\$267.51	1.0400	\$278.21		2/wk	\$196.83	1.0400	\$204.70
	3/wk	\$380.50	1.0400	\$395.72		3/wk	\$291.04	1.0400	\$302.68
	4/wk	\$525.83	1.0400	\$546.86		4/wk	\$396.13	1.0400	\$411.98
	5/wk	\$648.56	1.0400	\$674.50		5/wk	\$488.42	1.0400	\$507.96
	6/wk	\$800.66	1.0400	\$832.69		6/wk	\$605.28	1.0400	\$629.49
6 Cubic Yard Container	1/wk	\$166.77	1.0400	\$173.44	6 Cu Yd	1/wk	\$123.31	1.0400	\$128.24
	2/wk	\$320.65	1.0400	\$333.48		2/wk	\$250.82	1.0400	\$260.85
	3/wk	\$475.42	1.0400	\$494.44		3/wk	\$350.06	1.0400	\$364.06
	4/wk	\$624.94	1.0400	\$649.94		4/wk	\$475.81	1.0400	\$494.84
	5/wk	\$797.38	1.0400	\$829.28		5/wk	\$607.87	1.0400	\$632.18
	6/wk	\$811.41	1.0400	\$843.87		6/wk	\$715.07	1.0400	\$743.67
8 Cubic Yard Container	1/wk	\$210.83	1.0400	\$219.26	8 Cu Yd	1/wk	\$157.55	1.0400	\$163.85
	2/wk	\$411.16	1.0400	\$427.61		2/wk	\$293.69	1.0400	\$305.44
	3/wk	\$572.09	1.0400	\$594.97		3/wk	\$430.52	1.0400	\$447.74
	4/wk	\$699.38	1.0400	\$727.36		4/wk	\$537.99	1.0400	\$559.51
	5/wk	\$910.20	1.0400	\$946.61		5/wk	\$699.22	1.0400	\$727.19
	6/wk	\$1,090.56	1.0400	\$1,134.18		6/wk	\$838.77	1.0400	\$872.32

Extra pickups:	\$83.20
Exchanges:	\$98.90
Deliveries:	\$52.00
Autoloaks:	\$52.00
Relocations:	\$52.00
Extra yardage:	\$52.00
Removals:	\$52.00

CITY COUNCIL AGENDA
Regular Meeting: Tuesday, August 27, 2024

AGENDA ITEM: 4

Deliberate and act on approval of 2023-2024 Property Tax Agreement with Aransas County

SUBMITTED BY: Robbie Sorrell, Director of Finance

APPROVED FOR AGENDA: VRS

BACKGROUND: The Texas Property Tax Code authorizes the County's Tax Assessor-Collector to act as the Tax Assessor-Collector for municipalities. In an effort to save tax dollars, the city contracts with the Aransas County Tax Assessor-Collector to perform all tax collection duties, including:

1. Preparation and mailing of all tax statements;
2. Providing monthly collection reports as well as daily & weekly reports upon request;
3. Prepares tax certificates;
4. Produces and maintains both current and delinquent tax rolls; and
5. Produces and maintains other records and forms as are necessary or required by law.

Anna Marshall is a great resource for the city and was even gracious enough to attend our strategic meeting last April. She helps keep the city compliant, by filing public notices on our behalf and letting us know what to put on our website, ordinances, budget book covers, and other public notices.

The table below shows the last five years of contract billing for comparison

<u>Tax Year</u>	<u>Amount</u>
2020	\$18,651.08
2021	\$20,109.65
2022	\$19,709.49
2023	\$20,602.82
2024	\$25,836.79

FISCAL ANALYSIS:

As shown above the contract amount for 2024 increased 25% from 2023. The increase is driven largely by Rockport's increased levy as a percentage of that of the other entities who use Aransas County Tax-Assessor services including: County Road & Flood, Aransas County, Aransas Navigation District, Rockport Fulton ISD, Town of Fulton, and Aransas County MUD #1.

Rockport's percentage of total levy for entities went from 15.58% to 19.07%.

RECOMMENDED ACTION: Staff recommends approval of the contract for fiscal year 2024-2025.

**COST OF COLLECTING 2024 TAXES
FROM SEPTEMBER 1, 2024
THROUGH AUGUST, 31, 2025**

	TOTAL TAX COLLECTION 2024/2025	COUNTY COLLECTION ONLY	THIS YEAR CHARGE TO OTHER ENTITIES	LAST YEAR CHARGE TO ENTITIES
SUPPLIES:				
TAX RATE SOFTWARE	850.00	250.00	600.00	500.00
CHECKS	1,500.00	400.00	1,100.00	840.00
ENVELOPES	900.00	260.00	640.00	640.00
GENERAL OFFICE SUPPLIES	3,000.00	800.00	2,200.00	1,420.00
TOTAL COST OF SUPPLIES	\$6,250.00	\$1,710.00	\$4,540.00	\$3,400.00
<u>OTHER CHARGES:</u>				
POSTAGE	13,000.00	9,500.00	3,500.00	3,000.00
TELEPHONE FOR COMPUTER	1,900.00	1,250.00	650.00	650.00
BOND PREMIUMS	185.00	135.00	50.00	50.00
DATA PROCESSING	32,806.00	23,869.31	8,936.69	8,620.50
RENTAL OF EQUIPMENT	-	-	-	-
MISC REPAIR & MAINTENANCE	1,350.00	400.00	950.00	663.00
ADVERTISING & LEGALS	1,000.00	1,000.00	-	-
CONFERENCES/SCHOOLS	6,225.00	4,000.00	2,225.00	2,225.00
MISCELLANEOUS SUPPLIES	-	-	-	-
BANK CHARGES	-	-	-	-
RECORDS MANAGEMENT	-	-	-	-
TOTAL COST OF CHARGES:	\$56,466.00	\$40,154.31	\$16,311.69	\$15,208.50
<u>PERSONNEL & BENEFITS:</u>				
SALARY (TAX A/C)	45,659.93	45,659.93	-	-
SALARIES (ALL DEPUTIES)	228,064.50	114,032.25	114,032.25	113,030.38
TRAVEL (A/C & CHIEF DEPUTY)	1,600.00	1,000.00	600.00	600.00
TOTAL COST OF PERSONNEL:	275,324.43	160,692.18	114,632.25	113,630.38
TOTAL COST OF COLLECTION	\$338,040.43	\$202,556.49	\$135,483.94	\$132,238.88

PRO-RATA SHARE:

ARANSAS COUNTY	30099			
COUNTY ROAD & FLOOD	30099			
ARANSAS CO NAVIGATION	30098	4.03	\$ 5,460.00	\$4,826.72
ROCKPORT-FULTON ISD	27115	74.76	\$ 101,287.79	\$104,495.16
CITY OF ROCKPORT	10177	19.07	\$ 25,836.79	\$20,602.82
TOWN OF FULTON	1872	1.86	\$ 2,520.00	\$1,917.46
ARANSAS CO MUD #1	413	0.28	\$ 379.36	\$396.72
		100.00	\$ 135,483.94	\$132,238.88

**ESTIMATED SHARE BASED
ON % OF 2023 LEVY
TOTALS**

**COST OF COLLECTING 2023 TAXES
FROM SEPTEMBER 1, 2023
THROUGH AUGUST, 31, 2024**

	TOTAL TAX COLLECTION 2023/2024	COUNTY COLLECTION ONLY	THIS YEAR CHARGE TO OTHER ENTITIES	LAST YEAR CHARGE TO ENTITIES
SUPPLIES:				
TAX RATE SOFTWARE	700	200	500	
CHECKS	1200	360	840	
ENVELOPES	900	260	640	
GENERAL OFFICE SUPPLIES	2000	580	1420	1650
TOTAL COST OF SUPPLIES	4,800.00	1,400.00	3,400.00	1,650.00
<u>OTHER CHARGES:</u>				
POSTAGE	12,000.00	9,000.00	3,000.00	3,000.00
TELEPHONE FOR COMPUTER	1,900.00	1,250.00	650.00	650.00
BOND PREMIUMS	185.00	135.00	50.00	50.00
DATA PROCESSING	31,700.00	23,079.50	8,620.50	8,694.00
RENTAL OF EQUIPMENT	-	-	-	-
MISC REPAIR & MAINTENANCE	1,000.00	337.00	663.00	330.00
ADVERTISING & LEGALS	1,000.00	1,000.00	-	-
CONFERENCES/SCHOOLS	6,225.00	4,000.00	2,225.00	1,867.00
MISCELLANEOUS SUPPLIES	-	-	-	-
BANK CHARGES	-	-	-	-
RECORDS MANAGEMENT	-	-	-	-
TOTAL COST OF CHARGES:	54,010.00	38,801.50	15,208.50	14,598.00
<u>PERSONNEL & BENEFITS:</u>				
SALARY (TAX A/C)	45,864.50	45,864.50	-	-
SALARIES (ALL DEPUTIES)	226,060.76	113,030.38	113,030.38	106,105.75
TRAVEL (A/C & CHIEF DEPUTY)	1,600.00	1,000.00	600.00	600.00
TOTAL COST OF PERSONNEL:	273,525.26	159,894.88	113,630.38	106,705.75
TOTAL COST OF COLLECTION	332,335.26	200,096.38	132,238.88	122,953.75

**ESTIMATED SHARE BASED
ON % OF 2022 LEVY
TOTALS**

PRO-RATA SHARE:

ARANSAS COUNTY	30285			
COUNTY ROAD & FLOOD	30285			
ARANSAS CO NAVIGATION	30284	3.65	\$ 4,826.72	\$5,569.80
ROCKPORT-FULTON ISD	27021	79.02	\$ 104,495.16	\$95,645.72
CITY OF ROCKPORT	10126	15.58	\$ 20,602.82	\$19,709.49
TOWN OF FULTON	1882	1.45	\$ 1,917.46	\$1,586.10
ARANSAS CO MUD #1	416	<u>0.30</u>	<u>\$ 396.72</u>	<u>\$442.63</u>
		100.00	\$ 132,238.88	\$122,953.75

**INTERLOCAL COOPERATION AGREEMENT FOR TAX ASSESSMENT AND
COLLECTION OF PROPERTY TAX IN 2024-2025
BETWEEN COUNTY OF ARANSAS, TEXAS, AND
THE CITY OF ROCKPORT, TEXAS**

This **INTERLOCAL COOPERATION AGREEMENT** ("Agreement") is made and entered into by and between the COUNTY OF ARANSAS, TEXAS, with the agreement, consent, and participation of the Aransas County Tax Assessor-Collector (singularly or collectively referred to as "COUNTY" or "COUNTY TAX ASSESSOR-COLLECTOR") and the CITY OF ROCKPORT (hereinafter called "CITY"), each a political Subdivision of the State of Texas, each acting by and through its duly elected officials, under the terms, authority, and provisions of Chapter 791 of the Government Code of the State of Texas and Section 6.24 of the Texas Property Tax Code, which authorizes such agreements.

WHEREAS, Chapter 791 of the Texas Government Code authorizes local governments of the State to enter into contracts for governmental functions and services to increase efficiency and effectiveness; and,

WHEREAS, the COUNTY and CITY are local government entities as defined in §791.003 of the Texas Government Code and are authorized to enter into this Agreement by the action of their respective governing bodies in the manner prescribed by law; and,

WHEREAS, CITY shall make the payments provided for in this Agreement from current funds available to CITY; and,

WHEREAS, CITY desires to authorize the COUNTY TAX ASSESSOR-COLLECTOR to act as the Tax Assessor/Collector for CITY, for ad valorem tax purposes, as herein provided, for Aransas County properties within CITY'S jurisdiction.

NOW, THEREFORE, in consideration of the recitals and mutual covenants and agreements stated herein, COUNTY and CITY agree to the following:

1. **Purpose.** The purpose of this Agreement is for the Parties to establish the terms and conditions under which COUNTY will provide tax assessment and collection services for CITY. For the purposes of this Agreement, the terms "assessment" and "collection" shall mean all steps necessary to effect such functions including, but not limited to the calculation of tax, preparation of current and delinquent tax rolls, pro-ration of taxes, correction of clerical errors in tax rolls, collection of current liabilities, collection of delinquent taxes; and calculation of an effective tax rate required by §26.04 of the Texas Property Tax Code.
2. **Term.** This AGREEMENT by and between COUNTY and CITY shall be in effect from September 1, 2024 through August 31, 2025.
3. **Notice of Termination of Agreement for Next Fiscal Year.** Should CITY elect not to continue with an Assessment and Collection Agreement with COUNTY for the following fiscal year beginning September 1, 2025, CITY agrees to provide four (4) months' written notice to COUNTY, prior to the end of this Agreement, so as to prevent expenditures for the upcoming fiscal year.

4. COUNTY'S Designee. COUNTY hereby designates the COUNTY TAX ASSESSOR-COLLECTOR to act on behalf of COUNTY and to serve as the liaison between COUNTY and CITY. COUNTY TAX ASSESSOR-COLLECTOR and/or her designee shall ensure the performance of all duties and obligations of COUNTY under the terms of this Agreement.

5. CITY Authorizes COUNTY to Perform Duties. By entering into this Agreement, CITY expressly authorizes COUNTY to perform all acts necessary for tax assessment and collection for CITY.

6. Compensation to COUNTY. CITY shall reimburse COUNTY for the actual cost of providing services under this Agreement from CITY'S current revenues for the fiscal year beginning September 1, 2024 and ending August 31, 2025. Because actual costs cannot be determined at this time, CITY shall pay COUNTY **Twenty Five Thousand Eight Hundred Thirty Six Dollars and Seventy-Nine Cents (\$25,836.79)** as an operating budget for the described fiscal year, as follows:

OPERATING BUDGET PAYMENT SCHEDULE
to be paid out as follows:

Date	Payment Amount	Date	Payment Amount
10-1-2024	\$2,153.07	4-1-2025	\$2,153.07
11-1-2024	\$2,153.07	5-1-2025	\$2,153.07
12-1-2024	\$2,153.07	6-1-2025	\$2,153.07
1-1-2025	\$2,153.07	7-1-2025	\$2,153.07
2-1-2025	\$2,153.07	8-1-2025	\$2,153.07
3-1-2025	\$2,153.07	9-1-2025	\$2,153.02

7. Duties of the COUNTY TAX ASSESSOR-COLLECTOR:

- a. *Tax Statements.* COUNTY TAX ASSESSOR-COLLECTOR shall prepare and mail all tax statements, provide necessary collection reports to CITY, prepare tax certificates, develop and maintain both current and delinquent tax rolls and such other records and forms as are necessary or required by law or State rules and regulations.
- b. *Monthly Reports to CITY.* COUNTY TAX ASSESSOR-COLLECTOR will submit a monthly status report to CITY, in the format preferred by its governing body, at least eight (8) days prior to a regular meeting of its governing body (such schedule to be provided by CITY).
- c. *Information shall be Available.* COUNTY TAX ASSESSOR-COLLECTOR undertakes and agrees to make available to CITY full information about the tax collection operation of COUNTY, and to promptly furnish written reports reasonably necessary to keep CITY advised of all relevant financial information affecting it.
- d. *Collection of Delinquent Taxes.* COUNTY may contract with legal counsel for the collection of delinquent taxes.
- e. *Bond.* COUNTY TAX ASSESSOR-COLLECTOR will agree to sign a bond, conditional on faithful performance of duties, payable to CITY. Said bond will be ordered by.

approved by, and paid by CITY in an amount determined by CITY, as stated in Texas Property Tax Code 6.29(b).

- f. *Payments of Taxes to CITY: Deposits.* COUNTY TAX ASSESSOR-COLLECTOR shall make payment of taxes collected on behalf of CITY into such bank account/s selected by CITY. Such payment shall be made on a daily basis, except for electronic payments (e.g. credit cards and e-checks). Electronic payments are not available for several days after the payment is posted; therefore, no tax collected by electronic payment shall be deposited until the electronic payment has been irrevocably deposited into the COUNTY TAX ASSESSOR-COLLECTOR'S tax account maintained for the purpose. A "deposit of tax money" itemization form will be completed to show the distribution of money collected. This itemization will be forwarded to CITY after each deposit. COUNTY TAX ASSESSOR-COLLECTOR shall have no access to the tax money once deposited to CITY'S bank account(s). Collections for CITY shall be deposited into two (2) accounts as follows:

Maintenance & Operation funds shall be deposited to account ending in 038-8
Wells Fargo Bank Texas, N.A., Rockport, TX

Delinquent tax funds previously belonging to the County Education Fund will also be deposited into this account.

Interest & Sinking funds shall be deposited to account ending in 204-6
Wells Fargo Bank Texas, N.A., Rockport, TX

- g. *Refunds due to Property Tax Code.* Refunds resulting from corrections to the appraisal rolls, pursuant to §26.15 of the Property Tax Code, such as homestead exemptions, over 65 exemptions, disabled exemptions, clerical errors and court-ordered value changes, shall not be submitted for approval to CITY. COUNTY TAX ASSESSOR-COLLECTOR shall refund the property owner the difference between the tax paid and the tax legally due. All refunds will be held from CITY'S deposits, and an itemized list of all refunds, with pertinent data, will be submitted with the deposit record.
- h. *Reviewing of Refund Requests: Processing Refunds over \$2,500.00.* Pursuant to §31.11 of the Property Tax Code, refund requests will be submitted to the Aransas County Auditor to determine if payment was excessive or erroneous. If County Auditor determines payment was excessive or erroneous, COUNTY TAX ASSESSOR-COLLECTOR shall refund the amount of the overpayment or erroneous payment from available current tax collections. However, if the total of refund amount exceeds \$2,500.00, COUNTY TAX ASSESSOR-COLLECTOR shall submit a refund request to the Aransas County Commissioner's Court for their determination of an excessive or erroneous payment and approval prior to processing refund.
- i. *COUNTY ASSESSOR-COLLECTOR'S Records will be Available to CITY.* Upon receipt of at least forty-eight (48) hours of written notice, the COUNTY agrees to allow CITY access to tax records related to CITY in its possession. COUNTY is not responsible for paying for any expenses associated with CITY'S efforts to audit, duplicate, archive, or store records.

8. Duties of CITY:

- a. *Collection of Delinquent Taxes.* CITY hereby agrees and expressly authorizes COUNTY to contract with private legal counsel for the collection of delinquent taxes, and COUNTY agrees to review proposed counsel with CITY before such contract is let. CITY further agrees that such fee, as is allowed by law and provided in the contract with private legal counsel, will be paid from delinquent tax collections for CITY.
- b. *Operating Budget Payments.* CITY shall remit operating budget payments to COUNTY as described above.
- c. *Actual Cost Payments.* In the event that the actual costs of the services exceed the operating budget payments, CITY will remit the additional payment within thirty (30) days of receiving an invoice from COUNTY, provided that such invoice is due to cost overruns.
- d. *Additional Costs due to Changes.* CITY is responsible for payment of the actual costs of any necessary re-mailing of tax notices when such re-mailing is necessary because of changes made by CITY in its tax rate or allowable discount provisions.
- e. *Additional Costs Due to Rollbacks or Other Modifications.* CITY agrees to pay the cost of reprocessing and mailing tax notices if CITY suffers a rollback or other modification of its tax rate as provided in Section 26.08 of Texas Property Tax Code, or any other necessary modifications, resulting from law changes made by the Texas Legislature.
- f. *Bond.* CITY will order, approve, and pay for a bond in an amount determined by CITY to be sufficient, as stated in Texas Property Tax Code 6.29(b), to ensure the faithful performance of duties by the COUNTY TAX ASSESSOR-COLLECTOR.
- g. *Payments of Taxes to CITY; Deposits.* CITY will immediately notify COUNTY if there is change to a deposit account that requires action.
- h. *Returned Payments to COUNTY TAX ASSESSOR-COLLECTOR.* CITY acknowledges that COUNTY TAX ASSESSOR-COLLECTOR is paying out funds on a daily basis based upon payments to COUNTY TAX ASSESSOR-COLLECTOR, which is usually received in the form of a personal or business check and not in the form of a cashier's check. In the event that any check is returned by COUNTY TAX ASSESSOR-COLLECTOR'S depository for any reason whatsoever including, but not limited to, insufficient funds, forgery, refer to maker, account closed, or any other reason, CITY shall IMMEDIATELY REFUND to COUNTY TAX ASSESSOR-COLLECTOR the amount of the deposit represented by the returned check. In the event a tax payment deposited to CITY'S account, whose source was by credit card or other electronic payment, is disputed, canceled, refuted, or withdrawn by any person, firm, or entity, for any reason whatsoever, CITY shall IMMEDIATELY REFUND such payment to COUNTY TAX ASSESSOR-COLLECTOR.
- i. *Notices, Hearings, Publication, and other Requirements.* CITY shall remain responsible for all notices, hearings, publications, and other requirements under the law related to its taxing activities.

