

CITY COUNCIL MEETING AGENDA

Notice is hereby given that the Rockport City Council will hold a regular meeting on Tuesday, February 13, 2024, at 6:30 p.m. The meeting will be held in person at the Training Room of the Rockport Service Center, 2751 State Highway 35 Bypass, Rockport, Texas. **The live stream link to view the meeting is: <https://www.youtube.com/@rockporttxgov>.**

Public participation is valued and citizens wishing to express their views on any topic or agenda item can electronically submit a citizen participation form in order to register to speak by going to <https://rockport.seamlessdocs.com/f/CouncilCitizenParticipation> or scanning the QR code to the right, or if attending the meeting in person register before the meeting begins. Using the same form, citizens can also provide written comments to the City Secretary by 4:00 p.m. on the day of the meeting. The comments will be read at the meeting.



The matters to be discussed and acted upon are as follows:

Opening Agenda

1. Call meeting to order.
2. Pledge of Allegiance.
3. Citizens to be heard.

At this time, comments limited to three (3) minutes will be taken from the audience from persons who have signed the speaker's card located on the table in the back of the Training Room of the Service Center and delivered to the City Secretary before the meeting begins, or written comments received by 4:00 p.m. on the day of the meeting, on any **Agenda** item or any subject matter, will be read at the meeting. Persons wishing to address the Council and who have registered using the Citizen Participation Form will have up to three minutes to speak. In accordance with the Open Meetings Act, Council may not discuss or take action on any item that has not been posted on the agenda. 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.

Consent Agenda

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

4. Deliberate and act on approval of City Council Regular Meeting Minutes of January 23, 2024.
5. Deliberate and act on 1st quarter report from the Rockport Cultural Arts District for Fiscal Year 2023-2024 marketing expenditures.
6. Deliberate and act on a Resolution of the City of Rockport, Texas, authorizing the Rockport Police Department to apply for and operate a Criminal Justice Department DJ-Edward Byrne Memorial Justice Assistance Grant (JAG), administered by the Office of the Governor, Public Safety Office for Fiscal Year 2024; and authorizing the Mayor to act as the Executive Officer and authorized representative in all matters pertaining to the participation in this grant program.
7. Deliberate and act on a Resolution of the City of Rockport, Texas, authorizing the Rockport Police Department to apply for and operate an Operation Lone Star Grant Program (OLS) Fiscal Year 2025, administered by the Office of the Governor, Homeland Security grants division Fiscal Year 2025; and authorizing the Mayor to act as the Executive

Officer and authorized representative in all matters pertaining to the participation in this grant program.

8. Deliberate and act on request from the Fulton Oysterfest for temporary closure of sections of Traylor Boulevard and South Fulton Beach Road for the Oysterfest parade on March 9, 2024, and authorization to display banners across the 2400 block of Highway 35 Business and across the 1200 block of FM 3036 for the Oysterfest event.

Public Hearings

9. Conduct a Public Hearing to consider a request from Christopher J. Crowley and Karra A. Crowley for permanent closure/abandonment/vacation of a 20' wide alleyway lying between Lots 1 through 8 and Lots 9 through 16, Block No. 134, Manning Addition, City of Rockport, Aransas County, Texas; being 0.18 acre.

Regular Agenda

10. Deliberate and act on first reading of an Ordinance authorizing the closing, vacating and abandonment of 0.18 acre of land being a 20-foot wide alleyway lying between Lots 1 through 8 and Lots 9 through 16, Block 134, Manning Addition, City of Rockport, Aransas County, Texas, according to the Plat recorded in Volume 1, Page 7, Plat Records of Aransas County, Texas; providing for the terms and conditions of such vacation and abandonment; authorizing the Mayor to execute a Quitclaim Deed for the 0.18 acre to be closed, vacated and abandoned; and providing for an effective date.
11. Deliberate and act 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 R-1 (1st Single Family Dwelling District) for property located at 914 Holly Road and 1521 State Highway 35 Bypass; also known as McCombs, part of Lots 14 and 15, 1.730 acres, City of Rockport, Aransas County, Texas, to B-1 (General Business District); repealing all ordinances in conflict therewith; providing for severability; and providing an effective date.
12. Deliberate and act 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 R-1 (1st Single Family Dwelling District) for property located at 3629 Highway 35 South; also known as A160 James McKay Survey, being 8.00 acres, City of Rockport, Aransas County, Texas, to B-1 (General Business District); repealing all ordinances in conflict therewith; providing for severability; and providing an effective date.
13. Deliberate and act on second and final reading of an Ordinance granting a Conditional Use Permit for the purpose of a small manufacturing business which is building wood frame structures for re-sale on the property located at 3629 Highway 35 South; also known as A160 James McKay Survey, being 8.00 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.
14. Deliberate and act on second and final reading of 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.

15. Deliberate and act on a first reading of an Ordinance amending the City of Rockport Code of Ordinances Chapter 26 “Businesses” by adding Article III Short Term Rentals; repealing all ordinances to the extent they are in conflict; providing for severability; providing for penalties; and providing an effective date.
16. Deliberate and act on the Heritage District Certificate of Appropriateness Application submitted for 406 S Austin Street to extend the wood fence enclosure —The Coastal Mercantile.
17. Deliberate and act on the submission of an application by the City of Rockport, Texas for a U.S. Army Corps of Engineers (USACE) permit for a possible future project that will include upgrades and improvements to Tule Creek.
18. Deliberate and possible approval of an Engagement Agreement from Willdan to provide a 2024 water and wastewater rate study.
19. Deliberate and act on first reading of 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.

20. Reports from Council.

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

Executive Session

City Council will hold an executive session pursuant to the provisions of Chapter 551 of the Texas Government Code, in accordance with the authority contained in:

21. Section 551.071 Consultations with Attorney seeking the advice of attorney about pending or contemplated litigation, or a settlement offer; and 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: 1) City Hall; and 2) Concho Street & General Land Office (GLO) drainage projects.
22. Section 551.074 Personnel Matters - deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee: City Secretary.

Open Session

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

23. Adjournment.

Special Accommodations

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

In accordance with the requirements of Texas Government Code Section 551.127, a member of the governing body may participate in this meeting from a remote location. A quorum of the governing body as well as the presiding officer shall be physically present at the above posted location, which shall be open to the public. Those participating remotely shall be visible and audible to the public for all open portions of the meeting. A member of a governmental body who participates in a meeting remotely as provided by law, shall be counted as present at the meeting for all purposes.

Certification

I certify that the above notice of meeting was posted on the bulletin board at the Rockport Service Center, 2751 State Highway 35 Bypass, Rockport, Texas on Friday, February 9, 2024, by 5:00 p.m. and on the City's website at www.cityofrockport.com. I further certify that the following News Media were properly notified of this meeting as stated above: *The Rockport Pilot*.



Kimberly Henry, Interim City Secretary

CITY COUNCIL AGENDA
Regular Meeting: Tuesday, February 13, 2024

AGENDA ITEM: 4

Deliberate and act on approval of City Council Regular Meeting Minutes of January 23, 2024.

SUBMITTED BY: Interim City Secretary Kimberly Henry

APPROVED FOR AGENDA: VRS

BACKGROUND: Please see the accompanying City Council meeting minutes.

FISCAL ANALYSIS: N/A

RECOMMENDATION: Staff recommends the Council approve the Minutes, as presented.

CITY OF ROCKPORT

MINUTES

CITY COUNCIL REGULAR MEETING

6:30 p.m., Tuesday, January 23, 2024

Rockport Service Center, 2751 State Highway 35 Bypass

Members of the public could view the meeting via live stream. Public participation is valued and citizens wishing to express their views on any topic or agenda item could electronically submit a Citizen Participation Form in order to register to speak by going to <https://rockport.seamlessdocs.com/f/CouncilCitizenParticipation> or scanning the QR code provided on the Agenda, or if attending the meeting in person register before the meeting begins. Using the same form, citizens could also provide written comments to the City Secretary by 4:00 p.m. on the day of the meeting. The comments were read and summarized in the minutes of the meeting.

On the 23rd day of January 2024, the City Council of the City of Rockport, Aransas County, Texas, convened in a Regular Meeting at 6:30 p.m., at the Training Room of the Rockport Service Center and notice of meeting giving time, place, date, and subject was posted as described in V.T.C.A., Government Code § 551.041.

CITY COUNCIL MEMBERS PRESENT

Mayor Pro-Tem Andrea Hattman, Ward 4
 Council Member Stephanie Rangel, Ward 1
 Council Member Brad Brundrett, Ward 3

CITY COUNCIL MEMBER(S) ABSENT

Mayor Tim Jayroe
 Council Member Danielle Hale, Ward 2

STAFF MEMBERS PRESENT

City Manager Vanessa Shrauner
 City Attorney Art Rodriguez, Jr.
 Assistant to the City Manager Kimberly Henry
 City Secretary Teresa Valdez
 Director of Public Works and Building & Development Services Mike Donoho
 Parks & Leisure Services Director Gene Camargo
 Director of Information Technology Bob Argetsinger
 Communications Center Director Lee Brown
 Director of Finance Robbie Sorrell
 Police Patrol Captain Nathan Anderson

ELECTED OFFICIALS PRESENT

Opening Agenda

1. Call meeting to order.

With a quorum of the Council Members present, the Regular Meeting of the Rockport City Council was called to order by Mayor Pro-Tem Hattman at 6:30 p.m. on Tuesday, January 23, 2024, in the Training Room of the Rockport Service Center, 2751 State Highway 35 Bypass, Rockport, Texas.

2. Pledge of Allegiance.

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

3. Citizens to be heard.

At this time, comments limited to three (3) minutes will be taken from the audience from persons who have signed the speaker's card located on the table in the back of the Training Room of the Service Center and delivered to the City Secretary before the meeting begins, or written comments received by 4:00 p.m. on the day of the meeting, on any Agenda item or any subject matter, will be read and summarized in the minutes of the meeting. Persons wishing to address the Council and who have registered using the Citizen Participation Form will have up to three minutes to speak. In accordance with the Open Meetings Act, Council may not discuss or take action on any item that has not been posted on the agenda. 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.

There were no citizens comments.

Consent Agenda

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

4. Deliberate and act on approval of City Council Regular Meeting Minutes of January 9, 2024.

5. Deliberate and act on a Resolution of the City Council of the City of Rockport ordering a General Election and establishing procedures for said Election to be held on Saturday, May 4, 2024; the General Election shall be for the purpose of electing a Mayor at-large, a Council Member to represent Ward #2 and a Council Member to represent Ward #4; providing other matters relating to the General Election; and finding and determining that the meeting at which this Resolution is passed is open to the public as required by law.

Deliberar y tomar medidas sobre la Resolución del Ayuntamiento de la Ciudad de Rockport en la que se ordena la realización de unas Elecciones Generales y se establecen procedimientos para dichas Elecciones, que se llevarán a cabo el sábado 4 de mayo de 2024; las Elecciones Generales se realizarán con el propósito de elegir un Alcalde, un Concejal que represente el Distrito #2; y un Concejal que represente el Distrito #4; se estipulan otros asuntos relacionados con las Elecciones Generales, y se decide y determina que la reunión en la cual se aprueba la Resolución estará abierta al público, como lo requiere la ley.

6. Deliberate and act on Contract for Election Services with the Elections Administrator of Aransas County for the May 4, 2024 General Election.

Deliberar y actuar sobre el contrato de servicios electorales con el administrador de elecciones del condado de Aransas para las elecciones del 4 de mayo de 2024.

7. Deliberate and act on May 4, 2024, Joint Election Contract for Election Services between the City of Rockport and Aransas County Independent School District in compliance with HB 1.

Deliberar y tomar medidas sobre el Contrato de Elecciones Conjuntas del 4 de mayo de 2024 para Servicios Electorales entre la Ciudad de Rockport y el Distrito Escolar Independiente del Condado de Aransas, en conformidad con HB 1.

8. Deliberate and act on request to close south side of Austin Street on March 9, 2024, from 7:00 a.m. to 10:00 a.m. for the 35th Annual Whooping Crane Strut.
9. Deliberate and act on an Asset Forfeiture expenditure to purchase a server for the previously budgetary approved project of a Records Management software upgrade.
10. Deliberate and act on 1st quarter Report from Rockport Center for the Arts for Fiscal Year 2023-2024 marketing expenditures.
11. Deliberate and act on 1st quarter report from the Friends of the Fulton Mansion State Historical Site for Fiscal Year 2023-2024 marketing expenditures.
12. Deliberate and act on 1st quarter report from the Rockport-Fulton Chamber of Commerce for Fiscal Year 2023-2043 marketing expenditures.
13. Deliberate and act on 1st quarter report from the Texas Maritime Museum for Fiscal Year 2023-2024 marketing expenditures.
14. Deliberate and act on approval of Change Order #8 related to the New City Hall project.
15. Deliberate and act on awarding a contract to Utility Service Company, Inc., doing business as USG Water Solutions Inc. to rehabilitate, refurbish, and refinish the elevated water storage tank located at the Rockport Service Center, 2751 State Highway 35 Bypass.

Mayor Pro-Tem Hattman called for requests to remove any item from the Consent Agenda for separate discussion.

MOTION: Council Member Brundrett moved to approve the Consent Agenda, as presented. Council Member Rangel seconded the motion. Motion carried unanimously.

Public Hearings

Mayor Pro-Tem Hattman opened the Public Hearings at 6:32 p.m.

16. Conduct a Public Hearing to consider a request to rezone the property located at 914 Holly Road and 1521 State Highway 35 Bypass; also known as McCombs, part of Lots 14 and 15, 1.730 acres, City of Rockport, Aransas County, Texas, to B-1(General Business District); currently zoned R-1 (1st Single Family Dwelling District).

Property owner Brittany Wright addressed the Council and said they want to bring the existing commercial business, Wright Custom Cabinets into compliance with current City Code and allow development of an additional building to expand the business.

There were no public comments.

17. Conduct a Public Hearing to consider a request to rezone the property located at 3629 Highway 35 South; also known as A160 James McKay Survey, being 8.00 acres, City of Rockport, Aransas County, Texas, to B-1 (General Business District) currently zoned R-1 (1st Single Family Dwelling District).

Property owner Anna Robertson addressed the Council and said they purchased the property which used to be Estes RV Park; it was zoned Residential, and they want to rezone it back to General Business.

There were no public comments.

18. Conduct a Public Hearing to consider a request for a Conditional Use Permit for the property located at 3629 Highway 35 South; also known as A160 James McKay Survey, being 8.00 acres, City of Rockport, Aransas County, Texas.

Property owner, Anna Robertson addressed the Council and said they want to utilize the concrete that is already on the property for a small manufacturing business which is building wood frame structures for re-sale.

There were no public comments.

Mayor Pro-Tem Hattman closed the Public Hearings at 6:36 p.m.

Regular Agenda

19. Hear and deliberate on presentation on Downtown Information Kiosk.

City Manager Shrauner said Council had asked her to look at sites for sale directly on Austin Street and Jennifer Day was recruited to help. Ms. Shrauner stated we have come up short of property on Austin Street and we still have the option of the City owned site, the old gas building.

Jennifer Day, 902 East Cornwall, Executive Director of Rockport Cultural Arts District, addressed the Council and gave a presentation on using the old gas building and the importance of getting a site selected for the Downtown Information Kiosk. Ms. Day explained she had submitted a grant last June and \$37,900 was awarded to the City and Rockport Cultural Arts District for a Main Street Park. Ms. Day said if we do not use the grant then we lose it.

Discussion was held among Council, Ms. Shrauner and Ms. Day.

It was the consensus of Council to support the development of a Downtown Information Kiosk at the old gas building site owned by the City.

20. Deliberate and act on first 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 R-1 (1st Single Family Dwelling District) for property located at 914 Holly Road and 1521 State Highway 35 Bypass; also known as McCombs, part of Lots 14 and 15, 1.730 acres, City of Rockport, Aransas County, Texas, to B-1 (General Business District); repealing all ordinances in conflict therewith; providing for severability; and providing an effective date.

Carey Dietrich, Community Planner and Assistant Director of Building and Development Services addressed the Council. Ms. Dietrich stated the Planning and Zoning Commission voted unanimously to approve the request for rezoning from R-1 (1st Single Family Dwelling District) to B-1 (General Business District). Ms. Dietrich added there were no objection letters received.

MOTION: Council Member Brundrett moved to approve the first 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 R-1 (1st Single Family Dwelling District) for property located at 914 Holly Road and 1521 State Highway 35 Bypass; also known as McCombs, part of Lots 14 and 15, 1.730 acres, City of Rockport, Aransas County, Texas, to B-1 (General Business District); repealing all ordinances in conflict therewith; providing for severability; and providing an effective date. Council Member Rangel seconded the motion. Motion carried unanimously.

21. Deliberate and act on first 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 R-1 (1st Single Family Dwelling District) for property located at 3629 Highway 35 South; also known as A160 James McKay Survey, being 8.00 acres, City of Rockport, Aransas County, Texas, to B-1 (General Business District); repealing all ordinances in conflict therewith; providing for severability; and providing an effective date.

Carey Dietrich, Community Planner and Assistant Director of Building and Development Services addressed the Council. Ms. Dietrich stated the previous owners of the property were annexed into the City as residential and they did have a Conditional Use Permit for the RV park. Ms. Dietrich said the Planning and Zoning Commission unanimously voted to approve the rezone request. Ms. Dietrich added there were no objection letters received.

MOTION: Council Member Brundrett moved to approve the first 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 R-1 (1st Single Family Dwelling District) for property located at 3629 Highway 35 South; also known as A160 James McKay Survey, being 8.00 acres, City of Rockport, Aransas County, Texas, to B-1 (General Business District); repealing all ordinances in conflict therewith; providing for severability; and providing an effective date. Council Member Rangel seconded the motion. Motion carried unanimously.

- 22. Deliberate and act on first reading of an Ordinance granting a Conditional Use Permit for the purpose of a small manufacturing business which is building wood frame structures for re-sale on the property located at 3629 Highway 35 South; also known as A160 James McKay Survey, being 8.00 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, Community Planner and Assistant Director of Building and Development Services addressed the Council. Ms. Dietrich stated the property owners are requesting a Conditional Use Permit for a small manufacturing business which is building wood frame structures for re-sale. Ms. Dietrich said the Planning and Zoning Commission voted unanimously to approve the request for a Conditional Use Permit.

MOTION: Council Member Brundrett moved to approve the first reading of an Ordinance granting a Conditional Use Permit for the purpose of a small manufacturing business which is building wood frame structures for re-sale on the property located at 3629 Highway 35 South; also known as A160 James McKay Survey, being 8.00 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. Council Member Rangel seconded the motion. Motion carried unanimously.

- 23. Deliberate and act on second and final reading of an Ordinance authorizing the closing, vacating, and abandonment of 0.069 acre of land being a 20-foot wide alleyway lying between Lots 4 through 6 and Lots 12 through 14, Block 108, Manning Addition, City of Rockport, Aransas County, Texas, according to the Plat recorded in Volume 1, Page 7, Plat Records of Aransas County, Texas; providing for the terms and conditions of such vacation and abandonment; authorizing the Mayor to execute a Quitclaim Deed for the 0.069 acre to be closed, vacated and abandoned; and providing for an effective date.**

City Secretary Teresa Valdez said the City had received a Petition for the vacating of a 20-foot-wide alleyway lying between Lots 4 through 6 and Lots 12 through 14, Block 108, Manning Addition from Ocean Glory Homes. Ms. Valdez stated the required Public Hearing was conducted at the last Council meeting and this is the second and final reading of the Ordinance to vacate the 20-foot-wide alleyway. Ms. Valdez added the alleyway is appraised at \$0. Ms. Valdez added there has been no change in format or content to the Ordinance since Council approved the first reading on January 9, 2024.

MOTION: Council Member Brundrett moved to approve the second & final reading of an Ordinance authorizing the closing, vacating, and abandonment of 0.069 acre of land being a 20-foot wide alleyway lying between Lots 4 through 6 and Lots 12 through 14, Block 108, Manning Addition, City of Rockport, Aransas County, Texas, according to the Plat recorded in Volume 1, Page 7, Plat Records of Aransas County, Texas; providing for the terms and conditions of such vacation and abandonment; authorizing the Mayor to execute a Quitclaim Deed for the 0.069 acre

to be closed, vacated and abandoned; and providing for an effective date. Council Member Rangel seconded the motion. Motion carried unanimously.

24. Deliberate and act on first reading of 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.

Director of Finance Robbie Sorrell addressed the Council. Mr. Sorrell said this is the first budget amending for Fiscal Year 2023-2024 and staff will try to do budget amendments on a quarterly basis. Mr. Sorrell explained there are three funds affected: 1) The rollback utility rates for the outside City limits customers means with City will have to refund the difference collected since the start of the new fiscal year and amend the Utility Fund Budget for less anticipated annual revenue, the system estimates propose reducing budgeted Water revenues by \$428,335 and Wastewater revenues by \$91,956 and also adds \$5,000 for estimated legal and other fees associated with the Public Utility Commission petition; 2) The Aquatic Fund, for reduced intergovernmental participation revenues of \$5,834 from Town of Fulton; and 3) The General Fund to cover vehicle damage expenditures to the park fence in the amount of \$1,750. Ms. Sorrell stated the funds for the above estimated \$532,875 in budget amendments is to come from reserves.

MOTION: Council Member Brundrett moved to approve the first reading of 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. Council Member Rangel seconded the motion. Motion carried unanimously.

25. Deliberate and act to approve reallocation of unspent bond funds from previously recommended projects to other bond compliant projects.

City Manager Shrauner said she knew Council had allocated unspent bond funds before she came to Rockport and at the budget meetings for Fiscal Year 2023-2024 Council gave direction to staff to review and spend the unspent bonds funds from 2005, 2007, 2009, and 2014. Ms. Shrauner stated the reallocation being presented will get us close to even.

Public Works Director Mike Donoho and Parks and Leisure Services Director Gene Camargo addressed the Council and explained the proposed reallocation of unspent bonds funds.

Ms. Shrauner said the amounts remaining from unspent bond funds will be held for contingency until the proposed projects are completed.

Brief discussion was held between Council and Ms. Shrauner.

MOTION: Council Member Brundrett moved to approve the reallocation of unspent bond funds from previously recommended projects to other bond compliant projects. Council Member Rangel seconded the motion. Motion carried unanimously.

26. Deliberate and act on awarding a contract to R.P. Constructors, Inc. for improvements to the City of Rockport Wastewater Treatment Plant.

Public Works Director Mike Donoho stated bids were opened on November 15, 2023 and the lowest bidder was R.P. Constructors with a base bid of \$5,936,545. Mr. Donoho said after reviewing the bids and the amount of money allocated for the project the City asked Urban Engineering to contact the bidder to see if the scope of the project could be reduced to lower the cost. Mr. Donoho explained it was recommended to remove the construction of a third clarifier for a saving of \$1,000,000 and the removal of a new non-potable water system and associated piping and electrical for a savings of \$365,697. Mr. Donoho stated R.P. Constructors has agreed to remove the two items and lower the base bid to \$4,570,848. Mr. Donoho said the total costs for this project is \$4,998,048 and the project is funded by the American Rescue Plan Act (ARPA) in the amount of \$2,627,522.20 and the remaining balance of \$2,370,525.80 is being funded by unspent bond funds.

Brief discussion was held between Council, Ms. Shrauner, Mr. Donoho, and Mark Maroney, Engineer with Urban Engineering.

MOTION: Council Member Brundrett moved to award a contract to R.P. Constructors, Inc. for improvements to the City of Rockport Wastewater Treatment Plant. Council Member Rangel seconded the motion. Motion carried unanimously.

27. Deliberate and act on ratification of contract with Tyler for \$78,000.

City Manager Shrauner stated unknown to her until a week ago, a former staff member entered into an unauthorized and unfunded agreement with Tyler Technologies, amounting to \$78,336. Ms. Shrauner explained the contract was for extra seats on our services and including some data migration and the majority of the services have been delivered or are currently underway.

Discussion was held between Council, Ms. Shrauner and Director of Communications Lee Brown.

MOTION: Council Member Brundrett moved to ratify the contract with Tyler for \$78,000. Council Member Rangel seconded the motion. Motion carried unanimously.

28. Deliberate and act to grant Parks Staff authorization to submit a response to Aransas County's Request for Proposals (RFP # 2023-1105) for the Tiger Field Athletic Complex Lease.

Gene Camargo, Director of Parks and Leisure Services addressed the Council. Mr. Camargo stated Aransas County put out a Request for Proposals (RFP) for the lease and utilization of Tiger Field Athletic Complex. Mr. Camargo stated the competition for open space at Memorial Park as steadily increased. Mr. Camargo said staff is seeking to express the City's interest and incorporating the Tiger Field Athletic Complex into its programming and coordination of the various sporting activities and while staff feels the RFP may not be the preferred vehicle to coordinate with the County, staff would like to express the City's interest in the Tiger Field Athletic Complex. Mr. Camargo requested Council allow City Staff to respond to the RFP.

MOTION: Council Member Brundrett moved to grant Parks Staff authorization to submit a response to Aransas County's Request for Proposals (RFP #2023-1105) for the Tiger Field Athletic Complex Lease. Council Member Rangel seconded the motion. Motion carried unanimously.

29. Reports from Council.

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

Council Member Rangel reported she attended the Economic Development Summit, and she served on the panel regarding health care. Ms. Rangel said there is not much going on in Ward 1 at this time.

Council Member Brundrett reported he also attended the Economic Development Summit and Council Member Rangel did an outstanding job representing the entity she works for, and City Manager Shrauner did a great job representing the City and getting our needs out there.

Executive Session

City Council will hold an executive session pursuant to the provisions of Chapter 551 of the Texas Government Code, in accordance with the authority contained in:

- 30. Section 551.071 Consultations with Attorney seeking the advice of attorney about pending or contemplated litigation, or a settlement offer; and 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:**
1) City Hall; and 2) Concho Street & General Land Office (GLO) drainage projects.
- 31. Section 551.074 Personnel Matters - deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee: City Secretary.**

At 7:36 p.m., Mayor Pro-Tem Hattman convened the City Council into executive session pursuant to the provisions of Chapter 551 of the Texas Government Code, in accordance with the authority contained in: Section 551.071 Consultations with Attorney seeking the advice of attorney about pending or contemplated litigation or a settlement offer; and 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: 1) City Hall; and 2) Concho Street & General Land Office (GLO) drainage projects; and Section 551.074 Personnel Matters - deliberate

the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee: City Secretary.

Open Session

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

At 8:06 p.m., Mayor Pro-Tem Hattman reconvened the Rockport City Council into open session pursuant to the provisions of Chapter 551 of the Texas Government Code.

MOTION: Council Member Brundrett moved to appoint Kimberly Henry as Interim City Secretary effective February 1, 2024. Council Member Rangel seconded the motion. Motion carried unanimously.

32. Adjournment.

At 8:06 p.m., Council Member Brundrett moved to adjourn the meeting. Motion was seconded by Council Member Rangel. Motion carried unanimously.

APPROVED:

Tim Jayroe, Mayor

ATTEST:

Teresa Valdez, City Secretary

CITY COUNCIL AGENDA
Regular Meeting: Tuesday, February 13, 2024

AGENDA ITEM: 5

Deliberate and act on 1st quarter report from the Rockport Cultural Arts District for Fiscal Year 2023-2024 marketing expenditures.

SUBMITTED BY: Interim City Secretary Kimberly Henry

APPROVED FOR AGENDA: VRS

BACKGROUND: The Rockport Cultural Arts District has been allocated \$129,900.00 in FY 2023-2024 Hotel Occupancy Tax (HOT) funds. According to our agreement with the Rockport Cultural Arts District, HOT funds are paid in advance and a report of the previous quarter's expenditures is required. See the accompanying 1st quarter HOT expenditure report for additional information.

FISCAL ANALYSIS: Charged to account 6602097. YTD expenses are \$32,475.00 out of \$129,900.00 budgeted.

STAFF RECOMMENDATION: Staff recommends approval of the Rockport Cultural Arts District FY 2022-2023 Hotel Occupancy Tax funds 1st quarter expenditures and authorization to disburse the 2nd quarter funds in the amount of \$32,475.00, as presented.

EXHIBIT "B"

HOT FUNDING EXPENSE REPORT FY 2022-2023							
Description of Expense	Approved Budget	1 st Quarter Expenses	2 nd Quarter Expenses	3 rd Quarter Expenses	4 th Quarter Expenses	TOTAL	* Number of Heads in Beds
Promotion of the Arts	47,400	12,800				12,800	
Historical Restoration/Preservation	34,500	8,347				8,347	
Administration/Staffing	48,000	11,328				11,328	
TOTAL REQUESTED	129,900	32,475				32,475	238,062 **

*Must attach supporting documentation.

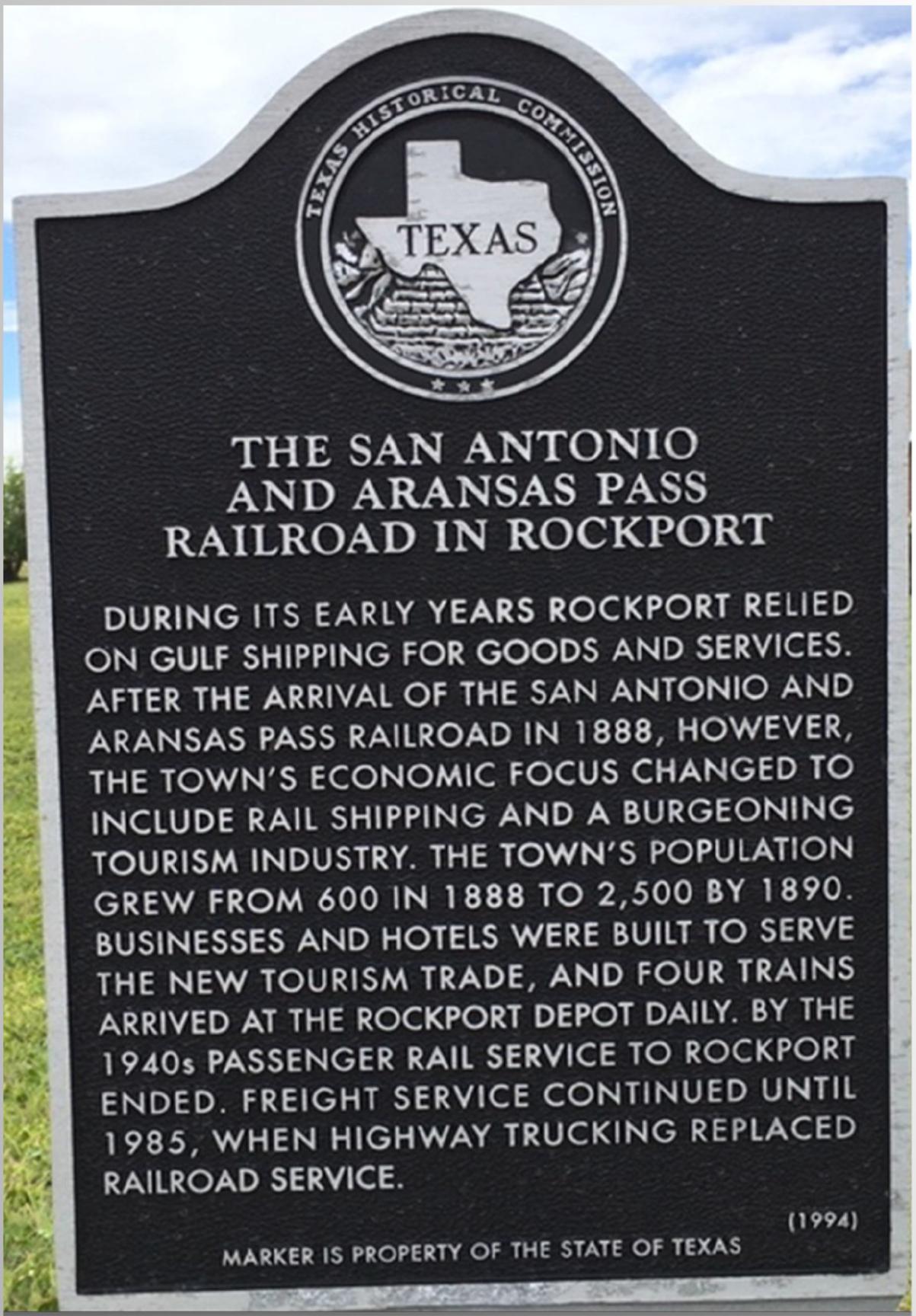
**Based on HOT Modeling Statistics

Description of Administrative Expenses	Current Fiscal Year Administrative Expenses Projection	Fiscal Year Administrative Actual Expenses	Percentage of Fiscal Year Projections
Wages, office, dues, insurance, utilities	98,814	93,231	94.35%
TOTALS	98,814	93,231	94.35%

City of Rockport
HOT Report
October-December 2022



Rockport SAAP Railroad Depot Museum



Passport to the Past Program



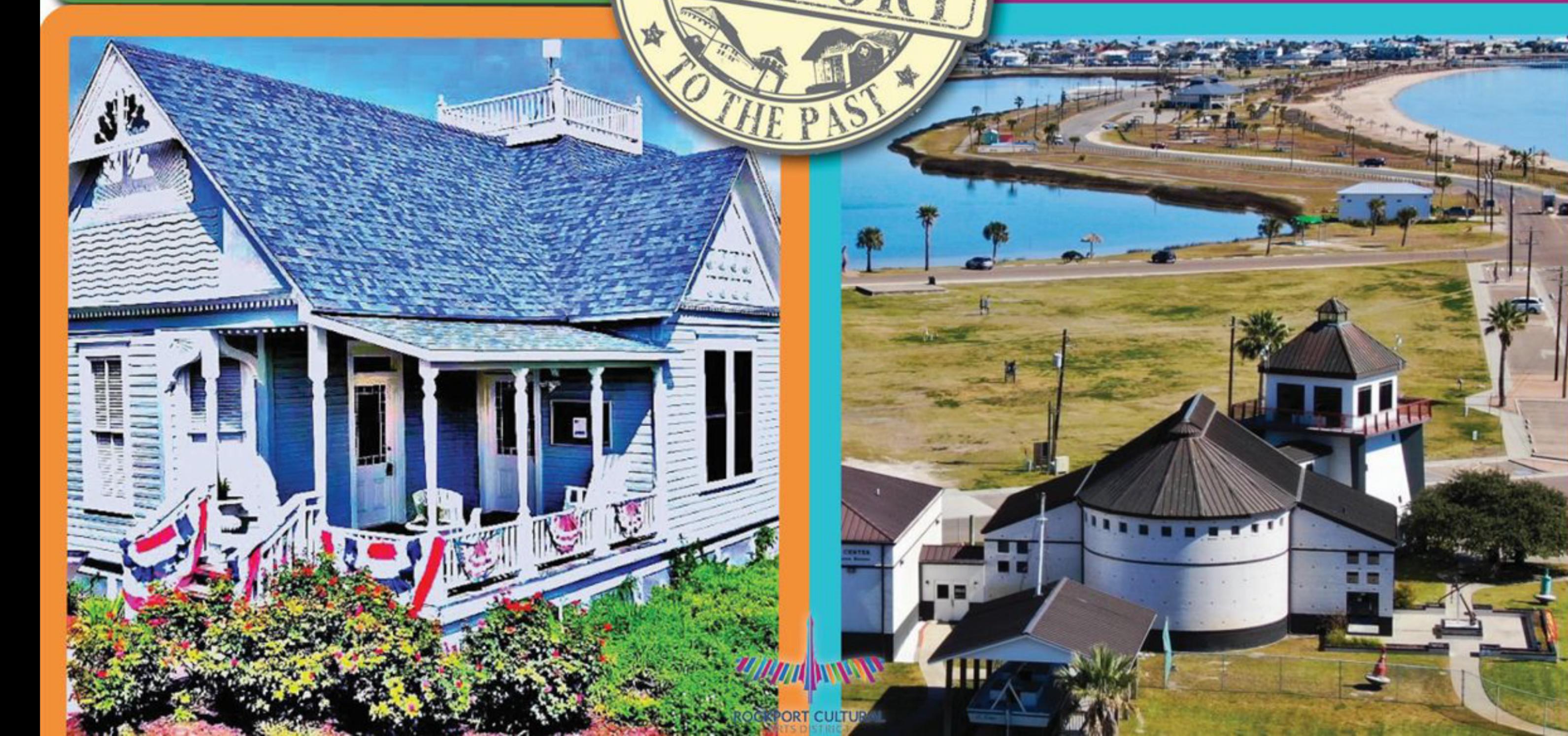
Passport To The Past Program

Challenges

people to visit to

four different

museums





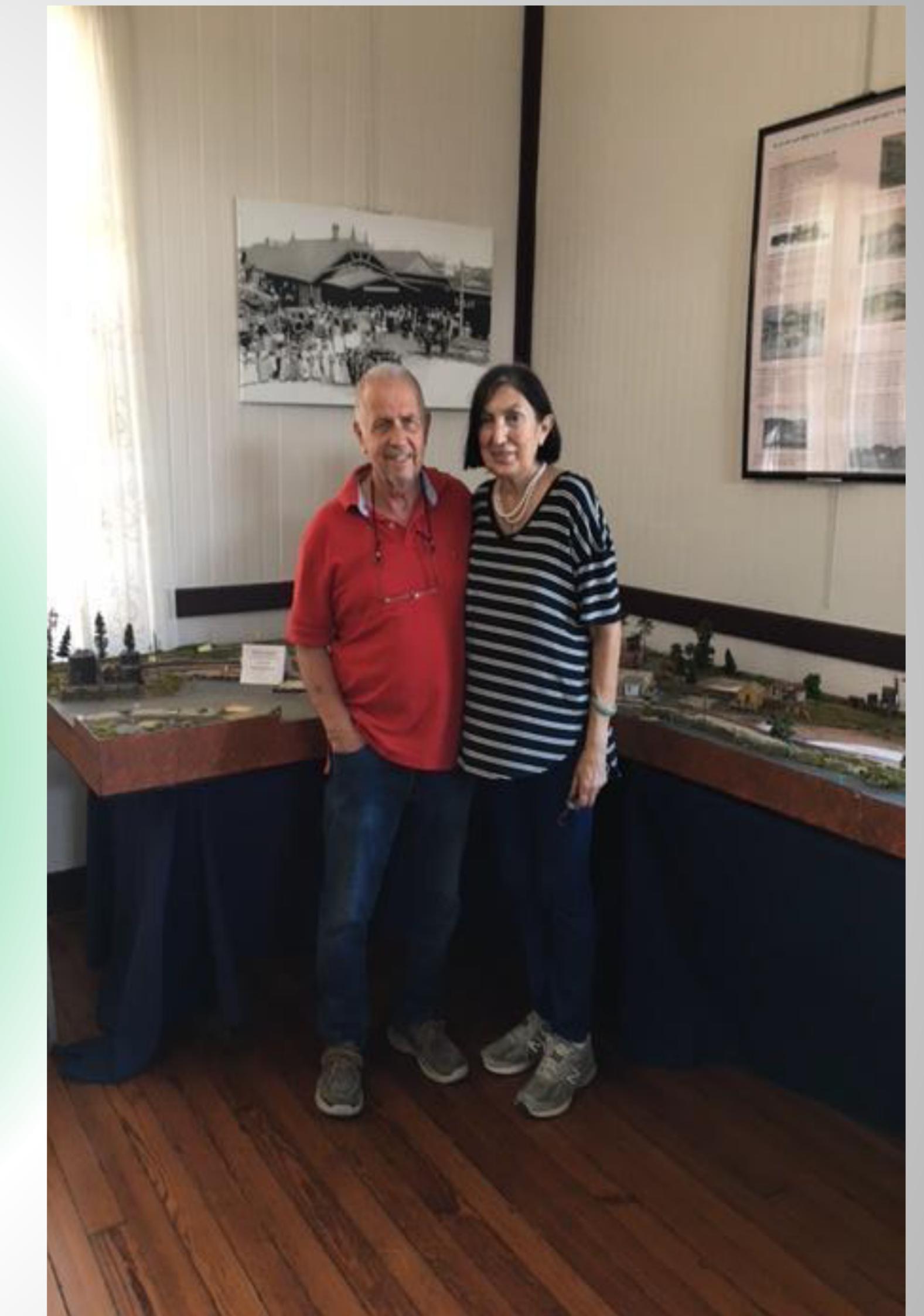
Passport to the Past Patrons

Zip Code Collection
10/1/22 - 12/31/22

Outside 75 Miles
49%

Austin, DFW, Houston, San
Antonio

Within 75 Miles
51%



Passport to the Past Patrons



Attendees outside 75 miles – 98%
Attendees within 75 miles – 2%

Hotel Stays – 22 nights (11 x 2)



Southern Pacific Railroad Police Officers Reunion

October 27, 2022

Continued Railroad Depot Renovations

- Installed ADA Ramp and Walkway
- Weatherproofed Back Room
- Added Access to Attic, Creating Storage Area



District Train Rides

10/1- Shopping Tournament

10/8-Seafair

10/29-Halloween in the District

12/10-Christmas in the District



Saturday, October
29th!
Spooktacular Events!!!!

27

HALLOWEEN IN THE DISTRICT

Music Festival
Rockport Festival
Grounds 4pm

11am – 3:00pm

Harbor Haunt
Games,
Treats, and More!
Texas Maritime
Museum

Candy

Noon – 6pm

Trick or Treat in
the District!
Punch your
card, you could
win a prize!
Merchant Shops

Pumpkin Sales at First Learning Tree

1pm – 4pm

Train Rides,
Halloween
Treats!!
Railroad
Depot
Museum

11am – 1pm

Trunk
or
Treat!
Church
Unlimited

Costumes Encouraged

5pm – 9pm

Zombie Walk!
Best Costume
Contest
Rockport Little
Theatre

~Located in the Cultural Arts District in Downtown Rockport~

HALLOWEEN IN THE DISTRICT

Within 75 Miles – 64%

•

Rental Nights - 6 for HID
(visitors may have stayed more than one day)





Annual Christmas In the District Dec 10th

Zip Codes Collected

12/10/22

Outside 75 Miles – 33%

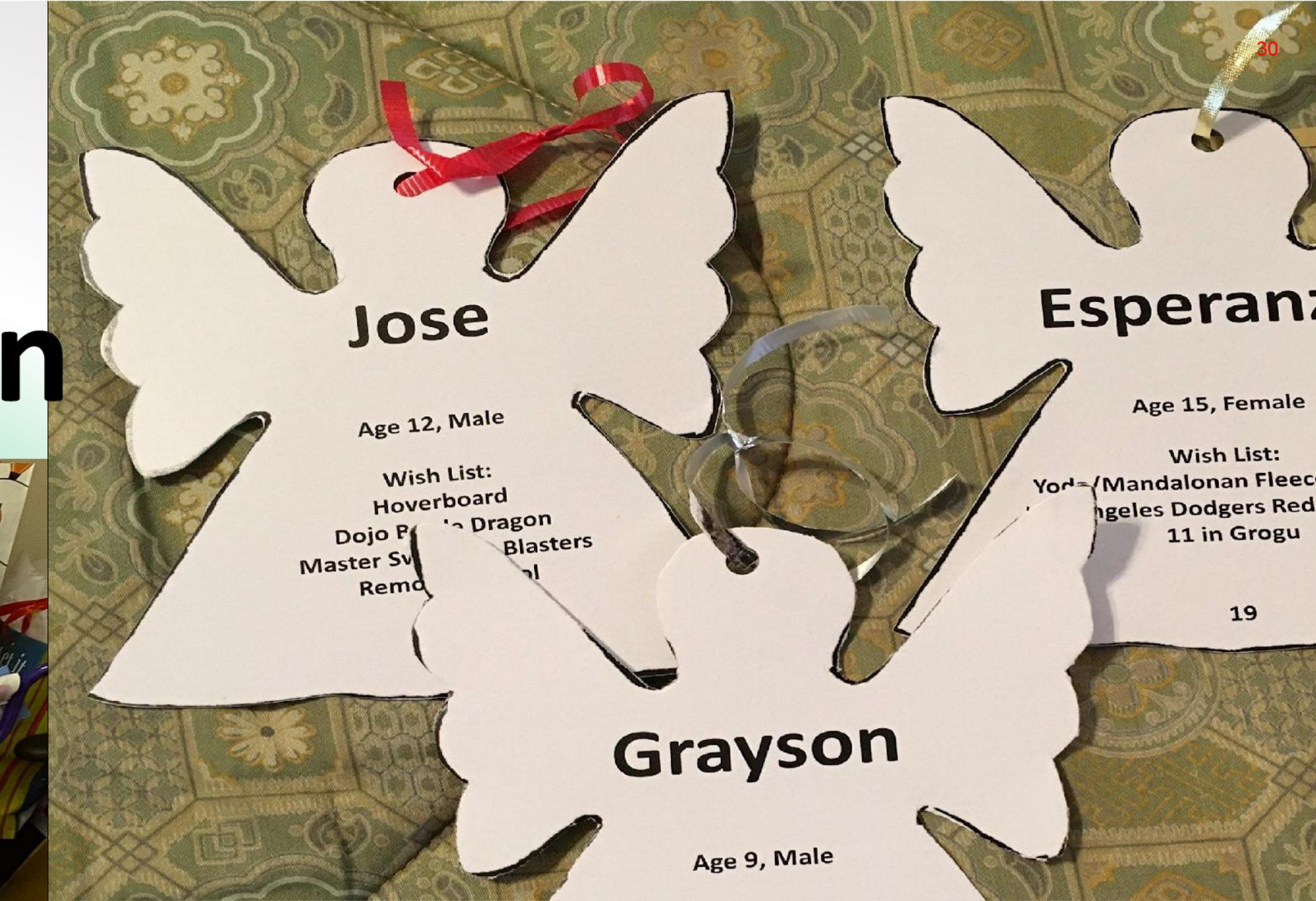
Austin, Dallas, Houston, San Antonio, California,
Colorado, Illinois, Ohio, Oregon, New Mexico,
Nebraska, South Dakota, Washington, Mexico

Within 75 Miles – 67%

Rental Nights - 31

- Visitors may have stayed more than one day
 - Does not include RVs

Angel Tree Support Aransas County Foster Children



- Supported 47 Aransas County Foster Children's Christmas Toy and Clothing Wish Lists
- Drove visibility, traffic, and sales to local merchants
- Inspired holiday spirit and collaboration between local families, businesses and governmental entities

“Light Up The District” Holiday Lights Program



- Championed Holiday Lights Program with City of Rockport and Navigation District
- Added new lighting in Veterans Memorial Park and Austin Street Light Poles
- Led Holiday Lights Program for Merchant Building Tops
- Led Holiday Lights Contest for District Merchants

“CULTURA
PROJECT
UPDATE
INTERFACE”



**ROCKPORT CULTURAL
ARTS DISTRICT**

Steve Russell Rockport Renaissance Artist





“Cultural Interface”
celebrates the
multi-cultural heritage
of Aransas County –
Spanish and French
Explorers, the early
religious settlers, and
Native Americans

“Cultural Interface”

4th Quarter 2022

- Continued Successful Project Management and Fundraising
- Target Complete Late Summer 2023
- Exponential Number of Tourists Expected

ROCKPORT CULTURAL ROCKPORT CULTURAL

Other
Initiati

....



District Merchant Meetings

September 19th
November 7th



FARMERS MARKET
MAKERS MARKET
ENTERTAINMENT
MARKET ON MAIN
in the Cultural Arts & Heritage District



Social Media Marketing



[Facebook Page](#)

[Railroad Depot Facebook Page](#)

- 3.6 K Likes - 844 Likes

- 4.1 K Followers - 939 Followers

- Social Media Campaign Features
 - District Businesses and Organizations
 - Culinary Arts and Local Culture





Thank you from the Rockport Cultural Arts District Bd

CITY COUNCIL AGENDA

Regular Meeting: Tuesday, February 13, 2024

AGENDA ITEM: 6

Deliberate and act on a Resolution of the City of Rockport, Texas, authorizing the Rockport Police Department to apply for and operate a Criminal Justice Department DJ-Edward Byrne Memorial Justice Assistance Grant (JAG), administered by the Office of the Governor, Public Safety Office for Fiscal Year 2024; and authorizing the Mayor to act as the Executive Officer and authorized representative in all matters pertaining to the participation in this grant program.

SUBMITTED BY: Captain Nathan Anderson

APPROVED FOR AGENDA: VRS

BACKGROUND: The objective of the JAG grant is to support state, tribal and local preparedness activities that continue to build law enforcement capabilities to prevent terrorist attacks and provide law enforcement and public safety communities with funds to support critical prevention and protection activities. A requirement of the grant is a resolution from the City authorizing the operation of the JAG grant Fiscal Year 2024.

FISCAL ANALYSIS: JAG is in Fund 18 with revenue credited to account 40421, expenses charged to accounts 6191006 and 6197044.

STAFF RECOMMENDATION: Staff recommends City Council approve the Resolution authorizing the Rockport Police Department to apply for and operate a Fiscal Year 2024 JAG grant administered by the Office of the Governor, Public Safety Office.

RESOLUTION NO. 2024 - __

A RESOLUTION OF THE CITY OF ROCKPORT, TEXAS, AUTHORIZING THE ROCKPORT POLICE DEPARTMENT TO APPLY FOR AND OPERATE AN OFFICE OF THE GOVERNOR, PUBLIC SAFETY OFFICE, CRIMINAL JUSTICE DIVISION, DJ-EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM (JAG), FOR FISCAL YEAR 2024; AND AUTHORIZING THE MAYOR TO ACT AS THE EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE PARTICIPATION IN THIS GRANT PROGRAM.

WHEREAS, the City of Rockport finds it is the best interest of the citizens of Rockport that the JAG grant be operated for Fiscal Year 2024; and

WHEREAS, the City of Rockport agrees to provide applicable matching funds for the said project as required in the grant application; and

WHEREAS, the City of Rockport agrees that in the event of loss or misuse of the Office of the Governor funds, the City of Rockport assures that the funds will be returned to the Office of the Governor in full; and

WHEREAS, the City of Rockport designates the Mayor as the grantee's authorized official and is authorized to apply for, accept, reject, alter, or terminate the grant on behalf of the City of Rockport.

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

Section 1. That a JAG grant application is hereby authorized to be filed for funding consideration; and

Section 2. That the Mayor is designated as the Chief Executive Officer and Authorized Representative to act in all matters in connection with this application and participation in the JAG grant.

PASSED and **APPROVED** this the 13th day of February 2024.

CITY OF ROCKPORT, TEXAS

Tim Jayroe, Mayor

ATTEST:

Kimberly Henry, Interim City Secretary

[Print This Page](#)

Agency Name: Rockport, City of
Grant/App: 3586303 **Start Date:** 10/1/2024 **End Date:** 9/30/2025

Project Title: Interoperable Communications
Status: Application Pending Submission

Eligibility Information

Your organization's Texas Payee/Taxpayer ID Number:
17460020005000

Application Eligibility Certify:

Created on: 1/11/2024 8:19:14 AM By: Meredith Yarnall

Profile Information

Applicant Agency Name: Rockport, City of
Project Title: Interoperable Communications
Division or Unit to Administer the Project: Rockport Police Department
Address Line 1: 714 E Concho
Address Line 2:
City/State/Zip: Rockport Texas 78382-2530
Start Date: 10/1/2024
End Date: 9/30/2025

Regional Council of Goverments(COG) within the Project's Impact Area: Coastal Bend Council of Governments

Headquarter County: Aransas

Counties within Project's Impact Area: Aransas

Grant Officials:

Authorized Official

Name: Tim Jayroe
Email: mayor@cityofrockport.com
Address 1: 714 East Concho Street
Address 1:
City: Rockport , Texas 78382
Phone: 361-729-2213 Other Phone: 361-729-1111
Fax: 361-729-3461
Title: Mr.
Salutation: Mayor
Position: Mayor

Financial Official

Name: Robbie Sorrell
Email: rsorrell@rockporttx.gov
Address 1: 2751 SH 35 Bypass
Address 1:
City: Rockport, Texas 78382
Phone: 361-729-2213 Other Phone: 512-554-6953
Fax: 361-729-5966
Title: Mr.
Salutation: Mr.
Position: Finance Director

Project Director

Name: Nathan Anderson
Email: nanderson@cityofrockport.com
Address 1: 714 E Concho St
Address 1:
City: Rockport, Texas 78374
Phone: 361-729-1111 Other Phone: 806-239-4022
Fax: 361-729-3461
Title: Mr.
Salutation: Captain
Position: CID Commander

Grant Writer

Name: Meredith Yarnall
Email: nyarnall@cityofrockport.com
Address 1: 714 E Concho
Address 1:
City: Rockport, Texas 78382

Phone: 361-790-1101 Other Phone:
Fax: 361-729-3461
Title: Ms.
Salutation: Ms.
Position: Adminstrative Assistant

Grant Vendor Information

Organization Type: Unit of Local Government (City, Town, or Village)

Organization Option: applying to provide services to all others

Applicant Agency's State Payee Identification Number (e.g., Federal Employer's Identification (FEI) Number or Vendor

ID: 17460020005000

Unique Entity Identifier (UEI): [REDACTED]

Narrative Information

Introduction

The purpose of this funding is to support projects that promote public safety, reduce crime, and improve the criminal justice system.

Certifications

In addition to the requirements found in existing statute, regulation, and the funding announcement, this program requires applicant organizations to certify compliance with the following:

Constitutional Compliance

Applicant assures that it will not engage in any activity that violates Constitutional law including profiling based upon race.

Information Systems

Applicant assures that any new criminal justice information systems will comply with data sharing standards for the Global Justice XML Data Model and the National Information Exchange Model.

Bulletproof Vests

Applicant assures that if it plans to purchase body armor with grant funds, that it has adopted a mandatory wear policy and that all vests purchased have been tested and found to comply with the latest applicable National Institute of Justice (NIJ) ballistic or stab standards. Additionally, vests purchased must be American-made.

Cybersecurity Training Requirement

Local units of governments must comply with the Cybersecurity Training requirements described in Section 772.012 and Section 2054.5191 of the Texas Government Code. Local governments determined to not be in compliance with the cybersecurity requirements required by Section 2054.5191 of the Texas Government Code are ineligible for OOG grant funds until the second anniversary of the date the local government is determined ineligible. Government entities must annually certify their compliance with the training requirements using the [Cybersecurity Training Certification for State and Local Government](#). A copy of the Training Certification must be uploaded to your eGrants application. For more information or to access available training programs, visit the [Texas Department of Information Resources Statewide Cybersecurity Awareness Training](#) page.

Criminal History Reporting

Entities receiving funds from PSO must be located in a county that has an average of 90% or above on both adult and juvenile dispositions entered into the computerized criminal history database maintained by the Texas Department of Public Safety (DPS) as directed in the *Texas Code of Criminal Procedure, Chapter 66*. The disposition completeness percentage is defined as the percentage of arrest charges a county reports to DPS for which a disposition has been subsequently reported and entered into the computerized criminal history system.

Counties applying for grant awards from the Office of the Governor must commit that the county will report at least 90% of convictions within five business days to the Criminal Justice Information System at the Department of Public Safety.

Uniform Crime Reporting (UCR)

Eligible applicants operating a law enforcement agency must be current on reporting complete UCR data and the Texas specific reporting mandated by 411.042 TGC, to the Texas Department of Public Safety (DPS) for inclusion in the annual Crime in Texas (CIT) publication. To be considered eligible for funding, applicants must have submitted a full twelve months of accurate data to DPS for the most recent calendar year by the deadline(s) established by DPS. Due to the importance of timely reporting, applicants are required to submit complete and accurate UCR data, as well as the Texas-mandated reporting, on a no less than monthly basis and respond promptly to requests from DPS related to the data submitted.

Entities That Collect Sexual Assault/Sex Offense Evidence or Investigate/Prosecute Sexual Assault or Other Sex Offenses

In accordance with Texas Government Code, Section 420.034, any facility or entity that collects evidence for sexual assault or other sex offenses or investigates or prosecutes a sexual assault or other sex offense for which evidence has been collected, must participate in the statewide electronic tracking system developed and implemented by the Texas Department of Public Safety. Visit [DPS's Sexual Assault Evidence Tracking Program website](#) for more information or to set up an account to begin participating. Additionally, per Section 420.042 "A law enforcement agency that receives evidence of a sexual assault or other sex offense...shall submit that evidence to a public accredited crime laboratory for analysis no later than the 30th day after the date on which that evidence was received." A law enforcement agency in possession of a significant number of Sexual Assault Evidence Kits (SAEK) where the 30-day window has passed may be considered noncompliant.

DNA Testing of Evidentiary Materials

When funds are used for DNA testing of evidentiary materials, any resulting eligible DNA profiles must be uploaded to the Combined DNA Index System (CODIS) by a government DNA lab with access to CODIS.

Interoperable Communications

Funds to support emergency communications activities must ensure compliance with the FY 2018 SAFECOM Guidance on Emergency Communications Grants; adherence to the technical standards set forth in the FCC Waiver Order, or any succeeding FCC orders, rules, or regulations pertaining to broadband operations in the 700 MHz public safety band; and are fully coordinated with the full-time [Statewide Interoperability Coordinator \(SWIC\)](#) for Texas.

Twelve-Step Programs

Grant funds may not be used to support or directly fund programs such as the Twelve Step Program which courts have ruled are inherently religious. PSO grant funds cannot be used to support these programs, conduct meetings, or purchase related materials.

Program Income

Program Income
Applicant agrees to comply with all federal and state rules and regulations for program income and agrees to report all program income that is generated as a result of the project's activities. Applicant agrees to report program income through a formal grant adjustment and to secure PSO approval prior to use of the program income. Applicant agrees to use program income for allowable costs and agrees to expend program income immediately after PSO's approval of a grant adjustment and prior to requesting reimbursement of funds.

Deduction Method - Program income shall be deducted from total allowable costs to determine the net allowable costs. Program income shall be used for current costs unless PSO authorizes otherwise. Program income which the grantee did not anticipate at the time of the award shall be used to reduce the PSO award and grantee match rather than to increase the funds committed to the project.

Asset Seizures and Forfeitures - Program income from asset seizures and forfeitures is considered earned when the property has been adjudicated to the benefit of the plaintiff (e.g., law enforcement entity).

National Instant Background Check System (NICS)

Entities receiving funds under this solicitation that are to generate or upgrade court dispositions or other records that are relevant to National Instant Background Check System (NICS) determinations must have a system in place to ensure that all such NICS-relevant dispositions or records that are generated or upgraded are made available in timely fashion to state repositories/databases that are accessed by NICS.

Body-Worn Cameras (BWCs)

Applicant assures that if it plans to purchase body-worn cameras with grant funds, that it has adopted adequate policies and procedures related to BWC equipment usage, data storage and access, privacy considerations and training. The certification form related to BWC policies and procedures can be found [here](#).

Compliance with State and Federal Laws, Programs and Procedures

Local units of government, including cities, counties and other general purpose political subdivisions, as appropriate, and institutions of higher education that operate a law enforcement agency, must comply with all aspects of the programs and procedures utilized by the U.S. Department of Homeland Security ("DHS") to: (1) notify DHS of all information requested by DHS related to illegal aliens in Agency's custody; and (2) detain such illegal aliens in accordance with requests by DHS. Additionally, counties and municipalities may NOT have in effect, purport to have in effect, or make themselves subject to or bound by, any law, rule, policy, or practice (written or unwritten) that would: (1) require or authorize the public disclosure of federal law enforcement information in order to conceal, harbor, or shield from detection fugitives from justice or aliens illegally in the United States; or (2) impede federal officers from exercising authority under 8 U.S.C. § 1226(a), § 1226(c), § 1231(a), § 1357(a), § 1366(1), or § 1366(3). Lastly, eligible applicants must comply with all provisions, policies, and penalties found in Chapter 752, Subchapter C of the Texas Government Code.