- j. Records. CITY shall promptly deliver records to COUNTY upon request and shall fully cooperate in furnishing or locating any other information or records COUNTY needs to perform its duties under this Agreement.

9. Indemnification and Tort Claim Act:

- a. To the extent allowed by law, the COUNTY agrees to promptly defend, indemnify, and hold CITY harmless from and against any and all claims, demands, suits, causes of action, and judgments for (a) damages to the loss of property of any person; and or (b) the death, bodily injury, illness, disease, loss of services, or loss of income or wages to any person, arising out of or incident to, concerning or resulting from, the negligent or willful act or omission of the COUNTY, its agents, officers, and/or employees in the performance of duties pursuant to this Agreement.
- b. To the extent allowed by law, the CITY agrees to promptly defend, indemnify, and hold the COUNTY harmless from and against any and all claims, demands, suits, causes of action, and judgments for (a) damages to the loss of property of any person; and or (b) the death, bodily injury, illness, disease, loss of services, or loss of income or wages to any person, arising out of or incident to, concerning or resulting from, the negligent or willful act or omission of the CITY, its agents, officers, and/or employees in the performance of duties pursuant to this Agreement.
- c. Nothing in this Agreement shall be construed to waive, partially or in full, any immunities the Parties may have under the Texas Tort Claim Act or other laws.

10. Equipment and Personnel. During the time mutual aid is being furnished, all equipment used by the Party rendering aid shall continue to be owned, leased, or rented by the Party rendering aid. Once equipment, personnel, or other resources of a Party rendering aid are in the service of the requesting Party in accordance with the terms of this Agreement, such personnel and equipment shall be deemed to be employed or used, as the case may be, in the full line and cause of duty of the Party requesting aid. In addition, such personnel shall be deemed to be engaged in work for the employing entity and performing a governmental function.

11. Expending Funds. Each Party performing services or furnishing aid pursuant to this Agreement shall do so with funds available from current revenues of the Party. No Party shall have any liability for the failure to expend funds or to incur costs to provide aid hereunder.

12. Non-Discrimination. The Parties covenant that (1) no person shall be excluded from participation in, denied the benefit of, or otherwise subjected to discrimination under the terms of this Agreement on the ground of race, color, age, sex, handicap, or national origin; and (2) in carrying out the terms and conditions of this Agreement, no person shall be subjected to discrimination on the grounds of race, color, age, sex, handicap, or national origin.

13. Integration and Amendments. This Agreement constitutes the entire agreement between the Parties and may not be amended, altered, modified, or changed in any way, except in writing that is signed by the Parties, which specifically references this Agreement. There are no other agreements, representations, warranties, whether oral or written, regarding the subject matter of this Agreement. Any amendment to this Agreement shall be attached to this Agreement and all of

the terms herein that are not specifically address in the amendment shall remain in full force and effect.

14. Severability. If any one or more of the sections, sentences, clauses, or parts of this Agreement be held invalid for any reason, the invalidity of such section, sentence, clause, or part shall not affect nor prejudice the applicability and validity of any other provision of this Agreement.

15. Validity and Enforceability. If any current or future legal limitations or requirements from a federal or State government with jurisdiction over the Parties affect the validity or enforceability of a provision of this Agreement, then this Agreement shall be deemed amended to the minimum extent necessary to bring this Agreement into conformity with the requirements or limitations, and so modified, this Agreement shall continue in full force and effect.

16. No Third Party Beneficiaries. Nothing in this Agreement, expressed or implied, is intended to confer upon any person or entity, other than the Parties hereto, any rights or remedies under the terms of this Agreement, except as expressly stated herein.

17. Authorization. The undersigned officers and/or agents of the respective Party hereto are the properly authorized officials of the Party and have the necessary authority to execute this Agreement on behalf of the Parties hereto. Each Party certifies by signing below that any necessary actions and resolutions extending such authority have been duly passed and approved and are currently in full force and effect.

18. No Warranty. The Parties further agree that any services provided by the COUNTY are without any warranty of any kind to CITY or any third party, and CITY hereby agrees that, to the extent allowed by law, it will defend, hold harmless, and indemnify the COUNTY, its officers, agents, and employees for any claims of any kind, including claims for injury or death of any person or for damage to property, arising out of the COUNTY'S performance of its duties under this Agreement.

19. Notices. Whenever a notice is required to be given in writing under the terms of this Agreement, such notices shall either be hand-delivered or mailed via certified mail, return receipt requested, to the Parties at the following addresses:

COUNTY: County Judge
2840 HWY 35N
Rockport, TX 78382

CITY: _____

With a copy to:

County Tax Assessor-Collector
319 N Church St
Rockport, TX 78382

A Party may change the address for notices by giving written notice to the other Party in the manner described herein. It shall be the duty of each entity's representative to disseminate within their respective entity all notices, communications, and reports received from the other Party.

20. Requests for Information. Requests from one Party to another Party for information concerning this Agreement shall be honored in a timely manner and shall not require the submission of a formal Public Information Act request for open records.

21. Interpretation of Law, Assignment, and Venue. This Agreement shall be governed by and construed in accordance with the laws of the State of Texas. No assignment of this agreement or any right accrued hereunder shall be made, in whole or in part, by any Party without the prior written consent of the other Parties. Venue shall be in Aransas County, Texas.

22. Headings. The headings at the beginning of the various provisions of this Agreement have been included only in order to make it easier to locate the subject covered by each provision and are not to be used in construing this Agreement.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement in duplicate counterparts, each of which shall be deemed an original, which shall be effective upon the date last written below.

"COUNTY"

County of Aransas, Texas

By: _____
Ray A. Garza, County Judge Date

ATTEST:

(SEAL)

Misty R.F. Kimbrough, County Clerk

Approved:

"COUNTY TAX ASSESSOR-COLLECTOR"

Aransas County Tax Assessor-Collector

By: _____
Anna Marshall, County Tax Assessor-Collector Date

Additional Signature Page Follows

"CITY"
City of Rockport, Texas

By: _____ Date _____
Tim Jayroe, Mayor

ATTEST:

(SEAL)

Shelley Goodwin, City Secretary

CITY COUNCIL AGENDA
Regular Meeting: Tuesday, August 27 2024

AGENDA ITEM: 6

Consider approval on second and final reading of an Ordinance amending the Official Zoning Map as stipulated under Article 4.1 of the City of Rockport Zoning Ordinance Number 1027 by granting a Conditional Use Permit (CUP)) to allow the use of a Park Model RV as an office

on property located at 2562 FM 3036; also known as A76 Joseph Hollis Survey, 2.131 acres, Rockport, Aransas County, repealing all ordinances in conflict therewith; providing for severability; and providing an effective date.

SUBMITTED BY: Carey Dietrich- Asst. Director Building & Development/ Community Planner

BACKGROUND: Property owners, Bertina and Davis Schreiber, are requesting a Conditional Use Permit (CUP) to allow the use of a Park Model RV as an office space on the premises. The property located at 2562 FM 3036 is currently zoned B1 (General Business District), and Zoning Ordinance 118-15 does not allow this use without a CUP.

A public notice regarding this item was published in The Rockport Pilot in the Saturday, July 20, 2024 edition and mailed out to seven (7) property owners within a 200-foot radius of the property. No letters For or Against the request have been received at this time.

Please see the accompanying zoning change request application and Section 118-12 of the Code of Ordinances for detail information.

RECOMMENDATION The Planning & Zoning Commission, by unanimous vote, recommends approval of the second and final reading of an Ordinance amending the Official Zoning Map as stipulated under Article 4.1 of the City of Rockport Zoning Ordinance Number 1027 by granting a Conditional Use Permit (CUP)) to allow the use of a Park Model RV as an office on property located at 2562 FM 3036; also known as A76 Joseph Hollis Survey, 2.131 acres, Rockport, Aransas County

ORDINANCE NO. 1942

AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT FOR THE PURPOSE OF ALLOWING THE USE OF A PARK MODEL RV AS AN OFFICE ON THE PROPERTY LOCATED AT 2562 FM 3036; ALSO KNOWN AS A76 JOSEPH HOLLIS SURVEY, 2.131 ACRES, CITY OF ROCKPORT, ARANSAS COUNTY, TEXAS; SUBJECT TO COMPLIANCE WITH THE CONDITIONS STATED WITHIN THIS ORDINANCE, AS WELL AS THOSE STIPULATED IN THE CITY OF ROCKPORT CODE OF ORDINANCES; REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, On July 19, 2024, notice was posted on the bulletin board at the Rockport Service Center, 2751 State Highway 35 Bypass and on the City's webpage www.cityofrockport.com; and

WHEREAS, on July 19 2024 notice was mailed to affected property owners within 200' of subject property; and

WHEREAS, on July 20, 2024, the City caused to be published "Notice of Public Hearing" in the official newspaper of the City notifying area residents and the public in general to participate and make their views known regarding this request; and

WHEREAS, on August 5, 2024, at 5:30 p.m., the Planning & Zoning Commission did hold a Public Hearing; and

WHEREAS, on August 5, 2024, the Planning & Zoning Commission did meet and said Commission by unanimous vote of approval, recommends Council to accept and approve this request for a Conditional Use Permit (CUP) for property located at 125 Lamar Dr, and

WHEREAS, on August 13, 2024, at 6:30 p.m., the Rockport City Council did hold a Public Hearing; and

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

SECTION 1 – CONDITIONAL USE PERMIT

That, pursuant to Section 118-23 "Conditional Use Permit" (CUP), of the Rockport Code of Ordinances, a Conditional Use Permit is hereby granted to property located at 2562 FM 3036 for the purpose of allowing the use of a Park Model RV as an office on the property, subject to

compliance with the following conditions and all applicable regulations and conditions contained in the City of Rockport Code of Ordinances:

1. Must meet requirements of the City of Rockport Code of Ordinances, including, but not limited to Chapter 118, Sec 118-23 and Sec 118-24;
2. The Park Model RV may only be used as an office by the current property owners and cannot be utilized as living quarters or as a rental for any purpose.
3. This CUP is valid for the duration of current ownership of the property and is terminated upon the sale of the property.
4. Any use other than that granted herein or permitted by right in the “B-1” zoning district shall be treated as an amendment to the Conditional Use Permit and shall be required to re-submit a Conditional Use Permit request as outlined in the Zoning Ordinance.

SECTION 2

That the recitals contained in the preamble hereto are hereby found to be true and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

SECTION 3

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance be severable, and, if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared invalid by judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Ordinance and the remainder of this Ordinance shall be enforced as written.

SECTION 4

That it is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

SECTION 5

Any individual, firm, corporation, utility, or business entity that violates the provisions of this Ordinance shall, upon conviction, be fined as provided in Section 1-7 of the City Code.

SECTION 6

The repeal or amendment of any ordinance or part of ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying, or altering any penalty accruing or to accrue or as affecting any rights of the City under any section or provisions of any ordinances in effect at the time of passage of this Ordinance.

SECTION 7

The provisions of this Ordinance shall be cumulative of all ordinances not repealed by this Ordinance and ordinances governing or regulating the same subject matter as that covered herein.

SECTION 8

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

APPROVED on first reading the 13th day of August, 2024

APPROVED, PASSED and ADOPTED on second and final reading, this ____ day of ___, 2024.

CITY OF ROCKPORT, TEXAS

Tim Jayroe, Mayor

ATTEST:

Shelley Goodwin, City Secretary

STAFF REPORT

Building & Development Services | Carey Dietrich, Community Planner
2751 SH 35 Bypass, Rockport, TX 78362
Phone: (361) 790-1125, x. 226 | Email: communityplanner@cityofrockport.com

**PROPERTY ADDRESS/LOCATION**

2562 FM 3036

APPLICANT/PROPERTY OWNER

Bertina & Davis Schreiber - Owners

PUBLIC HEARING DATE

P&Z – Monday, August 5, 2024
CC – Tuesday, August 13, 2024

P&Z DATE

P&Z – Monday, August 5, 2024

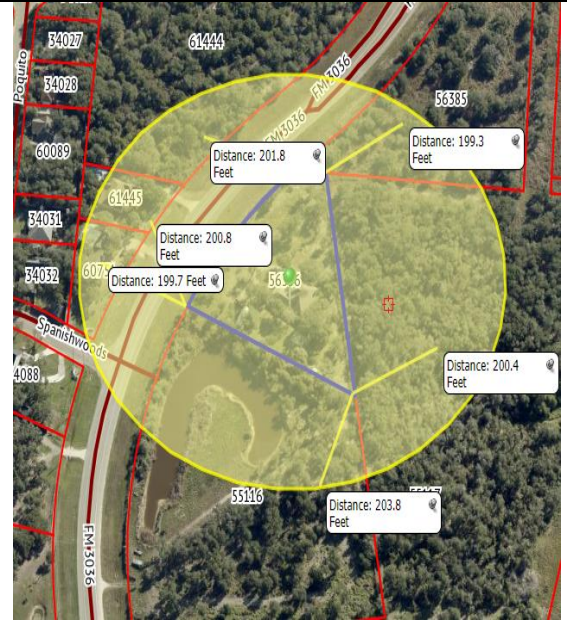
CITY COUNCIL DATE(S)

1st Reading – Tuesday, August 13, 2024
2nd Reading – Tuesday, August 27, 2024

BRIEF SUMMARY OF REQUEST

Property owners, Bertina and Davis Schreiber, are requesting a Conditional Use Permit (CUP) to allow the use of a Park Model RV as an office space on the premises. The property located at 2562 FM 3036 is currently zoned B1 (General Business District), and Zoning Ordinance 118-15 does not allow this use without a CUP.

A public notice regarding this item was published in The Rockport Pilot in the Saturday, July 20, 2024 edition and mailed out to seven (7) property owners within a 200-foot radius of the property. No letters For or Against the request have been received at this time.



MAP SOURCE: Pictometry

EXISTING ZONING	EXISTING LAND USE	SURROUNDING ZONING & LAND USE	SITE IMPROVEMENTS	SIZE OF PROPERTY
B1 – General Business District	Single Family Dwelling	N – R1 – 1 st SF Dwelling District S – R1 – 1 st SF Dwelling District E – B1 – General Business District W – B1 – General Business District	Park Model RV set up on property as an office	2.13 acres

STAFF RECOMMENDATION**APPROVE****APPROVE WITH CONDITIONS****DENY****COMPATIBILITY with the ZONING ORDINANCE**

The Current Future Land Use Map suggests Commercial Use

PROPERTY HISTORY

Code Enforcement issued a violation notice for the use of the RV in the B1 zoning district and instructed the owners to remove the RV. This CUP request is to resolve the code violations on the property.

ATTACHMENTS
(CIRCLE)

SUBMITTED PLANS

PUBLIC HEARING PETITION/ APPLICATION FORM

LEGAL NOTICE

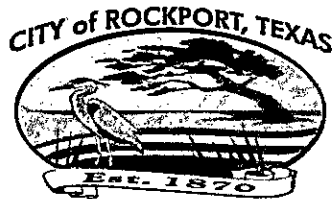
LEGAL DESCRIPTION

PUBLIC COMMENTS

AGENCY COMMENTS

RESPONSE TO STANDARDS

OTHER (DESCRIBE)



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

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

- A. REQUESTING: Rezoning [] Conditional Permit ☒
Planned Unit Development (P.U.D.) by Conditional Permit []
- B. ADDRESS AND LOCATION OF PROPERTY _____
2562 FM 3036, Rockport, TX
- C. CURRENT ZONING OF PROPERTY: Commercial
- D. PRESENT USE OF PROPERTY: Residence and Business office
- E. ZONING DISTRICT REQUESTED: n/a
- F. CONDITIONAL USE REQUESTED: for office space on premises
- G. LEGAL DESCRIPTION: (Fill in the one that applies)
See attached metes & bounds
 • Lot or Tract _____ Block _____
 • Tract Wm M. Carper Survey, A-76 of the _____
 Survey as per metes and bounds (field notes attached)
 • If other, attach copy of survey or legal description from the Records of
 Aransas County or Appraisal District.
- H. NAME OF PROPOSED DEVELOPMENT (if applicable) N/A
- I. TOTAL ACREAGE OR SQ. FT. OF SITE(S): 2.13 AC
- J. REASON FOR REQUEST AND DESCRIPTION OF DEVELOPMENT:
 (Please be specific)
NEED TO USE OFFICE
SPACE

BS

K. OWNER'S NAME: (Please print) BERTINA & DAVIS SCHREIBER
 ADDRESS: 562 fm 3036
 CITY, STATE, ZIP CODE: ROCKPORT, TX
 PHONE NO 512.796.5740

L. REPRESENTATIVE: (If Other Than Owner) N/A
 ADDRESS: _____
 CITY, STATE, ZIP CODE: _____
 PHONE NO _____


NOTE: Do you have property owner's permission for this request?
 YES _____ NO _____

M. FILING FEE:

REZONING	\$150.00 + \$10.00 PER ACRE
PLANNED UNIT DEVELOPMENT	\$200.00 + \$10.00 PER ACRE
P.U.D. REVISION	\$200.00 + \$10.00 PER ACRE
CONDITIONAL PERMIT	\$150.00 + \$10.00 PER ACRE

(Make check payable to the City of Rockport)

- Submit application and filing fee to the Department of Building & Development, City of Rockport; 2751 S.H. 35 Bypass, Rockport, Texas 78382.

Signed:  Authentisign
Bertina Schreiber 07/06/24
 (Owner or Representative)

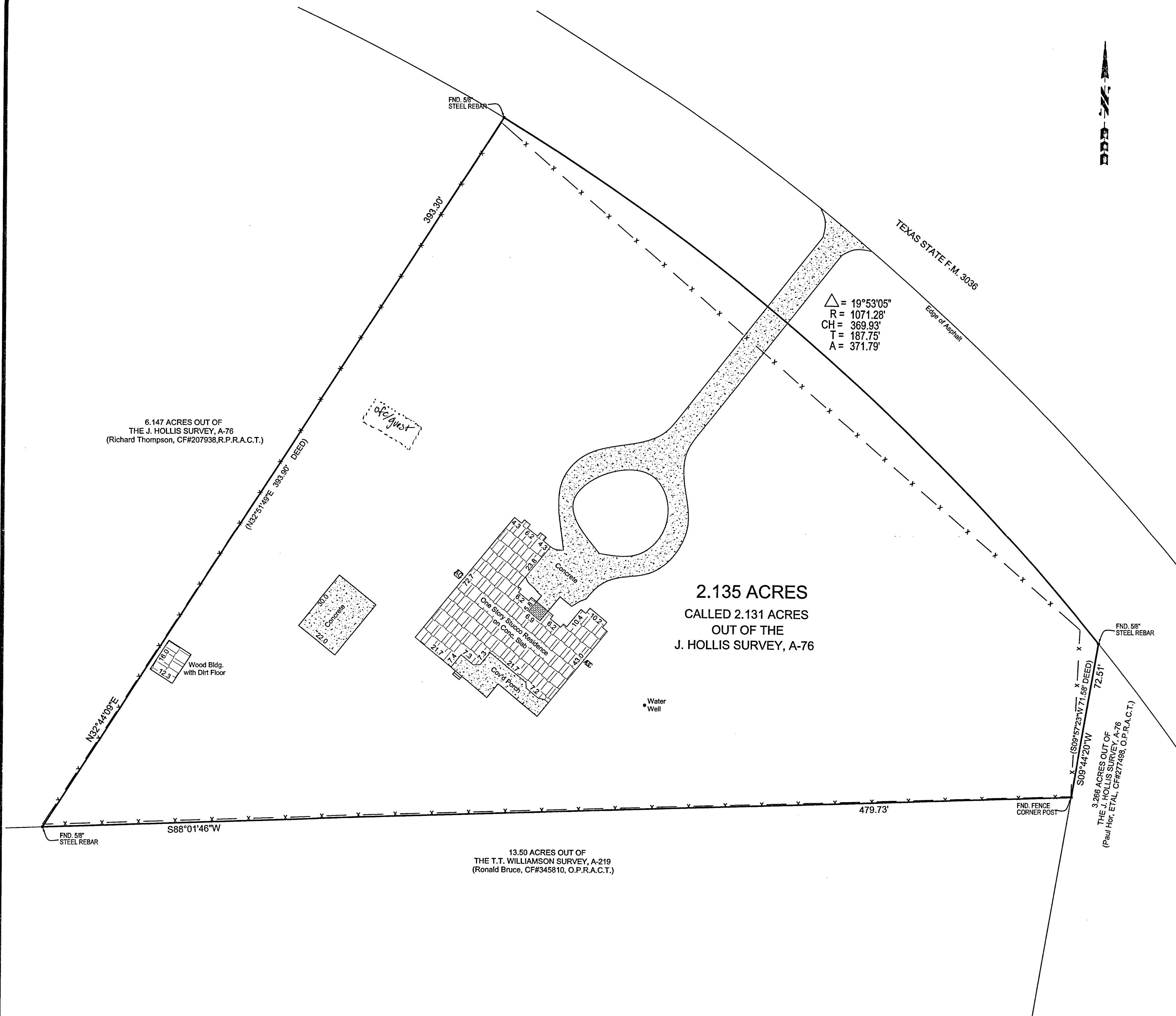
(FOR CITY USE)

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

Submitted Information (____accepted) (____rejected) by: _____

If rejected, reasons why: _____

Receipt No. _____



LEGAL DESCRIPTION

PLAT SHOWING SURVEY AND IMPROVEMENTS ON 2.135, CALLED 2.131 ACRES OF LAND OUT OF THE JOSEPH HOLLIS SURVEY, A-76, CITY OF ROCKPORT, ARANSAS COUNTY, TEXAS, AND BEING THE SAME TRACT DESCRIBED IN A DEED OF RECORD UNDER CLERKS FILE NUMBER 323466, OFFICIAL PUBLIC RECORDS OF ARANSAS COUNTY, TEXAS.