Each local unit of government, and institution of higher education that operates a law enforcement agency, must download, complete and then upload into eGrants the [CEO/Law Enforcement Certifications and Assurances Form](#) certifying compliance with federal and state immigration enforcement requirements. This Form is required for each application submitted to PSO and is active until August 31, 2025 or the end of the grant period, whichever is later.

Equal Employment Opportunity Plan (EEO Plan)

If awarded, applicant agrees to comply with the Equal Employment Opportunity Program (EEOP) requirements per 28 C.F.R. § 42 Subpart E. Agencies may use the EEO Utilization Report Builder to assist with preparing Verification Forms and, if required, Utilization Reports.

Civil Rights Liaison

A civil rights liaison who will serve as the grantee's civil rights point of contact and who will be responsible for ensuring that the grantee meets all applicable civil rights requirements must be designated. The designee will act as the grantee's liaison in civil rights matters with PSO and with the federal Office of Justice Programs.

Enter the Name of the Civil Rights Liaison:

Messer & Fort Law

Enter the Address for the Civil Rights Liaison:

6371 Preston Rd. Ste. 200 Frisco, TX 75034

Enter the Phone Number for the Civil Rights Liaison [(999) 999-9999 x9999]:

972-668-6400

Overall Certification

Each applicant agency must certify to the specific requirements detailed above as well as to comply with all requirements within the PSO Funding Announcement, the *Guide to Grants*, the *Grantee Conditions and Responsibilities*, any authorizing or applicable state and federal statutes and regulations to be eligible for this program.

I certify to all of the application content & requirements.

Project Abstract :

Purchase 10 Multiband in-car radios in order to increase our interoperability with agencies throughout our region and add the ability to send or receive 700 or VHF frequency radio signals.

Problem Statement :

Half of our current fleet of in-car radios are single band and function only on Harris EDACS 800 trunking system. They have limited interoperability with other agency radio communication systems. The remaining in-car radios also do not have encryption features.

Supporting Data :

EDACS is a proprietary system operated by Harris Communications. Radios operating on an EDACS system cannot communicate with other radio systems such as Motorola trunking systems. They are unable to send or receive VHF or 700 band radio signals.

Project Approach & Activities:

Equip 10 fleet vehicles with the updated in-car radios to improve secure radio communications during critical incidents to ensure the safety of our officers and the public. The deployment of the proposed radios will be seamless and work with our areas existing towers.

Capacity & Capabilities:

This project will increase the level of communications and reduce capability gaps by increasing officer safety and improving responses to critical incidents throughout our region.

Performance Management :

Although it is a hard to measure performance in percentages for this project, it is well known that there is an Officer safety concern where the person who is committing a crime has the chance to prepare for the Officers arrival by listening to portable scanners and cell phone applications. The encryption feature of the proposed handheld radio will circumvent this issue.

Target Group :

The 27 members of the Rockport Police Department will be the direct beneficiaries for this project. The improved communications and encryption of voice transmissions will enhance the department's ability to protect the residents of the City of Rockport and the surrounding region.

Evidence-Based Practices:

The previously awarded purchase of a programming software and radios will allow our agency to maintain and update our radio communications system. This grant funding will complete our fleet with upgraded interoperable radios. It is anticipated that local funds will be utilized for regular maintenance and any needed repairs for this grant funded equipment.

Project Activities Information

Introduction

This section contains questions about your project. It is very important for applicants to review their funding announcement for guidance on how to fill out this section. Unless otherwise specified, answers should be about the EXPECTED activities to occur during the project period.

Selected Project Activities:

ACTIVITY	PERCENTAGE:	DESCRIPTION
Law Enforcement	100.00	upgrade 10 of the agency's 24 multi band in-car Unity radios to P-25 compliant devices including installation and accessories

CJD Purpose Areas

PERCENT DEDICATED	PURPOSE AREA	PURPOSE AREA DESCRIPTION
-------------------	--------------	--------------------------

Measures Information

Objective Output Measures

OUTPUT MEASURE	TARGET LEVEL
Equipment or technology: Individuals/Operators equipped	10
General Law Enforcement or Public Safety: Arrests resulting from grant.	0
Targeted Investigation: Criminal cases resulting in arrest.	0

Targeted Investigation: Grant-funded investigations carried out by the unit/division	0
Training or professional development: Individuals provided	0
Training or professional development: Individuals received	10
Training, professional development, or technical assistance: Hours provided	0
Training, professional development, or technical assistance: Hours received	2

Objective Outcome Measures

OUTCOME MEASURE	TARGET LEVEL

Custom Output Measures

CUSTOM OUTPUT MEASURE	TARGET LEVEL

Custom Outcome Measures

CUSTOM OUTCOME MEASURE	TARGET LEVEL

Resolution from Governing Body

Applications from nonprofit corporations, local units of governments, and other political subdivisions must include a [resolution](#) that contains the following:

1. Authorization by your governing body for the submission of the application to the Public Safety Office (PSO) that clearly identifies the name of the project for which funding is requested;
2. A commitment to provide all applicable matching funds;
3. A designation of the name and/or title of an authorized official who is given the authority to apply for, accept, reject, alter, or terminate a grant (Note: If a name is provided, you must update the PSO should the official change during the grant period.); and
4. A written assurance that, in the event of loss or misuse of grant funds, the governing body will return all funds to PSO.

Upon approval from your agency's governing body, upload the [approved](#) resolution to eGrants by clicking on the **Upload Files** sub tab located in the **Summary** tab.

Contract Compliance

Will PSO grant funds be used to support any contracts for professional services?

Select the appropriate response:

- Yes
 No

For applicant agencies that selected **Yes** above, describe how you will monitor the activities of the subcontractor(s) for compliance with the contract provisions (including equipment purchases), deliverables, and all applicable statutes, rules, regulations, and guidelines governing this project.

Enter a description for monitoring contract compliance:

Lobbying

For applicant agencies requesting grant funds in excess of \$100,000, have any federally appropriated funds been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant loan, or cooperative agreement?

Select the appropriate response:

- Yes
- No
- N/A

For applicant agencies that selected either **No** or **N/A** above, have any non-federal funds been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress in connection with this federal contract, loan, or cooperative agreement?

Select the appropriate response:

- Yes
- No
- N/A

Fiscal Year

Provide the begin and end date for the applicant agency's fiscal year (e.g., 09/01/20xx to 08/31/20xx).

Enter the Begin Date [mm/dd/yyyy]:

10/1/2024

Enter the End Date [mm/dd/yyyy]:

9/30/2025

Sources of Financial Support

Each applicant must provide the amount of grant funds expended during the most recently completed fiscal year for the following sources:

Enter the amount (in Whole Dollars \$) of Federal Grant Funds expended:

1197378

Enter the amount (in Whole Dollars \$) of State Grant Funds expended:

409127

Single Audit

Applicants who expend less than \$750,000 in federal grant funding or less than \$750,000 in state grant funding are exempt from the Single Audit Act and cannot charge audit costs to a PSO grant. However, PSO may require a limited scope audit as defined in 2 CFR Part 200, Subpart F - Audit Requirements.

Has the applicant agency expended federal grant funding of \$750,000 or more, or state grant funding of \$750,000 or more during the most recently completed fiscal year?

Select the appropriate response:

- Yes
- No

Applicant agencies that selected **Yes** above, provide the date of your organization's last annual single audit, performed by an independent auditor in accordance with the State of Texas Single Audit Circular; or CFR Part 200, Subpart F - Audit Requirements.

Enter the date of your last annual single audit:

9/30/2023

Debarment

Each applicant agency will certify that it and its principals (as defined in 2 CFR Part 180.995):

- Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal Court, or voluntarily excluded from participation in this transaction by any federal department or agency;
- Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) transaction or contract under a public transaction; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property; or
- Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state, or local) with commission of any of the offenses enumerated in the above bullet; and have not within a three-year period preceding this application had one or more public transactions (federal, state, or local) terminated for cause or default.

Select the appropriate response:

- I Certify
 Unable to Certify

If you selected **Unable to Certify** above, please provide an explanation as to why the applicant agency cannot certify the statements.

FFATA Certification

Certification of Recipient Highly Compensated Officers

The Federal Funding Accountability and Transparency Act (FFATA) requires Prime Recipients (CJD) to report the names and total compensation of each of the five most highly compensated officers (a.k.a. positions) of each sub recipient organization for the most recently completed fiscal year preceding the year in which the grant is awarded if the subrecipient answers **YES** to the **FIRST** statement but **NO** to the **SECOND** statement listed below.

In the sub recipient's preceding completed fiscal year, did the sub recipient receive: (1) 80 percent or more of its annual gross revenue from Federal contracts (and subcontracts), loans, grants (and subgrants) and cooperative agreements; AND (2) \$25,000,000 or more in annual gross revenue from Federal contracts (and subcontracts), loans, grants (and subgrants) and cooperative agreements?

Select the appropriate response:

- Yes
 No

Does the public have access to information about the compensation of the senior executives through periodic reports filed under Section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or Section 6104 of the Internal Revenue Code of 1986?

Select the appropriate response:

- Yes
 No

If you answered **YES** to the **FIRST** statement and **NO** to the **SECOND** statement, please provide the name and total compensation amount of each of the five most highly compensated officers (a.k.a. positions) within your agency for the current calendar year. If you answered NO to the first statement you are NOT required to provide the name and compensation amounts. NOTE: "Total compensation" means the complete pay package of each of the sub recipient's compensated officers, including all forms of money, benefits, services, and in-kind payments (see SEC Regulations: 17 CCR 229.402).

Position 1 - Name:

Position 1 - Total Compensation (\$):

0

Position 2 - Name:

Position 2 - Total Compensation (\$):

0

Position 3 - Name:

Position 3 - Total Compensation (\$):

0

Position 4 - Name:

Position 4 - Total Compensation (\$):

0

Position 5 - Name:

Position 5 - Total Compensation (\$):

0

Fiscal Capability Information

Section 1: Organizational Information

*** FOR PROFIT CORPORATIONS ONLY ***

Enter the following values in order to submit the application

Enter the Year in which the Corporation was Founded: 0

Enter the Date that the IRS Letter Granted 501(c)(3) Tax Exemption Status: 01/01/1900

Enter the Employer Identification Number Assigned by the IRS: 0

Enter the Charter Number assigned by the Texas Secretary of State: 0

Enter the Year in which the Corporation was Founded:

Enter the Date that the IRS Letter Granted 501(c)(3) Tax Exemption Status:

Enter the Employer Identification Number Assigned by the IRS:

Enter the Charter Number assigned by the Texas Secretary of State:

Section 2: Accounting System

The grantee organization must incorporate an accounting system that will track direct and indirect costs for the organization (general ledger) as well as direct and indirect costs by project (project ledger). The grantee must establish a time and effort system to track personnel costs by project. This should be reported on an hourly basis, or in increments of an hour.

Is there a list of your organization's accounts identified by a specific number (i.e., a general ledger of accounts)?

Select the appropriate response:

- Yes
- No

Does the accounting system include a project ledger to record expenditures for each Program by required budget cost categories?

Select the appropriate response:

- Yes
- No

Is there a timekeeping system that allows for grant personnel to identify activity and requires signatures by the employee and his or her supervisor?

Select the appropriate response:

- Yes
- No

If you answered 'No' to any question above in the Accounting System section, in the space provided below explain what action will be taken to ensure accountability.

Enter your explanation:

Section 3: Financial Capability

Grant agencies should prepare annual financial statements. At a minimum, current internal balance sheet and income statements are required. A balance sheet is a statement of financial position for a grant agency disclosing assets, liabilities, and retained earnings at a given point in time. An income statement is a summary of revenue and expenses for a grant agency during a fiscal year.

Has the grant agency undergone an independent audit?

Select the appropriate response:

- Yes
- No

Does the organization prepare financial statements at least annually?

Select the appropriate response:

- Yes
- No

According to the organization's most recent Audit or Balance Sheet, are the current total assets greater than the liabilities?

Select the appropriate response:

- Yes
- No

If you selected 'No' to any question above under the Financial Capability section, in the space provided below explain what action will be taken to ensure accountability.

Enter your explanation:

Section 4: Budgetary Controls

Grant agencies should establish a system to track expenditures against budget and / or funded amounts.

Are there budgetary controls in effect (e.g., comparison of budget with actual expenditures on a monthly basis) to include drawing down grant funds in excess of:

a) Total funds authorized on the Statement of Grant Award?

- Yes
- No

b) Total funds available for any budget category as stipulated on the Statement of Grant Award?

- Yes
- No

If you selected 'No' to any question above under the Budgetary Controls section, in the space provided below please explain what action will be taken to ensure accountability.

Enter your explanation:

Section 5: Internal Controls

Grant agencies must safeguard cash receipts, disbursements, and ensure a segregation of duties exist. For example, one person should not have authorization to sign checks and make deposits.

Are accounting entries supported by appropriate documentation (e.g., purchase orders, vouchers, receipts, invoices)?

Select the appropriate response:

- Yes
- No

Is there separation of responsibility in the receipt, payment, and recording of costs?

Select the appropriate response:

- Yes
- No

If you selected 'No' to any question above under the Internal Controls section, in the space provided below please explain what action will be taken to ensure accountability.

Enter your explanation:

Budget Details Information

Budget Information by Budget Line Item:

CATEGORY	SUB CATEGORY	DESCRIPTION	OOG	CASH MATCH	IN-KIND MATCH	GPI	TOTAL	UNIT/%
Equipment	Radio and Accessories	upgrade 10 of the agency's multi band in-car Unity radios to P-25 compliant devices including installation and accessories 10 @10,000 = \$100,000	\$100,000.00	\$0.00	\$0.00	\$0.00	\$100,000.00	10

Source of Match Information

Detail Source of Match/GPI:

DESCRIPTION	MATCH TYPE	AMOUNT

Summary Source of Match/GPI:

Total Report	Cash Match	In Kind	GPI Federal Share	GPI State Share
\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

Budget Summary Information

Budget Summary Information by Budget Category:

CATEGORY	OOG	CASH MATCH	IN-KIND MATCH	GPI	TOTAL
Equipment	\$100,000.00	\$0.00	\$0.00	\$0.00	\$100,000.00

Budget Grand Total Information:

OOG	CASH MATCH	IN-KIND MATCH	GPI	TOTAL
\$100,000.00	\$0.00	\$0.00	\$0.00	\$100,000.00

Condition Of Fundings Information

Condition of Funding / Project Requirement	Date Created	Date Met	Hold Funds	Hold Line Item Funds

You are logged in as **User Name:** nikki44y

CITY COUNCIL AGENDA

Regular Meeting: Tuesday, February 13, 2024

AGENDA ITEM: 7

Deliberate and act on a Resolution of the City of Rockport, Texas, authorizing the Rockport Police Department to apply for and operate an Operation Lone Star Grant Program (OLS) Fiscal Year 2025, administered by the Office of the Governor, Homeland Security grants division Fiscal Year 2025; and authorizing the Mayor to act as the Executive Officer and authorized representative in all matters pertaining to the participation in this grant program.

SUBMITTED BY: Captain Nathan Anderson

APPROVED FOR AGENDA: VRS

BACKGROUND: The objective of the OLS grant is to support state, tribal and local preparedness activities that continue to build law enforcement capabilities to prevent terrorist attacks and provide law enforcement and public safety communities with funds to support critical prevention and protection activities. A requirement of the grant is a resolution from the City authorizing the operation of the OLS grant FY 2025.

FISCAL ANALYSIS: OLS is in Fund 18 with revenue credited to account 40421, expenses charged to accounts 6191006 and 6197044.

STAFF RECOMMENDATION: Staff recommends City Council approve the Resolution authorizing the Rockport Police Department to apply for and operate a FY 2025 OLS grant administered by the Office of the Governor, Homeland Security grants division.

RESOLUTION NO. 2024 - __

A RESOLUTION OF THE CITY OF ROCKPORT, TEXAS, AUTHORIZING THE ROCKPORT POLICE DEPARTMENT TO APPLY FOR AND OPERATE AN OPERATION LONE STAR GRANT PROGRAM (OLS), GRANT ADMINISTERED BY THE OFFICE OF THE GOVERNOR, HOMELAND SECURITY GRANTS DIVISION FOR FISCAL YEAR 2025; AND AUTHORIZING THE MAYOR TO ACT AS THE EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE PARTICIPATION IN THIS GRANT PROGRAM.

WHEREAS, the City of Rockport finds it is the best interest of the citizens of Rockport that the OLS grant be operated for Fiscal Year 2025; and

WHEREAS, the City of Rockport agrees to provide applicable matching funds for the said project as required in the grant application; and

WHEREAS, the City of Rockport agrees that in the event of loss or misuse of the Office of the Governor funds, the City of Rockport assures that the funds will be returned to the Office of the Governor in full; and

WHEREAS, the City of Rockport designates the Mayor as the grantee's authorized official and is authorized to apply for, accept, reject, alter, or terminate the grant on behalf of the City of Rockport.

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

Section 1. That an OLS grant application is hereby authorized to be filed for funding consideration;

Section 2. That the Mayor is designated as the Chief Executive Officer and Authorized Representative to act in all matters in connection with this application and participation in the OLS grant.

PASSED and **APPROVED** this the 13th day of February 2024.

CITY OF ROCKPORT, TEXAS

Tim Jayroe, Mayor

ATTEST:

Kimberly Henry, Interim City Secretary

[Print This Page](#)**Agency Name:** City of Rockport**Grant/App:** 5051201 **Start Date:** 10/1/2024 **End Date:** 9/30/2025**Project Title:** Operation Lone Star FY25**Status:** Application Pending Submission**Eligibility Information****Your organization's Texas Payee/Taxpayer ID Number:**

746002000

Application Eligibility Certify:

Created on: 1/23/2024 1:38:10 PM By: Meredith Yarnall

Profile Information**Applicant Agency Name:** City of Rockport**Project Title:** Operation Lone Star FY25**Division or Unit to Administer the Project:** Rockport Police Department**Address Line 1:** 714 E Concho Street**Address Line 2:****City/State/Zip:** Rockport Texas 78382-2530**Start Date:** 10/1/2024**End Date:** 9/30/2025**Regional Council of Governments(COG) within the Project's Impact Area:** Coastal Bend Council of Governments**Headquarter County:** Aransas**Counties within Project's Impact Area:** Aransas**Grant Officials:****Authorized Official****Name:** Tim Jayroe**Email:** mayor@cityofrockport.com**Address 1:** 714 East Concho Street**Address 1:****City:** Rockport , Texas 78382**Phone:** 361-729-2213 **Other Phone:** 361-729-1111**Fax:** 361-729-3461**Title:** Mr.**Salutation:** Mayor**Position:** Mayor**Financial Official****Name:** Robbie Sorrell**Email:** rsorrell@rockporttx.gov**Address 1:** 2751 SH 35 Bypass**Address 1:****City:** Rockport, Texas 78382**Phone:** 361-729-2213 **Other Phone:** 512-554-6953**Fax:** 361-729-5966**Title:** Mr.**Salutation:** Mr.**Position:** Finance Director**Project Director****Name:** Nathan Anderson**Email:** nanderson@cityofrockport.com**Address 1:** 714 E Concho St**Address 1:****City:** Rockport, Texas 78374**Phone:** 361-729-1111 **Other Phone:** 806-239-4022**Fax:** 361-729-3461**Title:** Mr.**Salutation:** Captain**Position:** CID Commander**Grant Writer****Name:** Meredith Yarnall**Email:** nyarnall@cityofrockport.com**Address 1:** 714 E Concho**Address 1:****City:** Rockport, Texas 78382

Phone: 361-790-1101 Other Phone:
Fax: 361-729-3461
Title: Ms.
Salutation: Ms.
Position: Adminstrative Assistant

Grant Vendor Information

Organization Type: Unit of Local Government (City, Town, or Village)

Organization Option: applying to provide homeland security services

Applicant Agency's State Payee Identification Number (e.g., Federal Employer's Identification (FEI) Number or Vendor

ID: 746002000

Unique Entity Identifier (UEI): [REDACTED]

Narrative Information

Introduction

The purpose of the program is to enhance interagency border security operations supporting Operation Lone Star including the facilitation of directed actions to deter and interdict criminal activity. Program participants shall assist DPS in the execution of coordinated border security operations in an effort to:

Law Enforcement

- Increase the effectiveness and impact of Operation Lone Star.
- Reduce border-related criminal activity in Texas.
- Implement and increase the effectiveness of operational methods, measures, and techniques for outbound/southbound operations.
- Decrease the supply of drugs smuggled into and through Texas from Mexico.
- Disrupt and deter operations of gang and cartel criminal organizations.
- Decrease specifically targeted tactics (such as conveyance methods) for drugs in the Texas border region.
- Decrease use of specific areas for crime as targeted in directed action missions.
- Increase the effectiveness of directed action missions based upon intelligence and analysis to ensure they target the most serious threats and are conducted in high pay-off areas.
- Increase coordination between local and state law enforcement agencies in planning, execution, and analysis of border security operations.

Program Requirements

Regional Joint Operations Intelligence Center (JOIC) Coordination

Grantees must agree to perform the following activities:

- Participate in operational planning and coordination meetings, information/intelligence sharing meetings, and After Action Reviews (AARs) established by the Texas Department of Public Safety's (DPS) Joint Operations and Intelligence Centers (JOICs).
- Participate weekly on the JOIC Unified Command conference calls or meetings as required by the JOIC.
- Report significant border-related events that occur during each 24-hour period.
- Conduct enhanced law enforcement patrolling activities
- Recognize and react to information/intelligence to adjust times and locations of enhanced patrol activities.
- Identify significant border-related trends or areas of interest that may be developed into focus areas for future operations.
- Conduct surveillance, interdictions, investigations, and collect and disseminate information within its jurisdiction or cross jurisdiction lines as required.
- Conduct Steady State operations and respond to calls for service.
- Integrate air, ground, marine, and remote operations.

Border Incident Assessment Report (BIAR) Submission

Grantees must agree to submit BIAR reports to the JOIC:

The grantee shall report all border-related events to the JOIC using the BIAR. BIAR reporting shall include events that occur during Enhanced Operation activities AND events that occur during Steady State activities.

Enhanced (Surge) Operations originate out of the use of Operation Lone Star funds when the local agency chooses to increase the hours of patrol or the number of investigative bodies. Steady State activities are defined as normal patrol or investigative duties that do not use grant funds, but directly impact the overall Operation Lone Star mission, such as organized crime arrests, terroristic activities, weapons trafficking arrests, kidnappings, human trafficking, human smuggling, home invasions with a border or organized crime nexus, illegal immigration, border-related murders, gang-related murders, vehicle thefts, or drug trafficking.

The BIAR is the primary incident and information-reporting tool for the grantee in Operation Lone Star activities. The grantee shall ensure all BIARs conform to the respective standards outlined by the JOIC and are submitted within 24 hours of the end of shift and/or the timeframes established by the JOIC.

Certifications

In addition to the requirements found in existing statute, regulation, and the funding announcement, this program requires applicant organizations to certify compliance with the following:

Cybersecurity Training Requirement

Local units of governments must comply with the Cybersecurity Training requirements described in Section 772.012 and Section 2054.5191 of the Texas Government Code. Local governments determined to not be in compliance with the cybersecurity requirements required by Section 2054.5191 of the Texas Government Code are ineligible for OOG grant funds until the second anniversary of the date the local government is determined ineligible. Government entities must annually certify their compliance with the training requirements using the Cybersecurity Training Certification for State and Local Governments. A copy of the Training Certification must be uploaded to your eGrants application. For more information or to access available training programs, visit the Texas Department of Information Resources Statewide Cybersecurity Awareness Training page.

Criminal History Reporting

Entities receiving funds from PSO must be located in a county that has an average of 90% or above on both adult and juvenile dispositions entered into the computerized criminal history database maintained by the Texas Department of Public Safety (DPS) as directed in the Texas Code of Criminal Procedure, Chapter 66. The disposition completeness percentage is defined as the percentage of arrest charges a county reports to DPS for which a disposition has been subsequently reported and entered into the computerized criminal history system.

Counties applying for grant awards from the Office of the Governor must commit that the county will report at least 90% of convictions within five business days to the Criminal Justice Information System at the Department of Public Safety.

Uniform Crime Reporting (UCR)

Eligible applicants operating a law enforcement agency must be current on reporting complete UCR data and the Texas specific reporting mandated by 411.042 TGC, to the Texas Department of Public Safety (DPS) for inclusion in the annual Crime in Texas (CIT) publication. To be considered eligible for funding, applicants must have submitted a full twelve months of accurate data to DPS for the most recent calendar year by the deadline(s) established by DPS. Due to the importance of timely reporting, applicants are required to submit complete and accurate UCR data, as well as the Texas-mandated reporting, on a no less than monthly basis and respond promptly to requests from DPS related to the data submitted.

Entities That Collect Sexual Assualt/Sex Offense Evidence or Investigate/Prosecute Sexual Assault or Other Sex Offenses

In accordance with Texas Government Code, Section 420.034, any facility or entity that collects evidence for sexual assault or other sex offenses or investigates or prosecutes a sexual assault or other sex offense for which evidence has been collected, must participate in the statewide electronic tracking system developed and implemented by the Texas Department of Public Safety. Visit DPS's Sexual Assault Evidence Tracking Program website for more information or to set up an account to begin participating. Additionally, per Section 420.042 "A law enforcement agency that receives evidence of a sexual assault or other sex offense...shall submit that evidence to a public accredited crime laboratory for analysis no later than the 30th day after the date on which that evidence was received." A law enforcement agency in possession of a significant number of Sexual Assault Evidence Kits (SAEK) where the 30-day window has passed may be considered noncompliant.

Compliance with State and Federal Laws, Programs and Procedures

Local units of government, including cities, counties and other general purpose political subdivisions, as appropriate, and institutions of higher education that operate a law enforcement agency, must comply with all aspects of the programs and procedures utilized by the U.S. Department of Homeland Security ("DHS") to: (1) notify DHS of all information requested by DHS related to illegal aliens in Agency's custody; and (2) detain such illegal aliens in accordance with requests by DHS. Additionally, counties and municipalities may NOT have in effect, purport to have in effect, or make themselves subject to or bound by, any law, rule, policy, or practice (written or unwritten) that would: (1) require or authorize the public disclosure of federal law enforcement information in order to conceal, harbor, or shield from detection fugitives from justice or aliens illegally in the United States; or (2) impede federal officers from exercising authority under 8 U.S.C. § 1226(a), § 1226(c), § 1231(a), § 1357(a), § 1366(1), or § 1366(3). Lastly, eligible applicants must comply with all provisions, policies, and penalties found in Chapter 752, Subchapter C of the Texas Government Code.

Each local unit of government, and institution of higher education that operates a law enforcement agency, must download, complete and then upload into eGrants the [CEO/Law Enforcement Certifications and Assurances Form](#) certifying compliance with federal and state immigration enforcement requirements. This Form is required for each application submitted to PSO and is active until August 31, 2024 or the end of the grant period, whichever is later.

Overall Certification

Each applicant agency must certify to the specific requirements detailed above as well as to comply with all requirements within the PSO Funding Announcement, the *Guide to Grants*, the *Grantee Conditions and Responsibilities*, any authorizing or applicable state and federal statutes and regulations to be eligible for this program.

X I certify to all of the application content and requirements.

Project Summary :

Briefly summarize the project, including proposed activities and intended impact.

Utilize sworn officers to increase visible patrol and conduct surveillance and interdiction in an effort to confuse, disrupt, arrest and

prosecute offenders of illegal human trafficking, illegal narcotic smuggling, and other border related crimes. Utilize technology advancement to increase data sharing capabilities, increase interconnectivity and enhance regional interdiction operations.

Problem Statement :

Provide a detailed account of the issues, threats or hazards that your project will target. For federal Homeland Security Grants, include specific references to the regional or state *Threat and Hazard Identification and Risk Assessment (THIRA)*, as applicable.

Increasing local concerns about border-related crimes including home burglaries, human and drug smuggling and cross border violence from gang and drug cartel

Existing Capability Levels :

Describe the existing capability levels, including resources that are currently in place to support this project prior to the use of grant funds.

27 sworn peace officers and 18 marked fully equipped patrol vehicles. 1- 28ft marine vessel with radar and navigation. 2 vehicle mounted Automated License Plate Readers

Capability Gaps:

Describe the capability gaps which will be addressed by the project. For federal Homeland Security Grants, include specific references to the regional or statewide State Preparedness Report (SPR).

Manpower and additional Automated License Plate readers are areas of need. The grant will provide the department with the equipment and funds to pay officers to work in an overtime capacity. The requested grant will allow officers to focus on interdiction activities on the highways and provide a regional connection for data sharing and increase investigative abilities throughout the Coastal Bend.

Impact Statement :

Describe the project goals/objectives and how this project will maintain capabilities or reduce capability gaps.

This project will reduce the capability gap by providing additional tools and funds to put officers on the streets, highways, and waterways tasked with performing interdiction and surveillance activities.

Homeland Security Priority Actions:

Identify the Texas Homeland Security Priority Action most closely aligned with this project. Each Priority Action is linked with an *Objective from the Texas Homeland Security Strategic Plan (HSSP)*. List the Priority Action by number and text (e.g. 1.2.3 *Expand and enhance the network of human sources that can provide detailed and relevant information on known or suspected terrorist and criminal enterprises.*)

1.3.1 In conjunction with federal agencies, conduct unified state and local law enforcement operations to deny the use of the Texas border region to terrorists and criminal organizations, particularly between the ports of entry.

Target Group :

Identify the target group and population expected to benefit from this project.

Immediate benefits will be felt in Aransas County, However, the added resources will create a better digital network for intelligence sharing, that will aide in the disruption of human trafficking and narcotics smuggling throughout the region.

Long-Term Approach:

Describe how the applicant agency will maintain the capabilities supported by this project without additional federal or state funds. If sustainment is dependent upon federal or state grants, describe the ongoing need for future grants, as applicable.

Without funds to provide overtime for officers, it will be difficult for the department to maintain the capabilities to target human trafficking and narcotic smuggling. Officers while working regular duty will have other responsibilities that will prevent them from being able to focus on interdiction and surveillance activities.

Project Activities Information

Introduction

This section contains questions about your project. It is very important for applicants to review their funding announcement for guidance on how to fill out this section. Unless otherwise specified, answers should be about the EXPECTED activities to occur during the project period.

Selected Project Activities:

ACTIVITY	PERCENTAGE:	DESCRIPTION
Operation Lone Star - Law Enforcement	100.00	Utilize sworn officers to increase visible patrol and conduct surveillance and interdiction in an effort to confuse, disrupt, arrest and prosecute offenders of illegal human trafficking, illegal narcotic smuggling, and other border related crimes. Utilize technology advancement to increase data sharing capabilities, increase interconnectivity and enhance regional interdiction operations.

Measures Information

Objective Output Measures

OUTPUT MEASURE	TARGET Level

Objective Outcome Measures

OUTCOME MEASURE	TARGET LEVEL
Equipment or technology: Individual/operators equipped	3
Number of adult apprehensions (transferred to USBP custody) made by grant-funded peace officers	5
Number of arrests (felony) made by grant-funded officers supporting the border initiative.	5
Number of arrests (misdemeanor) made by grant-funded officers supporting the border initiative.	15
Number of minor/juvenile apprehensions (transferred to USBP custody) made by grant-funded peace officers	1
Number of weapons seized by grant-funded officers supporting the border initiative.	1
Value of all forfeitures (cash and other assets) attributed to grant-funded officers supporting the border initiative.	500

Custom Output Measures

CUSTOM OUTPUT MEASURE	TARGET LEVEL

Custom Outcome Measures

CUSTOM OUTCOME MEASURE	TARGET LEVEL

Resolution from Governing Body

Applications from nonprofit corporations, local units of governments, and other political subdivisions must include a resolution that contains the following:

1. Authorization by your governing body for the submission of the application to the Public Safety Office (PSO) that clearly identifies the name of the project for which funding is requested;
2. A commitment to provide all applicable matching funds;
3. A designation of the name and/or title of an authorized official who is given the authority to apply for, accept, reject, alter, or terminate a grant (Note: If a name is provided, you must update the PSO should the official change during the grant period.); and
4. A written assurance that, in the event of loss or misuse of grant funds, the governing body will return all funds to PSO.

Upon approval from your agency's governing body, upload the approved resolution to eGrants by clicking on the **Upload Files** tab and following the instructions on *Uploading eGrant File* .

Contract Compliance

Will PSO grant funds be used to support any contracts for professional services?

Select the appropriate response:

Yes
 No

For applicant agencies that selected **Yes** above, describe how you will monitor the activities of the subcontractor(s) for compliance with the contract provisions (including equipment purchases), deliverables, and all applicable statutes, rules, regulations, and guidelines governing this project.

Enter a description for monitoring contract compliance:

Lobbying

For applicant agencies requesting grant funds in excess of \$100,000, have any federally appropriated funds been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant loan, or cooperative agreement?

Select the appropriate response:

Yes
 No
 N/A

For applicant agencies that selected either **No** or **N/A** above, have any non-federal funds been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress in connection with this federal contract, loan, or cooperative agreement?

Select the appropriate response:

Yes
 No
 N/A

Fiscal Year

Provide the begin and end date for the applicant agency's fiscal year (e.g., 09/01/20xx to 08/31/20xx).

Enter the Begin Date [mm/dd/yyyy]:

10/1/2024

Enter the End Date [mm/dd/yyyy]:

9/30/2025

Sources of Financial Support

Each applicant must provide the amount of grant funds expended during the most recently completed fiscal year for the following sources:

Enter the amount (in Whole Dollars \$) of Federal Grant Funds expended:

1197328

Enter the amount (in Whole Dollars \$) of State Grant Funds expended:

409127

Single Audit

Applicants who expend less than \$750,000 in federal grant funding or less than \$750,000 in state grant funding are exempt from the Single Audit Act and cannot charge audit costs to a PSO grant. However, PSO may require a limited scope audit as defined in 2 CFR Part 200, Subpart F - Audit Requirements.

Has the applicant agency expended federal grant funding of \$750,000 or more, or state grant funding of \$750,000 or more during the most recently completed fiscal year?

Select the appropriate response:

Yes
 No

Applicant agencies that selected **Yes** above, provide the date of your organization's last annual single audit, performed by an independent auditor in accordance with the State of Texas Single Audit Circular; or CFR Part 200, Subpart F - Audit Requirements.

Enter the date of your last annual single audit:

9/30/2023

Debarment

Each applicant agency will certify that it and its principals (as defined in 2 CFR Part 180.995):

- Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal Court, or voluntarily excluded from participation in this transaction by any federal department or agency;
- Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) transaction or contract under a public transaction; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property; or
- Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state, or local) with commission of any of the offenses enumerated in the above bullet; and have not within a three-year period preceding this application had one or more public transactions (federal, state, or local) terminated for cause or default.

Select the appropriate response:

- I Certify
 Unable to Certify

If you selected **Unable to Certify** above, please provide an explanation as to why the applicant agency cannot certify the statements.

Fiscal Capability Information

Section 1: Organizational Information

*** FOR PROFIT CORPORATIONS ONLY ***

Enter the following values in order to submit the application

Enter the Year in which the Corporation was Founded: 0

Enter the Date that the IRS Letter Granted 501(c)(3) Tax Exemption Status: 01/01/1900

Enter the Employer Identification Number Assigned by the IRS: 0

Enter the Charter Number assigned by the Texas Secretary of State: 0

Enter the Year in which the Corporation was Founded:

Enter the Date that the IRS Letter Granted 501(c)(3) Tax Exemption Status:

Enter the Employer Identification Number Assigned by the IRS:

Enter the Charter Number assigned by the Texas Secretary of State:

Section 2: Accounting System

The grantee organization must incorporate an accounting system that will track direct and indirect costs for the organization (general ledger) as well as direct and indirect costs by project (project ledger). The grantee must establish a time and effort system to track personnel costs by project. This should be reported on an hourly basis, or in increments of an hour.

Is there a list of your organization's accounts identified by a specific number (i.e., a general ledger of accounts)?

Select the appropriate response:

- Yes
 No

Does the accounting system include a project ledger to record expenditures for each Program by required budget cost categories?

Select the appropriate response:

- Yes
 No

Is there a timekeeping system that allows for grant personnel to identify activity and requires signatures by the employee and his or her supervisor?

Select the appropriate response:

- Yes
 No

If you answered 'No' to any question above in the Accounting System section, in the space provided below explain what action will be taken to ensure accountability.

Enter your explanation:

Section 3: Financial Capability

Grant agencies should prepare annual financial statements. At a minimum, current internal balance sheet and income statements are required. A balance sheet is a statement of financial position for a grant agency disclosing assets, liabilities, and retained earnings at a given point in time. An income statement is a summary of revenue and expenses for a grant agency during a fiscal year.

Has the grant agency undergone an independent audit?

Select the appropriate response:

- Yes
- No

Does the organization prepare financial statements at least annually?

Select the appropriate response:

- Yes
- No

According to the organization's most recent Audit or Balance Sheet, are the current total assets greater than the liabilities?

Select the appropriate response:

- Yes
- No

If you selected 'No' to any question above under the Financial Capability section, in the space provided below explain what action will be taken to ensure accountability.

Enter your explanation:

Section 4: Budgetary Controls

Grant agencies should establish a system to track expenditures against budget and / or funded amounts. Are there budgetary controls in effect (e.g., comparison of budget with actual expenditures on a monthly basis) to include drawing down grant funds in excess of:

a) Total funds authorized on the Statement of Grant Award?

- Yes
- No

b) Total funds available for any budget category as stipulated on the Statement of Grant Award?

- Yes
- No

If you selected 'No' to any question above under the Budgetary Controls section, in the space provided below please explain what action will be taken to ensure accountability.

Enter your explanation:

Section 5: Internal Controls

Grant agencies must safeguard cash receipts, disbursements, and ensure a segregation of duties exist. For example, one person should not have authorization to sign checks and make deposits.

Are accounting entries supported by appropriate documentation (e.g., purchase orders, vouchers, receipts, invoices)?

Select the appropriate response:

- Yes
- No

Is there separation of responsibility in the receipt, payment, and recording of costs?

Select the appropriate response:

- Yes
- No

If you selected 'No' to any question above under the Internal Controls section, in the space provided below please explain what action will be taken to ensure accountability.

Enter your explanation:

Budget Details Information

Budget Information by Budget Line Item:

CATEGORY	SUB CATEGORY	DESCRIPTION	OOG	CASH MATCH	IN-KIND MATCH	GPI	TOTAL	UNIT/%
Personnel	Certified Peace Officer - Police Department	Enhanced Border operations-overtime according to local policy-estimate 5000 hours at an average OT rate of \$45.50/hr., plus 29% fringe benefits, up to a total of \$292,701.50	\$292,701.50	\$0.00	\$0.00	\$0.00	\$292,701.50	100

Travel and Training	In-State Incidentals and/or Mileage	Rockport PD-Actual fuel costs for hours worked on grant overtime for an estimated amount of \$15,000	\$15,000.00	\$0.00	\$0.00	\$0.00	\$15,000.00	0
Equipment	Laptop System and Accessories	2 ruggedized laptops with vehicle accessories to operate the license plate reader software 2 @ \$4000 for a total of \$8000	\$8,000.00	\$0.00	\$0.00	\$0.00	\$8,000.00	2
Equipment	License Plate Reader	Rockport PD-2 License Plate readers and installations 2 units estimated at a total of \$33,000 and 1 static license plate reader 1 @ \$45,000	\$78,000.00	\$0.00	\$0.00	\$0.00	\$78,000.00	3

Source of Match Information

Detail Source of Match/GPI:

DESCRIPTION	MATCH TYPE	AMOUNT

Summary Source of Match/GPI:

Total Report	Cash Match	In Kind	GPI Federal Share	GPI State Share
\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

Budget Summary Information

Budget Summary Information by Budget Category:

CATEGORY	OOG	CASH MATCH	IN-KIND MATCH	GPI	TOTAL
Equipment	\$86,000.00	\$0.00	\$0.00	\$0.00	\$86,000.00
Personnel	\$292,701.50	\$0.00	\$0.00	\$0.00	\$292,701.50
Travel and Training	\$15,000.00	\$0.00	\$0.00	\$0.00	\$15,000.00

Budget Grand Total Information:

OOG	CASH MATCH	IN-KIND MATCH	GPI	TOTAL
\$393,701.50	\$0.00	\$0.00	\$0.00	\$393,701.50

Condition Of Fundings Information

Condition of Funding / Project Requirement	Date Created	Date Met	Hold Funds	Hold Line Item Funds

You are logged in as **User Name:** nikki44y

CITY COUNCIL AGENDA

Regular Meeting: Tuesday, February 13, 2024

AGENDA ITEM: 8

Deliberate and act on request from the Fulton Oysterfest for temporary closure of sections of Traylor Boulevard and South Fulton Beach Road for the Oysterfest parade on March 9, 2024, and authorization to display banners across the 2400 block of Highway 35 Business and across the 1200 block of FM 3036 for the Oysterfest event.

SUBMITTED BY: Interim City Secretary Kimberly Henry

APPROVED FOR AGENDA: VRS

BACKGROUND: The Fulton Oysterfest has submitted a request for street closures for the Oysterfest parade on March 9, 2024, as well as permission to display Oysterfest banners across the 2400 block of Highway 35 Business and across the 1200 block of FM 3036 from February 1, 2024, through March 15, 2024. This request is the same as previous years and the Rockport Police Department has reviewed for compliance. See the accompanying request and maps for additional information.

FISCAL ANALYSIS: N/A

RECOMMENDATION: Staff recommends Council approve the request for street closures and permission to display banners, as presented.

FULTON OYSTERFEST

P.O. Box 393 • Fulton, TX 78358



FULTON OYSTERFEST
"The Best Fest in Texas"

January 25, 2024

City Secretary
2751 SH 35
Rockport, TX 78382

Fulton Oysterfest is requesting to be put on your agenda for the next City Council scheduled for February 13, 2024 to request permission for street closures for the 45th Annual Fulton Oysterfest Parade March 9, 2024 and for banner location will be 2400 block of Highway 35 business and 1200 block of FM 3036. The time requested is February 10, till -March 15, 2024.

The Closures are the same as in previous years and listed below:

1. Traylor Blvd from Hwy 35 to Fulton Beach Road, blocked for the parade line up from 9:00 am to 11:30 am or until the final entry has departed
2. Crescent St at Traylor Blvd from 9:00 am until 11:30 am or until final entry has passed
3. Henderson at South Fulton Beach Rd starting at 10:30 am until final entry has passed
4. Fulton Ave at South Fulton Beach Rd starting at 10:30 am until the final entry has passed
5. We also need to block the south side of South Fulton Beach Rd. at Lakeview ,next to Bellino's from 10:30 am to approximately 12:00 noon or until the end of the parade line
Banner locations is the 2400 block of Highway 35 business and

If you have any question please contact me at 361-790-6466

Sincerely,

Sharron Loflin
Fulton Oysterfest President

CITY OF ROCKPORT

APPLICATION FOR PARADE PERMIT

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

Applicant Name: Fulton Oysterfest Telephone No. 361-790-6466

Applicant Address: P.O Box 393 (Street Address) Fulton, TX 78358 (City/State/Zip)

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

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

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

Organizing parade: Cody Morales (Name) 210-870-0596 (Address) (Telephone #)

Conducting parade: Cody Morales (Name) 210-870-0596 (Address) (Telephone #)

Cleaning animal waste: FVF (Name) P.O Box 393 (Address) Fulton TX 78358 (Telephone #)

Date March 9, 2024 time 8:30 proposed for commencement of the Parade and estimated duration: 4 (hrs) 30 (minutes).

State the location point for assembly of parade: Traylor Blvd Between Fulton Beach Rd & Hwy 35

State the location for disassembly of parade: Chaparral St Fulton, TX

Description of the specific Parade route listing all streets to be utilized and direction of flow from the point of commencement to termination:

Type of Parade: Commercial Non-commercial

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

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

State the estimated number of persons to participate in the parade: _____

State the estimated number of participants by category:

Vehicles 50+ Floats 30+ Motorized displays

Animals Type of Animals Motivated displays

Marching Units Bands Color Guards

Drum & Bugle Segments 2+ **Drill Teams** 2+

Others not listed: _____

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

Signed: Patricia Morales Signed: _____

Signed: _____

Signed: _____

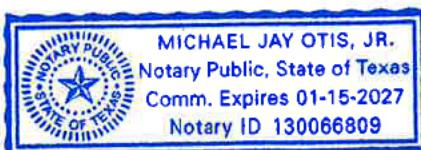
ACKNOWLEDGEMENT

STATE OF TEXAS

COUNTY OF ARANSAS

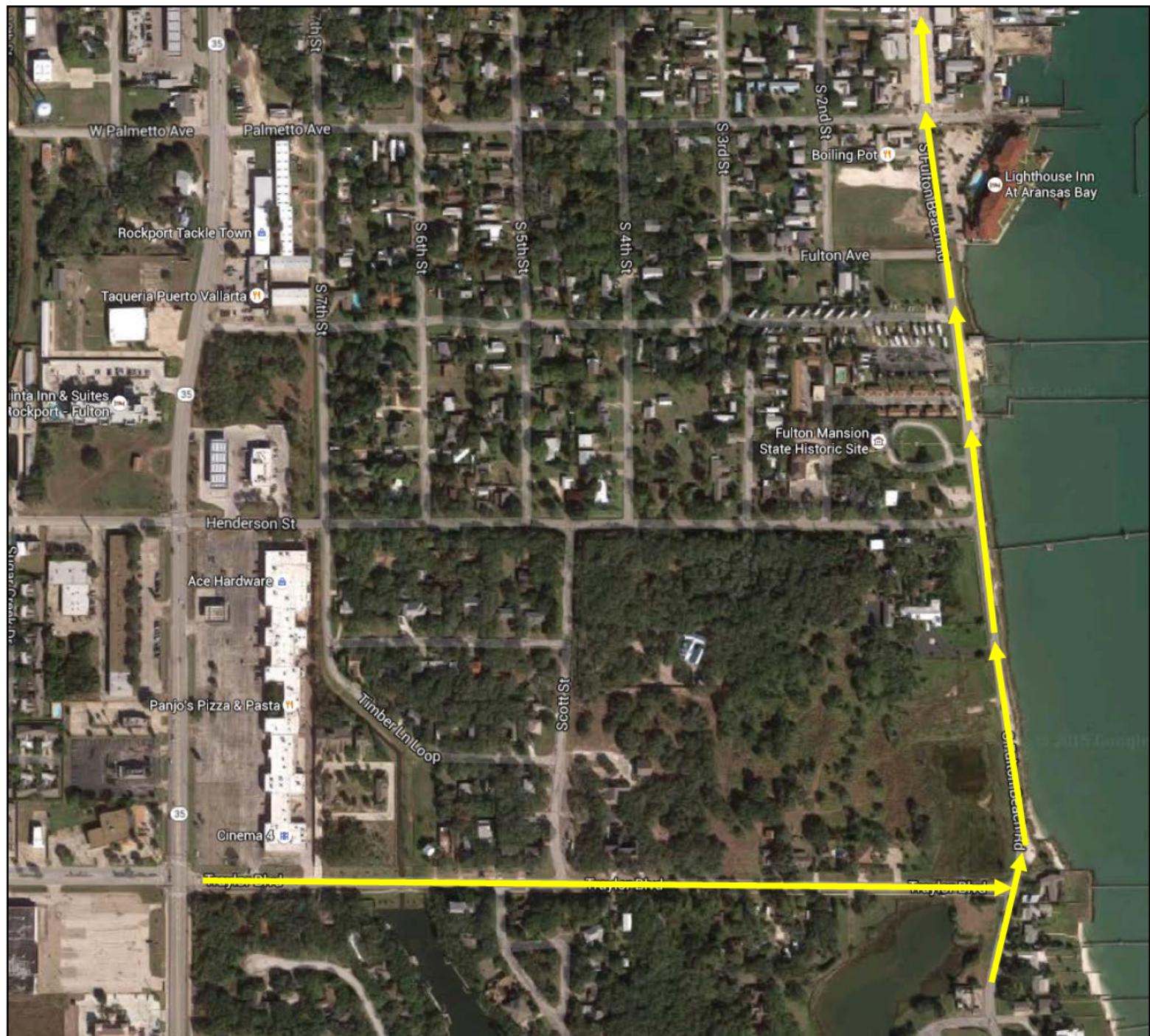
BEFORE ME, the undersigned authority, on this day personally appeared Cody Morales, known to me to be the person(s) whose name is subscribed to the foregoing application, and upon oath deposes and states that all facts contained therein are true and correct.

(Seal)



Notary Public in and for the State of Texas
Commission Expires: 11/15/2027
Printed Name: Michael Jay Phillips Jr.

Oysterfest Parade Route



Oysterfest Banner Locations





CITY COUNCIL AGENDA

Regular Meeting: Tuesday, February 13, 2024

AGENDA ITEM: 9

Conduct a Public Hearing to consider a request from Christopher J. Crowley and Karra A. Crowley for permanent closure/abandonment/vacation of a 20' wide alleyway lying between Lots 1 through 8 and Lots 9 through 16, Block No. 134, Manning Addition, City of Rockport, Aransas County, Texas; being 0.18 acre.

SUBMITTED BY: Interim City Secretary Kimberly Henry

APPROVED FOR AGENDA: VRS

BACKGROUND: Christopher & Karra Crowley are requesting the permanent closure, abandonment, and vacating of a 20' wide alleyway lying between Lots 1 through 8 and Lots 9 through 16, Block 134, Manning Addition, City of Rockport, Aransas County, Texas.

The Public Works and Building and Development Departments have evaluated the request and state that granting the petition will have no negative impact on current or expected future utilities, transportation needs, or development.

FISCAL ANALYSIS: The 20' wide alleyway is appraised at \$0.00. See the accompanying appraisal for more detail.

RECOMMENDATION: Public hearing - not an action item.



PUBLIC HEARING

Rockport City Council

NOTICE is hereby given that the Rockport City Council will hold a Public Hearing on Tuesday, February 27, 2024, at 6:30 p.m., at the Rockport Service Center, 2751 State Highway 35 Bypass, Rockport, Texas, to consider a request from Christopher J. Crowley and Karra A. Crowley for permanent closure/abandonment/vacation of a 20' wide alleyway lying between Lots 1 through 8 and Lots 9 through 16, Block No. 134, Manning Addition, City of Rockport, Aransas County, Texas; being 0.18 acre.

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

POSTED: this the 29th day of January 2025, at 8:00 a.m., on the bulletin board at the Rockport Service Center, 2751 State Highway 35 Bypass, Rockport, Texas and on the website www.cityofrockport.com.

PUBLISHED: in *The Rockport Pilot* in the Saturday, February 3, 2024, Edition, in accordance with the City of Rockport Code of Ordinances.

CITY OF ROCKPORT, TEXAS



Teresa Valdez, City Secretary

**APPRAISAL OF
THE PROPERTY LOCATED AT**

TBD Block 134, Manning Addition
Rockport, TX 78382

as of

February 6, 2024

for

City of Rockport
2751 State Highway 35 Bypass
Rockport, Tx
78382

by

Lynch Appraisal Services
506 South Live Oak
Rockport, TX 78382

IDENTIFICATION	Owner	City of Rockport			Census Tract	9503	Map Reference	A-3																																																																																																																																																												
	Property Address	TBD Block 134, Manning Addition																																																																																																																																																																		
	City	Rockport	County	Aransas	State	TX	Zip Code	78382																																																																																																																																																												
	Legal Description	Proposed Closing of a 20 Foot Wide Alley Out of Block 134, Manning Addition																																																																																																																																																																		
	Sale Price	\$ N/A	Date of Sale	N/A	Property Rights	Appraised <input checked="" type="checkbox"/> Fee <input type="checkbox"/> Leasehold <input type="checkbox"/> De Minimis PUD																																																																																																																																																														
	Actual Real Estate Taxes	\$ N/A	(yr.)																																																																																																																																																																	
	Client	City of Rockport			Address 2751 State Highway 35 Bypass, Rockport, Tx, 78382																																																																																																																																																															
	Occupant	Vacant	Appraiser	Francis P. Lynch	Instructions to Appraiser		Market Value																																																																																																																																																													
	Intended User:	City of Rockport			Intended Use: Asset Valuation																																																																																																																																																															
	NEIGHBORHOOD	<table border="0"> <tr> <td>Location</td> <td><input checked="" type="checkbox"/> Urban</td> <td><input type="checkbox"/> Suburban</td> <td><input type="checkbox"/> Rural</td> <td>Good <input type="checkbox"/></td> <td>Avg. <input checked="" type="checkbox"/></td> <td>Fair <input type="checkbox"/></td> <td>Poor <input type="checkbox"/></td> </tr> <tr> <td>Built Up</td> <td><input type="checkbox"/> Over 75%</td> <td><input checked="" type="checkbox"/> 25% to 75%</td> <td><input type="checkbox"/> Under 25%</td> <td colspan="4"></td> </tr> <tr> <td>Growth Rate</td> <td><input type="checkbox"/> Fully Dev.</td> <td><input type="checkbox"/> Rapid</td> <td><input type="checkbox"/> Steady</td> <td colspan="4"></td> </tr> <tr> <td>Property Values</td> <td><input type="checkbox"/> Increasing</td> <td><input checked="" type="checkbox"/> Stable</td> <td><input type="checkbox"/> Declining</td> <td colspan="4"></td> </tr> <tr> <td>Demand/Supply</td> <td><input type="checkbox"/> Shortage</td> <td><input checked="" type="checkbox"/> In Balance</td> <td><input type="checkbox"/> Over Supply</td> <td colspan="4"></td> </tr> <tr> <td>Marketing Time</td> <td><input type="checkbox"/> Under 3 Mos.</td> <td><input checked="" type="checkbox"/> 4-6 Mos.</td> <td><input type="checkbox"/> Over 6 Mos.</td> <td colspan="4"></td> </tr> <tr> <td>Present Land Use</td> <td>60 % 1 Family</td> <td>5 % 2-4 Fam</td> <td>% Apts.</td> <td>% Condo</td> <td>15 % Commercial</td> <td colspan="2"></td> </tr> <tr> <td>100.00</td> <td>% Industrial</td> <td>20 % Vacant</td> <td>%</td> <td colspan="4"></td> </tr> <tr> <td>Change in Present Land Use</td> <td colspan="2"><input checked="" type="checkbox"/> Not Likely</td> <td><input type="checkbox"/> Likely (*)</td> <td colspan="2"><input type="checkbox"/> Taking Place (*)</td> <td colspan="2"></td> </tr> <tr> <td>Predominant Occupancy</td> <td colspan="2"><input checked="" type="checkbox"/> Owner</td> <td><input type="checkbox"/> Tenant</td> <td colspan="2">% Vacant</td> <td colspan="2"></td> </tr> <tr> <td>Single Family Price Range</td> <td colspan="2">\$ 75 to \$ 350</td> <td colspan="2">Predominant Value \$ 125</td> <td colspan="3"></td> </tr> <tr> <td>Single Family Age</td> <td colspan="2">New yrs. to 50 yrs.</td> <td colspan="2">Predominant Age 20 yrs.</td> <td colspan="3"></td> </tr> </table>				Location	<input checked="" type="checkbox"/> Urban	<input type="checkbox"/> Suburban	<input type="checkbox"/> Rural	Good <input type="checkbox"/>	Avg. <input checked="" type="checkbox"/>	Fair <input type="checkbox"/>	Poor <input type="checkbox"/>	Built Up	<input type="checkbox"/> Over 75%	<input checked="" type="checkbox"/> 25% to 75%	<input type="checkbox"/> Under 25%					Growth Rate	<input type="checkbox"/> Fully Dev.	<input type="checkbox"/> Rapid	<input type="checkbox"/> Steady					Property Values	<input type="checkbox"/> Increasing	<input checked="" type="checkbox"/> Stable	<input type="checkbox"/> Declining					Demand/Supply	<input type="checkbox"/> Shortage	<input checked="" type="checkbox"/> In Balance	<input type="checkbox"/> Over Supply					Marketing Time	<input type="checkbox"/> Under 3 Mos.	<input checked="" type="checkbox"/> 4-6 Mos.	<input type="checkbox"/> Over 6 Mos.					Present Land Use	60 % 1 Family	5 % 2-4 Fam	% Apts.	% Condo	15 % Commercial			100.00	% Industrial	20 % Vacant	%					Change in Present Land Use	<input checked="" type="checkbox"/> Not Likely		<input type="checkbox"/> Likely (*)	<input type="checkbox"/> Taking Place (*)				Predominant Occupancy	<input checked="" type="checkbox"/> Owner		<input type="checkbox"/> Tenant	% Vacant				Single Family Price Range	\$ 75 to \$ 350		Predominant Value \$ 125					Single Family Age	New yrs. to 50 yrs.		Predominant Age 20 yrs.					<table border="0"> <tr> <td>Employment Stability</td> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Convenience to Employment</td> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Convenience to Shopping</td> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Convenience to Schools</td> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Adequacy of Public Transportation</td> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Recreational Facilities</td> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Adequacy of Utilities</td> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Property Compatibility</td> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Protection from Detrimental Conditions</td> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Police and Fire Protection</td> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>General Appearance of Properties</td> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Appeal to Market</td> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table>				Employment Stability	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Convenience to Employment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Convenience to Shopping	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Convenience to Schools	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Adequacy of Public Transportation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Recreational Facilities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Adequacy of Utilities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Property Compatibility	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Protection from Detrimental Conditions	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Police and Fire Protection	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	General Appearance of Properties	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Appeal to Market	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Location	<input checked="" type="checkbox"/> Urban	<input type="checkbox"/> Suburban	<input type="checkbox"/> Rural	Good <input type="checkbox"/>	Avg. <input checked="" type="checkbox"/>	Fair <input type="checkbox"/>	Poor <input type="checkbox"/>																																																																																																																																																													
Built Up	<input type="checkbox"/> Over 75%	<input checked="" type="checkbox"/> 25% to 75%	<input type="checkbox"/> Under 25%																																																																																																																																																																	
Growth Rate	<input type="checkbox"/> Fully Dev.	<input type="checkbox"/> Rapid	<input type="checkbox"/> Steady																																																																																																																																																																	
Property Values	<input type="checkbox"/> Increasing	<input checked="" type="checkbox"/> Stable	<input type="checkbox"/> Declining																																																																																																																																																																	
Demand/Supply	<input type="checkbox"/> Shortage	<input checked="" type="checkbox"/> In Balance	<input type="checkbox"/> Over Supply																																																																																																																																																																	
Marketing Time	<input type="checkbox"/> Under 3 Mos.	<input checked="" type="checkbox"/> 4-6 Mos.	<input type="checkbox"/> Over 6 Mos.																																																																																																																																																																	
Present Land Use	60 % 1 Family	5 % 2-4 Fam	% Apts.	% Condo	15 % Commercial																																																																																																																																																															
100.00	% Industrial	20 % Vacant	%																																																																																																																																																																	
Change in Present Land Use	<input checked="" type="checkbox"/> Not Likely		<input type="checkbox"/> Likely (*)	<input type="checkbox"/> Taking Place (*)																																																																																																																																																																
Predominant Occupancy	<input checked="" type="checkbox"/> Owner		<input type="checkbox"/> Tenant	% Vacant																																																																																																																																																																
Single Family Price Range	\$ 75 to \$ 350		Predominant Value \$ 125																																																																																																																																																																	
Single Family Age	New yrs. to 50 yrs.		Predominant Age 20 yrs.																																																																																																																																																																	
Employment Stability	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																																																																																																																																																																
Convenience to Employment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																																																																																																																																																																
Convenience to Shopping	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																																																																																																																																																																
Convenience to Schools	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																																																																																																																																																																
Adequacy of Public Transportation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																																																																																																																																																																
Recreational Facilities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																																																																																																																																																																
Adequacy of Utilities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																																																																																																																																																																
Property Compatibility	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																																																																																																																																																																
Protection from Detrimental Conditions	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																																																																																																																																																																
Police and Fire Protection	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																																																																																																																																																																
General Appearance of Properties	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																																																																																																																																																																
Appeal to Market	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																																																																																																																																																																
Comments including those factors, favorable or unfavorable, affecting marketability (e.g. public parks, schools, noise) <u>The subject is in the south part of Rockport. Improvements are a mix of various styled single family residences, both site built and manufactured, as well as some commercial properties along Bronte. Convenience to schools, shopping and employment centers is average. There are no known adverse neighborhood features.</u>																																																																																																																																																																				
SITE	Dimensions 20 x 398.96			= 7979 sf			<input type="checkbox"/> Corner Lot																																																																																																																																																													
	Zoning Classification B-1 General Business			Present improvements <input type="checkbox"/> do <input type="checkbox"/> do not conform to zoning regulations																																																																																																																																																																
Highest and best use:	<input checked="" type="checkbox"/> Present use <input type="checkbox"/> Other (specify) _____																																																																																																																																																																			
Public	OFF SITE IMPROVEMENTS			Topo <u>Level</u>																																																																																																																																																																
Elec.	Street Access: <input type="checkbox"/> Public <input checked="" type="checkbox"/> Private			Size <u>Typical</u>																																																																																																																																																																
Gas	Surface <u>None</u>			Shape <u>Rectangular</u>																																																																																																																																																																
Water	Maintenance: <input type="checkbox"/> Public <input checked="" type="checkbox"/> Private			View <u>Average</u>																																																																																																																																																																
San. Sewer	<input type="checkbox"/> Storm Sewer <input type="checkbox"/> Curb/Gutter			Drainage <u>Appears Adequate</u>																																																																																																																																																																
	<input type="checkbox"/> Sidewalk <input type="checkbox"/> Street Lights						Is the property located in a HUD Identified Special Flood Hazard Area? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes																																																																																																																																																													
Comments (favorable or unfavorable including any apparent adverse easements, encroachments or other adverse conditions) <u>Typical utility easements. All easements, restrictions, etc are considered acceptable. Site size is from a survey provided by the client and assumed accurate. The subject has a small narrow site which has no functional utility. *** See Additional Comments ***</u>																																																																																																																																																																				
MARKET DATA ANALYSIS	The undersigned has recited three recent sales of properties most similar and proximate to subject and has considered these in the market analysis. The description includes a dollar adjustment, reflecting market reaction to those items of significant variation between the subject and comparable properties. If a significant item in the comparable property is superior to, or more favorable than, the subject property, a minus (-) adjustment is made, thus reducing the indicated value of subject; if a significant item in the comparable is inferior to, or less favorable than, the subject property, a plus (+) adjustment is made, thus increasing the indicated value of the subject.																																																																																																																																																																			
	For the Market Data Analysis <input checked="" type="checkbox"/> See grid below. <input type="checkbox"/> See narrative attachment.																																																																																																																																																																			
	ITEM	Subject Property	COMPARABLE NO. 1		COMPARABLE NO. 2		COMPARABLE NO. 3																																																																																																																																																													
	Address	Block 134, Manning Addition Rockport, TX 78382																																																																																																																																																																		
	Proximity to Subj.																																																																																																																																																																			
	Sales Price	\$ N/A	\$	\$	\$	\$	\$																																																																																																																																																													
	Price	\$ N/A	\$	\$	\$	\$	\$																																																																																																																																																													
	Data Source	Inspection																																																																																																																																																																		
	Date of Sale and Time Adjustment	DESCRIPTION	DESCRIPTION	+ (-) \$ Adjustment	DESCRIPTION	+ (-) \$ Adjustment	DESCRIPTION	+ (-) \$ Adjustment																																																																																																																																																												
		N/A																																																																																																																																																																		
	Location	Average																																																																																																																																																																		
	Site/View	Average/Average																																																																																																																																																																		
Site Area	7979 sf																																																																																																																																																																			
Functional Utility	Poor																																																																																																																																																																			
Sales or Financing Concessions	N/A N/A																																																																																																																																																																			
Net Adj. (Total)		<input type="checkbox"/> Plus <input type="checkbox"/> Minus \$		<input type="checkbox"/> Plus <input type="checkbox"/> Minus \$		<input type="checkbox"/> Plus <input type="checkbox"/> Minus \$																																																																																																																																																														
Indicated Value of Subject		\$	\$	\$	\$	\$																																																																																																																																																														
RECONCILIATION	Comments on Market Data: <u>There have been no recent sales of similar properties. Due to the subject's small size and functionality and lack of access it is my opinion that the property has no value.</u>																																																																																																																																																																			
	Comments and Conditions of Appraisal: <u>The appraisal is subject to the attached Certification and Contingent and Limiting Conditions. Appraiser's conclusion of value is based on the assumption that there are no hidden or unapparent conditions of the property.</u>																																																																																																																																																																			
	Final Reconciliation: <u>The Sales Comparison Approach was omitted as there have been no sales of similar vacant sites. The Income Approach was omitted as there are no known ground leases of similar properties. The Cost Approach was omitted as the property is currently unimproved.</u>																																																																																																																																																																			
	I ESTIMATE THE MARKET VALUE, AS DEFINED, OF SUBJECT PROPERTY AS OF February 6, 2024 to be \$0																																																																																																																																																																			
	Lynch Appraisal Services																																																																																																																																																																			