Scale: 1" = 30'

JULY 24, 2020

CURRENT PARTY

Prepared For: ANDY PETEREK

COPYRIGHT NOTICE

ANY COPY OF THIS DRAWING MUST BEAR THE SURVEYOR'S ORIGINAL SEAL AND SIGNATURE IN RED INK OR THE DRAWING IS AN UNAUTHORIZED REPRODUCTION WHICH MAY HAVE BEEN ALTERED OR CHANGED WITHOUT THE SURVEYOR'S KNOWLEDGE.

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

FLOOD DATA

This is to certify that I have consulted the Federal Flood Hazard Map Dated 2-17-16, and found that the property described herein is [or] is not X located in a "Special Flood Hazard Area." Zone "X", Base Elevation N/A, Panel No. 0230G, Community No. 485504.

This information is based on scaling the location of this survey on the referenced F.E.M.A. map. This information is intended to be used to determine insurance rates only and not to identify specific flooding conditions.

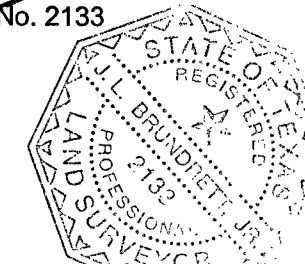
NOTES

1. Deed bearing used for directional control unless otherwise shown.
2. This survey in violation of "Copyright Laws" if not accompanied by original seal and signature.
3. Surveyor has made no investigation or independent search for easements of record, encumbrances, restrictive covenants or ownership of title evidence. Surveyor did not review exceptions in schedule "B" of the title commitment to determine whether they do or do not affect subject property.

SURVEYOR CERTIFICATION

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

J. L. Brundrett, Jr., R.P.L.S.
Reg. No. 2133



FIRM NAME & ADDRESS

Griffith & Brundrett
Surveying & Engineering, Inc.

411 S. Pearl St., P.O. Box 2322
Rockport, Texas 78381
Phone: 361-729-6479
Fax: 361-729-7933
Email: jbrund@gsurveyor.com
Website: www.gsurveyor.com

TBPLS FIRM NO. 10004800

FILE NAME: 200724BB3

EXHIBIT A

FIELD NOTE DESCRIPTION

JULY 15, 2004

BEING 2.131 ACRES OF LAND OUT OF A 27.294-ACRE TRACT AS CONVEYED TO BEN WOODSON UNDER CLERK'S FILE NO. 192032, OFFICIAL PROPERTY RECORDS OF ARANSAS COUNTY, TEXAS, WITH SAID 27.294-ACRE TRACT BEING OUT OF A 1126.13-ACRE TRACT OUT OF PORTIONS OF THE WILLIAM M. CARPER SURVEY, A-47 AND THE JOSEPH HOLLIS SURVEY, A-76, ARANSAS COUNTY, TEXAS, AS SAID 1126.13-ACRE TRACT CONVEYED BY KEN OIL CORPORATION TO F & S LAND AND CATTLE COMPANY INCORPORATED BY DEED RECORDED IN VOLUME 226, PAGE 484, DEED RECORDS OF ARANSAS COUNTY, TEXAS, WITH SAID 2.131 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:


COMMENCE at a large fence corner post found in the Easterly R.O.W. line of Texas F.M. Road No. 1781 for the Southwest corner of said 27.294-acre tract for the most Westerly Northwest corner of the Longhorn Investors 1108.79-acre tract described in a deed recorded in Volume 148, Page 363, Deed Records of Aransas County, Texas; thence, North 88°01'46" East along and with the common line between said 27.294-acre tract and said Longhorn Investors tract a distance of 1721.80 feet to a 5/8" steel rebar found for the Southeast corner of a 6.147-acre tract out of said 27.294-acre tract described under Clerk's File No. 207938, Official Property Records of Aransas County, Texas, and being the most WESTERLY corner and PLACE OF BEGINNING of this survey;

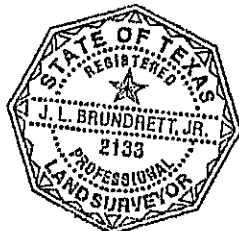
THENCE, North 32°51'49" East along and with the Southeast line of said 6.147-acre tract a distance of 393.90 feet to a 5/8" steel rebar found in the Southwesterly R.O.W. line of Texas F.M. Road No. 3036, and being the most NORTHERLY corner of this survey;

THENCE, in a Southeasterly direction along and with the Southwesterly R.O.W. line of said Texas F.M. Road No. 3036, a circular curve to the right with a central angle of 19°52'52", a radius of 1,071.28 feet, a chord distance of 369.86 feet, a tangent of 187.75 feet for an arc distance of 371.72 feet along a chord bearing of South 48°45'02" East to a 5/8" steel rebar found, and being the most NORTHEASTERLY corner of this survey;

THENCE, South 09°57'23" West a distance of 71.58 feet to an old fence corner post found for an original interior corner of said 27.294-acre tract, and being an exterior corner of said Longhorn Investors tract, and being the SOUTHEASTERLY corner of this survey;

THENCE, South 88°01'46" West along and with the common line between said 27.294-acre tract and said Longhorn Investors tract a distance of 479.73 feet to the PLACE OF BEGINNING and containing 2.131 acres of land more or less.


J. L. Brundrett, Jr., R.P.L.S.
Reg. No. 2133



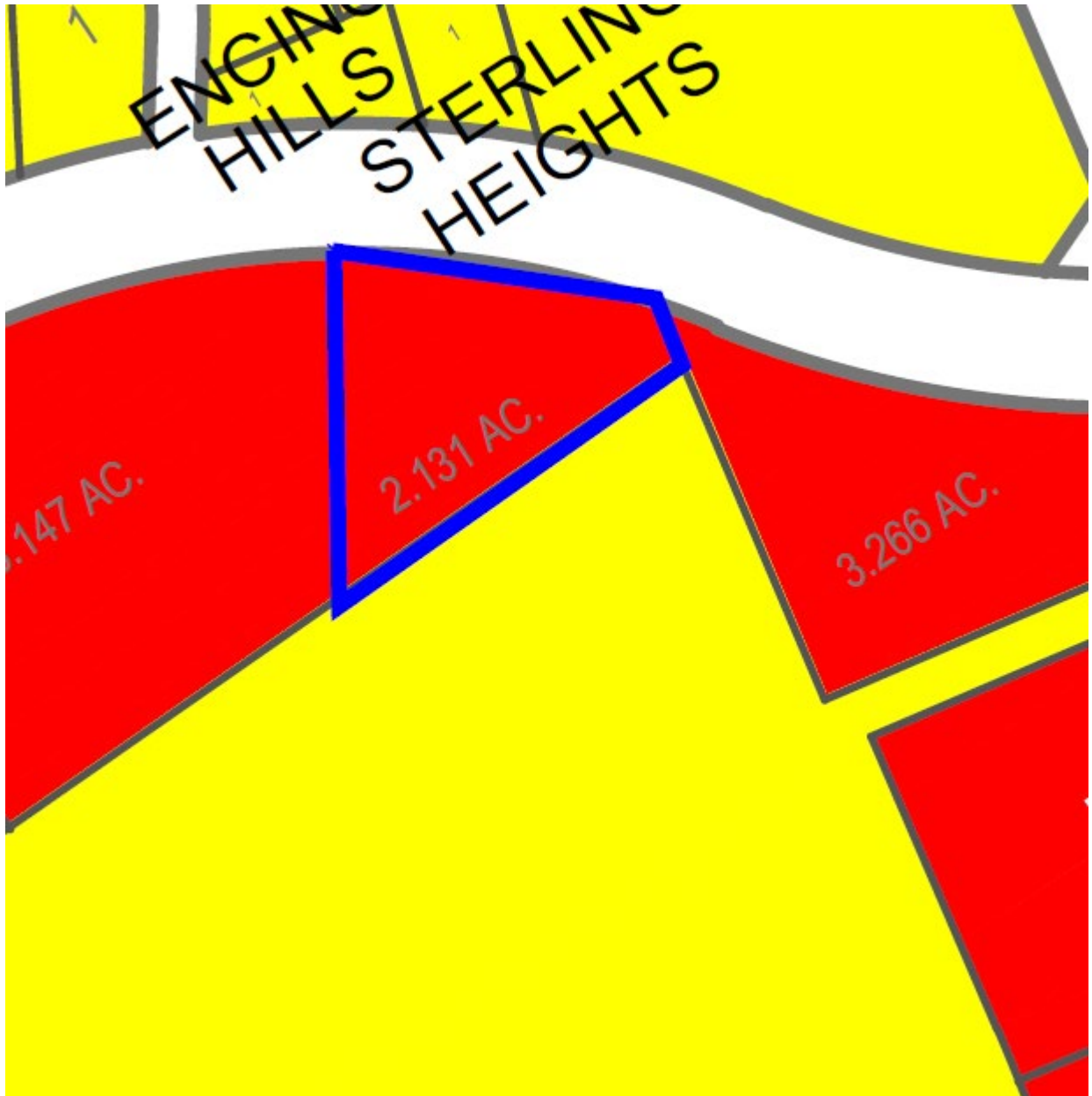
- Note:
1. SEE ACCOMPANYING SURVEY PLAT.
 2. UNLESS THIS FIELD NOTE DESCRIPTION, INCLUDING PREAMBLE, SEAL AND SIGNATURE, APPEARS IN ITS ENTIRETY, IN ITS ORIGINAL FORM, SURVEYOR ASSUMES NO RESPONSIBILITY OR LIABILITY FOR ITS ACCURACY.

040715T1

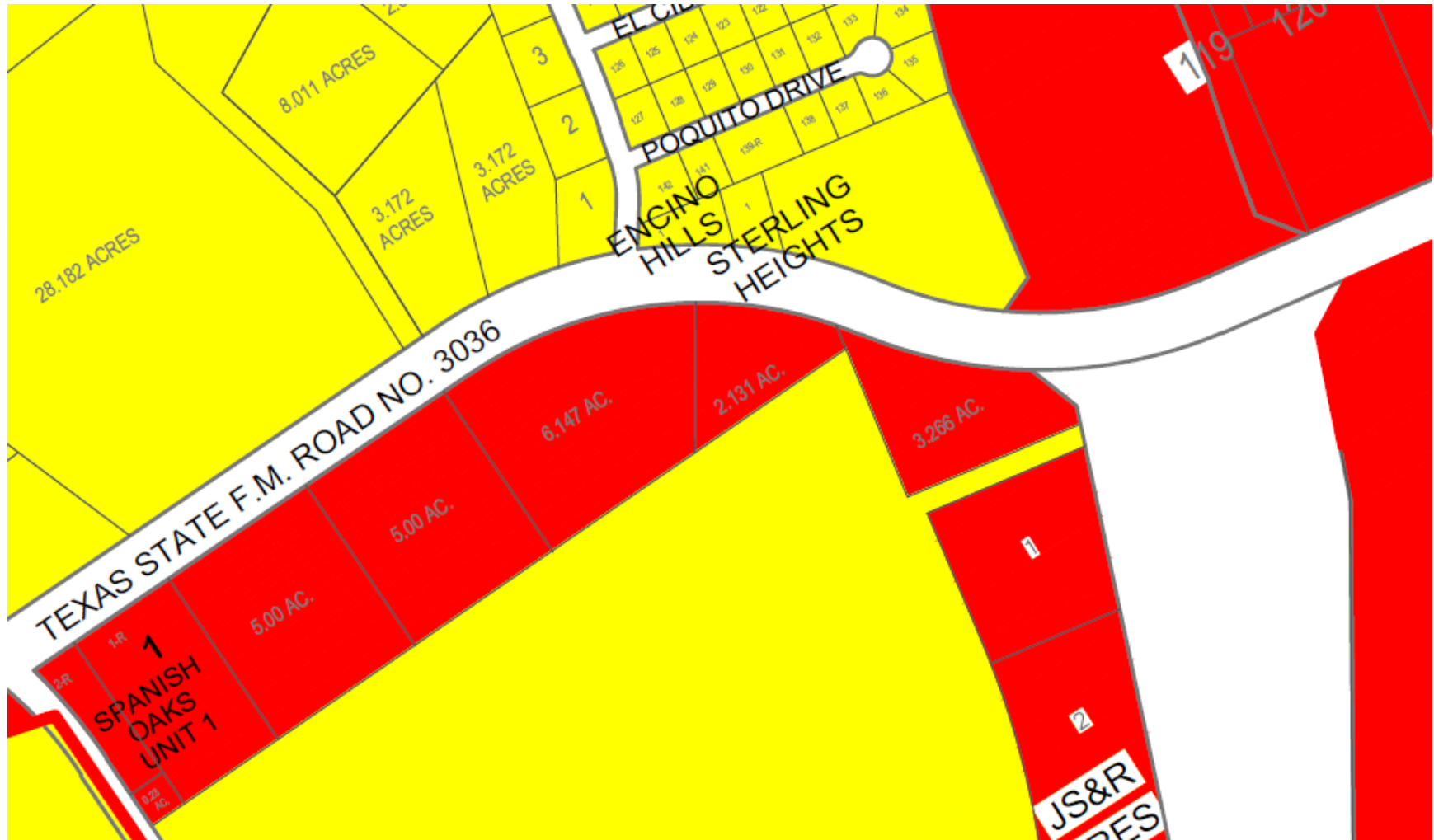
<u>Property ID</u>	<u>Property Owner</u>	<u>Situs Address</u>	<u>Mailing Address</u>	<u>City</u>	<u>State</u>	<u>ZIP</u>
56386	David & Bertina Schreiber	2562 FM 3036	2562 FM 3036	Rockport	TX	78382
55116	Adam & Katherine Putz	2612 FM 3036	138 Dream Oak Dr.	Rockport	TX	78382
55117	Ronald & Melissa Bruce	2662 FM 3036	2662 FM 3036	Rockport	TX	78382
56385	Paul B. Hor	3591 SH 35 Bypass	3528 Boren Court	Raleigh	NC	27616
61444	Mo Tran	2501-2551 FM 3036	617 Hickory Ave.	Rockport	TX	78382
61445	Nathan & Beverly Damico	2561 FM 3036	2561 FM 3036	Rockport	TX	78382
60751	Leslie Voigt	2571 FM 3036	2571 FM 3036	Rockport	TX	78382
	Ruth Davis	Planning and Zoning Commi	Po Box 706	Fulton	TX	78358
	Ric Young	Planning and Zoning Commi	123 Royal Oaks Dr	Rockport	Tx	78382
	Kim Hesley	Planning and Zoning Commi	2003 Tule Park Drive	Rockport	TX	78382
	Warren Hassinger	Planning and Zoning Commi	2517 Turkey Neck Circle	Rockport	TX	78382
	Thomas Blazek	Planning and Zoning Commi	102 St Andrews St	Rockport	Tx	78382

ZONING MAP

S



FUTURE LAND USE MAP



CITY COUNCIL AGENDA

Regular Meeting: Tuesday, August 27, 2024

AGENDA ITEM: 7

Consider the approval on second and final reading of an Ordinance **amending the Official Zoning Map as stipulated under Article 4.1 of the City of Rockport Zoning Ordinance Number 1027 by changing the zoning of land** from B1 (General Business District) for property located at 2202 FM 3036; also known as Lots 64A, 64B, and 64C as shown on the Kokomo PH 6 Preliminary Plat, and Lot 65, Block 1, Kokomo PH 2, more accurately described on the attached Exhibit A, to R2 (2nd Single Family Dwelling District); **repealing all ordinances in conflict therewith; providing for severability; and providing an effective date.**

SUBMITTED BY: Carey Dietrich- Asst. Director Building & Development/ Community Planner

APPROVED FOR AGENDA:

BACKGROUND: Property owner, Kokomo Development, LP wishes to rezone Lots 64A, 64B, 64C and 65 (exhibit A) to R2 (2nd Single Family Dwelling District), currently zoned B1 (General Business District). D.R. Horton has requested from the owner, Kokomo Development, LP an area along the bypass to try their 50 X 115 foot lot models which would not meet current B1 zoning requirements.

A public notice regarding this item was published in The Rockport Pilot in the Saturday, July 20, 2024 edition and mailed out to twenty-eight (28) property owners within a 200-foot radius of the property. No letters For or Against the request have been received at this time.

Please see the accompanying zoning change request application and Section 118-12 of the Code of Ordinances for detail information.

RECOMMENDATION: Planning & Zoning Commission, by unanimous vote, recommends approval of the request and approval of the first reading of an Ordinance granting a request to rezone property to R2 (2nd Single Family Dwelling District) located at 2202 FM 3036; also known as Lots 64A, 64B, and 64C as shown on the Kokomo PH 6 Preliminary Plat, and Lot 65, Block 1, Kokomo PH 2, more accurately described on the attached Exhibit A, currently zoned B1 (General Business District); subject to compliance with the conditions stated within this Ordinance, as well as those stipulated in the City of Rockport Code of Ordinances; repealing all ordinances in conflict therewith; providing for severability; and providing an effective date.