This appraisal report is subject to the scope of work, intended use, intended user, definition of market value, statement of assumptions and limiting conditions, and certifications. The appraiser may expand the scope of work to include any additional research or analysis necessary based on the complexity of this appraisal assignment.

SCOPE OF WORK: The scope of work for this appraisal is defined by the complexity of this appraisal assignment and the reporting requirements of this appraisal report form, including the following definition of market value, statement of assumptions and limiting conditions, and certifications. The appraiser must, at a minimum: (1) perform a complete visual inspection of the subject property, (2) inspect the neighborhood, (3) inspect each of the comparable sales from at least the street, (4) research, verify, and analyze data from reliable public and/or private sources, and (5) report his or her analysis, opinions, and conclusions in this appraisal report.

DEFINITION OF MARKET VALUE: The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller, each acting prudently, knowledgeably and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby: (1) buyer and seller are typically motivated; (2) both parties are well informed or well advised, and each acting in what he or she considers his or her own best interest; (3) a reasonable time is allowed for exposure in the open market; (4) payment is made in terms of cash in U. S. dollars or in terms of financial arrangements comparable thereto; and (5) the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions* granted by anyone associated with the sale.

*Adjustments to the comparables must be made for special or creative financing or sales concessions. No adjustments are necessary for those costs which are normally paid by sellers as a result of tradition or law in a market area; these costs are readily identifiable since the seller pays these costs in virtually all sales transactions. Special or creative financing adjustments can be made to the comparable property by comparisons to financing terms offered by a third party institutional lender that is not already involved in the property or transaction. Any adjustment should not be calculated on a mechanical dollar for dollar cost of the financing or concession but the dollar amount of any adjustment should approximate the market's reaction to the financing or concessions based on the appraiser's judgment.

STATEMENT OF ASSUMPTIONS AND LIMITING CONDITIONS: The appraiser's certification in this report is subject to the following assumptions and limiting conditions:

1. The appraiser will not be responsible for matters of a legal nature that affect either the property being appraised or the title to it, except for information that he or she became aware of during the research involved in performing this appraisal. The appraiser assumes that the title is good and marketable and will not render any opinions about the title.
2. The appraiser has examined the available flood maps that are provided by the Federal Emergency Management Agency (or other data sources) and has noted in this appraisal report whether any portion of the subject site is located in an identified Special Flood Hazard Area. Because the appraiser is not a surveyor, he or she makes no guarantees, express or implied, regarding this determination.
3. The appraiser will not give testimony or appear in court because he or she made an appraisal of the property in question, unless specific arrangements to do so have been made beforehand, or as otherwise required by law.
4. The appraiser has noted in this appraisal report any adverse conditions (such as the presence of hazardous wastes, toxic substances, etc.) observed during the inspection of the subject property or that he or she became aware of during the research involved in performing this appraisal. Unless otherwise stated in this appraisal report, the appraiser has no knowledge of any hidden or unapparent deficiencies or adverse conditions of the property (such as, but not limited to, the presence of hazardous wastes, toxic substances, adverse environmental conditions, etc.) that would make the property less valuable, and has assumed that there are no such conditions and makes no guarantees or warranties, express or implied. The appraiser will not be responsible for any such conditions that do exist or for any engineering or testing that might be required to discover whether such conditions exist. Because the appraiser is not an expert in the field of environmental hazards, this appraisal report must not be considered as an environmental assessment of the property.

APPRAISER'S CERTIFICATION: The Appraiser certifies and agrees that:

1. I have, at a minimum, developed and reported this appraisal in accordance with the scope of work requirements stated in this appraisal report.
2. I performed a complete visual inspection of the subject property.
3. I performed this appraisal in accordance with the requirements of the Uniform Standards of Professional Appraisal Practice that were adopted and promulgated by the Appraisal Standards Board of The Appraisal Foundation and that were in place at the time this appraisal report was prepared.
4. I developed my opinion of the market value of the real property that is the subject of this report based on the sales comparison approach to value. I have adequate comparable market data to develop a reliable sales comparison approach for this appraisal assignment. I further certify that I considered the cost and income approaches to value but did not develop them, unless otherwise indicated in this report.
5. I researched, verified, analyzed, and reported on any current agreement for sale for the subject property, any offering for sale of the subject property in the twelve months prior to the effective date of this appraisal, and the prior sales of the subject property for a minimum of three years prior to the effective date of this appraisal, unless otherwise indicated in this report.
6. I researched, verified, analyzed, and reported on the prior sales of the comparable sales for a minimum of one year prior to the date of sale of the comparable sale, unless otherwise indicated in this report.
7. I selected and used comparable sales that are locationally, physically, and functionally the most similar to the subject property.
8. I have reported adjustments to the comparable sales that reflect the market's reaction to the differences between the subject property and the comparable sales.
9. I verified, from a disinterested source, all information in this report that was provided by parties who have a financial interest in the sale of the subject property.
10. I have knowledge and experience in appraising this type of property in this market area.
11. I am aware of, and have access to, the necessary and appropriate public and private data sources, such as multiple listing services, tax assessment records, public land records and other such data sources for the area in which the property is located.
12. I obtained the information, estimates, and opinions furnished by other parties and expressed in this appraisal report from reliable sources that I believe to be true and correct.
13. I have taken into consideration the factors that have an impact on value with respect to the subject neighborhood, subject property, and the proximity of the subject property to adverse influences in the development of my opinion of market value. I have noted in this appraisal report any adverse conditions (such as, the presence of hazardous wastes, toxic substances, adverse environmental conditions, etc.) observed during the inspection of the subject property or that I became aware of during the research involved in performing this appraisal. I have considered these adverse conditions in my analysis of the property value, and have reported on the effect of the conditions on the value and marketability of the subject property.
14. I have not knowingly withheld any significant information from this appraisal report and, to the best of my knowledge, all statements and information in this appraisal report are true and correct.
15. I stated in this appraisal report my own personal, unbiased, and professional analysis, opinions, and conclusions, which are subject only to the assumptions and limiting conditions in this appraisal report.
16. I have no present or prospective interest in the property that is the subject of this report, and I have no present or prospective personal interest or bias with respect to the participants in the transaction. I did not base, either partially or completely, my analysis and/or opinion of market value in this appraisal report on the race, color, religion, sex, age, marital status, handicap, familial status, or national origin of either the prospective owners or occupants of the subject property or of the present owners or occupants of the properties in the vicinity of the subject property or on any other basis prohibited by law.
17. My employment and/or compensation for performing this appraisal or any future or anticipated appraisals was not conditioned on any agreement or understanding, written or otherwise, that I would report (or present analysis supporting) a predetermined specific value, a predetermined minimum value, a range or direction in value, a value that favors the cause of any party, or the attainment of a specific result or occurrence of a specific subsequent event.
18. I personally prepared all conclusions and opinions about the real estate that were set forth in this appraisal report. If I relied on significant real property appraisal assistance from any individual or individuals in the performance of this appraisal or the preparation of this appraisal report, I have named such individual(s) and disclosed the specific tasks performed in this appraisal report. I certify that any individual so named is qualified to perform the tasks. I have not authorized anyone to make a change to any item in this appraisal report; therefore, any change made to this appraisal is unauthorized and I will take no responsibility for it.
19. I identified the client in this appraisal report who is the individual, organization, or agent for the organization that ordered and will receive this appraisal report.
20. I am aware that any disclosure or distribution of this appraisal report by me or the client may be subject to certain laws and regulations. Further, I am also subject to the provisions of the Uniform Standards of Professional Appraisal Practice that pertain to disclosure or distribution by me.
21. If this appraisal report was transmitted as an "electronic record" containing my "electronic signature," as those terms are defined in applicable federal and/or state laws (excluding audio and video recordings), or a facsimile transmission of this appraisal report containing a copy or representation of my signature, the appraisal report shall be as effective, enforceable and valid as if a paper version of this appraisal report were delivered containing my original hand written signature.

SUPERVISORY APPRAISER'S CERTIFICATION: The Supervisory Appraiser certifies and agrees that:

1. I directly supervised the appraiser for this appraisal assignment, have read the appraisal report, and agree with the appraiser's analysis, opinions, statements, conclusions, and the appraiser's certification.
2. I accept full responsibility for the contents of this appraisal report including, but not limited to, the appraiser's analysis, opinions, statements, conclusions, and the appraiser's certification.
3. The appraiser identified in this appraisal report is either a sub-contractor or an employee of the supervisory appraiser (or the appraisal firm), is qualified to perform this appraisal, and is acceptable to perform this appraisal under the applicable state law.
4. This appraisal report complies with the Uniform Standards of Professional Appraisal Practice that were adopted and promulgated by the Appraisal Standards Board of The Appraisal Foundation and that were in place at the time this appraisal report was prepared.
5. If this appraisal report was transmitted as an "electronic record" containing my "electronic signature," as those terms are defined in applicable federal and/or state laws (excluding audio and video recordings), or a facsimile transmission of this appraisal report containing a copy or representation of my signature, the appraisal report shall be as effective, enforceable and valid as if a paper version of this appraisal report were delivered containing my original hand written signature.

APPRAISER

Signature 
 Name Francis P. Lynch
 Company Name Lynch Appraisal Services
 Company Address 506 South Live Oak
Rockport, TX 78382
 Telephone Number 361-729-1309
 Email Address lynchapp@swbell.net
 Date of Signature and Report February 7, 2024
 Effective Date of Appraisal February 6, 2024
 State Certification # TX-1326623-R
 or State License # _____
 or Other _____ State # _____
 State TX
 Expiration Date of Certification or License 02/28/2025

ADDRESS OF PROPERTY APPRAISED

TBD Block 134, Manning Addition
Rockport, TX 78382

APPRAISED VALUE OF SUBJECT PROPERTY \$ 0

CLIENT

Name No AMC
 Company Name City of Rockport
 Company Address 2751 State Highway 35 Bypass
Rockport, Tx 78382
 Email Address _____

SUPERVISORY APPRAISER (ONLY IF REQUIRED)

Signature _____
 Name _____
 Company Name _____
 Company Address _____
 Telephone Number _____
 Email Address _____
 Date of Signature _____
 State Certification # _____
 or State License # _____
 State _____
 Expiration Date of Certification or License _____

SUBJECT PROPERTY

Did not inspect subject property
 Did inspect exterior of subject property from street
 Date of Inspection _____
 Did inspect interior and exterior of subject property
 Date of Inspection _____

COMPARABLE SALES

Did not inspect exterior of comparable sales from street
 Did inspect exterior of comparable sales from street
 Date of Inspection _____

ADDITIONAL COMMENTS

Intended User	City of Rockport		
Property Address	TBD Block 134, Manning Addition		
City	Rockport	County	Aransas
Client	City of Rockport		

SCOPE OF THE APPRAISAL

The Intended User of this appraisal report is the Lender/Client. The Intended Use is to evaluate the property that is the subject of this appraisal for a mortgage finance transaction, subject to the stated Scope of Work, purpose of the appraisal, reporting requirements of this appraisal report form, and Definition of Market Value. No additional Intended Users are identified by the appraiser. This report is intended to comply with the Uniform Standards of Professional Appraisal Practice (USPAP). **DATE OF APPRAISAL - DATE OF REPORT:** The descriptions, analysis and conclusions of this report are applicable to the last on-site inspection of the subject property, which is February 6, 2024 which is the "Date of Appraisal". The assemblage of these descriptions, analysis and conclusions occurred on or near February 7, 2024 which is considered the "Date of Report". In the preparation of this appraisal, the appraiser has viewed and photographed the subject site. The subject neighborhood was also inspected. This information was analyzed in order to document the various environmental, social, governmental and economic factors that influence value. Data regarding the sales of residential land and improved properties were collected and verified by public record.

SITE

It is no more than 20 feet wide at any point which would make it almost impossible to build any type of significant improvements. It is my opinion that the subject property has no market value due to its small size and poor functionality.

DISCLOSURE ADDENDUM

Intended User	City of Rockport		
Property Address	TBD Block 134, Manning Addition		
City	Rockport	County	Aransas
Client	City of Rockport		

DEFINITION OF INSPECTION:

The term "Inspection", as used in this report, is not the same level of inspection that is required for a "Professional Home Inspection". The appraiser does not fully inspect the electrical system, plumbing system, mechanical systems, foundation system, floor structure, or subfloor. The appraiser is not an expert in construction materials and the purpose of the appraisal is to make an economic evaluation of the subject property. If the client needs a more detailed inspection of the property, a home inspection, by a Professional Home Inspector, is suggested.

DIGITAL SIGNATURES:

The signature(s) affixed to this report, and certification, were applied by the original appraiser(s) or supervisory appraiser and represent their acknowledgements of the facts, opinions and conclusions found in the report. Each appraiser(s) applied his or her signature electronically using a password encrypted method. Hence these signatures have more safeguards and carry the same validity as the individual's hand applied signature. If the report has a hand-applied signature, this comment does not apply.

APPRAISER: 
Signature: _____
Name: Francis P. Lynch
Date Signed: February 7, 2024
State Certification #: TX-1326623-R
or State License #: _____
State: TX
Expiration Date of Certification or License: 02/28/2025

SUPERVISORY APPRAISER (ONLY IF REQUIRED):
Signature: _____
Name: _____
Date Signed: _____
State Certification #: _____
or State License #: _____
State: _____
Expiration Date of Certification or License: _____
 Did Did Not Inspect Property

Location Map

Intended User **City of Rockport**

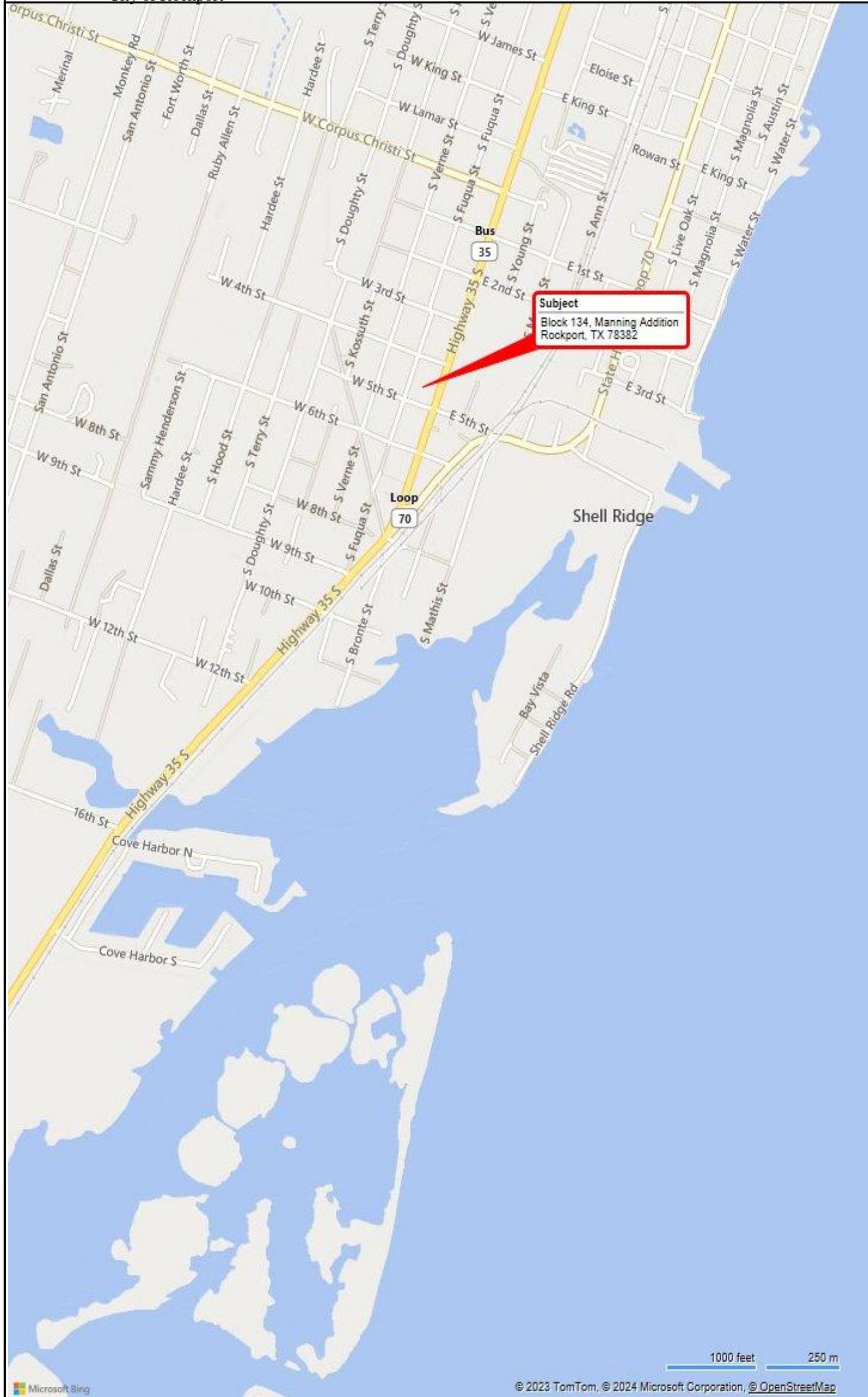
Property Address **TBD Block 134, Manning Addition**

City **Rockport** County **Aransas**

State **TX**

Zip Code **78382**

Client **City of Rockport**



Intended User

City of Rockport

Property Address TBD Block 134, Manning Addition

City Rockport County Aransas

State TX

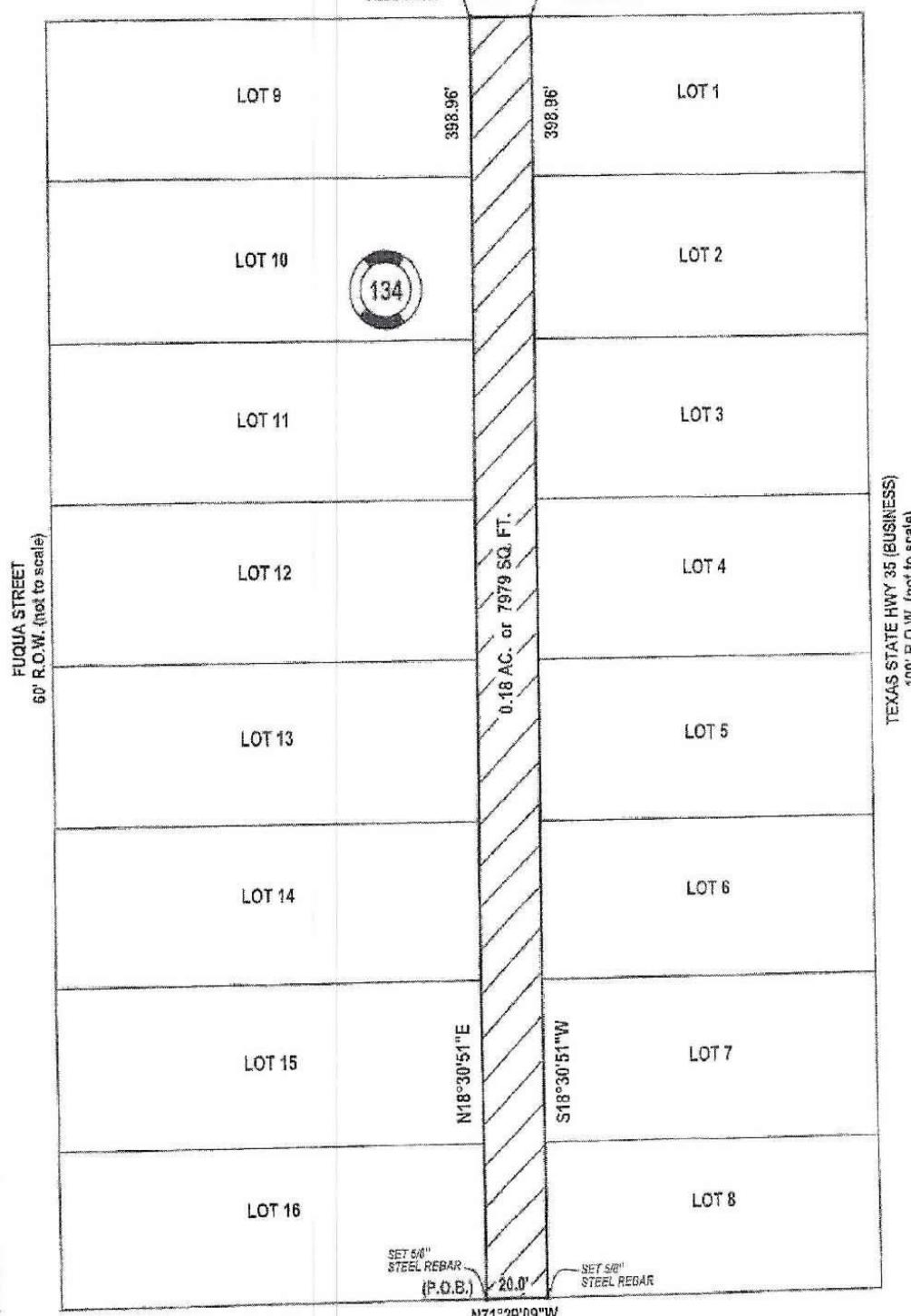
Zip Code 78382

Client City of Rockport



FOURTH STREET
100' R.O.W. (not to scale)

SET 5/8" STEEL REBAR 571°29'09"E 20.0' SET 5/8" STEEL REBAR



FIFTH STREET
100' R.O.W. (not to scale)

Filename: 240124d1

G Griffith & Brundrett
Surveying • Engineering, Inc.
411 S. 7th St., P.O. Box 2122
Rockport, Texas 78382

FIELD NOTE EXHIBIT "A"

PROPOSED CLOSING OF A 20.0 FOOT WIDE ALLEY OUT OF BLOCK NO. 134
MANNING ADDITION, CITY OF ROCKPORT
SECTION 4 PAGE 7 PLAT RECORDS ARANSAS COUNTY, TEXAS.

Intended User	City of Rockport		
Property Address	TBD Block 134, Manning Addition		
City	Rockport	County	Aransas
Client	City of Rockport		

FIELD NOTES
JANUARY 24, 2024

0.18 ACRE PROPOSED ALLEY CLOSING

BEING THE DESCRIPTION OF A 20.0 FOOT WIDE ALLEY LYING BETWEEN LOT NOS. 1 THROUGH 8 AND 9 THROUGH 16, BLOCK NO. 134, MANNING ADDITION, CITY OF ROCKPORT, ARANSAS COUNTY, TEXAS, ACCORDING TO THE MAP RECORDED IN VOLUME 1, PAGE 7, PLAT RECORDS OF ARANSAS COUNTY, TEXAS, WITH SAID 20.0 FOOT WIDE ALLEY BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGIN at a 5/8" steel rebar set in the North R.O.W. line of Fifth Street, for the Southeast corner of Lot No. 16, Block No. 134 and being the **SOUTHWEST** corner and **PLACE OF BEGINNING** of this description;

THENCE, North 18°30'51" East along and with the East boundary line of Lot Nos. 16 through 9, Block No. 134, a distance of 398.96 feet to a 5/8" steel rebar set in the South R.O.W. line of Fourth Street and the Northeast corner of Lot No. 9 and being the **NORTHWEST** corner of this description;

THENCE, South 71°29'09" East along and with the South R.O.W. line of Fourth Street a distance of 20.0 feet to a 5/8" steel rebar set in the Northwest corner of Lot No. 1, Block No. 134, and being the **NORTHEAST** corner of this description;

THENCE, South 18°30'51" West along and with the West boundary line of Lot Nos. 1 through 8, Block No. 134, a distance of 398.96 feet to a 5/8" steel rebar set in the North R.O.W. line of Fifth Street and the Southwest corner of Lot No. 8 and being the **SOUTHEAST** corner of this description;

THENCE, North 71°29'09" West along and with the North R.O.W. line of Fifth Street a distance of 20.0 feet to the **PLACE OF BEGINNING** and containing 0.18 acre or 7979 square feet of land more or less.

240124d1fn

SEE ACCOMPANYING FIELD NOTE EXHIBIT "A" DATED JANUARY 24, 2024
240124d1

PHOTOGRAPH ADDENDUM

Intended User City of RockportProperty Address TBD Block 134, Manning AdditionCity Rockport County AransasState TXZip Code 78382Client City of Rockport

View of Property from 4th St



View of Property from 5th St

FRANCIS PATRICK LYNCH
506 S LIVE OAK
ROCKPORT, TX 78382



TEXAS APPRAISER LICENSING &
CERTIFICATION BOARD

Certified Residential Real Estate Appraiser

Appraiser: **Francis Patrick Lynch**

License #: **TX 1326623 R**

License Expires: **02/28/2025**

Having provided satisfactory evidence of the qualifications required by the Texas Appraiser Licensing and Certification Act, Occupations Code, Chapter 1103, authorization is granted to use this title:
Certified Residential Real Estate Appraiser

For additional information or to file a complaint please contact TALCB at www.talcb.texas.gov.