ORDINANCE NO. 1943

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP AS STIPULATED UNDER ARTICLE 4.1 OF THE CITY OF ROCKPORT ZONING ORDINANCE NUMBER 1027 BY CHANGING THE ZONING OF LAND FROM B1 (GENERAL BUSINESS DISTRICT) FOR PROPERTY LOCATED AT 2202 FM 3036; ALSO KNOWN AS LOTS 64A, 64B, AND 64C AS SHOWN ON THE KOKOMO PH 6 PRELIMINARY PLAT, AND LOT 65, BLOCK 1, KOKOMO PH 2, MORE ACCURATELY DESCRIBED ON THE ATTACHED EXHIBIT A; TO R2 (2ND SINGLE FAMILY DWELLING DISTRICT); REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, On July 19, 2024, notice was posted on the bulletin boards at the City of Rockport Service Center, 2751 State Highway 35 Bypass, and on the City's webpage www.cityofrockport.com; and

WHEREAS, on July 19, 2024, notice was mailed to affected property owners within 200' of subject property; and

WHEREAS, on July 20, 2024, the City caused to be published "Notice of Public Hearing" in the official newspaper of the City notifying area residents and the public in general to participate and make their views known regarding this request; and

WHEREAS, on August 5, 2024, at 5:30 p.m., the Planning & Zoning Commission did hold a Public Hearing; and

WHEREAS, on August 5, 2024, the Planning & Zoning Commission did meet and said Commission voted to recommend to the City Council to Approve this request to re-zone property, located at 2202 FM 3036, also known as Lots 64A, 64B, and 64C as shown on the Kokomo PH 6 Preliminary Plat, and Lot 65, Block 1, Kokomo PH 2 to R2 (2nd Single Family Dwelling District) from B1 (General Business District); and

WHEREAS, on August 13, 2024, at 6:30 p.m., the Rockport City Council did hold a Public Hearing; and

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

SECTION 1 – AMENDMENT

That, pursuant to Article 4 of the City of Rockport Zoning Ordinance Number 1027, the current zoning of land located at 2202 FM 3036, also known as Lots 64A, 64B, and 64C as shown on the Kokomo PH 6 Preliminary Plat, and Lot 65, Block 1, Kokomo PH 2, City of Rockport, Aransas County, Texas; be changed from B1 (General Business District) to R2 (2nd Single Family Dwelling District).

SECTION 2 - REPEALER

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

SECTION 3 - SEVERABILITY

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

SECTION 4 - EFFECTIVE DATE

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

APPROVED on first reading this the 13th day of August, 2024.

APPROVED, PASSED and ADOPTED on second and final reading, this _____ day of _____ 2024.

CITY OF ROCKPORT, TEXAS

Tim Jayroe, Mayor

ATTEST:

Shelley Goodwin, City Secretary

EXHIBIT “A”

JULY 11, 2024

BEING THE DESCRIPTION OF 6.184 ACRES OF LAND OUT OF A 62.86 ACRE TRACT OUT OF THE GEORGE K. TAGGART, III, TRUSTEE, 1108.79 ACRE TRACT IN THE J.W. PAUP SURVEY, A-179, CITY OF ROCKPORT, ARANSAS COUNTY, TEXAS, AND BEING REFERENCED ON THE PRELIMINARY PLAT OF KOKOMO SUBDIVISION AS LOTS 64A, 64B AND 64C, BLOCK 1, KOKOMO SUBDIVISION, PHASE VI, AND SAID 62.86 ACRES BEING DESCRIBED IN A DOCUMENT OF RECORD UNDER CLERKS FILE NUMBER 371688, OFFICIAL PUBLIC RECORDS OF ARANSAS COUNTY TEXAS, WITH SAID 6.184 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGIN, at a 5/8” steel rebar in the Northeasterly R.O.W. line of Texas State Highway 35 Relief Route, and being the Southwest corner of Lot 65, Block 1, Kokomo Subdivision, Phase II, according to the amending plat recorded in Volume 7, Pages 233-234, Plat Records of Aransas County, Texas, and being the NORTHWEST corner and PLACE OF BEGINNING of this description;

THENCE, South 16°15’37” East, along and with the South boundary line of said Lot 65, a distance of 299.98 feet to a point in the West boundary line of Lot 12, Block 1, of said Kokomo Subdivision, Phase II, and being the NORTHEAST corner of this description;

THENCE, South 29°44’17” West, along and with the West boundary line of Lots 12 and 13, of said Block 1, a distance of 200.17 feet to a point for the common corner of Lots 13 and 14, of said Block 1, and being the common corner of Lots 26 and 27, Block 1, Kokomo Subdivision, Phase III, according to the plat recorded in Volume 8, Pages 25-26, Plat Records of Aransas County, Texas, and being an EXTERIOR corner of this description;

THENCE, South 29°44’16” West, along and with the West boundary line of said Kokomo Subdivision, Phase III, a distance of 580.06 feet to a point for the common corner of Lots 47 and 48, of said Block 1, and being the Northwest corner of Lot 63, Block 1, Kokomo Subdivision, Phase IV, according to the plat recorded in Volume 8, Pages 94-95, Plat Records of Aransas County, Texas, and being an EXTERIOR corner of this description;

THENCE, South 29°44’23” West, along and with the Westerly boundary line of said Lot 63, a distance of 120.0 feet to a point in the Northerly R.O.W. line of Kokomo Drive, and being the Southwest corner of said Lot 63, and being the SOUTHEAST corner of this description;

THENCE, in a Northwesterly direction along and with the Northerly R.O.W. line of Kokomo Drive as follows: North 60°15’37” West, a distance of 210.02 feet to a point; THENCE, North 46°13’27” West, a distance of 41.23 feet to a point; THENCE, North 60°13’27” West, a distance of 50.0 feet to a point in the Northeasterly R.O.W. line of Texas State Highway 35 Relief Route, and being the SOUTHWEST corner of this description;

THENCE, North 29°44’23” East, along and with the Northeasterly R.O.W. line of Texas State Highway 35 Relief Route, a distance of 890.23 feet to the PLACE OF BEGINNING of this description and containing 6.184 acres of land, more or less.

STAFF REPORT

Building & Development Services | Carey Dietrich, Community Planner
2751 SH 35 Bypass, Rockport, TX 78362
Phone: (361) 790-1125, x. 226 | Email: communityplanner@cityofrockport.com

**PROPERTY ADDRESS/LOCATION**

2202 FM 3036

APPLICANT/PROPERTY OWNER

Kokomo Development, LP - Owner

PUBLIC HEARING DATE

P&Z – Monday, August 5, 2024
CC – Tuesday, August 13, 2024

P&Z DATE

P&Z – Monday, August 5, 2024

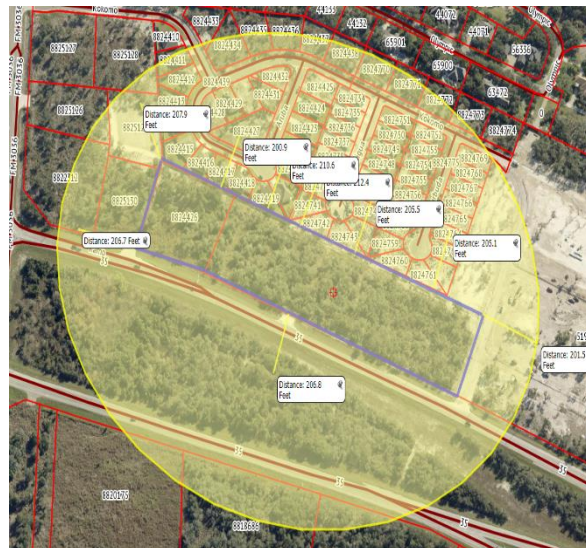
CITY COUNCIL DATE(S)

1st Reading – Tuesday, August 13, 2024
2nd Reading – Tuesday, August 27, 2024

BRIEF SUMMARY OF REQUEST

Property owner, Kokomo Development, LP wishes to rezone Lots 64A, 64B, 64C and 65 (exhibit A) to R2 (2nd Single Family Dwelling District), currently zoned B1 (General Business District). D.R. Horton has requested from the owner, Kokomo Development, LP an area along the bypass to try their 50 X 115 feet lot models which would not meet current B1 zoning requirements.

A public notice regarding this item was published in The Rockport Pilot in the Saturday, July 20, 2024 edition and mailed out to twenty-eight (28) property owners within a 200-foot radius of the property. No letters For or Against the request have been received at this time.



MAP SOURCE: Pictometry

EXISTING ZONING	EXISTING LAND USE	SURROUNDING ZONING & LAND USE	SITE IMPROVEMENTS	SIZE OF PROPERTY
B1 – General Business District	Undeveloped / Vacant Land	N – B1 – General Business District S – R1 – 1 st SF Dwelling District E – R1 – 1 st SF Dwelling District W – B1 – General Business District	N/A	8.01 acres

STAFF RECOMMENDATION**APPROVE****APPROVE WITH CONDITIONS****DENY****COMPATIBILITY** with the ZONING ORDINANCE

The Current Future Land Use Map suggests Commercial Use

PROPERTY HISTORY

This property is part of the Kokomo Development Phase 6 and part of Phase 3.

Phase 6 does not have a Final Plat but was part of the Preliminary Plat approved by Planning & Zoning on May 1, 2023

ATTACHMENTS
(CIRCLE)

SUBMITTED PLANS

PUBLIC HEARING PETITION
APPLICATION FORM

LEGAL NOTICE

LEGAL DESCRIPTION

PUBLIC COMMENTS

AGENCY COMMENTS

RESPONSE TO STANDARDS

OTHER (DESCRIBE)



RECEIVED
JUN 24 2024
BY: [Signature]

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

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

- A. REQUESTING: Rezoning ☒ Conditional Permit ☐
Planned Unit Development (P.U.D.) by Conditional Permit ☐
- B. ADDRESS AND LOCATION OF PROPERTY 2202 FM 3036,
ROCKPORT, TX 78382
- C. CURRENT ZONING OF PROPERTY: B-1
- D. PRESENT USE OF PROPERTY: RAW LAND ADJACENT TO R-1
- E. ZONING DISTRICT REQUESTED: R-2 (2ND SINGLE FAMILY)
- F. CONDITIONAL USE REQUESTED: 5,750 SF LOTS
- G. LEGAL DESCRIPTION: (Fill in the one that applies)
- Lot or Tract 64A, 64B, 64C + 65 Block 1
 - Tract PHASE VI + PART OF PHASE II of the PRELIMINARY PLAT
Survey as per metes and bounds (field notes attached) ATTACHED
 - If other, attach copy of survey or legal description from the Records of
Aransas County or Appraisal District.
- H. NAME OF PROPOSED DEVELOPMENT (if applicable) KOKOMO SUBDIVISION
- I. TOTAL ACREAGE OR SQ. FT. OF SITE(S): 8.01 ACRES
- J. REASON FOR REQUEST AND DESCRIPTION OF DEVELOPMENT:
(Please be specific)
- COMMERCIAL RESERVES HAVEN'T SOLD +
D.R. HORTON HAS REQUESTED AN AREA TO
TRY THEIR 50'x 115' LOT MODEL. WE FEEL
THIS AREA ALONG THE BYPASS NEAR THE
CORNER WOULD BE A DESIRED LOCATION FOR IT.

K. OWNER'S NAME: (Please print) KOKOMO DEVELOPMENT, LP
ADDRESS: 14830 FM 1346
CITY, STATE, ZIP CODE: ST. HEDWIG, TX 78152
PHONE NO 210-573-6615

L. REPRESENTATIVE: (If Other Than Owner) _____
ADDRESS: _____
CITY, STATE, ZIP CODE: _____
PHONE NO _____

NOTE: Do you have property owner's permission for this request?

YES ☒ NO ☐

M. FILING FEE:

REZONING	\$150.00 + \$10.00 PER ACRE
PLANNED UNIT DEVELOPMENT	\$200.00 + \$10.00 PER ACRE
P.U.D. REVISION	\$200.00 + \$10.00 PER ACRE
CONDITIONAL PERMIT	\$150.00 + \$10.00 PER ACRE

(Make check payable to the City of Rockport)

- Submit application and filing fee to the Department of Building & Development, City of Rockport; 2751 S.H. 35 Bypass, Rockport, Texas 78382.

Signed: _____


(Owner or Representative)

(FOR CITY USE)

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

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

If rejected, reasons why: _____

Receipt No. _____

KOKOMO SUBDIVISION

PHASE 6 LOTS: 50' x 115' (19)
50' x 135' (22)
TOTAL = 41 LOTS
(ZONING CHANGE TO R2 FOR PHASE 6 LOT SIZING)

SCALE: 1" = 100'
(18"x24" SHEET)

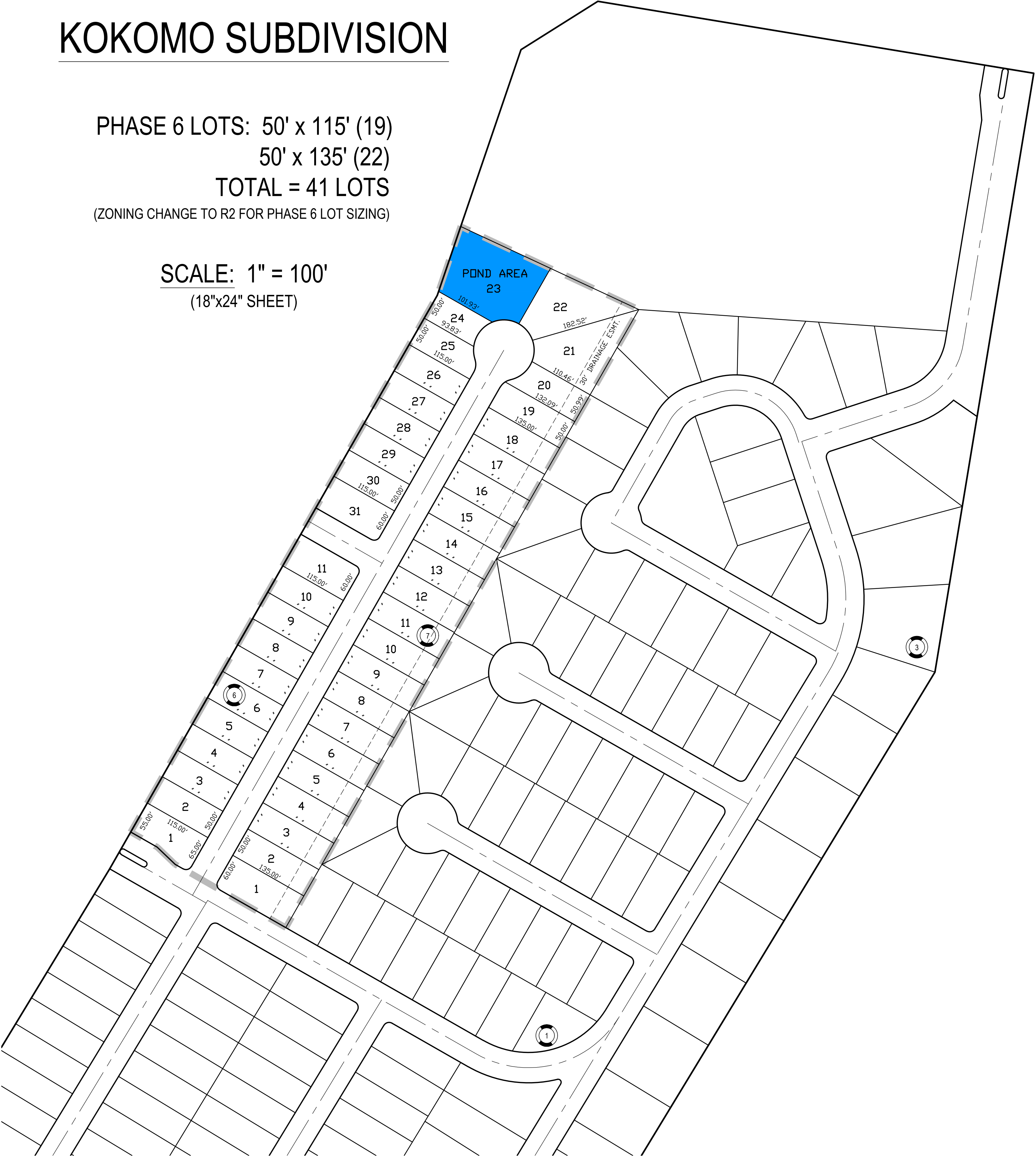


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BEGIN, at a 5/8” steel rebar in the Northeasterly R.O.W. line of Texas State Highway 35 Relief Route, and being the Southwest corner of Lot 65, Block 1, Kokomo Subdivision, Phase II, according to the amending plat recorded in Volume 7, Pages 233-234, Plat Records of Aransas County, Texas, and being the NORTHWEST corner and PLACE OF BEGINNING of this description;

THENCE, South 16°15’37” East, along and with the South boundary line of said Lot 65, a distance of 299.98 feet to a point in the West boundary line of Lot 12, Block 1, of said Kokomo Subdivision, Phase II, and being the NORTHEAST corner of this description;

THENCE, South 29°44’17” West, along and with the West boundary line of Lots 12 and 13, of said Block 1, a distance of 200.17 feet to a point for the common corner of Lots 13 and 14, of said Block 1, and being the common corner of Lots 26 and 27, Block 1, Kokomo Subdivision, Phase III, according to the plat recorded in Volume 8, Pages 25-26, Plat Records of Aransas County, Texas, and being an EXTERIOR corner of this description;

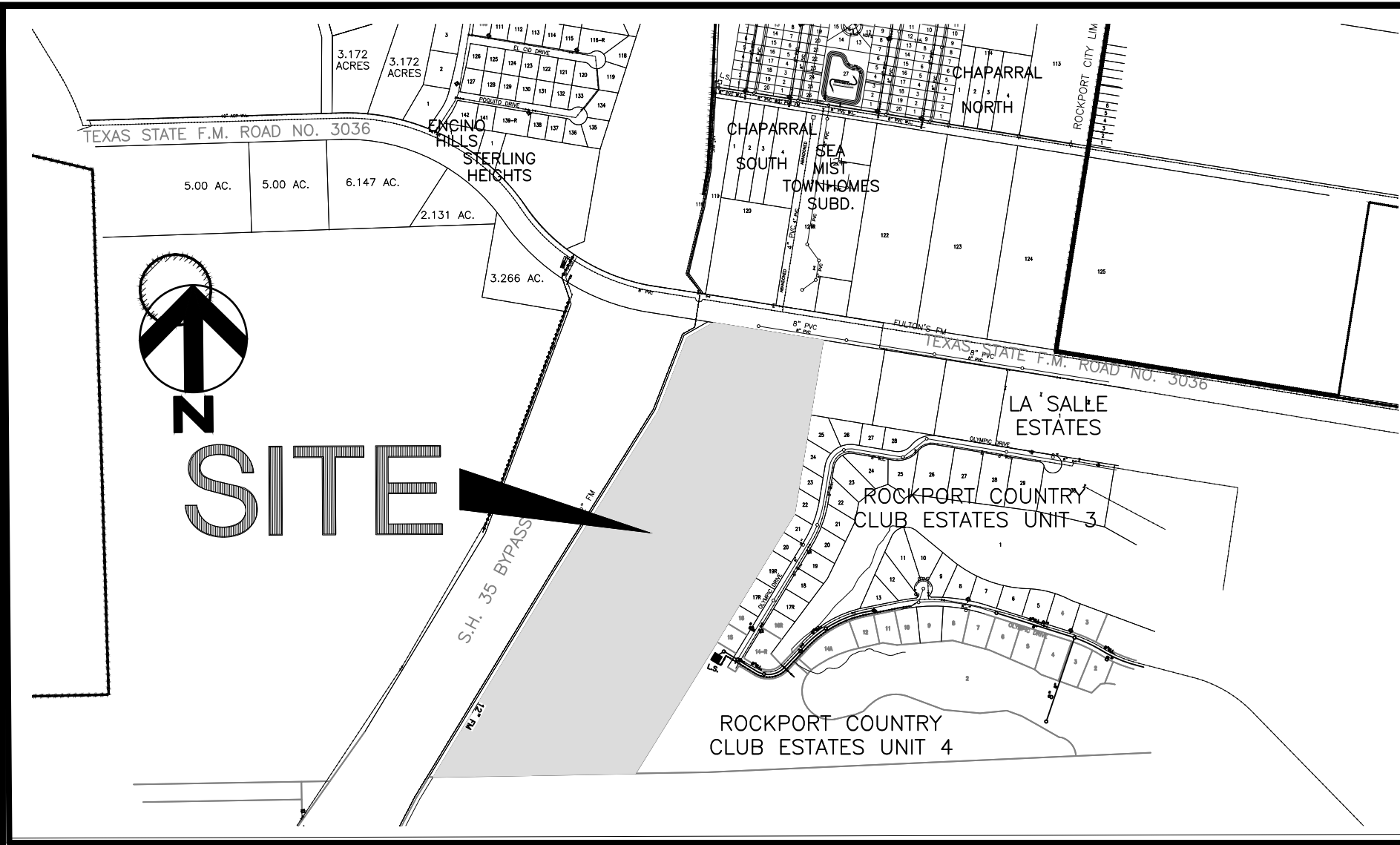
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THENCE, South 29°44’23” West, along and with the Westerly boundary line of said Lot 63, a distance of 120.0 feet to a point in the Northerly R.O.W. line of Kokomo Drive, and being the Southwest corner of said Lot 63, and being the SOUTHEAST corner of this description;

THENCE, in a Northwesterly direction along and with the Northerly R.O.W. line of Kokomo Drive as follows: North 60°15’37” West, a distance of 210.02 feet to a point; THENCE, North 46°13’27” West, a distance of 41.23 feet to a point; THENCE, North 60°13’27” West, a distance of 50.0 feet to a point in the Northeasterly R.O.W. line of Texas State Highway 35 Relief Route, and being the SOUTHWEST corner of this description;

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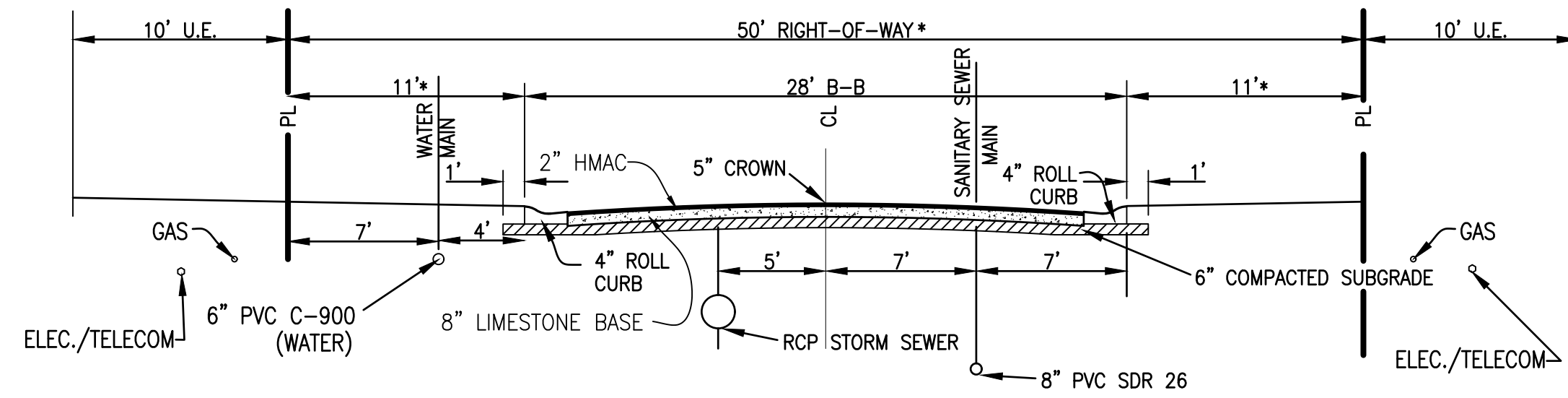
240711BB1FN



LOCATION MAP 1"=800'

Notes:

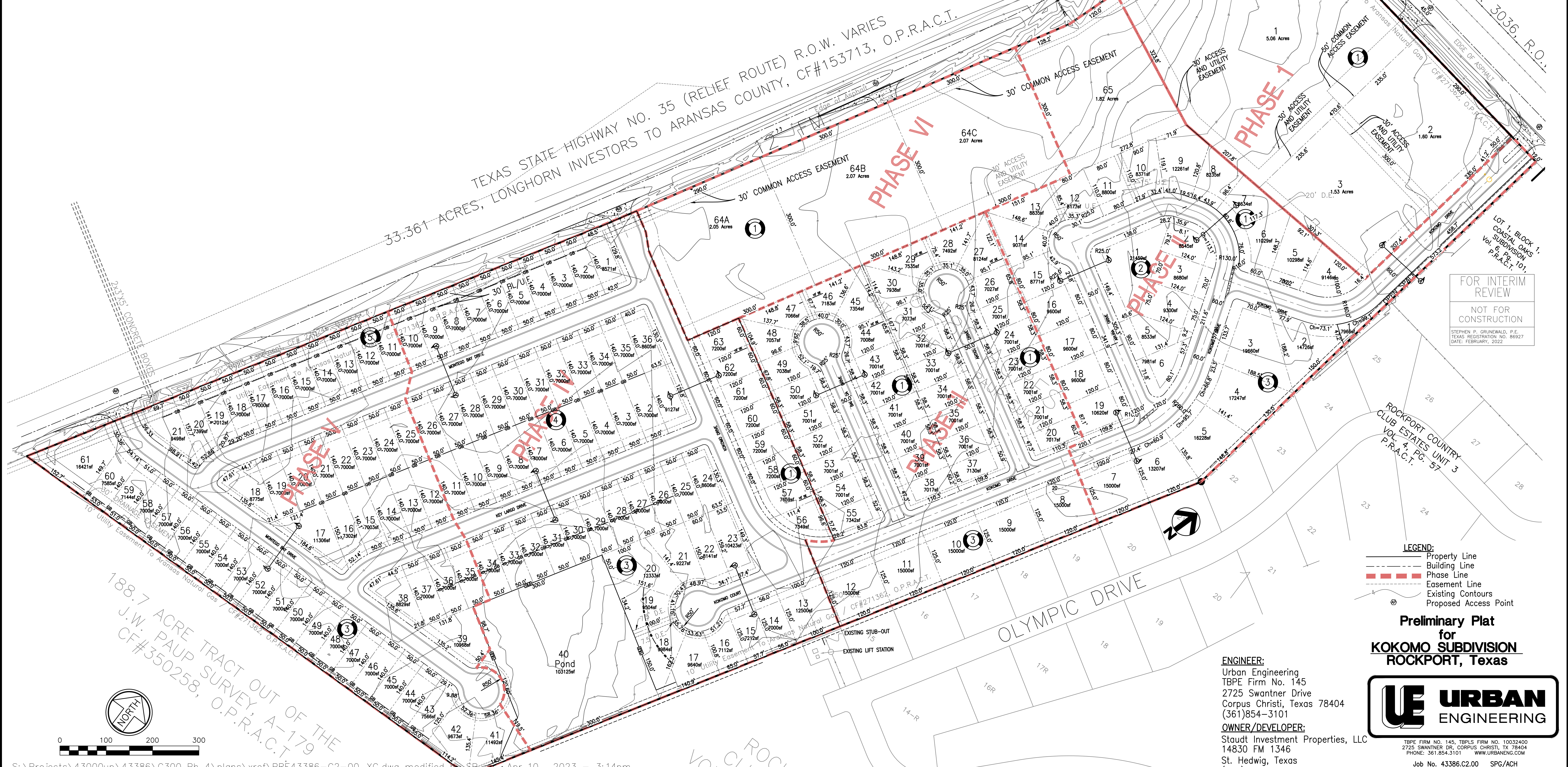
- Total platted area contains 62.86 Acres of Land out of the J.W. Paup Survey, A-179, also being described as Tract Two in a Deed Recorded under Clerk's File No. 271686 out of George P. Taggart, III, Trustee 1108.79 Acre Tract as described in Vol. 248, Pages 363-426, D.R.A.C.T.
- Bearings are based on GPS, NAD83, State Plane Coordinates, Texas South Central Zone 4204.
- 25' front building line, 20' minimum rear yard setback.
- 5' Side yard setback, 15' street side yard setbacks.
- Electric, Telephone and Cable lines will be located in a 10' U.E. along the front of the Lots as shown in the typical lot plan views.
- By Graphic Plotting only, this property is in Zone "X" of the Flood Insurance Rate Maps, Panel Numbers 0235G/0240G/02456 and Community Number 485504, which bear an Effective Date of 2/17/16.
- Property is zoned R-1 and B-1.
- Lot 40, Block 3 is an open space/detention pond lot to be dedicated to the City of Rockport. Lot 1, Block 1 is an open space/landscape lot.
- Property will be developed in phases as approximately shown.
- All Buildable Lots are 7,000 square feet or larger.



SECTION A-A: 50' RIGHT-OF-WAY STREET SECTION

Not to Scale
SPECIFICATIONS:

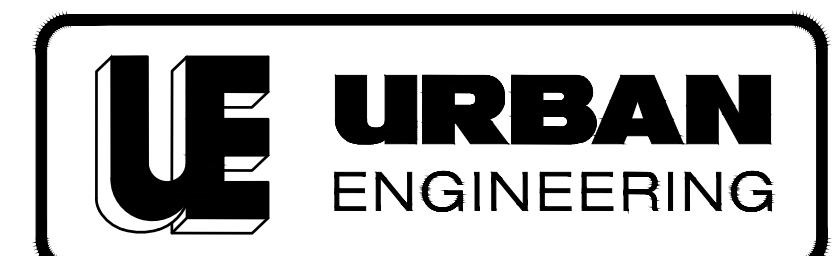
- 2" HOT MIX ASPHALT CONCRETE THD TYPE D
- 8" STATE GRADE LIMESTONE BASE COMPACTED TO 98% STD.
- 6" SUBGRADE COMPACTED TO 95% STANDARD PROCTOR DENSITY
- 1" BEYOND BACK OF CURB
- PRIME COAT MC-30 0.15 GAL/SQ. YD.
- * FOR 60' ROW THERE WILL BE 6' BETWEEN BOC & ROW



FOR INTERIM REVIEW
NOT FOR CONSTRUCTION
STEPHEN P. GRUNEWALD, P.E.
TEXAS REGISTRATION NO. 86927
DATE: FEBRUARY, 2022

- LEGEND:
- Property Line
 - Building Line
 - Phase Line
 - Easement Line
 - Existing Contours
 - Proposed Access Point

Preliminary Plat
for
KOKOMO SUBDIVISION
ROCKPORT, Texas

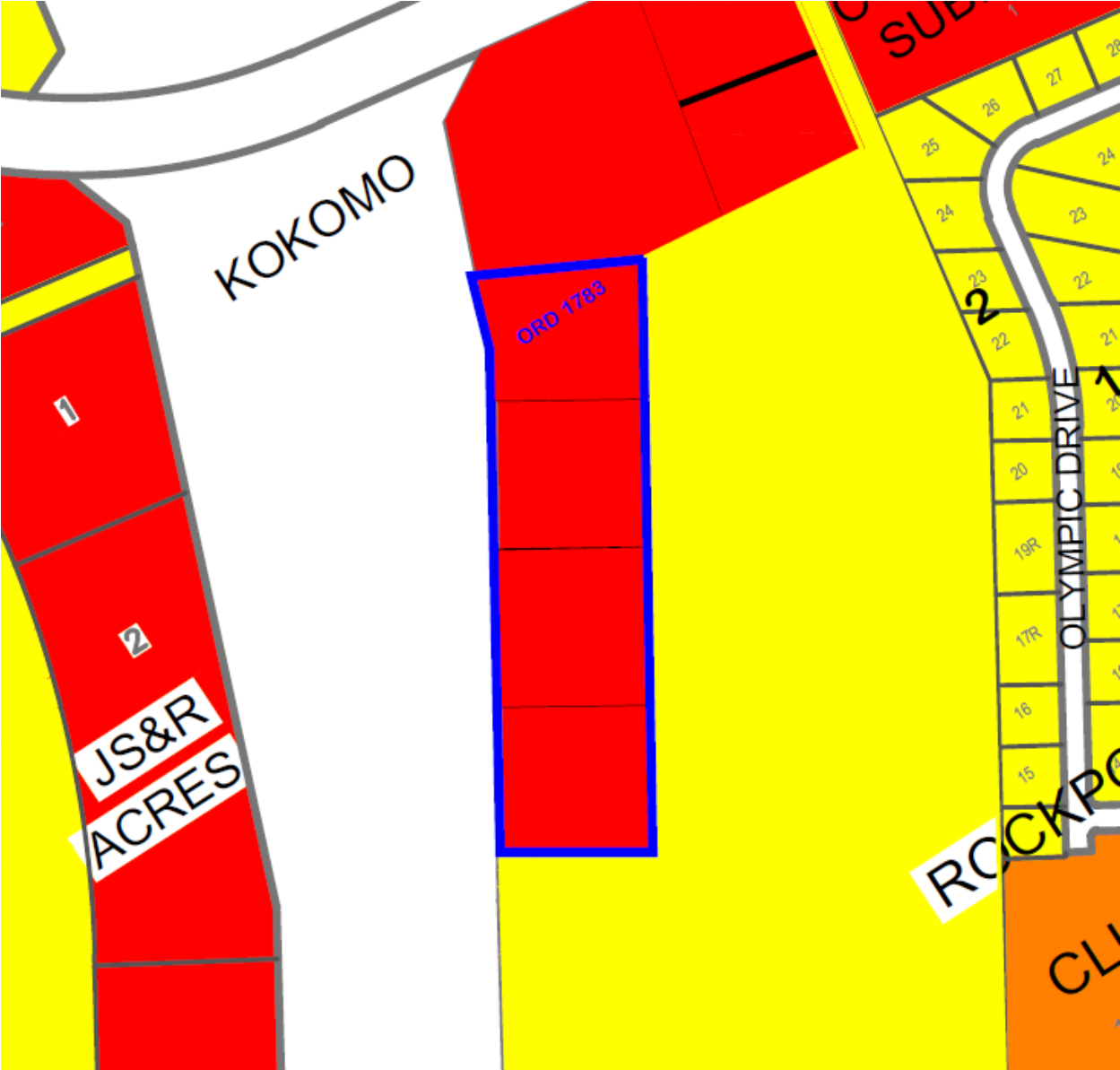


ENGINEER:
Urban Engineering
TBPE Firm No. 145
2725 Swannier Drive
Corpus Christi, Texas 78404
(361)854-3101
OWNER/DEVELOPER:
Staudt Investment Properties, LLC
14830 FM 1346
St. Hedwig, Texas
(210)573-6615

TBPE FIRM NO. 145, TBPLS FIRM NO. 10032400
2725 SWANNIER DR., CORPUS CHRISTI, TX 78404
PHONE: 361.854.3101 WWW.URBANENG.COM
Job No. 43386.C2.00 SPG/ACH
JULY 23, 2020 REVISED FEB. 2023

<u>Property ID</u>	<u>Property Owner</u>	<u>Situs Address</u>	<u>Mailing Address</u>	<u>City</u>	<u>State</u>	<u>ZIP</u>
51907	Kokomo Development LP	2202 FM 3036	14830 FM 1346	St. Hedwig	TX	78152
8824426	Kokomo Development LP	3540 SH 35 Bypass	14830 FM 1346	St. Hedwig	TX	78152
8824761	Kokomo Development LP	133 Barbuda Dr.	14830 FM 1346	St. Hedwig	TX	78152
8824763	D.R. Horton Corpus Christi LLC	124 Barbuda Dr.	3515 SW H.K. Dodgen Loop	Temple	TX	76502
8824764	D.R. Horton Corpus Christi LLC	121 Barbuda Dr.	3515 SW H.K. Dodgen Loop	Temple	TX	76502
8824760	D.R. Horton Corpus Christi LLC	134 Barbuda Dr.	3515 SW H.K. Dodgen Loop	Temple	TX	76502
8824759	D.R. Horton Corpus Christi LLC	130 Barbuda Dr.	3515 SW H.K. Dodgen Loop	Temple	TX	76502
8824758	D.R. Horton Corpus Christi LLC	126 Barbuda Dr.	3515 SW H.K. Dodgen Loop	Temple	TX	76502
8824757	D.R. Horton Corpus Christi LLC	122 Barbuda Dr.	3515 SW H.K. Dodgen Loop	Temple	TX	76502
8824743	Kevin A. Flores	133 Antigua Dr.	133 Antigua Dr.	Rockport	TX	78382
8824745	Larry R. Krogsgaard	125 Antigua Dr.	125 Antigua Dr.	Rockport	TX	78382
8824746	Anna & Harrison Tharpe	121 Antigua Dr.	121 Antigua Dr.	Rockport	TX	78382
8824742	Raul Mosqueda & Margaita Ortiz	134 Antigua Dr.	4473 Brookstone Dr.	Saginaw	MI	48603
8824741	Nicole Thomas	130 Antigua Dr.	130 Antigua Dr.	Rockport	TX	78382
8824740	D.R. Horton Corpus Christi LLC	130 Barbuda Dr.	3515 SW H.K. Dodgen Loop	Temple	TX	76502
8824739	D.R. Horton Corpus Christi LLC	122 Antigua Dr.	3515 SW H.K. Dodgen Loop	Temple	TX	76502
8824419	Andrew & Jennifer Gordon	125 Aruba Dr.	125 Aruba Dr.	Rockport	TX	78382
8824421	Robby & Karen Donaldson	117 Aruba Dr.	117 Aruba Dr.	Rockport	TX	78382
8824422	Clyde & Janice Patton	113 Aruba Dr.	113 Aruba Dr.	Rockport	TX	78382
8824418	Sarah & Charles Johnson	129 Aruba Dr.	129 Aruba Dr.	Rockport	TX	78382
8824417	Elma Valdez	133 Aruba Dr.	133 Aruba Dr.	Rockport	TX	78382
88824416	Christopher & Karra Crowley	137 Aruba Dr.	P.O. Box 296	Rockport	TX	78381
8824414	David Jaimes	145 Aruba Dr.	145 Aruba Dr.	Rockport	TX	78382
8824413	Tonya Carlton	149 Aruba Dr.	149 Aruba Dr.	Rockport	TX	78382
8824427	D.R. Horton Corpus Christi LLC	122 Aruba Dr.	3515 SW H.K. Dodgen Loop	Temple	TX	76502
8824428	D.R. Horton Corpus Christi LLC	146 Aruba Dr.	3515 SW H.K. Dodgen Loop	Temple	TX	76502
8825129	RP Retail Partners LTD	2302 FM 3036	1207 Antoine Dr.	Houston	TX	77055
8825130	Kokomo Development LP	3572 SH 35 Bypass	14830 FM 1346	St. Hedwig	TX	78152
	Ruth Davis	Planning and Zoning Commi	Po Box 706	Fulton	TX	78358
	Ric Young	Planning and Zoning Commi	123 Royal Oaks Dr	Rockport	Tx	78382
	Kim Hesley	Planning and Zoning Commi	2003 Tule Park Drive	Rockport	TX	78382
	Warren Hassinger	Planning and Zoning Commi	2517 Turkey Neck Circle	Rockport	TX	78382
	Thomas Blazek	Planning and Zoning Commi	102 St Andrews St	Rockport	Tx	78382

ZONING MAP



CITY COUNCIL AGENDA
Regular Meeting: Tuesday, August 27, 2024

AGENDA ITEM: 8

Consider the approval on the first of two readings of Ordinance 1944 establishing the Convention and Visitors Bureau Advisory Board and providing for the duties of such board; providing a severability clause; and providing an effective date.

SUBMITTED BY: Shelley Goodwin, City Secretary

APPROVED FOR AGENDA: VRS

BACKGROUND: The City Council discussed the distribution the creation of a CVB at the August 6, 2024, Special Meeting. The Ordinance attached provides the duties of the CVB and the make up of the Board.

FISCAL ANALYSIS:

STAFF RECOMMENDATION: Staff recommends approval of Ordinance 1944 on second reading.

ORDINANCE NO. 1944

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKPORT, TEXAS, ESTABLISHING THE CONVENTION AND VISITORS BUREAU ADVISORY BOARD AND PROVIDING FOR THE DUTIES OF SUCH BOARD; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council has determined that the establishment of the Convention and Visitors Bureau Advisory Board will enhance the economic vitality of the area by advising the City Council and City Staff on the sales and marketing of Rockport, Texas to the convention, tourism, meeting and leisure travel markets using funding generated from the Local Hotel Occupancy Tax; and,

WHEREAS, the City Council of the City of Rockport, Texas, has the authority under the City Charter to appoint citizens to various boards and commissions.

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

SECTION 1. The "Convention and Visitors Bureau Advisory Board" referred to as "Board" is hereby created for the purpose of advising the City Council and City Staff on the sales and marketing of Rockport, Texas to the convention, tourism, meeting and leisure travel markets using funding generated from the Local Hotel Occupancy Tax.

SECTION 2. For the purpose of this ordinance, the following terms, phrases and words shall have the following respective meanings given herein:

Art Sector shall mean business involved in the art industry.