Chelsea Buchholtz
Commissioner

CITY COUNCIL AGENDA

Regular Meeting: Tuesday, February 13, 2024

AGENDA ITEM: 10

Deliberate and act on first reading of an Ordinance authorizing the closing, vacating and abandonment of 0.18 acre of land being a 20-foot wide alleyway lying between Lots 1 through 8 and Lots 9 through 16, Block 134, Manning Addition, City of Rockport, Aransas County, Texas, according to the Plat recorded in Volume 1, Page 7, Plat Records of Aransas County, Texas; providing for the terms and conditions of such vacation and abandonment; authorizing the Mayor to execute a Quitclaim Deed for the 0.18 acre to be closed, vacated and abandoned; and providing for an effective date.

SUBMITTED BY: Interim City Secretary Kimberly Henry

APPROVED FOR AGENDA: VRS

BACKGROUND: Christopher and Karra Crowley are requesting the permanent closure, abandonment, and vacating of a 20-foot-wide alleyway out of Block No. 134, Manning Addition, City of Rockport, Aransas County, Texas. The Public Works and Building and Development Departments have evaluated the request and state that granting the petition will have no negative impact on current or expected future utilities, transportation needs, or development.

Per City Ordinance No. 1092 “Public Way Closure Policy” an appraisal is required Staff has published notification and scheduled the Public Hearing to move the process along as quickly as possible. According to the Ordinance: “Upon close of the public hearing, Council shall either grant or deny the request by petitioner. Such petition, if not acted upon at the meeting at which it appears on the agenda for public hearing, may at such time be passed, tabled, or continued on the agenda to any subsequent City Council meeting.”

The required Public Hearing was conducted at tonight’s City Council meeting.

For additional information see attached Ordinance No. 1092 and the Petition from Christopher and Karra Crowley.

FISCAL ANALYSIS: The City has received the appraisal of \$0.00 for the 0.18 acre of land, being a 20-foot wide alley way out of Block No. 134, Manning Addition.

RECOMMENDATION: Staff recommends Council approve the first reading of the Ordinance authorizing the closing, vacating and abandonment of 0.18 acre of land being a 20-foot wide alleyway lying between Lots 1 through 8 and Lots 9 through 16, Block 134, Manning Addition, City of Rockport, Aransas County, Texas, according to the Plat recorded in Volume 1, Page 7, Plat Records of Aransas County, Texas; providing for the terms and conditions of such vacation and abandonment; authorizing the Mayor to execute a Quitclaim Deed for the 0.18 acre to be closed, vacated and abandoned; and providing for an effective date.

ORDINANCE NO. ____

AN ORDINANCE AUTHORIZING THE CLOSING, VACATING AND ABANDONMENT OF 0.18 ACRE OF LAND BEING A 20-FOOT WIDE ALLEYWAY LYING BETWEEN LOTS 1 THROUGH 8 AND LOTS 9 THROUGH 16, BLOCK 134, MANNING ADDITION, CITY OF ROCKPORT, ARANSAS COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN VOLUME 1, PAGE 7, PLAT RECORDS OF ARANSAS COUNTY, TEXAS; PROVIDING FOR THE TERMS AND CONDITIONS OF SUCH VACATION AND ABANDONMENT; AUTHORIZING THE MAYOR TO EXECUTE A QUITCLAIM DEED FOR THE 0.18 ACRE TO BE CLOSED, VACATED AND ABANDONED; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Rockport, Texas is a Home-Rule City incorporated and operating under the laws of the State of Texas, which has the authority under its Charter and Chapter 282 and 253 of the Local Government Code, as amended, to close, vacate and abandon municipal rights-of-way, streets or alleys, by ordinance, when such action is in the best interest of and serves the public purpose; and

WHEREAS, the City of Rockport has received a request from the abutting property owners Christopher J. Crowley and Karra A. Crowley for the City to close, vacate and abandon the 0.18 acre of land being a 20-foot wide alleyway lying between Lots 1 through 8 and Lots 9 through 16, in Block 134, Manning Addition, Rockport, Aransas County, Texas; and

WHEREAS, the property owners are the sole property owners abutting the 0.18 acre, such that there are no other abutting property owners to be notified of the vacation and abandonment; and

WHEREAS, the City Manager and Public Works Department have reviewed the requested vacation and abandonment of 0.18 acre of land being a 20-foot wide alleyway lying between Lots 1 through 8 and Lots 9 through 16, in Block 134, Manning Addition, Rockport, Aransas County, Texas, and the sale of the 0.18 acre of land to Christopher J. Crowley and Karra A. Crowley; and the City Council now finds that the utilities currently existing, or that will exist in the future, if any, in the area of the unopened street and/or public right-of-way will be sufficiently protected by being either relocated or placed into easements, and that the utility companies serving the area including and surrounding the right-of-way have determined that their utilities, if existing, will also be sufficiently protected by the same means; and

WHEREAS, the City of Rockport did cause to be published a Notice in the official newspaper of the City on Saturday, January 27, 2024, advising of a Public Hearing to be held on Tuesday, February 13, 2024, at 6:30 p.m. at the Rockport Service Center; and

WHEREAS, the City Council of the City of Rockport, Texas, finds and declares that it is in the best interest of all citizens of the City of Rockport, Texas that the 0.18 acre of land being a 20-foot wide alleyway lying between Lots 1 through 8 and Lots 19 through 16, in Block 134, Manning Addition, Rockport, Aransas County, Texas, be vacated and abandoned and sold to Christopher J. Crowley and Karra A. Crowley for fair market value and deposited in the street maintenance fund, as required by state law.

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

Section 1: That the identified 0.18 acre of land being a 20-foot wide alleyway lying between Lots 1 through 8 and Lots 9 through 16, in Block 134, Manning Addition Rockport, Aransas County, Texas, on Exhibit "A," attached hereto and made a part of this Ordinance for all purposes, be, and the same is hereby closed, abandoned and vacated insofar as the right, title or interest of the public is concerned.

Section 2: That said 0.18 acre of land being a 20-foot wide alleyway lying between Lots 1 through 8 and Lots 9 through 16, in Block 134, Manning Addition, Rockport, Aransas County, Texas is not needed for public roadway purposes and it is in the public interest of the City of Rockport to close, abandon and vacate said described portion of the street and/or public right-of-way for use as roads and roadways.

Section 3: That the 20-foot wide alleyway lying between Lots 1 through 8 and Lots 9 through 16, in Block 134, Manning Addition, be closed, abandoned and vacated, as shown by the survey and metes and bounds attached hereto as Exhibit "A" and made a part hereof for all purposes, be deeded by quitclaim deed to Christopher J. Crowley and Karra A. Crowley.

Section 4: That the Mayor is hereby authorized and directed to convey and transfer by quitclaim deed the 20-foot wide alleyway lying between Lots 1 through 8 and Lots 9 through 16, in Block 134, Manning Addition, City of Rockport, Aransas County, Texas, that is to be closed, abandoned and vacated for the fair market value of the street, which is the interest of the City of Rockport, Texas, in and to the said streets and/or public rights-of-ways, except for any past, present, or future utility easement belonging to the City.

Section 5: That the closing, vacation, abandonment, and transfer provided for herein shall extend only to the public right and title in and to the tract of land described in this Ordinance and shall be construed only to that interest the governing body of the City of Rockport may legally and lawfully close, abandon, vacate and convey.

Section 6: That the consideration for said transfer to Christopher J. Crowley and Karra A. Crowley shall be deposited in the street maintenance fund of the City of Rockport as is required by provisions of the state law as set forth in the Local Government Code, Section 253.001, as amended.

Section 7: Any previously adopted ordinances, and any subsequent amendments to them, that conflict with this Ordinance are all hereby repealed.

Section 8: 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 9: This ordinance shall become effective upon adoption on second reading by the Rockport City Council.

APPROVED on first reading on the 13th day of February 2024.

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

CITY OF ROCKPORT, TEXAS

Tim Jayroe, Mayor

ATTEST:

Kimberly Henry, Interim City Secretary

ORDINANCE NO. 1092

AN ORDINANCE ESTABLISHING A POLICY AND PROCEDURE FOR CITIZENS TO REQUEST THE ABANDONING, ALTERING, CLOSING OR VACATING OF STREETS, ALLEYS AND OTHER PUBLIC WAYS OR PORTIONS THEREOF; ESTABLISHING ADMINISTRATIVE FEES TO BE PAID BY PETITIONERS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Rockport, Texas, has the power to establish, construct, alter, close, vacate and abandon public streets, alleys and other public ways to the City; and

WHEREAS, the City Council of the City of Rockport, Texas, deems it reasonable and proper to establish a policy and a procedure whereby persons may initiate, by petition, a request for the City to proceed in the exercise of said powers by the City where such is not deemed necessary for future use; and

WHEREAS, the City Council of the City of Rockport, Texas, deems it reasonable and proper that any person or persons requesting by petition that the City consider and exercise said powers regarding street, alleys and other public ways, should give notice of such request, provide certain other documents, and pay the expenses associated with the request:

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

Section 1. AMENDMENT AND ADDITION OF POLICY TO CHAPTER 86

Article IV of Chapter 86, "Streets, Sidewalks and Other Public Places," is amended by creating "Division 1. - Generally" from existing Sections 86-76 through 86-80; and by adding "Division 2. - Public Ways Closure Policy," Sections 86-85 through 86-95, as follows:

ARTICLE IV. STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

DIVISION 1. GENERALLY

(No change to §§ 86.76 through 86-80)

DIVISION 2. PUBLIC WAY CLOSURE POLICY

Sec. 86-85. Policy. No street, alley or other public way, or portion thereof, shall ever be closed, narrowed or vacated if doing so would result in a violation of or be in conflict with the City of Rockport's land development codes, or otherwise be contrary to the best interest of the public, considering all reasonable future use of such street, alley or other public way. Any petitioner requesting a street, alley or other public way, or portion thereof, be closed, narrowed or vacated must comply with all the following sections of this policy, but such shall constitute only a request and not be permitted except pursuant to the provisions hereof.

Sec. 86-86. Petition Required. Any person or persons (herein "petitioner") desiring to have the City Council exercise its powers regarding the closing, narrowing or vacating of streets, alleys or other public ways, or portions thereof, must file with the City Secretary a petition, on a form acceptable by the City, directed to the City Council requesting that such action be taken. The petition must be signed and acknowledged by all current owners of property abutting the street, alley or public way or portion thereof sought to be closed. The petitioner may not rely solely on the most recent county certified tax rolls to determine the current names

and addresses of all abutting property owners. A list of the owners' names and addresses of all property abutting the street, alley, public way or portion thereof that is the subject of the petition must be attached to the petition. The City may require the petitioner to provide copies of documents filed in the Aransas County Deed Records to evidence the current abutting owners. The petition shall not be accepted unless and until all requirements of this policy have been met and the City is satisfied that all current abutting property owners have signed the petition. Upon acceptance, the City Secretary shall provide copies of the petition to the City Manager and all other City staff or officials whom the City Manager directs.

Sec. 86-87. Fee. Upon the filing of a petition with the City Secretary, an administration fee shall be paid to the City in an amount equal to Fifty and No/100 Dollars (\$50.00) for the first one hundred feet (100') linear length of affected property and Ten and No/100 Dollars (\$10.00) for each thirty-five feet (35') of affected length, or portion, thereafter.

Sec. 86-88. Survey Required. For a petition to be accepted, petitioner must provide a survey or plat, together with a typed legal description, of the street, alley or other public way, or portion thereof, sought to be abandoned, altered, closed or vacated and the property abutting thereon, prepared by a licensed land surveyor. The costs of the survey or plat shall be paid by the petitioner.

Sec. 86-89. Review by City Staff. The City staff shall review the request as to the impact on utilities, drainage and/or the future traffic needs and circulation, and shall issue a report to the City Secretary and City Manager, outlining the staff's findings and its recommendation for consideration by the City Council. A staff report finding no objection to the request shall not bind the City Council to grant the petition, and is as such only advisory upon the Council.

Sec. 86-90. Notice of Public Hearing on the Petition. After receipt of the staff report, the City Secretary shall cause a public hearing to be set on this petitioner's request. Notice of such public hearing on the petition must be given by publication in the official newspaper of the City no more than thirty (30) days nor fewer than fifteen (15) days proceeding the date of that set for public hearing on the proposed request. Such notice shall fairly state the action requested giving a description of the property or street affected.

Sec. 86-91. Appraisal. The City Manager or the City Council may, at any time, request and obtain an independent appraisal of the value of the property sought by petitioner to be closed, narrowed or abandoned. Such appraisal may be used to determine what consideration, if any, may be required to be paid by petitioner or anyone else to be benefited by the petitioner's request, should final action be taken by the City Council pursuant to this policy.

Sec. 86-92. Public Hearing. The City Council shall hear evidence as to the reasons why such street, alley, public way or portion thereof should or should not be abandoned, altered, vacated or closed. The City Council may adjourn or continue the public hearing as it alone deems necessary and in the best interest of the public. Upon close of the public hearing, the Council shall either grant or deny the request by petitioner.

Such petition, if not acted upon at the meeting at which it appears on the agenda for public hearing, may at such time be passed, tabled or continued on the agenda to any subsequent City Council meeting.

Sec. 86-93. Passage of Ordinance. The Council may grant the petition only by adoption of an ordinance, pursuant to its Charter. However, a three-fourths (3/4) majority of votes of the City Council shall be necessary to adopt an ordinance to abandon, alter, vacate or close the street, alley, public way or portion thereof.

Sec. 86-94. Conditions Precedent to Granting of Petition.

- a) The Council shall determine what consideration, if any, shall be paid by the abutting property owners, pursuant to Chapter 272 of the Local Government Code, which may be equal to or less than the fair market value as determined by recent City appraisal obtained pursuant to this policy.
- b) The Council may retain utility and/or drainage easements across those portions of the street, alley or other public way, or portion thereof, if it deems such reservation necessary.
- c) The Council may require written verification from any or all franchised utilities, including but not limited to electric, gas, telephone or cable, evidencing such utilities' current or

- anticipated future use of the street, alley or other public way sought to be closed, narrowed or vacated.
- d) Prior to granting the petition, the Council may require all the abutting property owners to execute with the City a written agreement accepting any and all Council-imposed conditions required pursuant to this section.
 - e) Prior to granting the petition, the Council may require all abutting property owners to execute with the City a written agreement between themselves, stating what interest each claims or will claim, if any, in the underlying fee simple, should the petition be later granted.

Sec. 86-95. City May Act Without Petition. Nothing herein shall be construed so as to limit the City of Rockport's right to close, narrow or abandon any dedicated street, alley, public way or portion thereof in the valid exercise of its police power.

Section 2. REPEALER

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

Section 3. NO RETROACTIVE EFFECT

The adoption of this policy shall not alter or affect any previous acts or actions that may have been taken by the City Council of the City of Rockport regarding prior street or alleyway closures, it being intended that such policy be prospective and operate only as to future requests made to the City of Rockport to close narrow or abandon any street, alley or other public way.

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 be in full force and effect as soon as all necessary publication requirements have been met.

PASSED AND APPROVED on first reading this 13th day of JULY 1999.

CITY OF ROCKPORT, TEXAS


Glenda Burdick, Mayor

ATTEST:


Irma G. Parker

Irma G. Parker, City Secretary

PASSED, APPROVED AND ADOPTED on second and final reading this 27th day of JULY 1999.

CITY OF ROCKPORT, TEXAS


Glenda Burdick, Mayor

ATTEST:


Irma G. Parker, City Secretary

NOTE: Per Rockport Code of Ordinances Section 86-88 - T

1-22-24

(Date)

The Honorable Mayor and City Council
c/o City Secretary Teresa Valdez
City of Rockport
2751 SH 35 Bypass
Rockport, TX 78382

RECEIVED
JAN 24 2024
CITY SECRETARY

RE: Petition for closure, abandonment and vacating of alley between W 4th St
& W 5th St / 1800 block of TX 35 BR
& S. Fugua St.

Dear Mayor and Council Members:

We, the undersigned petitioners, respectfully request that the undeveloped

20' x 400' Alley way

(description of property to be vacated, closed, abandoned)

be closed, abandoned, and vacated. The requested section to be closed is more particularly described in the attached survey and metes and bounds description. The petitioners are the only property owners abutting the requested closure.

If approved, this request will allow us to improve the property since we already own the lots adjoining it.
(describe reason/intent for request and how it will benefit petitioners)

The closure will/will not affect any existing utilities.

(select one)

already own the lots
adjoining it.

Petitioner No. 1

Christopher J. Crowley

(Printed Name of Owner)



(Signature of Owner)

1-22-24

(Date Signed)

(361) 730-3810

(Telephone Number)

ccrowley71@aol.com

(Email Address)

Physical Address of Property:

1803-1823 Hwy 35 S.

Rockport, TX 78382

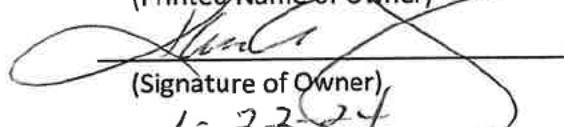
Mailing Address of Owner:

PO Box 296 Rockport
TX 78381

Petitioner No. 2

Karra A Crowley

(Printed Name of Owner)



(Signature of Owner)

1-22-24

(Date Signed)

(914) 215-5688

(Telephone Number)

Karracrowley@gmail.com

(Email Address)

Physical Address of Property:

1803-1823 Hwy 35 S.

Rockport, TX 78382

Mailing Address of Owner:

PO Box 296
Rockport TX 78381

FIELD NOTES
JANUARY 24, 2024

0.18 ACRE PROPOSED ALLEY CLOSING

BEING THE DESCRIPTION OF A 20.0 FOOT WIDE ALLEY LYING BETWEEN LOT NOS. 1 THROUGH 8 AND 9 THROUGH 16, BLOCK NO. 134, MANNING ADDITION, CITY OF ROCKPORT, ARANSAS COUNTY, TEXAS, ACCORDING TO THE MAP RECORDED IN VOLUME 1, PAGE 7, PLAT RECORDS OF ARANSAS COUNTY, TEXAS, WITH SAID 20.0 FOOT WIDE ALLEY BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGIN at a 5/8" steel rebar set in the North R.O.W. line of Fifth Street, for the Southeast corner of Lot No. 16, Block No. 134 and being the **SOUTHWEST** corner and **PLACE OF BEGINNING** of this description;

THENCE, North 18°30'51" East along and with the East boundary line of Lot Nos. 16 through 9, Block No. 134, a distance of 398.96 feet to a 5/8" steel rebar set in the South R.O.W. line of Fourth Street and the Northeast corner of Lot No. 9 and being the **NORTHWEST** corner of this description;

THENCE, South 71°29'09" East along and with the South R.O.W. line of Fourth Street a distance of 20.0 feet to a 5/8" steel rebar set in the Northwest corner of Lot No. 1, Block No. 134, and being the **NORTHEAST** corner of this description;

THENCE, South 18°30'51" West along and with the West boundary line of Lot Nos. 1 through 8, Block No. 134, a distance of 398.96 feet to a 5/8" steel rebar set in the North R.O.W. line of Fifth Street and the Southwest corner of Lot No. 8 and being the **SOUTHEAST** corner of this description;

THENCE, North 71°29'09" West along and with the North R.O.W. line of Fifth Street a distance of 20.0 feet to the **PLACE OF BEGINNING** and containing 0.18 acre or 7979 square feet of land more or less.

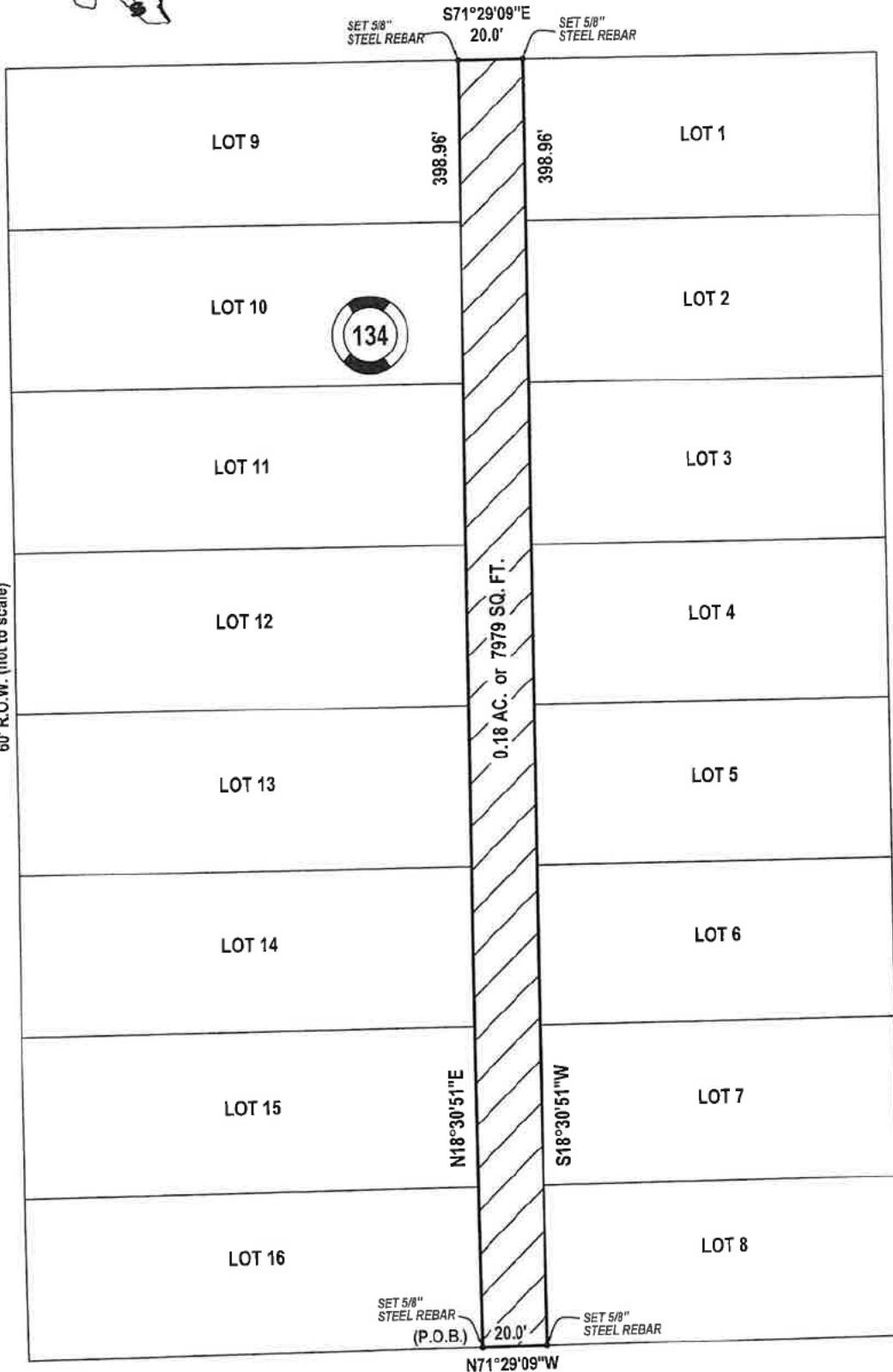
240124d1fn

SEE ACCOMPANYING FIELD NOTE EXHIBIT "A" DATED JANUARY 24, 2024

240124d1



FOURTH STREET
100' R.O.W. (not to scale)



Filename: 240124d1



FIFTH STREET
100' R.O.W. (not to scale)

FIELD NOTE EXHIBIT "A"

PROPOSED CLOSING OF A 20.0 FOOT WIDE ALLEY OUT OF BLOCK NO. 134
MANNING ADDITION, CITY OF ROCKPORT
VOLUME 1, PAGE 7, PLAT RECORDS ARANSAS COUNTY, TEXAS.

Prepared For: Chris Crowley

SCALE 1" = 40' JANUARY 24, 2024

CITY COUNCIL AGENDA

Regular Meeting: Tuesday, February 13, 2024

AGENDA ITEM: 11

Deliberate and act on second and final reading of an Ordinance granting a request to rezone property to B-1 (General Business District) located at 914 Holly Road and 1521 State Highway 35 Bypass; also known as McCombs, part of Lots 14 and 15, 1.730 acres, City of Rockport, Aransas County, Texas, currently zoned R-1 (1st Single Family Dwelling 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.

SUBMITTED BY: Assistant Director Building & Development /Community Planner – Carey Dietrich

APPROVED FOR AGENDA: VRS

BACKGROUND: Property owners, TB Wright Real Estate, LLC, wish to bring the existing commercial business, Wright Custom Cabinets, into compliance with current City Code and allow development of an additional building to support growth of the business.

There have been no changes in format or content since Council approved the first reading of the Ordinance on January 23, 2024.

FISCAL ANALYSIS: N/A

RECOMMENDATION: Staff recommends the approval of the second and final reading of an Ordinance granting a request to rezone property to B-1 (General Business District located at 914 Holly Road and 1521 State Highway 35 Bypass; also known as McCombs, Part of Lots 14 and 15, 1.730 acres, City of Rockport, Aransas County, Texas, currently zoned R-1 (1st Single Family Dwelling 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. ____

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 R-1 (1ST SINGLE FAMILY DWELLING DISTRICT) FOR PROPERTY LOCATED AT 914 HOLLY ROAD AND 1521 STATE HIGHWAY 35 BYPASS; ALSO KNOWN AS MCCOMBS, PART OF LOTS 14 AND 15, 1.730 ACRES, CITY OF ROCKPORT, ARANSAS COUNTY, TEXAS, TO B-1 (GENERAL BUSINESS DISTRICT); REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, On December 12, 2023, 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 December 28, 2023, notice was mailed to affected property owners within 200' of subject property; and

WHEREAS, on December 16, 2023, 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 January 8, 2024, at 5:30 p.m., the Planning & Zoning Commission did hold a Public Hearing; and

WHEREAS, on January 8, 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 914 Holly Road and 1521 State Highway 35 Bypass, from R-1 (1st Single Family Dwelling District) to B-1 (General Business District) to comply with current use of property; and

WHEREAS, on January 23, 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 914 Holly Road and 1521 State Highway 35 Bypass, City of Rockport, Aransas County, Texas; be changed from R-1 (1st Single Family Dwelling District) to B-1 (General Business District).

SECTION 2 - REPEALER

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

SECTION 3 - SEVERABILITY

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

SECTION 4 - EFFECTIVE DATE

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

APPROVED on first reading this the 23rd day of January 2024.

CITY OF ROCKPORT, TEXAS

Tim Jayroe, Mayor

ATTEST:

Teresa Valdez, City Secretary

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

CITY OF ROCKPORT, TEXAS

Tim Jayroe, Mayor

ATTEST:

Teresa Valdez, City Secretary



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

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

- A. REQUESTING: Rezoning Conditional Permit
Planned Unit Development (P.U.D.) by Conditional Permit
- B. ADDRESS AND LOCATION OF PROPERTY 914 Holly Rd
+ 1521 S H 35 Bypass
- C. CURRENT ZONING OF PROPERTY: Residential
- D. PRESENT USE OF PROPERTY: (914-vacant) (1521-commercial business)
- E. ZONING DISTRICT REQUESTED: Commercial
- F. CONDITIONAL USE REQUESTED: _____
- G. LEGAL DESCRIPTION: (Fill in the one that applies)
 • (914) McCombs, lot 14
 • (1521) Sartain + montgomery Subdivision
out of the McCombs Survey, lot 15
 • If other, attach copy of survey or legal description from the Records of Aransas County or Appraisal District.
- H. NAME OF PROPOSED DEVELOPMENT (if applicable) _____
- I. TOTAL ACREAGE OR SQ. FT. OF SITE(S): (914) 0.958
(1521) 0.772
- J. REASON FOR REQUEST AND DESCRIPTION OF DEVELOPMENT:
(Please be specific)
Our property (1521) was county when we built our shop. It has since changed to city so we would like to rezone to commercial. We will expand the business next door (914) with a few metal buildings. Using one for our business and possibly renting the others.

K. OWNER'S NAME: (Please print) Travis Wright
 ADDRESS: PO Box 2579
 CITY, STATE, ZIP CODE: Rockport, TX 78381
 PHONE NO (361) 790-7386

L. REPRESENTATIVE: (If Other Than Owner) Brittney Wright
 ADDRESS: PO Box 2579
 CITY, STATE, ZIP CODE: Rockport, TX 78381
 PHONE NO (361) 463-7657

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

YES X 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: Brittney Wright
 (Owner or Representative)

(FOR CITY USE)

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

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

If rejected, reasons why: _____

Receipt No. _____

Property ID	Property Owner	Situs Address	Mailing Address	City	State	ZIP
28359	DW & B GRANT PROPERTIES LTD c/o Carol Ann Shanklin	1541 SH 35 Bypass	155 County Rd 330	George West	TX	78022-3439
28357	J J FOX CONSTRUCTION INC	902 Holly Rd	6220 CR 347	Beeville	TX	78102-8156
28355	J J FOX CONSTRUCTION INC	1561 SH 35 Bypass	6220 CR 347	Beeville	TX	78102-8156
28365	DW & B GRANT PROPERTIES LTD c/o Carol Ann Shanklin	926 Holly Rd	155 County Rd 330	George West	TX	78022-3439
28367	RUSSELL NEMKY	932 Holly Rd	414 Jefferson St. W.	Kerrville	TX	78028-4224
28352	STATE OF TEXAS	IS SH 35 Bypass	1700 N Congress Ave	Austin	TX	78701-1436
28361	TB Wright Real Estate LLC	914 Holly Rd	P. O. Box 2579	Rockport	TX	78381-2579
28363	Wright Custom Cabinets	1521 SH 35 Bypass	P. O. Box 2579	Rockport	TX	78381-2579
	Ruth Davis	Planning and Zoning Commission	Po Box 706	Fulton	TX	78358
	Ric Young	Planning and Zoning Commission	123 Royal Oaks Dr	Rockport	Tx	78382
	Ruth Davis	Planning and Zoning Commission	Po Box 706	Fulton	TX	78358
	Ric Young	Planning and Zoning Commission	123 Royal Oaks Dr	Rockport	Tx	78382
	Kim Hesley	Planning and Zoning Commission	2003 Tule Park Drive	Rockport	TX	78382
	Warren Hassinger	Planning and Zoning Commission	2517 Turkey Neck Circle	Rockport	TX	78382

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
 914 Holly Rd/1521 SH 35 Bypass

APPLICANT/PROPERTY OWNER
 TB Wright Real Estate, LLC, Owner
PUBLIC HEARING DATE
 P&Z – Monday, January 8, 2024
 CC – Tuesday, January 23, 2024
P&Z DATE

Monday, January 8, 2024

CITY COUNCIL DATE(S)
 1st Reading - Tuesday, January 23, 2024
 2nd Reading – Tuesday, February 13, 2024
BRIEF SUMMARY OF REQUEST

Property owners, TB Wright Real Estate, LLC, wish to bring the existing commercial business, Wright Custom Cabinets, into compliance with current City Code and allow development of an additional building to support growth of the business.