Board, Convention and Visitors Bureau Advisory Board or CVB Board shall mean the City of Rockport Convention and Visitors Bureau Advisory Board appointed by the City Council.

City Manager shall mean City Manager of the City of Rockport, Texas, or designee.

Historical Sector shall mean business involved in the museum or historical industry.

Local Hotel Occupancy Tax shall mean the Local Hotel Occupancy Tax imposed by the City of Rockport, Texas pursuant to Chapter 351 of the Texas Tax Code, as amended.

Lodging Sector shall mean business involved in the hotel and motel industry.

Reserved shall mean holding positions for possibly two other contributing entities with the appointments being confirmed by the City Council.

Restaurant Sector shall mean business involved in the food industry as a retail restaurant.

Rockport/Fulton Chamber of Commerce Member shall mean the person shall be a recommendation from the Chamber of Commerce and confirmed by the City Council.

Staff Liaison shall mean the person appointed by the City of Rockport City Manager.

Tourism industry shall mean businesses involved in all aspects of planning, marketing and expenditures for individuals involved in travel for recreational, tourism, leisure or business purposes.

SECTION 3. The Board provided for herein shall be comprised of six (6) members to be appointed by the City Council for terms of two (2) years consisting of some combination of representation from the following groups:

- (1) City Council: currently serving member of the Rockport City Council.
- (2) Lodging Sector: member of management from the lodging sector in the City of Rockport.
- (3) Tourism Sector: member of management from the tourism industry in the City of Rockport.
- (4) Restaurant Sector: member of management from the restaurant industry in the City of Rockport.
- (5) Historical Sector: member of management from the historical industry in the City of Rockport
- (6) Arts Sector: member of management from the Arts or Historical industry in the City of Rockport.
- (7) Rockport/Fulton Chamber of Commerce Member: represent the Chamber of Commerce.

Board members, at the time of their appointment and throughout their term, must: (i) be registered voters; and (ii) either be residents of the City who have lived there for at least one year prior to the appointment or be currently employed in a management position by a business within the City in one of the specified sectors for at least one year prior to the appointment. Any appointee to the Convention and Visitors Bureau Advisory Board who does not fulfill the residency requirement must remain continuously employed in a management role within the City's specified sector throughout their term. Positions 1-7 will be filled by a majority vote of the City Council.

The City Manager, Tourism Executive Director, Rockport-Fulton Chamber **President or Chairman**, Economic Development Director, and Staff Liaison shall be ex-officio members of the board, with the right to participate in discussions but without the right to vote. The Tourism Executive Director shall serve as coordinator to and provide support to the Board.

Terms of office of the Board shall be for a period of two (2) years and shall expire on a staggered basis. Terms begin on October 1 and conclude on September 30 (creation of the Board and

appointments of the members will and first meeting will begin before October 1). The initial Board shall be appointed in October with the officers being elected thereafter. However, for the positions enumerated above as 1, 3, 5 and 7 shall serve an initial term of one year and two-year terms thereafter. For the positions enumerated above as 2, 4, and 6 shall serve two-year terms from the inception.

Any vacancy on the Board shall be filled by a majority vote of the City Council for the unexpired term of the vacant position.

SECTION 4. The Board shall hold an organizational meeting each year in October to elect a chairperson and vice-chairperson.

- (1) The chairperson shall preside over meetings and shall be entitled to vote upon each issue. In the event that a question arises concerning Board procedures, Robert's Rules of Order shall be consulted for guidance.
- (2) The vice-chairperson shall assist the chairperson in directing the affairs of the advisory board. In the absence of the chairperson, the vice-chairperson shall perform the duties of the chairperson.
- (3) A staff liaison shall keep the minutes of all meetings.

SECTION 5. The Board shall establish the dates for the regular meetings of the Board. Special meetings may be called by the chairperson, or by written request sent to the chairperson by two (2) members of the board. All meetings shall be conducted and posted in accordance with the Texas Open Meeting Act, V.T.C.A., Government Code Chapter 551.

A quorum for conducting business shall consist of four (4) members of the Board. Board members are expected to attend meetings regularly and shall serve without compensation

A member's absence from three (3) consecutive meetings without formal consent of the Board shall be deemed to constitute the resignation of office by such member, which shall be certified by the chairperson of the City Council.

SECTION 6. The Board shall have the following powers and perform the following duties:

- (1) *Advisory capacity to council.* It shall act principally in an advisory capacity to the City Staff and the City Council in all matters pertaining to the sales and marketing of Rockport, Texas to the tourism, lodging, convention, meeting and leisure travel markets using funding generated from the Local Hotel Occupancy Tax and make recommendations to the City Council on Hotel Occupancy Tax Grant Funding.
- (2) *Amendments to ordinance.* It may, from time to time, recommend to the City Council amendments to this ordinance.
- (3) *Reports.* It shall through the Tourism Executive Director, make an oral and written report quarterly to the City Council concerning its activities during the previous year and its proposal for the ensuing year.

- (4) *City Employees.* The Board shall have no authority over the supervision, employment, or termination of City employees.
- (5) *Policies and Procedures for Staff Liaison.* It shall develop and recommend written policies and procedures for City Council approval for the Tourism Executive Director to follow in the marketing and targeting of the tourism, lodging, convention, meeting, and leisure travel markets.
- (6) *Budget.* It shall review the proposed budget for the Convention and Visitors Bureau and make any recommendations to the City Council deemed necessary.
- (7) *Funds or expenditures.* The Board shall have the power to expend Tourism funds approved during the City budget process.
- (8) *Actions of Board.* All powers and duties of the Board shall be exercised by the Board acting as a whole. No action of any individual member is authorized except by the Board. A tie vote of the Board will be considered a failed vote.

SECTION 7. If any provision, section, sentence, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances is, for any reason held to be unconstitutional, void, or invalid, the validity of the remaining portions of this Ordinance shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof, or provisions or regulations contained herein, shall become inoperative or fail by reason of any unconstitutionality of any other portion hereof, and all provisions of this Ordinance are declared severable for that purpose. Without any Council action, these rates will follow that of the schedule attached.

SECTION 8. Any previously adopted ordinances, and any subsequent amendments to them, which are in conflict with this Ordinance, are all hereby repealed.

SECTION 9. This Ordinance shall take effect immediately upon its passage and approval by the City, as the law and charter in such cases provide; and it is accordingly so ordained.

APPROVED on the first reading the ____ day of _____, 2024.

ADOPTED on the second and final reading the ____ day of _____, 2024.

City of Rockport, Texas

Tim Jayroe Mayor

ATTEST:

Shelley Goodwin, City Secretary

CITY COUNCIL AGENDA
Regular Meeting: Tuesday, August 27, 2024

AGENDA ITEM: 9

Consider the approval on second and final reading of Ordinance amending Chapter 106 “Vegetation” Article I “General” “Section 106-7 Tree Mitigation And Preservation Account” of the Code of Ordinances, City of Rockport, Texas, updating the current Tree and Landscape Ordinance; repealing all ordinances to the extent they are in conflict; providing for severability; and providing an effective date.

SUBMITTED BY: Carey Dietrich - Asst Dir of Building & Development / Community Planner

APPROVED FOR AGENDA:VRS

BACKGROUND: The Tree & Landscape Ordinance was approved by Council on August 23, 2022. The Tree Mitigation and Preservation Account was established but did not include the process required for expenditures. This revision clarifies what expenditures need Council approval and what expenditures may be approved by the City Manager.

Please see the accompanying “Exhibit A” proposed ordinance revision for more information.

FISCAL ANALYSIS: N/A

RECOMMENDATION: Staff recommends approval of an Ordinance amending Chapter 106 “Vegetation” Article I “General” “Section 106-7 Tree Mitigation And Preservation Account” of the Code of Ordinances, City of Rockport, Texas, updating the current Tree and Landscape Ordinance.

ORDINANCE NO. 1945

AN ORDINANCE AMENDING THE CITY OF ROCKPORT CODE OF ORDINANCES CHAPTER 106 “VEGETATION” ARTICLE I “GENERAL” “SECTION 106-7 TREE MITIGATION AND PRESERVATION ACCOUNT” REPEALING ALL ORDINANCES TO THE EXTENT THEY ARE IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR PENALTIES; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, on July 16, 2024 the Rockport Tree & Landscape Committee held a regular meeting and voted unanimously to recommend Council set a “not to exceed” amount for expenditures to be approved by the City Manager without Council review;

WHEREAS, on Tuesday, August 13, 2024, the City Council, after consideration and recommendation by City Staff, determined that the ordinance amendment be approved as provided herein.

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

Section 1. Chapter 106 of the Code of Ordinances of the City of Rockport, Texas is hereby amended as set forth in the attached Exhibit A, incorporated herein.

Section 2. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

Section 3. All ordinances and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

Section 4. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Ordinance would have been enacted without such invalid provision.

Section 5. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

Section 6. Failure to comply with any provision of this Ordinance constitutes a class C misdemeanor punishable as provided by the general penalty provisions of section 1-7 of the Rockport Code of Ordinances. Removal of undocumented trees constitutes a class C misdemeanor punishable as provided by the general penalty provisions of section 1-7 of the Rockport Code of Ordinances. Each individual tree on each day the violation of this chapter exists shall constitute separate violations.

Section 7. This Ordinance shall be effective upon the date of final adoption hereof, and publication of the caption and penalties as required by law.

Section 8. This Ordinance shall become effective upon adoption by second and final reading.

APPROVED and **PASSED** on first reading the 13th day of August 2024.

APPROVED, PASSED and ADOPTED on second reading the _____ day of _____ 2024.

CITY OF ROCKPORT:

Tim Jayroe, Mayor

ATTEST:

Teresa Valdez, City Secretary

“EXHIBIT A”

CHAPTER 106 VEGETATION

ARTICLE I. IN GENERAL

Sec. 106-7. Tree preservation and mitigation account.

The city shall reserve all fee-in-lieu of payments and any accrued interest from the fee-in-lieu of tree mitigation in a separate account from the general funds of the city. This fund shall be known as the tree preservation and mitigation account. The city shall deposit sums collected as cash payments-in-lieu of tree mitigation in the tree preservation and mitigation account. The city shall maintain records detailing the receipts and expenditures for the tree preservation and mitigation account. All funds deposited as credit for fee-in-lieu of tree mitigation may be used to place trees at public parks, schools, or other approved public facilities throughout the city. The tree preservation and mitigation account funds may also be utilized to install irrigation, to repair or remove damaged or destroyed trees, to preserve and protect existing trees and to purchase equipment for the preservation or protection of existing trees.

Expenditures in excess of \$2,000.00 must have City Council approval. Expenditures less than \$2,000.00 must be approved by the City Manager.

CITY COUNCIL AGENDA
Regular Meeting: Tuesday, August 27, 2024

AGENDA ITEM:10

Consideration and possible approval of an ordinance of the city council of the city of Rockport, Texas, designating a geographic area located within the city of Rockport as a reinvestment zone for tax increment financing purposes pursuant to chapter 311 of the Texas tax code to be known as Rockport tax increment reinvestment zone no. 1; describing the boundaries of the zone; establishing a tax increment fund for the zone; creating a board of directors for such zone; providing a date for termination of the zone; containing findings and provisions related to the foregoing subject; and providing a severability clause; establishing an effective date; and providing for related matters

SUBMITTED BY: City Manager Vanessa Shrauner

APPROVED FOR AGENDA: VRS

BACKGROUND: The city is prepared to move forward with establishing a Tax Increment Reinvestment Zone (TIRZ) for our designated downtown area. After holding several educational sessions to inform and engage the community, we are now ready to ratify the ordinance that will formalize this initiative. The TIRZ will play a crucial role in revitalizing our downtown by redirecting the incremental tax revenue generated from rising property values within the zone back into the area for infrastructure improvements, economic development, and other essential projects. This step marks a significant milestone in our efforts to enhance and sustain the vibrancy of our downtown core.

FISCAL ANALYSIS: N/A

RECOMMENDATION: Approval

ORDINANCE NO. 1946

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKPORT, TEXAS, DESIGNATING A GEOGRAPHIC AREA LOCATED WITHIN THE CITY OF ROCKPORT AS A REINVESTMENT ZONE FOR TAX INCREMENT FINANCING PURPOSES PURSUANT TO CHAPTER 311 OF THE TEXAS TAX CODE TO BE KNOWN AS ROCKPORT TAX INCREMENT REINVESTMENT ZONE NO. 1; DESCRIBING THE BOUNDARIES OF THE ZONE; ESTABLISHING A TAX INCREMENT FUND FOR THE ZONE; CREATING A BOARD OF DIRECTORS FOR SUCH ZONE; PROVIDING A DATE FOR TERMINATION OF THE ZONE; CONTAINING FINDINGS AND PROVISIONS RELATED TO THE FOREGOING SUBJECT; AND PROVIDING A SEVERABILITY CLAUSE; ESTABLISHING AN EFFECTIVE DATE; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the City desires to develop the parcels identified in Exhibit A (the "Zone Properties"), attached hereto and incorporated herein for all purposes, located within the corporate boundaries of the City of Rockport as potential growth areas for the City, provided that suitable public infrastructure could be constructed to support development; and

WHEREAS, the Zone Properties are currently located in an area that substantially arrest or impair the sound growth of the City in its present condition and use because of the presence of a substantial number of substandard, slum, deteriorated, or deteriorating structures, the predominance of defective or inadequate sidewalk or street layout, faulty lot layout in relation to size, adequacy, accessibility, or usefulness, unsanitary or unsafe conditions, the deterioration of site or other improvements, or is predominantly open or undeveloped and, because of obsolete platting, deterioration of structures or site improvements, or other factors, substantially impair or arrest the sound growth of the City; and

WHEREAS, the City Council has determined that development or redevelopment of the Zone Properties would not occur solely through private investment in the reasonably foreseeable future; and

WHEREAS, the Zone is prone to flooding during high rain events or other inclement weather conditions; and

WHEREAS, the Zone contains deteriorating structures including bulkheads at the waterfront; and

WHEREAS, the Zone contains street medians, lighting, and other street conditions that are inadequate for current traffic conditions which pose a safety hazard; and

WHEREAS, the Zone is predominantly open, with deteriorating site improvements that arrest substantial investment for redevelopment of the Zone ; and

WHEREAS, the City Council has determined that the creation of a reinvestment zone (the “Zone”) on the Zone Properties by the City, as authorized by Chapter 311 of the Texas Tax Code (the “Act”) and Article VIII, Section 1-g of the Texas Constitution, is in the best interest of the City; and

WHEREAS, no more than thirty (30%) of the property in the Zone, excluding property that is publicly owned, is used for residential purposes; and

WHEREAS, the total appraised value of taxable real property included in the Zone does not exceed fifty percent (50%) of the total appraised value of taxable real property in the City; and

WHEREAS, the City has prepared a *Reinvestment Zone Preliminary Project and Financing Plan*, attached as Exhibit “B” (hereinafter referred to as the "Preliminary Project and Finance Plan"); and

WHEREAS, a notice of the public hearing on the creation of the proposed Zone was published on August 15, 2024 and August 22, 2024 in the Rockport Pilot, a newspaper of general circulation in the City which date is before the seventh (7th) day before the public hearing held on August 27, 2024; and

WHEREAS, at the public hearing on August 27, 2024, interested persons were allowed to speak for or against the creation of the Zone, its boundaries, or the concept of tax increment financing and owners of property in the Zone were given a reasonable opportunity to protest the inclusion of their property in the Zone and said hearing was closed that same day; and

WHEREAS, the public hearing was held in full accordance with Section 311.003 of the Act; and

WHEREAS, the City has given all notices and done all other things required by Chapter 311, Texas Tax Code, or other law as a condition to the creation of the Zone; and

WHEREAS, the City has not previously created any tax increment reinvestment zones or any industrial districts on the Zone Properties.

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

Section 1. Findings.

- (a) The facts and recitations contained in the preamble of this Ordinance are hereby found and declared to be true and correct, are incorporated herein by reference as if set forth in full, and are adopted as part of this Ordinance for all purposes.
- (b) The City Council further finds and declares that the proposed improvements in the Zone will significantly enhance the value of all the taxable real property in and around the proposed Zone and will be of general benefit to the City.

(c) The City Council further finds and declares that the Zone meets the criteria and requirements of Chapter 311 of the Texas Tax Code because of the presence of a substantial number of substandard, slum, deteriorated, or deteriorating structures, the predominance of defective or inadequate sidewalk or street layout, faulty lot layout in relation to size, adequacy, accessibility, or usefulness, unsanitary or unsafe conditions, or the deterioration of site or other improvements. Further, the Zone is predominantly open or undeveloped and, because of obsolete platting, deterioration of structures or site improvements, or other factors, substantially impair or arrest the sound growth of the City.

(d) The City Council further finds and declares:

- i. The public hearing on creation of the zone has been properly called, held, and conducted and that notice of such hearing has been published as required by law.
- ii. The Zone Properties comprising the Zone are located within the corporate limits of the City of Rockport, and are eligible for inclusion in the Zone pursuant to Section 311.003(a) of the Tax Code because development or redevelopment of the Zone Properties will not occur solely through private investment in the reasonably foreseeable future;
- iii. The total appraised value of taxable real property in the proposed Zone, does not exceed 50 percent (50%) of the total appraised value of taxable real property in the City and in the industrial districts created by the City;
- iv. The improvements proposed to be implemented in the proposed reinvestment Zone will significantly enhance the value of all taxable real property in the proposed reinvestment Zone and outside the Zone; and
- v. No more than thirty (30%) of the property in the Zone, excluding property that is publicly owned, is used for residential purposes.

Section 2. Designation of the Zone. That the City, acting under the provisions of Chapter 311, Texas Tax Code, including Sections 311.003(a), 311.005, and 311.006, does hereby create and designate a reinvestment zone over the Zone Properties shown on Exhibit A (which is attached hereto and incorporated herein for all purposes) to promote the development and redevelopment of the area within the Zone and surrounding areas. The Zone shall hereafter be named for identification as "Reinvestment Zone Number One, City of Rockport, Texas", and also may be referred to as the "Rockport Business Tax Increment Reinvestment Zone," and which is referred to herein as the "Zone."

Section 3. Board of Directors.

- (a) There is hereby created a Board of Directors for the Zone (the "Board"), which shall consist of 7 members. All Board members shall be appointed by the City Council. Pursuant to Section 311.009(e)(1) of the Texas Tax Code, each Board member must be at least eighteen (18) years of age and either be a resident of Aransas County or a county adjacent to Aransas County, or own real property in the Zone.

- (b) The Board members appointed to Positions One, Three, Five, and Seven initially shall be appointed for two (2) year terms, beginning on effective date of the Zone. The Board members initially appointed to Positions Two, Four, and Six shall be appointed to one (1) year terms beginning on the effective date of the Zone. All subsequent appointments shall be for two (2) year terms. The person appointed to Board Position One is hereby designated as the Board Chair for the term beginning on the effective date of the Zone and ending upon the expiration of the initial term of Position One. Thereafter the City Council shall annually appoint a Board member to serve as Board Chair for a term of one year beginning January 1 of the following year. The City Council authorizes the Board to elect from its members a vice chairman and such other officers as the Board sees fit. Notwithstanding the foregoing, the term of any elected official serving on the Board shall automatically expire when their term in said office ends, and the term of any City employee serving on the Board shall automatically when they no longer hold their position.
- (c) The Board shall comply with Chapter 551, Texas Government Code (the Open Meetings Act) and Chapter 552, Texas Government Code (regarding public records and information). The Board shall make recommendations to the City Council concerning the administration of the Zone. The Board shall prepare or cause to be prepared and adopt a final project plan and a reinvestment zone financing plan for the Zone as described in Section 311.011, Texas Tax Code, and shall submit such plan(s) to the City Council for its approval. The City, pursuant to Section 311.010(a) of the Texas Tax Code, hereby authorizes the Board to exercise all of the City's powers necessary to administer, manage or operate the Zone and to prepare the final project plan and reinvestment zone financing plan, including the submission of an annual report on the status of the Zone. Notwithstanding the generality of the foregoing, the Board is not authorized to issue bonds or notes, impose taxes or fees, exercise the power of eminent domain, give final approval to the final project plan and reinvestment zone financing plan, or enter into any agreement to dedicate, pledge, or otherwise provide for the use of revenue in the tax increment fund to pay any project costs that benefit the Zone or to construct roads, sidewalks or other public infrastructure into out of the Zone, including the cost of acquiring the real property necessary for the construction of the road, sidewalk, or other public infrastructure, and all of said powers are reserved exclusively for the City Council. In addition, the Board shall not exercise any power granted to the City by Section 311.008 of the Texas Tax Code without additional and prior written authorization from the City Council.

Section 4. Duration of the Zone. That the Zone shall take effect immediately upon the passage and approval of this Ordinance, and shall continue in existence until the earlier of: (a) December 31, 2050; or (b) the date on which all project costs, reimbursement of contributions made to the Zone by the City, bonds and interest on those bonds, and all other obligations of the Zone and interest thereon, have been paid in full.

Section 5. City's Tax Increment Base; Amount of City Tax Increment. The Tax Increment Base of the City for the Zone is the total appraised value of all real property taxable by the City and located in the Zone determined as of January 1, 2025, the year in which the Zone was designated as a reinvestment zone (the "Tax Increment Base"). The amount of the City's tax increment for a year shall be [REDACTED] of property taxes levied and collected by the City for that year on the Captured Appraised Value of real property taxable by City and located in the Zone.

The "Captured Appraised Value" of real property taxable by City for a year is the total appraised value of all real property taxable by the City and located in the Zone for that year, less the Tax Increment Base.

Section 6. Tax Increment Fund; Limits. There is hereby created and established a Tax Increment Fund for the Zone which may be divided into subaccounts as authorized by subsequent resolutions or ordinances. All Tax Increments, as defined herein and in the Texas Tax Code, shall be deposited in the Tax Increment Fund. Any expenditure to be made from the Tax Increment or any contract related thereto, must be approved by the City Council prior to such expenditure being made or contract being executed. The Tax Increment Fund and any subaccount shall be maintained at the depository bank of the City and shall be secured in the manner prescribed by law for funds of Texas cities. The annual Tax Increment less any amounts that are to be allocated pursuant to the Act shall be deposited directly into the Tax Increment Fund. All revenues from the sale of any bonds, notes or other obligations hereafter issued for the benefit of the Zone by the City, if any; revenues from the sale of property acquired as part of the project plan and reinvestment zone financing plan, if any; and other revenues to be used in the Zone shall be deposited into the Tax Increment Fund. Prior to the termination of the Zone, money shall be disbursed from the Tax Increment Fund only to pay "project costs," as defined by the Texas Tax Code, for the Zone, to satisfy the claims of holders of bonds or notes issued for the Zone, or to pay obligations incurred pursuant to agreements entered into by the City Council to implement the final project plan and reinvestment zone financing plan and achieve their purposes pursuant to Section 311.010(b) of the Texas Tax Code. In no event shall the amount of project costs financed directly or indirectly by the tax increment fund established for the Zone exceed [REDACTED].

Section 7. Purpose of Zone. That the City Council hereby finds that the creation of the Zone and the expenditure of moneys on deposit in the Tax Increment Fund necessary or convenient to the creation of the Zone or to the implementation of the project plan for the Zone constitutes a program to promote local economic development and to stimulate business and commercial activity in the City. The City Council further finds that the Zone will facilitate a program of public improvements to allow and encourage the proposed development of the property in the Zone and surrounding property. Construction of the public improvements is anticipated to take place in phases over a number of years and timed in coordination with development with the Zone.

Section 8. Severability. If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications hereof which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

Section 9. Effective Date. This ordinance shall take effect immediately from and after its passage and publication in the manner set forth with the provisions of the Local Gov't Code.

Section 10. List of Exhibits. The following exhibits are hereby adopted as part of this Ordinance:

EXHIBIT A – Map of Zone Properties included in the Zone Boundaries
EXHIBIT B – Preliminary Project and Financing Plan

**PASSED AND APPROVED ON FIRST READING THIS THE ____ DAY OF ____
2024.**

**PASSED AND APPROVED ON THE FINAL READING THIS THE ____ DAY OF
____ 2024.**

Timothy "Tim" Jayroe
Mayor

ATTEST:

Shelley Goodwin
City Secretary

EXHIBIT A



Exhibit B

Rockport Tax Increment Reinvestment Zone #1 Preliminary Project & Financing Plan

City of Rockport, Texas
August 7, 2024



Prepared by



TXP, Inc.
1310 South 1st Street, Suite 105
Austin, Texas 78704
(512) 328-8300 phone
www.txp.com

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Section 1 – Project Plan

Overview

The City of Rockport, Texas is considering implementing a tax increment reinvestment zone (TIRZ) to fund a portion of the infrastructure and development costs associated with the downtown area. The *City of Rockport Comprehensive Plan 2022-2042* developed by the Texas Target Communities (TxTC) at Texas A&M University outlines some of the needed improvements for this area of the city. The proposed new zone would be named Rockport Tax Increment Reinvestment Zone #1 (TIRZ #1).

This document is designed to meet the legal requirements of designating a TIRZ. The statutes governing tax increment financing are in Chapter 311 of the State of Texas Tax Code. This preliminary feasibility study and project plan is required by state law.

Existing Tax Increment Financing Districts in the City of Rockport

There are no existing TIRZ in Rockport. According to state law, cities with less than 100,000 residents may not create a new TIRZ if the total appraised value of taxable real property in the proposed reinvestment zone and in the existing reinvestment zones would exceed 50.0 percent of the total appraised value of taxable real property within the city and its industrial districts. In addition, a TIRZ may not be created if more than 30.0 percent of the property in the proposed new TIRZ (excluding publicly-owned property) is used for residential purposes at the time of designation. The proposed TIRZ #1 complies with these state rules.

Description of the Tax Increment Reinvestment Zone #1

The proposed TIRZ #1 will cover approximately 44.5 acres (including roads and right of way). The 2024 baseline taxable property value of the proposed TIRZ is approximately \$28.96 million. See the appendix for the list of properties within the TIRZ.

Table 1: Existing Land Use of Proposed TIRZ #1 (2024)

Land Use	Parcel Count	Acreage	City Of Rockport Taxable Value
A1 - Residence Single Family	3	1.25	\$2,635,935
C1 - Vacant Platted Lots/Tracts	15	3.57	\$2,514,180
F1 - Real Commercial	44	24.81	\$20,511,652
F2 - Real Industrial	1	4.43	\$3,297,470
X - Totally Exempt Property	2	0.97	\$0
Grand Total	65	35.02	\$28,959,237

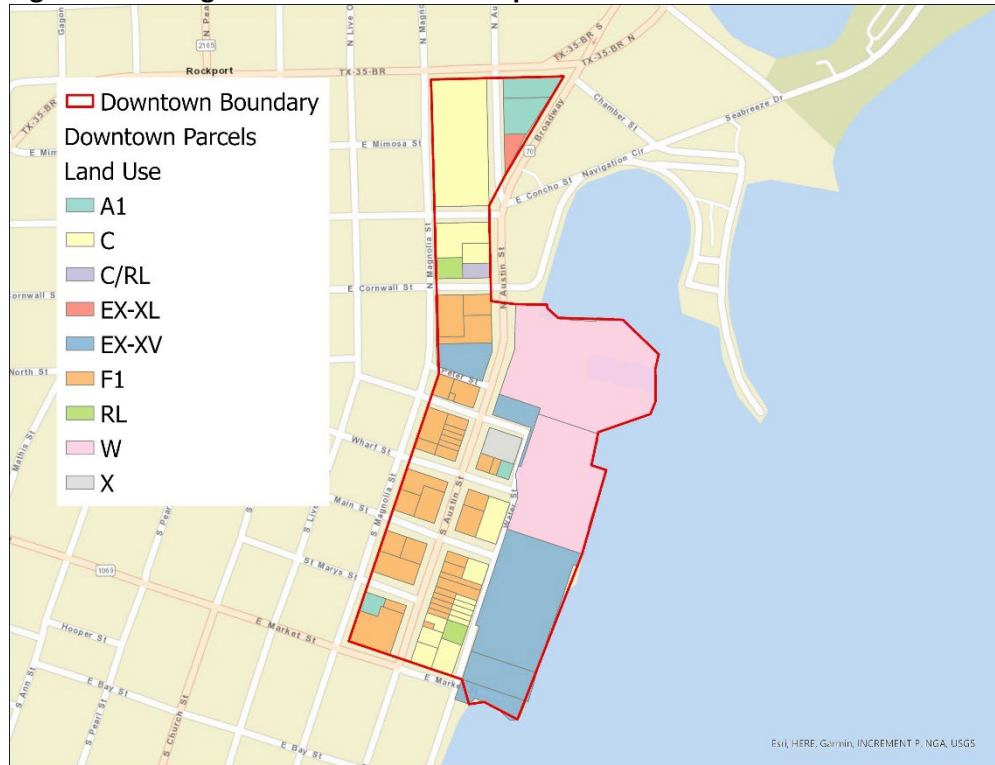
Source: Aransas County Appraisal District; TXP, Inc.

Figure 1: Proposed TIRZ #1 Geographic Boundary



Source: TXP, Inc.

Figure 2: Existing Land Use within the Proposed TIRZ #1



Source: Aransas County Appraisal District; TXP, Inc.

Properties within the TIRZ

The parcels identified in the appendix and the boundary map (Figure 1) provide sufficient detail to identify with ordinary and reasonable certainty the territory included in the zone.

Existing Zoning and Land Use Guidelines Applicable to TIRZ #1

Existing Rockport land use, zoning guidelines, and policies would apply to all properties.

Taxing Jurisdictions Applicable to TIRZ

The proposed TIRZ #1 is located within the following taxing jurisdictions:

- City of Rockport
- Aransas County
- Aransas County Road & Flood
- Aransas County Navigation District
- Rockport-Fulton Independent School District

Proposed Changes in Master Plans, Zoning Ordinances, and Building Codes

There are no anticipated changes to the master development and zoning ordinances.

Relocation of Displaced Persons

This plan currently does not call for nor anticipate the displacement and relocation of persons for the proposed projects.

Section 2 – Project Plan Improvements

TIRZ #1 will provide support for catalytic infrastructure and economic development projects that will facilitate the development of properties within the downtown area of Rockport. Due to its size, location, drainage issues, and physical characteristics, new private sector development and redevelopment in TIRZ #1 will not likely occur solely through private investment. Proposed public improvements would likely include new and refurbished utilities, streets and drainage, streetscapes, open spaces, and parking facilities.

Eligible Project Costs

The following categories generally describe what might be included in the final project and finance plan:

1. Parks & Streetscape Enhancements

This category includes gateway features, linear parks, corridor landscaping, public plazas, etc.

2. Public Infrastructure Improvements

This category includes water, sanitary sewer and storm water improvements, roadway and street intersection enhancements, parking, public transportation, relocation of aboveground utilities, public sidewalks, public buildings, etc.

3. Economic Development Grants

It is anticipated that economic development loans or grants might be made to assist in creating the tax base that facilitates implementing the project plan. The City, with advisement from the TIRZ Board shall have the authority to establish and administer economic development programs, including but not limited to grants and loans, authorized under Chapter 380 of the Texas Local Government Code. Should such loans or grants be made, it will be done with the intent to fulfill the public purposes of developing and diversifying the economy, eliminating unemployment or underemployment, and developing or expanding transportation, business, and commercial activity in the TIRZ.

4. Non-Project Costs

The private sector will develop and redevelop properties within the TIRZ. Non-project costs are those project costs that will be funded by others (ex. private developer) and are necessary for the development of the TIRZ. The TIRZ will not fund non-project costs.

5. Administration & Implementation

Administration costs, including reasonable charges for time spent by City of Rockport employees, will be eligible for reimbursement as project costs.

Section 3 – Financing Plan

Tax increment financing is a tool used by local governments to publicly finance needed infrastructure and other improvements within a defined area. These improvements are usually undertaken to promote the viability of existing businesses and to attract new commercial enterprises to the area. The statutes governing tax increment financing are located in Chapter 311 of the State of Texas Tax Code.

The costs of improvements in the defined zone are repaid by the contribution of future property tax revenues by each taxing unit that levies taxes against the property. Specifically, each taxing unit can choose to dedicate all, a portion, or none of the tax revenue that is attributable to the increase in property values due to the improvements within the reinvestment zone. The additional tax revenue that is received from the affected properties is referred to as the tax increment. Each taxing unit determines what percentage of its tax increment, if any, it will commit to repayment of the cost of financing the public improvements.

Compliance & Reporting

The TIRZ Board policies shall comply with all federal, state, and local laws, rules and regulations. The TIRZ Board will submit project status reports and financial reports as required by state law.

Public Sector Entities Participating in TIRZ #1

All project costs will be paid through the contribution of incremental property taxes collections. This preliminary plan assumes that the City of Rockport will contribute a portion of its total tax rate (maintenance and operations (M&O) and interest and sinking (I&S) ad valorem tax rate for 25 years.

Table 2: Taxing Jurisdictions within TIRZ #1

Entity	Property Tax Rate per \$100 (2023)
City of Rockport	\$0.36008

Source: TXP, Inc.

Financial Forecast Assumptions

- **TIRZ Duration** – The TIRZ will have a 25-year lifespan.
- **TIRZ Allocation** – The City of Rockport will contribute 60.0 percent of its total incremental tax collections.
- **Tax Rate** – While tax rates do change over time, the 2023 tax rate was held constant for the duration of the TIRZ.
- **Existing Properties** – The 2024 baseline property value of the TIRZ is approximately \$28.96 million.
- **Real Property** – Only taxable real property values are included in the tax increment calculations. By law, business personal property values are excluded from TIRZ.
- **Future Development Patterns** – To provide an order of magnitude estimate, TXP has projected the build out of the TIRZ based on the Rockport Marina Village.
- **Inflation & Appreciation Rate** – The inflation rate used for construction costs and the value of improvements is 3.0 percent per year.

Financial Forecast Summary Results

The following table depicts the anticipated revenue generated over 25 years. The revenue forecast assumes the TIRZ is established in 2024 (baseline year). The first TIRZ increment will occur in 2025 (2025 value less 2024 baseline value). Note, 2025 taxes are not due until January 2026.

Table 3: Preliminary TIRZ #1 Revenue Forecast

Year	Period	Total TIRZ #1 Property Value	Property Value Increment	TIRZ #1 Revenue @ 60% Contribution	City General Fund @ 40% Contribution
2024	0	\$28,959,237	\$0	\$0	\$0
2025	1	\$29,828,014	\$868,777	\$1,251	\$1,251
2026	2	\$30,722,855	\$1,763,618	\$2,540	\$2,540
2027	3	\$31,644,540	\$2,685,303	\$3,868	\$3,868
2028	4	\$95,767,156	\$66,807,919	\$96,224	\$96,224
2029	5	\$98,640,171	\$69,680,934	\$100,362	\$100,362
2030	6	\$143,703,122	\$114,743,885	\$165,267	\$165,267
2031	7	\$311,809,872	\$282,850,635	\$407,393	\$407,393
2032	8	\$321,164,168	\$292,204,931	\$420,866	\$420,866
2033	9	\$330,799,093	\$301,839,856	\$434,744	\$434,744
2034	10	\$340,723,066	\$311,763,829	\$449,037	\$449,037
2035	11	\$350,944,758	\$321,985,521	\$463,760	\$463,760
2036	12	\$361,473,101	\$332,513,864	\$478,924	\$478,924
2037	13	\$372,317,294	\$343,358,057	\$494,543	\$494,543
2038	14	\$383,486,812	\$354,527,575	\$510,630	\$510,630
2039	15	\$394,991,417	\$366,032,180	\$527,201	\$527,201
2040	16	\$406,841,159	\$377,881,922	\$544,268	\$544,268
2041	17	\$419,046,394	\$390,087,157	\$561,847	\$561,847
2042	18	\$431,617,786	\$402,658,549	\$579,954	\$579,954
2043	19	\$444,566,319	\$415,607,082	\$598,604	\$598,604
2044	20	\$457,903,309	\$428,944,072	\$617,813	\$617,813
2045	21	\$471,640,408	\$442,681,171	\$637,599	\$637,599
2046	22	\$485,789,621	\$456,830,384	\$657,978	\$657,978
2047	23	\$500,363,309	\$471,404,072	\$678,969	\$678,969
2048	24	\$515,374,208	\$486,414,971	\$700,589	\$700,589
2049	25	\$530,835,435	\$501,876,198	\$722,858	\$722,858
Total				\$16,285,635	\$10,857,090

Source: TXP, Inc.

Conclusion

Based on the preliminary development concepts and activity zones within this area, anticipated tax revenue, and market demand projections, TIRZ #1 is economically and financially feasible. The TIRZ could generate substantial revenue to pay for infrastructure and redevelopment costs. Over the next 25 years, the TIRZ could generate \$16,285,635 in nominal TIRZ revenue.

These projections are based on the best available datasets and information related to market conditions in the region. The substantial commitment of a few large developers could have a significantly positive impact on both the level and timing of future growth. Moreover, the financial projections make no allowance for positive spillover to the value of other properties in area as a result of new development (beyond inflation), could occur. At the same time, a slowdown in development as a result of a weaker national economy, negative changes in key drivers of regional economy, or other unforeseen issues could materially reduce the volume of construction put in place, and resulting tax revenue, over the next 25 years.

Appendix: Properties within the Proposed TIRZ #1

Table 4: Properties within the Proposed TIRZ #1

Parcel	Property ID	Owner	Land Use Code
1	17618	ROCKPORT ART ASSOCIATION INC	X
2	17622	JETA PROPERTIES INC	F1
3	17623	THEODORE PROPERTIES LLC	F1
4	17624	THOMPSON PEGGY R	F1
5	17625	NEELY RICHARD A ETUX LYNDA M	F1
6	17626	MCCREA WILLIAM F	F1
7	17627	AUSTIN WHARF LLC	F1
8	17628	PARKER DANIEL	F1
9	17630	HARTMAN PUBLICATIONS INC	F1
10	17646	C J'S SIGNS & CRANE	F1
11	17648	ROCKPORT PROFESSIONAL PLAZA LLC	F1
12	17651	NEELY RICHARD A SR ETUX LYNDA M	F1
13	17652	CARLISLE FLOYD K & BONNIE L	F1
14	17655	V DEVELOPMENT LLC	F1
15	17656	AUSTIN & MAIN LLC	F1
16	17659	R & J PARTNERS LLC	F1
17	17660	THOMAS TERESA	F1
18	17687	UPSIDE VENTURES LLC	F1
19	17765	ROCKPORT HARBORFRONT LP	RL
20	17766	HUNTER PARTNERS LP	C
21	17767	HHSO PROPERTY LLC	F1
22	17775	HARDESTY KARI G & ROBERT	C
23	28499	ROCKPORT HARBORFRONT LP	C
24	28500	MCMAHON MICHELL	F1
25	28501	ROCKPORT HARBORFRONT LP	F1
26	32404	ALSULU PROPERTIES LLC	F1
27	32405	ALSULU PROPERTIES LLC	F1
28	32486	VRJ INVESTMENTS INC	C/RL
29	32487	VRJ INVESTMENTS	C
30	32490	LAST BLOCK LLC	RL
31	33720	HUNT JEFF R ETUX ANNE M	A1
32	33723	ROCKPORT FULTON AREA	EX-XL
33	49324	CARLISLE FLOYD K & BONNIE L	C
34	49327	V DEVELOPMENT LLC	C
35	49328	V DEVELOPMENT LLC	C
36	8825417	ROCKPORT LIVING LLC	C
37	49720	UPSIDE VENTURES LLC	A1
38	56571	ARANSAS CO NAVIGATION DIST #1	EX-XV
39	51988	SPARTIN TENDENCIES LLC	F1
40	55202	ARRAKIS ENERGY LLC	F1
41	57859	MILLER CHARLES & SHARON	F1
42	58739	CORPUS PROPERTIES LLC	C
43	59548	WAGONER BOBBI L	F1

Parcel	Property ID	Owner	Land Use Code
44	59607	ARANSAS CO NAVIGATION DIST #1	EX-XV
45	61437	ROCKPORT LIVING LLC	F1
46	60426	HALDEMAN JANICE	F1
47	62742	105 AUSTIN STREET LLC	F1
48	62743	BOE JAYNE J	F1
49	63904	IRVIN STAN & TOTTEN VICKI	A1
50	63905	IRVIN STAN & TOTTEN VICKI	F1
51	65280	SARGENT BARTON D & MARY E	F1
52	66591	WILLIAMS AMY M	C
53	66592	WILLIAMS AMY M	C
54	70261	ROCKPORT LITTLE THEATRE ASSOCIATION	EX-XV
55	70474	TMINE LTD	F1
56	71180	BLACK SHIRLEY M	F1
57	44251	ARANSAS CO NAVIGATION DIST #1	EX-XV
58	49726	HOOPES ASSOCIATES LTD	A1
59	70262	DAY CRAIG S ETUX RAMONA C	F1
60	8820708	ROCKPORT ART ASSOCIATION INC	EX-XV
61	49764	ROCKPORT HARBORFRONT LP	W
62	49763	ROCKPORT HARBORFRONT LP	W
63	61968	MAGNOLIA STREET SQUARE LLC	C
64	8825297	BLACK SHIRLEY M	C
65	49329	CML TUG LLC	C

Source: Aransas County Appraisal District; TXP, Inc



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CITY COUNCIL AGENDA
Regular Meeting: Tuesday, August 27, 2024

AGENDA ITEM: 11

Deliberate and act on first reading of an Ordinance of the City of Rockport, Texas amending Ordinance No. 1938 which amended the 2023-2024 budget beginning October 1, 2023, and ending September 30, 2024; repealing all prior ordinances in conflict herewith; providing for publication; and providing for an effective date.