A public notice regarding this item was published in The Rockport Pilot in the Saturday, December 16, 2023 edition and mailed out to eight (8) 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: Picometry

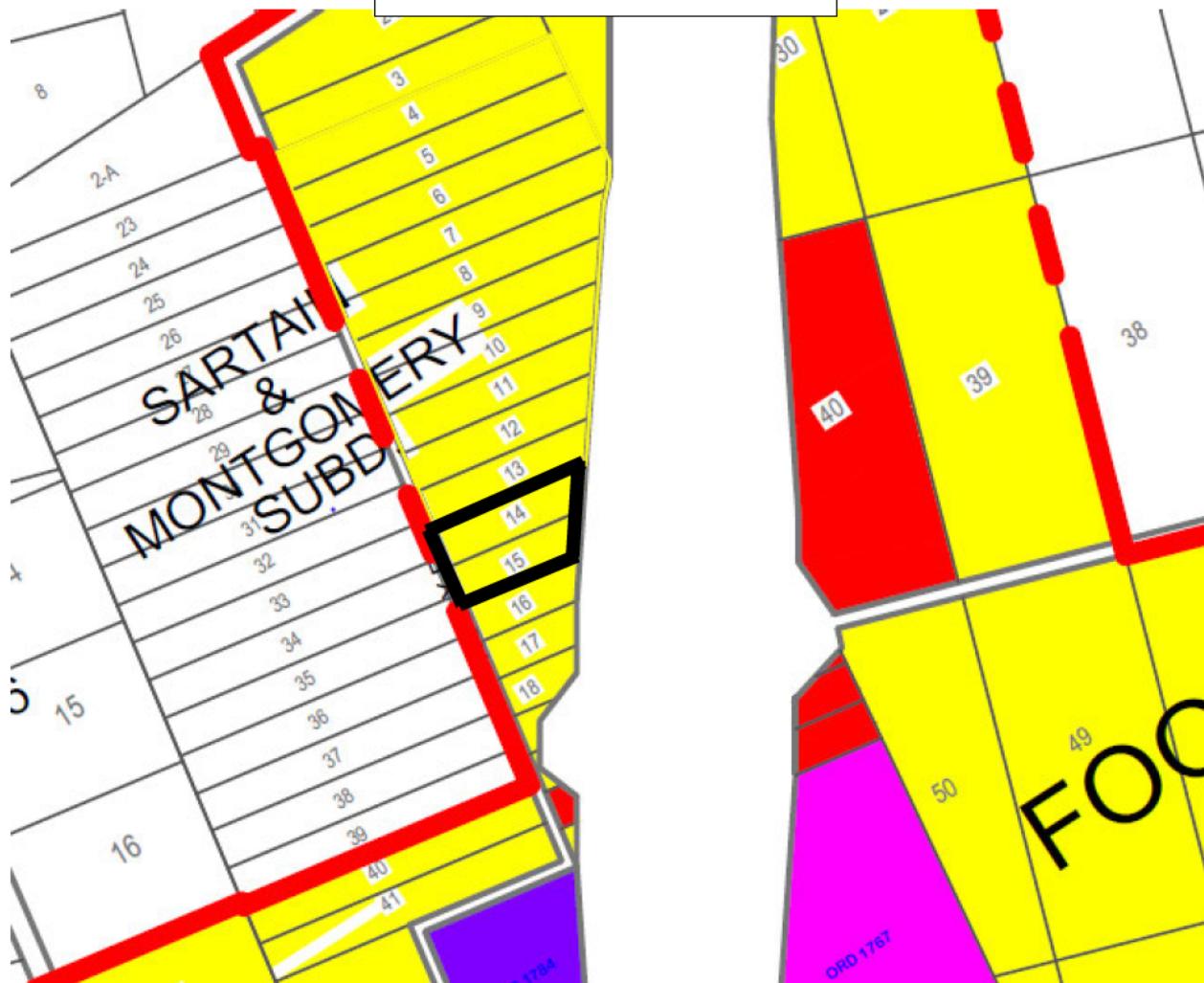
EXISTING ZONING	EXISTING LAND USE	SURROUNDING ZONING & LAND USE	SITE IMPROVEMENTS	SIZE OF PROPERTY
R-1 – 1 st Single Family Dwelling District	Commercial Custom Cabinet Shop and vacant lot	N – R-1 (1 st Single Family Dwelling District) S – R-1 (1 st Single Family Dwelling District) E – Hwy 35 Bypass W – Not in City Limits	Metal Building for Cabinet Shop	2.022 acres Combined Lot Size: Approx 240X430

STAFF RECOMMENDATION
APPROVE**APPROVE WITH CONDITIONS****DENY**

COMPATIBILITY with the ZONING ORDINANCE	PROPERTY HISTORY
The Current Future Land Use Map suggests Commercial Use	The Shop was built prior to annexation of the property and the Wright's wish to bring the property into compliance and add an additional building to support growth of the business.

ATTACHMENTS (CIRCLE)
SUBMITTED PLANS
PUBLIC HEARING PETITION/ APPLICATION FORM
LEGAL NOTICE
LEGAL DESCRIPTION
PUBLIC COMMENTS
AGENCY COMMENTS
RESPONSE TO STANDARDS
OTHER (DESCRIBE)

ZONING MAP



FUTURE LAND USE MAP



CITY COUNCIL AGENDA

Regular Meeting: Tuesday, February 13, 2024

AGENDA ITEM: 12

Deliberate and act on second and final reading of an Ordinance granting a request to rezone property to B-1 (General Business District) located at 3629 Highway 35 South; also known as A160 James McKay Survey, being 8.00 acres, City of Rockport, Aransas County, Texas, currently zoned R-1 (1st Single Family Dwelling 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.

SUBMITTED BY: Assistant Director Building & Development /Community Planner – Carey Dietrich

APPROVED FOR AGENDA: VRS

BACKGROUND: Property owners, Samuel & Anna Robertson, wish to bring the property into compliance with current City Code and allow the use by CUP for a small manufacturing business which is building wood frame structures for re-sale.

There have been no changes in format or content since Council approved the first reading of the Ordinance on January 23, 2024.

FISCAL ANALYSIS: N/A

RECOMMENDATION: Staff recommends approval of the second and final reading of an Ordinance granting a request to rezone property to B-1 (General Business District) located at 3629 Highway 35 South; also known as A160 James McKay Survey, being 8.00 acres, City of Rockport, Aransas County, Texas, currently zoned R-1 (1st Single Family Dwelling 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. ____

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 R-1 (1ST SINGLE FAMILY DWELLING DISTRICT) FOR PROPERTY LOCATED AT 3629 HIGHWAY 35 SOUTH; ALSO KNOWN AS A160 JAMES MCKAY SURVEY, BEING 8.00 ACRES, CITY OF ROCKPORT, ARANSAS COUNTY, TEXAS; TO B-1 (GENERAL BUSINESS DISTRICT); REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, On December 12, 2023, 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 December 28, 2023, notice was mailed to affected property owners within 200' of subject property; and

WHEREAS, on December 16, 2023, 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 January 8, 2024, at 5:30 p.m., the Planning & Zoning Commission did hold a Public Hearing; and

WHEREAS, on January 8, 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 1875 State Highway 35 Bypass, from R-1 (1st Single Family Dwelling District) to B-1 (General Business District) to comply with current use of property; and

WHEREAS, on January 23, 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 3629 Hwy 35 S, City of Rockport, Aransas County, Texas; be changed from R-1 (1st Single Family Dwelling District) to B-1 (General Business District).

SECTION 2 - REPEALER

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

SECTION 3 - SEVERABILITY

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

SECTION 4 - EFFECTIVE DATE

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

APPROVED on first reading this the 23rd day of January 2024.

CITY OF ROCKPORT, TEXAS

Tim Jayroe, Mayor

ATTEST:

Teresa Valdez, City Secretary

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

CITY OF ROCKPORT, TEXAS

Tim Jayroe, Mayor

ATTEST:

Teresa Valdez, City Secretary



CITY OF ROCKPORT
ZONING AND LAND DEVELOPMENT APPLICATION

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

- A. REQUESTING: Rezoning Conditional Permit

Planned Unit Development (P.U.D.) by Conditional Permit

B. ADDRESS AND LOCATION OF PROPERTY 3629 Highway 35 South
Rockport, Texas 78382

C. CURRENT ZONING OF PROPERTY: Residential

D. PRESENT USE OF PROPERTY: open storage

E. ZONING DISTRICT REQUESTED: B 1

F. CONDITIONAL USE REQUESTED: manufacturing wood /metal frame structures.

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

see attached plat and metes and bounds

 - Lot or Tract _____ Block _____
 - Tract _____ of the _____
Survey as per metes and bounds (field notes attached)
 - If other, attach copy of survey or legal description from the Records of
Aransas County or Appraisal District.

H. NAME OF PROPOSED DEVELOPMENT (if applicable) _____

I. TOTAL ACREAGE OR SQ. FT. OF SITE(S): 8.00 acres

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

boat storages building were lost in Hurricane Harvey and too expensive to restore. concrete remained and I now wish to manufacture wood structures for sale or demos to remain on property for future utilization of any new business at a later date

K. OWNER'S NAME: (Please print) Samuel & Anna Robertson
 ADDRESS: P.O. BOX 104
 CITY, STATE, ZIP CODE: Rockport, Texas 78381
 PHONE NO 361-790-6457

L. REPRESENTATIVE: (If Other Than Owner) Samuel Robertson, Jr.
 ADDRESS: 111 Freeze Lane,
Rockport, Texas, 78382
 CITY, STATE, ZIP CODE: & Port Aransas, Texas
 PHONE NO 361-205-4988

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

YES ✓ NO

M. FILING FEE:

REZONING	<u>\$150.00 + \$10.00 PER ACRE</u> <u>✓</u>
PLANNED UNIT DEVELOPMENT	<u>\$200.00 + \$10.00 PER ACRE</u>
P.U.D. REVISION	<u>\$200.00 + \$10.00 PER ACRE</u>
CONDITIONAL PERMIT	<u>\$150.00 + \$10.00 PER ACRE</u> <u>✓</u>

(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: Anna Robertson 
 (Owner or Representative)

(FOR CITY USE)

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

Submitted Information (accepted) (rejected) by: _____

If rejected, reasons why: _____

Receipt No. _____

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
 3629 Hwy 35 S

APPLICANT/PROPERTY OWNER
 Samuel & Anna Robertson, Owner

PUBLIC HEARING DATE
 P&Z – Monday, January 8, 2024
 CC – Tuesday, January 23, 2024

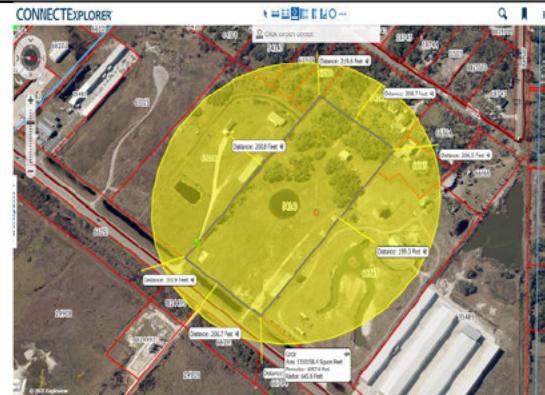
P&Z DATE
 Monday, January 8, 2024

CITY COUNCIL DATE(S)
 1st Reading - Tuesday, January 23, 2024
 2nd Reading – Tuesday, February 13, 2024, 2024

BRIEF SUMMARY OF REQUEST

Property owners, Samuel & Anna Robertson, wish to bring the property into compliance with current City Code with a rezone to B1 (General Business District)

A public notice regarding this item was published in The Rockport Pilot in the Saturday, December 16, 2023 edition and mailed out to thirteen (13) 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
R-1 – 1 st Single Family Dwelling District	Previously Storage Buildings with CUP for RV park -	N – B-1 (General Business District) S – B-1 (General Business District) E – State Hwy 35 W – R-1 (1 st Single Family Dwelling District)	Metal Storage Building on several concrete foundations from previous storage buildings	8.0 acres Lot Size: 416 X 900

STAFF RECOMMENDATION

APPROVE

APPROVE WITH CONDITIONS

DENY

COMPATIBILITY with the ZONING ORDINANCE	PROPERTY HISTORY The storage buildings on the property were destroyed by Hurricane Harvey and the CUP approved for an RV Park has expired.
The Current Future Land Use Map suggests Commercial Use	

ATTACHMENTS (CIRCLE)

SUBMITTED PLANS

PUBLIC HEARING PETITION/ APPLICATION FORM

LEGAL NOTICE

LEGAL DESCRIPTION

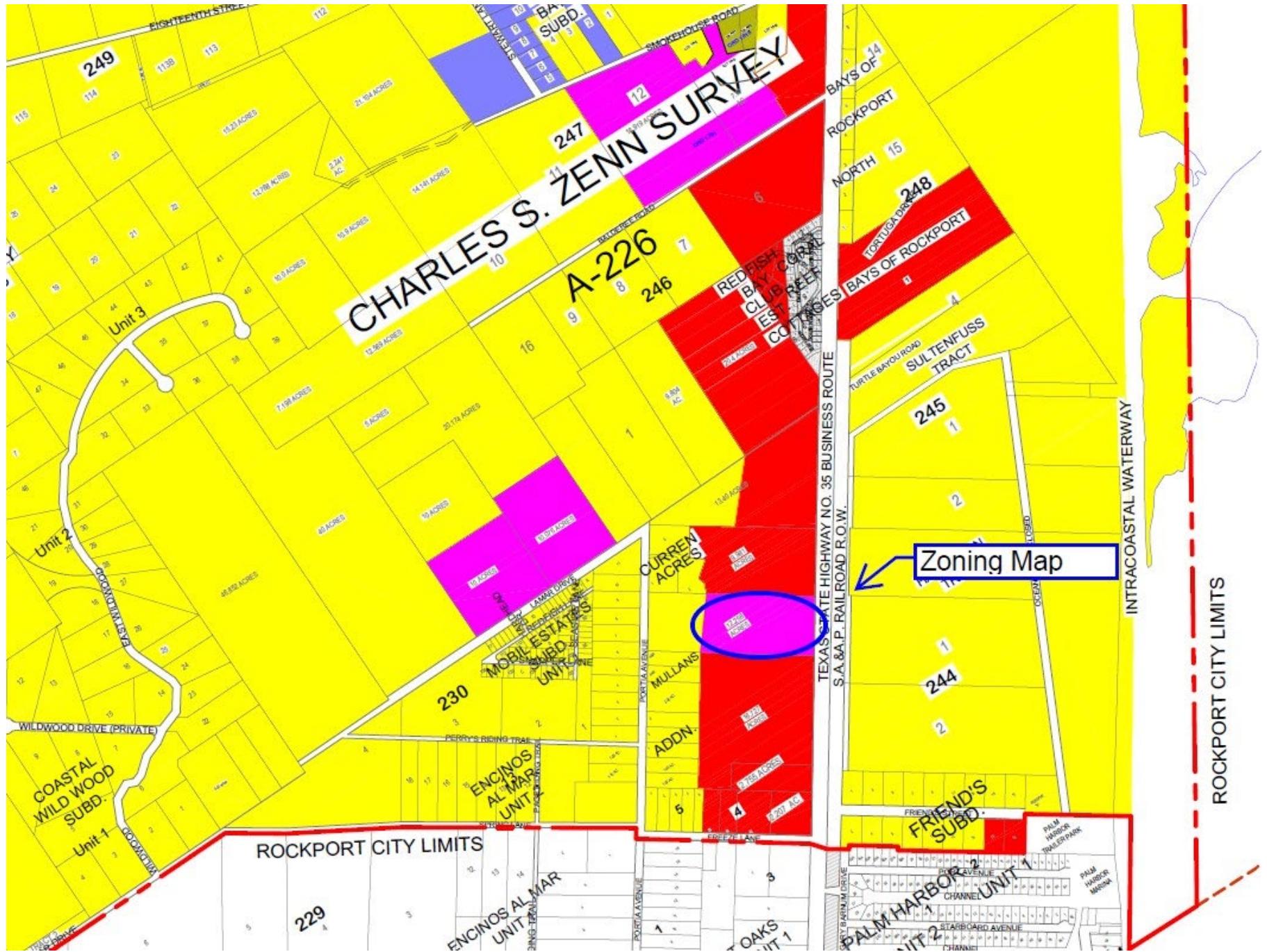
PUBLIC COMMENTS

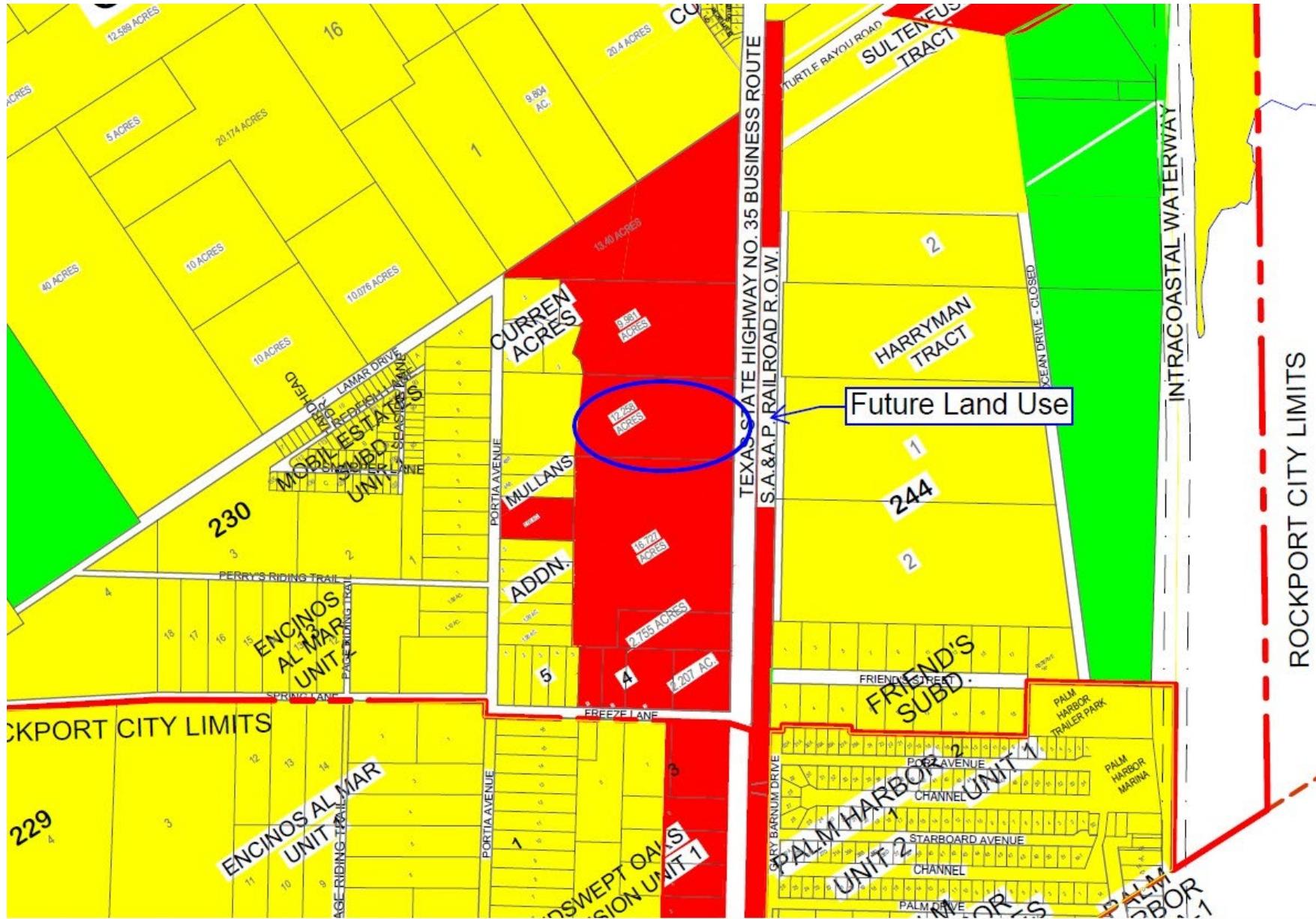
AGENCY COMMENTS

RESPONSE TO STANDARDS

OTHER (DESCRIBE)

Property ID	Property Owner	Situs Address	Mailing Address	City	State	ZIP
63016	Richard & Cindy Yaws	3709 Hwy 35 S	549 El Rincon	New Braunfels	TX	78132
54140	Samuel & Anna Robertson	3629 Hwy 35 S	P.O. Box 104	Rockport	TX	78381
8824495	628 Investments LLC	3632 Hwy 35 S	671 Majestic Oak	Apopka	FL	32712
66793	Winward Equities LLC	3420 Hwy 35 S	1258 Matejek	Yorktown	TX	78164
66363	Wayne & Melody Gayman	3601-3627 Hwy 35 S	P.O. Box 2542	Rockport	TX	78381
66364	Jimmy & Michelle Simmons	219 Portia	219 Portia	Rockport	TX	78382
66365	Jimmy & Michelle Simmons	221 Portia	219 Portia	Rockport	TX	78382
54141	Samuel & Anna Robertson	215-C Portia	P.O. Box 104	Rockport	TX	78381
67379	C Gregory & Associates INC	213-A Portia	P.O. Box 2032	Aransas Pass	TX	78335
67380	C Gregory & Associates INC	213-B Portia	P.O. Box 2032	Aransas Pass	TX	78335
66152	Passport Shores LLC	3792 Hwy 35 S	271 Commercial	Buda	TX	78610
66794	Steve Fischer	3440 Hwy 35 S	525 Corto Way - Sunset Heights	El Paso	TX	79902
54143	Mark S & Charlotte R Pruitt	211 Portia Ave	P.O. Box 1674	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





CITY COUNCIL AGENDA

Regular Meeting: Tuesday, February 13, 2024

AGENDA ITEM:13

Deliberate and act on second and final reading of an Ordinance granting a Conditional Use Permit (CUP) for the purpose of a small manufacturing business which is building wood frame structures for re-sale on property located at 3629 Highway 35 South; also known as A160 James McKay Survey, being 8.00 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.

SUBMITTED BY: Assistant Director Building & Development /Community Planner – Carey Dietrich

APPROVED FOR AGENDA: VRS

BACKGROUND: Property owners, Samuel & Anna Robertson, are requesting the use by Conditional Use Permit (CUP) for a small manufacturing business which is building wood frame structures for re-sale.

There have been no changes in format or content since Council approved the first reading of the Ordinance on January 23, 2024.

FISCAL ANALYSIS: N/A

RECOMMENDATION: Staff recommends approval of the second and final reading of an Ordinance granting a Conditional Use Permit (CUP) for the purpose of a small manufacturing business which is building wood frame structures for re-sale on property located at 3629 Highway 35 South; also known as A160 James McKay Survey, being 8.00 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.

ORDINANCE NO. _____

AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT FOR THE PURPOSE OF A SMALL MANUFACTURING BUSINESS WHICH IS BUILDING WOOD FRAME STRUCTURES FOR RE-SALE ON THE PROPERTY LOCATED AT 3629 HIGHWAY 35 SOUTH; ALSO KNOWN AS A160 JAMES MCKAY SURVEY, BEING 8.00 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 December 12, 2023, 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 December 28, 2023, notice was mailed to affected property owners within 200' of subject property; and

WHEREAS, on December 16, 2023, 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 January 8, 2024, at 5:30 p.m., the Planning & Zoning Commission did hold a Public Hearing; and

WHEREAS, on January 8, 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 3629 Hwy 35 S, and

WHEREAS, on January 23, 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 3629 Hwy 35 S for the purpose of building wood frame structures for re-sale, 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. Must meet requirements of 2018 IPC, Section 311.1;
3. 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 _____ day of _____ 2024.

CITY OF ROCKPORT, TEXAS

Tim Jayroe, Mayor

ATTEST:

Teresa Valdez, City Secretary

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

CITY OF ROCKPORT, TEXAS

Tim Jayroe, Mayor

ATTEST:

Teresa Valdez, City Secretary



CITY OF ROCKPORT
ZONING AND LAND DEVELOPMENT APPLICATION

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

boat storages building were lost in Hurricane Harvey and too expensive to restore. concrete remained and I now wish to manufacture wood structures for sale or demos to remain on property for future utilization of any new business at a later date

K. OWNER'S NAME: (Please print) Samuel & Anna Robertson
 ADDRESS: P.O. BOX 104
 CITY, STATE, ZIP CODE: Rockport, Texas 78381
 PHONE NO 361-790-6457

L. REPRESENTATIVE: (If Other Than Owner) Samuel Robertson, Jr.
 ADDRESS: 111 Freeze Lane,
Rockport, Texas, 78382
 CITY, STATE, ZIP CODE: & Port Aransas, Texas
 PHONE NO 361-205-4988

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

M. FILING FEE:

REZONING	<u>\$150.00 + \$10.00 PER ACRE</u> <u>✓</u>
PLANNED UNIT DEVELOPMENT	<u>\$200.00 + \$10.00 PER ACRE</u>
P.U.D. REVISION	<u>\$200.00 + \$10.00 PER ACRE</u>
CONDITIONAL PERMIT	<u>\$150.00 + \$10.00 PER ACRE</u> <u>✓</u>

(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: Anna Robertson 
 (Owner or Representative)

(FOR CITY USE)

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

Submitted Information (accepted) (rejected) by: _____

If rejected, reasons why: _____

Receipt No. _____

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
 3629 Hwy 35 S

APPLICANT/PROPERTY OWNER
 Samuel & Anna Robertson, Owner

PUBLIC HEARING DATE
 P&Z – Monday, January 8, 2024
 CC – Tuesday, January 23, 2024

P&Z DATE
 Monday, January 8, 2024

CITY COUNCIL DATE(S)
 1st Reading - Tuesday, January 23, 2024
 2nd Reading – Tuesday, February 13, 2024

BRIEF SUMMARY OF REQUEST

Property owners, Samuel & Anna Robertson, are requesting the use by CUP for a small manufacturing business which is building wood frame structures for re-sale.