SUBMITTED BY: Robbie Sorrell, Director of Finance

APPROVED FOR AGENDA: VRS

BACKGROUND:

FISCAL ANALYSIS:

This agenda item provides the funding to cover budget shortages of an estimated \$70,000 in the Aquatic Center Fund.

RECOMMENDED ACTION:

Staff recommends approval of this ordinance on the first reading.

ORDINANCE NO. 1947

AN ORDINANCE OF THE CITY OF ROCKPORT, TEXAS AMENDING ORDINANCE NO. 1911 WHICH ADOPTED THE 2023-2024 BUDGET BEGINNING OCTOBER 1, 2023 AND ENDING SEPTEMBER 30, 2024; REPEALING ALL PRIOR ORDINANCES IN CONFLICT HERewith; PROVIDING FOR PUBLICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on September 12, 2023, Council approved Ordinance No. 1911 establishing the original budget for 2023-2024, and

WHEREAS, the original budget was amended via Ordinance No. 1938 on July 23, 2024;

WHEREAS, the City expects the funding needs for the Aquatic Center to be \$70,000 through year end.

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

SECTION 1.

For municipal purposes, to appropriate additional General Fund Reserve monies and amend the General Fund and Aquatic Center budgets I/A/O \$70,000.00

	FY 21-22	FY 22-23	FY 22-23	FY 23-24
	<u>Actual</u>	<u>Budget</u>	<u>Projected</u>	<u>Proposed</u>
General Fund Resources				
Property Taxes	\$ 4,015,913	\$ 4,760,916	\$ 4,705,012	\$ 5,495,959
Other Taxes	3,731,266	3,771,126	3,787,126	3,887,126
Franchise Fees	1,681,685	1,690,880	1,670,215	1,787,000
Licenses & Permits	660,740	671,000	478,525	548,175
Intergovernmental Revenues	239,336	90,500	131,846	85,500
Fines & Fees	154,895	168,000	157,300	161,600
Interest Revenue	13,730	7,500	105,000	105,000
Charges for Services	75,107	111,700	49,250	50,200
Operating Transfers	1,149,067	1,234,618	1,234,618	1,293,443
Event Revenues	3,381	5,000	5,000	5,000
Other Revenues	129,397	106,878	299,465	82,000
Other Revenues - LEOSE/Peace Officer				2,323
Use of Reserves	-	-	830,127	449,352
Use of Reserves - 1st Amendment				1,750
Use of Reserves - City Hall Amendment				102,514
Use of Reserves - Aquatic Center Amendment				70,000
Total Resources	\$ 11,854,517	\$ 12,618,118	\$ 13,453,484	\$ 14,126,942

General Fund Expenditures				
Personnel	\$ 6,584,404	\$ 6,886,465	\$ 7,136,670	\$ 7,315,128
Contracts & Services	1,698,730	1,471,560	1,755,885	2,464,568
Damage to Park Fence - 1st Amendment				1,750
Supplies	1,158,628	826,795	683,125	998,155
Travel & Training	137,843	190,450	199,701	202,844
LEOSE Training				2,323
Intergovernmental Transfers	1,686,927	1,772,391	1,786,634	1,280,367
Bond Payments	-	-	-	-
Transfer Out to Aquatic Center Fund				70,000
Transfer Out to Construction in Progress				102,514
Maintenance	600,602	878,226	691,855	849,263
Capital Outlay/Project	498,219	324,650	401,038	337,150
Operating Transfers	364,497	267,581	798,576	502,880
Total Expenditures	\$ 12,729,850	\$ 12,618,118	\$ 13,453,484	\$ 14,126,942
Resources Over(Under) Expenditures	\$ (875,333)	\$ (0)	\$ 0	\$ (0)

		FY 21-22	FY 22-23	FY 22-23	FY 23-24
		<u>Actual</u>	<u>Budget</u>	<u>Projected</u>	<u>Proposed</u>
Aquatic Center Fund Resources					
Intergovernmental Revenues		\$ 37,000	\$ 37,000	\$ 37,000	\$ 37,000
Charges for Service		132,669	131,850	128,750	128,250
Operating Transfers		364,497	263,806	409,386	409,505
Transfer <input type="checkbox"/> In from General Fund					70,000
Miscellaneous Revenues		2,960	11,323	-	-
Use of Community Disaster Loan		-	-	-	-
Total Revenues		\$ 537,126	\$ 443,979	\$ 575,136	\$ 644,755
Aquatic Fund Expenditures					
Aquatic Center Oper & Maint		\$ 535,880	\$ 443,979	\$ 575,136	\$ 574,755
Aquatic Center Oper & Maint Amendment					70,000
Total Expenditures		\$ 535,880	\$ 443,979	\$ 575,136	\$ 644,755
Resources Over(Under) Expenditures		\$ 1,246	\$ 0	\$ 0	\$ 0

SECTION 2.

All ordinances and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein. If any provision, section, sentence, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances is, for any reason held to be unconstitutional, void, or invalid, the validity of the remaining portions of this Ordinance shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof, or provisions or regulations contained herein, shall become inoperative or fail by reason of any unconstitutionality of any other portion hereof, and all provisions of this Ordinance are declared severable for that purpose.

SECTION 3.

If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Ordinance would have been enacted without such invalid provision.

SECTION 4.

It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code

SECTION 5.

This Ordinance shall become effective upon adoption by the second reading by the Rockport City Council.

APPROVED on first reading the 27 day of August 2024.

APPROVED on second reading the 3 day of September 2024.

CITY OF ROCKPORT, TEXAS

Tim Jayroe,
Mayor

ATTEST:

Shelley Goodwin, City Secretary

CITY COUNCIL AGENDA
Regular Meeting: Tuesday, August 27, 2024

AGENDA ITEM: 12

Deliberate and act on authorizing the Mayor to approve and sign the Interlocal Agreement with TX Health Benefits Pool for the administration of the Post-65 Employee Medical Insurance.

SUBMITTED BY: HR Manager, Kaycee Eddins

APPROVED FOR AGENDA: VRS

BACKGROUND: Though the City Council approved moving the Active Employee and Pre-65 Retiree Insurance from TX Health Benefits Pool (TXHB), to United Health Care, the Post-65 Medicare Supplement insurance is a separate coverage. Currently, after looking at coverage options, Brinson Benefits finds that TXHB has the best coverage options for the best premiums available for the Post-65 retirees.

Since we moved the active employee and pre-65 retiree insurance away from TXHB, we need to sign a new Interlocal Agreement for them to continue to cover only the Post-65 Retirees.

This is not the renewal, there is no budgetary effect.

RECOMMENDATION: Staff recommends Council authorize the Mayor to approve and sign the Interlocal Agreement with TX Health Benefits Pool for the administration of the Post-65 Employee Medicare Supplement Insurance.

Interlocal Agreement



Non-Risk Qualified Employer

Approved October 2023



Texas Health Benefits Pool

Austin, Texas

INTERLOCAL AGREEMENT

(NON-RISK PARTICIPATING QUALIFIED EMPLOYER)

WHEREAS, the TML Multistate Intergovernmental Employee Benefits Pool, d/b/a TX Health Benefits Pool, hereinafter referred to as TXHB, is a legal governmental entity created by Political Subdivisions of the State of Texas and governed by a Board of Trustees; and

WHEREAS, the undersigned Qualified Employer represents (1) that it is (a) a Political Subdivision of the State of Texas or of its state of domicile, (b) an Affiliated Service Contractor (as defined by Section 172.003, Texas Local Government Code) of a Political Subdivision of this state or of its state of domicile (each of which is referred herein to as "Political Subdivision"), or (c) an Economic Development Corporation organized under Subtitle C1, Title 12, Texas Local Government Code; (2) that it is qualified under the interlocal cooperation law of the Employer's domiciliary state to enter into this Interlocal Agreement; and (3) that its governing body has acted by majority vote, at a duly called and posted public meeting, to authorize the Employer to participate in this Interlocal Agreement; and

WHEREAS, the undersigned Qualified Employer has examined all the facts and issues it deems relevant and determined that it is in the best interest of the Employer, its Employees, officials, and retirees and their dependents to enter into this Interlocal Agreement and obtain the services provided by the TXHB in connection with one or more life, sick, accident and other health benefits provided to its employees, officials, and retirees and their dependents; and

WHEREAS, the undersigned Qualified Employer acknowledges that it is not an Employer Member participating in TXHB risk pool, and therefore, is not entitled to rights and privileges of an Employer Member under the First Amended and Restated Trust Agreement for the Texas Health Benefits Pool (the Trust), as amended; and

WHEREAS, the undersigned Qualified Employer acknowledges that the purpose of this Interlocal Agreement is to permit Qualified Employer to access benefits contracts and services through TXHB as authorized under Chapter 791 of the Texas Government Code; and

WHEREAS, the Texas Health Benefits Pool represents that it is a Local Government qualified to enter into this Interlocal Agreement pursuant to Chapter 791 of the Texas Government Code;

NOW, THEREFORE, in consideration of the covenants and agreements herein set forth, the undersigned Qualified Employer, enters into this Interlocal Agreement for the purpose of obtaining services for the administration of one or more life, sick, accident and other health benefits provided by the Qualified Employer. The services will be provided under the authority of the laws of the State of Texas including the Interlocal Cooperation Act (Chapter 791, Texas Government Code). The Employer hereby designates the Texas Health Benefits Pool as its instrumentality to administer the business and supervise the performance of the Interlocal Agreement. The conditions are agreed upon by and between the parties as set forth hereinafter.

1. When used in this Interlocal Agreement, the capitalized terms shall have the meanings specified in this paragraph unless the context clearly requires otherwise:

"Board of Trustees" or "Board" or "Trustees" means the trustees selected pursuant to the Trust Agreement Establishing TXHB to supervise the operation of the Pool.

"Qualified Employer" means a non-risk Political Subdivision, Affiliated Service Contractor, or Economic Development Corporation as these terms are defined herein that is qualified to enter into this Interlocal Agreement under Chapter 791 of the Texas Government Code.

"Employer Member" means a risk participating Political Subdivision, Affiliated Service Contractor, or Economic Development Corporation.

"Plan" or "Plans" mean the health benefit plan(s) and other benefit plans as contracted by the Qualified Employer through TXHB.

"Political Subdivision" means any legal entity included within the definition of political subdivision in Chapter 791, Texas Government Code.

"TXHB" means TML Multistate Intergovernmental Employee Benefits Pool, d/b/a TX Health Benefits Pool.

"Interlocal Agreement" or "this Agreement" means this Non-Risk Qualified Employer Interlocal Agreement.

"Local Government" means any legal entity included within the definition of "local government" in Chapter 791, Texas Government Code.

"Affiliated Service Contractor" means an entity described by Section 172.003(1) of the Texas Local Government Code.

"Economic Development Corporation" means a corporation organized under Subtitle C1, Title 12, Texas Local Government Code.

2. The Qualified Employer agrees to be bound by this Interlocal Agreement and the policies and procedures established by TXHB which collectively establish the conditions for non-risk Qualified Employers services.
3. TXHB and the Qualified Employer will comply in all respects with their respective obligations under the applicable benefits contracts accessed through this Interlocal Agreement.
4. This Interlocal Agreement may be terminated by either the Qualified Employer or TXHB with 30 days written notice.

5. The Qualified Employer shall furnish all the information TXHB deems necessary and useful for the purposes of this Agreement and shall abide by the policies and procedures adopted for the benefits contracts services. TXHB may amend its policies and procedures at the time of annual renewal of this Agreement and its Trust Agreement. TXHB may contract with a third party administrator to perform some or all of TXHB's duties under this Interlocal Agreement.
6. Qualified Employer will designate and appoint a contact of department head rank or above and agrees that TXHB shall not be required to contact or provide notices to any other person. Further, any notice to, or agreement by a Qualified Employer's contact, with respect to services or claims hereunder, shall be binding on the Qualified Employer. Qualified Employer reserves the right to change the contact from time to time by giving written notice to TXHB.
7. The Qualified Employer hereby acknowledges that TXHB will be responsible for any and all request for proposal processes pertaining to the benefits contracts and/or services Qualified Employer seeks to access and TXHB will not be responsible nor have any administrator responsibilities in relation to the benefit contracts and/or services Qualified Employer accesses through this Interlocal Agreement, unless by mutual written agreement of the Parties.
8. Any benefit contract coverages or services accessed by Qualified Employer will be subject to applicable carrier's payment provisions for the accessed coverages or services. In the event, Qualified Employer fails to comply with applicable carrier's payment provisions, TXHB may terminate this Interlocal Agreement for cause and any rates and/or coverage quoted as a result of Qualified Employers access to benefit contracts or service through TXHB will no longer be valid upon the effective date of termination of this Interlocal Agreement.
9. Each Qualified Employer, as the employer, acknowledges it has responsibility for compliance with the state and federal laws applicable to employee benefits.
10. To the extent authorized by law, the Qualified Employer agrees to indemnify and hold harmless TXHB for all claims, damages and expenses, including but not limited to attorney's fees and costs of court, arising out of acts or omissions of officers or employees of the Qualified Employer in connection with accessing benefits contracts through TXHB. Qualified Employer agrees to pay all such claims, damages, and expenses out of current revenues at the time the obligation is determined. In the event current revenues are inadequate to fund the obligation at the time it is determined, the Qualified Employer agrees to take the appropriate budgetary action sufficient to pay the obligation.
11. The Qualified Employer and TXHB may contract for additional administrative services relating to the Qualified Employer benefits contracts.
12. No bond is required of the Board of Trustees of TXHB.
13. If any part of this Interlocal Agreement, save and except paragraph 3, is declared invalid, void or unenforceable, the remaining parts and provisions shall continue in full force and effect. It is

further agreed that venue for any dispute arising under the terms of this Interlocal Agreement shall be in Austin, Travis County, Texas.

14. This Agreement with attachment represents the complete understanding of TXHB and the Qualified Employer and may not be amended, modified or altered without the written agreement of both parties.

15. The term of this Interlocal Agreement shall be concurrent with that of the applicable benefits contracts accessed by Qualified Employer. Absent notice of termination, the Qualified Employer may annually renew and extend this Agreement.
16. This Interlocal Agreement is entered into in the State of Texas, and it is understood and agreed that this Interlocal Agreement shall be governed by, construed, and enforced in accordance with and subject to the laws of the State of Texas.
17. Qualified Employer represents and warrants that (a) this Agreement fully complies with the laws of the State of Texas and (b) Qualified Employer has full legal authority to enter into this Agreement. By entering into this Agreement, a Qualified Employer who is an Affiliated Service Contractor further warrants that it is an organization qualified for exemption under Section 501(c), Internal Revenue Code (26 U.S.C. Section 501(c)), as amended, that provides governmental or quasi-governmental services on behalf of a political subdivision and derives more than 25 percent of its gross revenues from grants or funding from the political subdivision.

This Interlocal Agreement is entered into for the Employer Member under authorization of

City of XXXX

(Employer Member)

By ____

(Signature)

(Typed or Printed Name)

Authorized Official Title _____

Date _____

I, the signer above, attest that this Interlocal Agreement was reviewed and approved by the Employer Member's governing body (e.g. board, city council, ...etc. as applicable) at a duly called meeting held on the following date: ____

This Interlocal Agreement entered into and Appointment Accepted By:

Texas Health Benefits Pool at Austin, Texas

By:



Date

Approved as to Form:

By:



Chief Legal Officer

CITY COUNCIL AGENDA
Special Meeting: Tuesday, August 27, 2024

AGENDA ITEM: 13

Consider and act to Ratify the Binding of the 2024-25 Windstorm Insurance Policy with GSM Insurers for an amount not to exceed \$471,697.67.

SUBMITTED BY: HR Manager, Kaycee Eddins

APPROVED FOR AGENDA: VRS

BACKGROUND: The City of Rockport reached out to GSM Insurers and requested that they quote the Windstorm Insurance for City properties this year. Last year's Windstorm renewal was \$553,916.71.

When we updated the property schedule it was found that several of the buildings that should have been on the schedule were not.

Adding these buildings did increase the value of the schedule by 30%. After reviewing and updating the property schedule, GSM brought us back a quote for \$471,697.67. This is a 15% decrease over last year and is inclusive of a deductible buy down to 3%. This does not include the new city hall project.

The current Windstorm policy expires today, August 27th. Therefore, to ensure there would be no gap in coverage should a hurricane enter the Gulf of Mexico, the City Manager signed to Bind the Policy prior to this meeting.

We are asking that the Council ratify the renewal of the 2024-2025 Windstorm insurance policy.

FISCAL ANALYSIS: The Windstorm renewal is already sufficiently allowed for in the current 2023-2024 budget year. No additional funds are needed.

RECOMMENDATION: Staff recommends Council approve the Ratification of the Binding of the 2024-25 Windstorm Insurance Policy with GSM Insurers for an amount not to exceed \$471,697.67.



City of Rockport

Presented on: August 15, 2024
Presented by: Blake McDavid
Pam Jamison

Glass Sorenson & McDavid, Inc.
1102 E Laurel St
Rockport, TX 78382



GSM INSURORS

A PARTNER OF THE INSURORS GROUP

THIS DOCUMENT SUMMARIZES THE PROPOSAL FOR YOUR INSURANCE. THIS IS NOT A CONTRACT. THE TERMS OF THE POLICY FORMS WILL CONTROL THE INSURANCE CONTRACT WITHOUT REGARD TO ANY STATEMENT MADE IN THIS PROPOSAL.

Premium Summary

Coverage – Windstorm & Deductible BuyDown	Renewal Premium Opt #1	Renewal Premium Opt #2
TOTAL SOV – \$32,222,862.00		TOTAL SOV - \$32,216,496.00
Policy Limit - \$15,000,000		Policy Limit - \$15,000,000
Lexington – 50% of first 5 mill	\$184,606.40	
AXIS – 25% of first 5 mill	\$92,827.65	
Munich RE – 25% of first 5 mill	\$92,303.20	
Lloyds – 5 mill xs of 5 mill	\$92,827.65	
Mt Hawley – 5 mill xs of 10 mill	\$69,489.63	
AmRisc		\$416,832.86
Sub-Total Premium	\$532,054.53	\$416,832.86
Deductible Buy Down 5% to 3%	\$54,864.81	\$54,864.81
TOTAL Premium	\$586,919.34	\$471,697.67

This marketing proposal is valid for 30 days from August 15, 2024.

☐ I accept this proposal as presented for **City of Rockport**.

Signature Title Date

☒ I accept this proposal with the following changes completed for **City of Rockport**.

We Choose Option #2

Electronically signed by Vanessa Shrauner

Signature Title Date