A public notice regarding this item was published in The Rockport Pilot in the Saturday, December 16, 2023 edition and mailed out to thirteen (13) 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
R-1 – 1 st Single Family Dwelling District	Previously Storage Buildings with CUP for RV park -	N – B-1 (General Business District) S – B-1 (General Business District) E – State Hwy 35 W – R-1 (1 st Single Family Dwelling District)	Metal Storage Building and several concrete foundations from previous storage buildings	8.0 acres Lot Size: 416 X 900

STAFF RECOMMENDATION

APPROVE

APPROVE WITH CONDITIONS

DENY

COMPATIBILITY with the ZONING ORDINANCE	PROPERTY HISTORY The storage buildings on the property were destroyed by Hurricane Harvey and the CUP approved for an RV Park has expired.
--	--

ATTACHMENTS
(CIRCLE)

SUBMITTED PLANS

**PUBLIC HEARING PETITION/
APPLICATION FORM**

LEGAL NOTICE

LEGAL DESCRIPTION

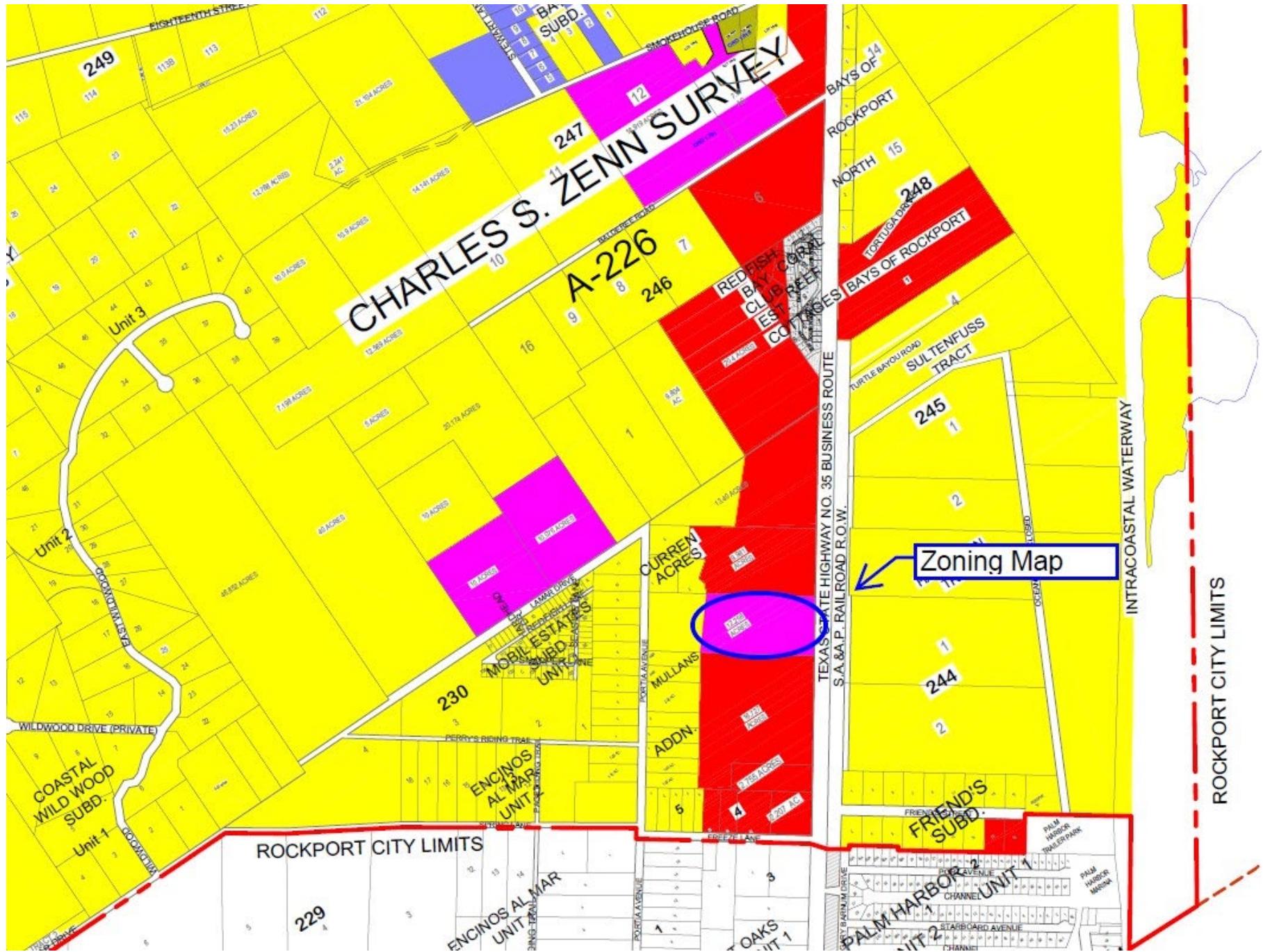
PUBLIC COMMENTS

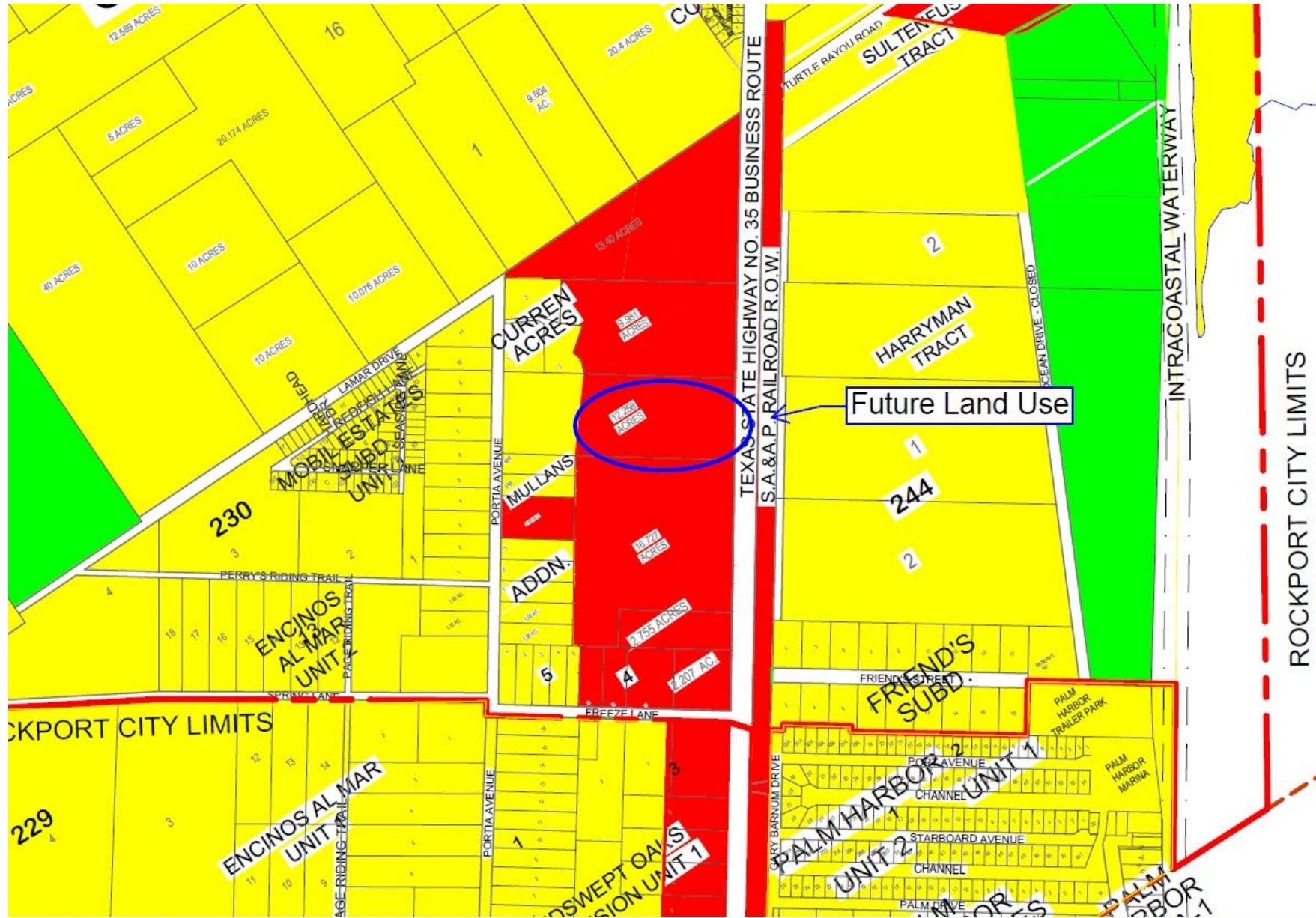
AGENCY COMMENTS

RESPONSE TO STANDARDS

OTHER (DESCRIBE)

<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>
63016	Richard & Cindy Yaws	3709 Hwy 35 S	549 El Rincon	New Braunfels	TX	78132
54140	Samuel & Anna Robertson	3629 Hwy 35 S	P.O. Box 104	Rockport	TX	78381
8824495	628 Investments LLC	3632 Hwy 35 S	671 Majestic Oak	Apopka	FL	32712
66793	Winward Equities LLC	3420 Hwy 35 S	1258 Matejek	Yorktown	TX	78164
66363	Wayne & Melody Gayman	3601-3627 Hwy 35 S	P.O. Box 2542	Rockport	TX	78381
66364	Jimmy & Michelle Simmons	219 Portia	219 Portia	Rockport	TX	78382
66365	Jimmy & Michelle Simmons	221 Portia	219 Portia	Rockport	TX	78382
54141	Samuel & Anna Robertson	215-C Portia	P.O. Box 104	Rockport	TX	78381
67379	C Gregory & Associates INC	213-A Portia	P.O. Box 2032	Aransas Pass	TX	78335
67380	C Gregory & Associates INC	213-B Portia	P.O. Box 2032	Aransas Pass	TX	78335
66152	Passport Shores LLC	3792 Hwy 35 S	271 Commercial	Buda	TX	78610
66794	Steve Fischer	3440 Hwy 35 S	525 Corto Way - Sunset Heights	El Paso	TX	79902
54143	Mark S & Charlotte R Pruitt	211 Portia Ave	P.O. Box 1674	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





CITY COUNCIL AGENDA

Regular Meeting: Tuesday, February 13, 2023

AGENDA ITEM: 14

Deliberate and act on second and final reading of 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.

SUBMITTED BY: Robbie Sorrell, Director of Finance

APPROVED FOR AGENDA: VRS

BACKGROUND: On November 14, a proposed Ordinance was voted down that would have partially repealed Water and Wastewater Ordinances 1909 and 1910, respectively. The Ordinance would have rolled back utility rates for the outside city limits customers and prevented a PUC petition from moving forward for regulatory review.

On December 13, 2023, the City Council approved two Ordinances, 1920 and 1921 which partially repealed Water and Wastewater Ordinances 1909 and 1910, respectively.

There have been no changes in format or content since Council approved the first reading of the Ordinance on January 23, 2024.

FISCAL ANALYSIS: This means the City will have to refund (via one-time bill credit expected in February) the difference collected since the start of the new fiscal year and amend the Utility Fund Budget for less anticipated annual revenue. System estimates propose reducing budgeted Water revenues by \$428,335 and Wastewater revenues by \$91,956. This proposed Ordinance also adds \$5,000 for estimated legal and other fees associated with the PUC petition.

While amending the 2023-2024 budget, there were two other funds with recommended budget amendments:

The Aquatic Fund, for reduced intergovernmental participation revenues I/A/O \$5,834 from Town of Fulton; and the General Fund to cover vehicle damage expenditures to the park fence I/A/O \$1,750.

The City's insurance is trying to collect from the driver's insurance company but there exists the question of an "unauthorized driver", making any ultimate collection doubtful.

Funds for the above estimated \$532,875 in budget amendments is to come from reserves.

RECOMMENDED ACTION: Staff recommends approval of the second and final reading of the ordinance, as presented.

ORDINANCE NO.**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 December 13, 2023, Council approved two ordinances, 1920 and 1921 which partially repealed Ordinances 1909 and 1910, respectively, which originally were used to support the 2023-2024 Budget. The effect of these ordinances rolled back water and wastewater utility rates for the outside city limits customers; and

WHEREAS, the result of this action means the City will have to refund the difference collected since the start of the new fiscal year to the outside city limits customers; and

WHEREAS, the City revenue budgets for Water and Wastewater Funds will be amended accordingly; and

WHEREAS, also the City having allowed the PUC Petition to proceed will result in additional regulatory, legal, and affiliated costs associated with the Petition; and

WHEREAS, also the City incurred unexpected repair costs to the General Fund associated with a damaged park fence; and

WHEREAS, also the City was informed by Town of Fulton that they did not budget any intergovernmental monies to help fund the Aquatic Fund

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCKPORT, TEXAS:**SECTION 1.**

For municipal purposes, to account for the reduction of anticipated water (\$428,335) and wastewater (\$91,956) revenues, and the estimated increase in regulatory/legal and affiliated expenses associated with PUC costs in water (\$4,100) and wastewater (\$900). The Utility Funds section of the City of Rockport adopted by Ordinance 1911 is hereby amended as follows (highlighted areas):

[This part of page left blank intentionally]

Fund: 02 - Water/Wastewater Fund
Consolidated Resources vs Expenditure Summary

	FY 21-22 Actual	FY 22-23 Budget	FY 22-23 Projected	FY 23-24 Approved
Water/Wastewater Fund Resources				
Interest Revenues	\$ 14,458	\$ 3,000	\$ 222,054	\$ 200,000
Charges for Services	13,065,555	12,457,249	13,160,525	14,629,014
Lost Annual Water Revenues				(428,335)
Lost Wastewater Revenues				(91,956)
Use of Reserves to Cover Lost Revenues				520,291
Use of Reserves to Cover Legal Costs				5,000
Operating Transfers	90,000	90,000	90,000	90,000
Other Revenues	110,808	95,000	206,744	90,000
Total Resources	\$ 13,280,821	\$ 12,645,249	\$ 13,679,323	\$ 15,014,014
Water/Wastewater Fund Expenditures				
Personnel	\$ 2,021,801	\$ 2,287,649	\$ 2,369,038	\$ 2,450,529
Contracts & Services	1,052,906	836,000	1,593,278	1,785,314
Legal/Contract fees -Water				4,100
Legal/Contract fees - Wastewater				900
Supplies	4,102,261	4,598,335	4,667,312	5,052,660
Travel & Training	26,332	43,600	44,139	40,600
Intergovernmental Transfer	228,551	272,698	272,698	-
Maintenance	944,926	1,018,249	1,126,679	1,939,786
Capital Outlay/Project	59,553	41,350	53,476	31,350
Operating Transfers	3,701,465	3,547,368	3,552,704	3,708,775
Total Expenditures	\$ 12,137,795	\$ 12,645,249	\$ 13,679,323	\$ 15,014,014
Resources Over(Under) Expenditure	\$ 1,143,026	\$ 0	\$ (0)	\$ 0

and

For municipal purposes, to account for the reduction of anticipated intergovernmental revenues (\$5,834). The Aquatic Utility Funds section of the City of Rockport adopted by Ordinance 1911 is hereby amended as follows (highlighted areas):

[This part of page left blank intentionally]

Fund: 05 - Aquatic Center Fund
Consolidated Resources vs Expenditure Summary

	<u>FY 21-22 Actual</u>	<u>FY 22-23 Budget</u>	<u>FY 22-23 Projected</u>	<u>FY 23-24 Proposed</u>
Aquatic Center Fund Resources				
Intergovernmental Revenues	\$ 37,000	\$ 37,000	\$ 37,000	\$ 37,000
Town of Fulton Revenues				\$ (5,834)
Charges for Service	132,669	131,850	128,750	128,250
Operating Transfers	364,497	263,806	409,386	409,505
Miscellaneous Revenues	2,960	11,323	-	-
Use of Reserves				5,834
Total Revenues	\$ 537,126	\$ 443,979	\$ 575,136	\$ 574,755
Aquatic Fund Expenditures				
Aquatic Center Oper & Maint	\$ 535,880	\$ 443,979	\$ 575,136	\$ 574,755
Total Expenditures	\$ 535,880	\$ 443,979	\$ 575,136	\$ 574,755
Resources Over(Under) Expenditures	\$ 1,246	\$ 0	\$ 0	\$ 0

and

For municipal purposes, to account for damage to a park fence (\$1,750). The General Fund section of the City of Rockport adopted by Ordinance 1911 is hereby amended as follows (highlighted areas):

[This part of page left blank intentionally]

Fund: 01- General
Consolidated Resources vs Expenditure Summary

	FY 21-22 Actual	FY 22-23 Budget	FY 22-23 Projected	FY 23-24 Proposed
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
Use of Reserves	-	-	830,127	449,352
Use of Reserves				1,750
Total Resources	\$ 11,854,517	\$ 12,618,118	\$ 13,453,484	\$ 13,952,105
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				1,750
Supplies	1,158,628	826,795	683,125	998,155
Travel & Training	137,843	190,450	199,701	202,844
Intergovernmental Transfers	1,686,927	1,772,391	1,786,634	1,280,367
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	\$ 13,952,105
Resources Over(Under) Expenditures	\$ (875,333)	\$ (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 23rd day of January 2024.

CITY OF ROCKPORT, TEXAS

Tim Jayroe, Mayor

ATTEST:

Teresa Valdez, City Secretary

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

CITY OF ROCKPORT, TEXAS

Tim Jayroe, Mayor

ATTEST:

Teresa Valdez, City Secretary

CITY COUNCIL AGENDA

Regular Meeting: Tuesday, February 13, 2024

AGENDA ITEM: 15

Deliberate and act on first reading of an Ordinance amending the City of Rockport Code of Ordinances Chapter 26 “Businesses” by adding Article III Short Term Rentals; repealing all ordinances to the extent they are in conflict; providing for severability; providing for penalties; and providing an effective date.

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

APPROVED FOR AGENDA: VRS

BACKGROUND: The discussion regarding the registration of short-term rentals has been ongoing for many months. The Building and Development Department conducted workshops with each Ward to discuss the amendment and receive recommendations from the public.

After several discussions and revisions, the final draft is presented here tonight for the Council’s review.

The fee for initial registration is recommended to be \$150.00 which is adequate to cover the cost of the RentalScape Short Term Rental ID & Monitoring Program, which is essential to the success of our STR Program, and staff’s time to do site inspections at initial registration with an annual registration renewal fee of \$100.00.

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

FISCAL ANALYSIS: N/A

RECOMMENDATION: Staff recommends approval of the first reading of an Ordinance amending the City of Rockport Code of Ordinances Chapter 26 “Businesses” by adding Article III Short Term Rentals; repealing all ordinances to the extent they are in conflict; providing for severability; providing for penalties; and providing an effective date.

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CITY OF ROCKPORT CODE OF ORDINANCES CHAPTER 26 “BUSINESSES” BY ADDING ARTICLE III SHORT TERM RENTALS; REPEALING ALL ORDINANCES TO THE EXTENT THEY ARE IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR PENALTIES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Building & Development Department conducted a workshop for citizens of each Ward to review and make recommendations regarding the amendment to Chapter 26;

WHEREAS, on Tuesday, October 24, 2023, at a regular City Council meeting, the City Council conducted a Public workshop to allow citizens to review and make recommendations regarding the amendment to Chapter 26;

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

Section 1. Chapter 26 of the Code of Ordinances of the City of Rockport, Texas is hereby amended as set forth in 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 February 2024.

CITY OF ROCKPORT:

Tim Jayroe, Mayor

ATTEST:

Kimberly Henry, Interim City Secretary

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

CITY OF ROCKPORT:

Tim Jayroe, Mayor

ATTEST:

Kimberly Henry, Interim City Secretary

“EXHIBIT A”**CHAPTER 26 BUSINESSES****ARTICLE III - SHORT TERM RENTALS****Sec. 26-32 Purpose**

The purpose of this Article is to establish regulations for the registration and use of privately owned dwellings as Short Term Rentals, to minimize negative ancillary impact on surrounding properties, to ensure the timely collection and payment of Hotel Occupancy Tax, and to provide for the general welfare of residents and visitors.

Sec. 26-33 Definitions.

The following words, terms and phrases when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

City. The City of Rockport, Texas.

Local Contact Person. The Owner, Operator, or person designated by the Owner or the Operator, who shall be available for the purpose of responding to concerns or requests for assistance related to the Owner's Short Term Rental.

Occupant(s) shall mean the person or persons who have rented the short term rental for a specified period and the daytime visitors of the overnight occupants.

Operator. The Owner or the Owner's authorized representative who is responsible for compliance with this Article while advertising and/or operating a Short Term Rental.

Owner. The person or entity that holds legal or equitable title to the Short Term Rental property.

Short Term Rental (STR). A privately owned dwelling, including but not limited to, a single family dwelling, condominium, duplex, townhouse, mobile home, recreational vehicle (RV) or any portion of such dwellings, rented by the public for consideration, and used for dwelling, lodging or sleeping purposes for any period less than 30 consecutive days. The term applies regardless of whether the dwelling was originally constructed or zoned as a residential dwelling. The term short term rental does not include:

- (1) Multi-family dwelling(s), apartment complex, hotel, motel, dormitory, public or private club, recreational vehicle park, hospital and medical clinic, nursing home or convalescent home, foster home, transitional housing facility, any housing operated or used exclusively for religious, charitable or educational purposes, and any housing owned by a governmental agency and used to house its employees or for governmental purposes.
- (2) Rental of a property pending closing of a real estate purchase contract.

Short Term Rental Permit. A permit issued by the City authorizing the use of a privately owned dwelling as a Short Term Rental.

Short Term Rental Unit. One or more habitable rooms forming a single habitable division within a Short Term Rental, or an entire undivided Short Term Rental, which is advertised to be occupied, is occupied, or is intended to be occupied by a single party of Guests under a single reservation and/or single rental payment.

Sec. 26-34 Applicability

- (a) The property owner shall designate themselves or an agent to comply with the requirements of this Article on behalf of the owner. The owner or designated agent is sometimes referred to as "operator" herein.
- (b) The owner shall not be relieved from any personal responsibility or personal liability for noncompliance with any applicable law, rule or regulation pertaining to the use and occupancy of the residential dwelling unit as a short term rental unit, regardless of whether such noncompliance was committed by the owner, operator, authorized agent or representative or the occupants or guests of the occupants.
- (c) This article is not intended to provide any owner/operator of residential property with the right or privilege to violate any city zoning (Chapter 118; City of Rockport Code), private conditions, covenants or restrictions applicable to the owner's property that may prohibit the use of such owner's residential property for short term rental purposes as defined in this section or to repeal, arrogate, or impair any existing easements, covenants, or deed restrictions.
 - a. Exception: Existing short term rentals that have been in operation for at least one year at the time of adoption of this ordinance and are currently in violation of Sec 118-22.1.1 but have had no complaints filed against the property in relation to the short term rental and have filed / paid their HOT tax in a timely manner and can show proof of such will be considered legal non-conforming and is subject to the regulations set forth in this chapter. Change in ownership will negate the legal non-conforming status.
- (d) Abrogation and greater restrictions. Where this article and another ordinance conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- (e) An advertisement promoting the availability of short-term rental property in violation of any provision of this ordinance is prima facie evidence of a violation.
- (f) The provisions of this article pertaining to short term rentals shall be reviewed by the city council within one year of the adoption of Ordinance No. . Those provisions are subject to amendment or repeal upon such review or at any other time. The adoption of the short term rental provisions of this article shall not be construed to create any enforceable right to the continuation of short term rentals or any right to compensation for loss, damages, costs, or expenses alleged to have been incurred in reliance upon its adoption or suffered as a result of its repeal.

Sec. 26-35 Registration and Permit

- a) Registration Required: Prior to using a dwelling unit as a short term rental or advertising in any manner the availability of the dwelling unit for short term rental use, the operator must submit

the following information on a form and in the manner prescribed by the City Manager or his/her designee:

(1) The name, address, email and telephone number of the Owner and Operator of the subject short term rental unit;

(2) The name, address, email and telephone number of a designated Local Contact Person;

(3) The Local Contact Person is the Operator or person designated by the Operator who shall be available for the purpose of:

i. Responding to complaints presented by the Rockport Police Department regarding the condition, operation, or conduct of occupants of the short term rental unit; and

ii. Responding in person or by phone within twenty four (24) hours to all other complaints; and

iii. Taking remedial action to resolve any such complaints;

(4) The name, mailing and physical address of the proposed short term rental unit;

(5) The number of sleeping rooms and applicable occupancy limit of the proposed short term rental unit. For purposes of this section a sleeping room is any enclosed habitable space within a dwelling unit which complies with the minimum room dimension and egress requirements of the adopted 2018 International Fire Code, Chapter 10, Means of Egress, Table 1004.5. This shall not be interpreted to include living rooms, family rooms and other similar rooms in which furniture such as fold-down beds or convertible couches are provided on a permanent basis for regular accommodation of residents, temporary or otherwise;

i. Maximum occupancy is 3 times the number of sleeping rooms per dwelling unit as per Texas State Property Code, Title 8, Sec 92.010. Children shall not be counted in the occupancy calculation. For purposes of this section an adult is an individual eighteen (18) years of age or older at the time of rental.

ii. The maximum occupancy of a short term rental shall be determined at the time a short term rental permit is issued or renewed. That capacity shall not be increased by subsequent construction of any addition to the structure covered by the permit or by construction of any other structure located on the property without an inspection and approval by the Building Official and submission of an amended registration form;

(6) If the applicant does not own the property where the rental unit is located, the applicant must provide written documentation, signed by the property owner before a notary public, authorizing the registrant to operate a short term rental on the premises;

(7) The zoning district classification of the property, to be verified by the Building and Development Services Department;

(8) A diagram showing the proposed layout of the property use and any on-site parking available for the Short Term Rental;

(9) Payment of all fees, established by this article or the City Council and, for registration renewals, proof of collection and payment of Hotel Occupancy Tax due during the preceding registration periods; and

(10) Incomplete applications will not be processed and, as a result, any premises associated with an incomplete application will not be registered in compliance with or as required by this division; and

(11) Any additional information the City Manager or his/her designee determines necessary for the administration of this section.

(b) Prior to issuance of a Short Term Rental Permit, the Operator shall allow an on-site inspection of the Short Term Rental Unit by the Building Official or his/her designee to ensure compliance with the following:

(1) The requirements set forth in Section 26-36(a)(1) through (9) of this Article; and

(2) The requirements set forth in Sections 26-36(b)(1) through (9) of this Article.

(3) A live inspection must occur every 2 years.

(c) Any existing short term rental shall have ninety (90) days from adoption of the ordinance from which this article derives to complete the required registration and obtain their short term rental permit.

(d) Transferability. A short term rental permit is not transferable to a new property owner. a new owner must apply for a short term rental permit within sixty (60) days from the closing date of the purchase or any other conveyance of ownership. Failure of a new property owner to apply for permit within sixty (60) days from the closing date may result in the revocation or non-renewal of an existing short term rental permit or the denial of a new short term rental registration.

(e) Any property owner delinquent and/or owing city fees to include but not limited to property taxes, sanitation or utility service fees, and property maintenance fees will be prohibited from registering a short term rental until such time as payment or acceptable resolution is approved by the City Manager or his/her designee.

(f) Registration fee; renewal fee.

(1)The short term rental registration form shall be accompanied by an initial non-refundable per unit registration fee of \$150.00.

(2) The initial registration of the short term rental is valid for twelve (12) months from the date the completed registration is filed with the city and payment of the registration fee has been made unless ownership of the short term rental changes at which time a new registration will be required and new permit issued. Subsequent renewal of a short term rental accompanied by an initial non-refundable per unit registration renewal fee of \$100.00 will be on an annual calendar year basis beginning January 1st of each year.

(g) Each short term rental, once properly registered, shall be issued a permit with a unique registration number. The registration number must be included in any and all advertisement for the short term rental including internet booking sites.

Sec. 26-36. Short Term Rental operational requirements.

(a) The Operator shall post the following information in a prominent location within the Short Term Rental Unit, using a form promulgated by the City:

- (1) The unique Short Term Rental Permit number assigned to the Short Term Rental Unit;
- (2) Operator name and number;
- (3) Local Contact Person name and number;
- (4) The location of any on-site and off-site parking spaces available for Guests;
- (5) The occupancy limit;
- (6) Instructions to Guests concerning disposal of garbage and handling of garbage containers;
- (7) Depiction of floor plan identifying evacuation routes, including the dwelling's exits, primary evacuation routes and secondary evacuation routes near the front door of the dwelling if applicable;
- (8) Information to assist guests in the case of emergencies posing threats to personal safety or damage to property, including emergency and non- emergency telephone numbers for police, fire and emergency medical services providers and instructions for obtaining severe weather, natural or manmade disaster alerts and updates;
- (9) Notification that the Guests are responsible for compliance with all applicable laws, rules and regulations pertaining to the use and occupancy of the Short Term Rental, and that Guests may be fined by the City for violations of this Article; and

(b) The Operator shall operate a Short Term Rental in compliance with the following:

- (1) Zoning regulations prescribed for the zoning district in which such Short Term Rental is located, set forth in Chapter 118 of the Code of Ordinances.

- (2) City of Rockport Sign Ordinance, as applicable, set forth in Chapter 6 Article II of the Code of Ordinances.
- (3) Maximum occupancy limits prescribed by the Building Official, pursuant to the International Fire Code as adopted in Chapter 46 Article III of the Code of Ordinances being 2018 IFC, Chap 10, Means of Egress, Texas State Property Code, Title 8, Sec 92.010.
- (4) Parking shall comply with Chapter 118, Article I, Section 118-21.1.1 Parking Requirements By Use of the City's Code of Ordinances.
- (5) Each Short-Term Rental owner shall provide in the Short-Term Rental working smoke/carbon monoxide detectors in accordance with adopted codes, and at least one working type A fire extinguisher. The premises shall otherwise comply with the applicable Code of Ordinance requirements, including but not limited to all building and fire codes.
- (6) City of Rockport Hotel Occupancy Tax Ordinance, set forth in Chapter 94 Article IV of the Code of Ordinances.
- (7) City of Rockport Noise and Sound Level Regulation Ordinance, set forth in Chapter 42 Article III of the Code of Ordinances.
- (8) City of Rockport Garbage Collection Ordinance, set forth in Chapter 82 Article II of the Code of Ordinances. Accumulation of trash per Chapter 42 Article II division 2.

- (9) During any period when a Short Term Rental is occupied or intended to be occupied by Guests, the Local Contact Person shall be available for the purpose of responding to concerns or requests for assistance related to the condition, operation, or conduct of Guests of the Short Term Rental.

Sec. 26-37. Notification of complaints.

Complaints related to the operation of a Short Term Rental, including but not limited to complaints concerning noise, garbage, parking, and disorderly conduct by Guests, shall be reported to the City Code Enforcement office during daytime hours and The Rockport Police Department after hours.

Sec. 26-38. Compliance with other laws.

The Owner, Operator, Local Contact Person, and Guests shall comply with all applicable laws, rules and regulations pertaining to the operation, use, and occupancy of a Short Term Rental. The Owner shall not be relieved from any civil or criminal liability for a violation of this Article, regardless of whether such violation is committed by the Owner, Operator, Local Contact Person, or Guest of the Owner's Short Term Rental.

Nothing in this Article shall be construed to relieve any person or Owner of any other applicable requirements of federal, state, or local law, rules, or regulations. Nothing in this Article shall be construed to provide any property owner with the right or privilege to violate any private conditions, covenants, and restrictions applicable to the Owner's property that may prohibit the use of such Owner's property as a Short Term Rental as defined in this Article.

Sec. 26-39. Compliance and Penalty provision.

- (a) It shall be unlawful for any person or entity to violate any provision of this Article. Proof that a violation of this Article occurred at a Short Term Rental shall create a rebuttable presumption that the Owner of said Short Term Rental committed the violation.
- (b) Any violation of this Article is a Class C misdemeanor offense, and upon conviction, shall be punished by a fine as set forth in Section 1-7 of the Code of Ordinances.
- (c) Prosecution under this Article shall not require the pleading or proving of any culpable mental state.
- (d) Penalties provided for in this Article are in addition to any other criminal or civil remedies that the City may pursue under federal, state, or local law.

Sec. 26-40. Permit suspension or revocation; appeal.

Upon conviction of a violation of this Article, the City Manager may suspend or revoke any Short Term Rental Permit issued for the same Short Term Rental where the violation occurred. The City Manager shall notify an Owner of a suspension or revocation under this Section in writing, delivered by Certified Mail, Return Receipt Requested, and mailed to the address of the Owner as set forth on the most recent Short Term Rental Permit application submitted to the City.

An Owner may appeal a notice of suspension or revocation under this Section by filing a written appeal with the City Manager within thirty (30) days following the date said notice was deposited in the U.S. Mail. Following a timely filing of an appeal hereunder, the Owner may present evidence to the City Manager related to the suspension or revocation under this Section. Following the City Manager's final decision on appeal, the Owner may appeal an adverse decision of the City Manager by filing a written appeal with the City Council within thirty (30) days following the date of the City Manager's final decision.

CITY COUNCIL AGENDA

Regular Meeting: Tuesday, February 13, 2024

AGENDA ITEM: 16

Deliberate and act on the Heritage District Certificate of Appropriateness Application submitted for 406 S Austin Street to extend the wood fence enclosure —The Coastal Mercantile.

SUBMITTED BY: Community Planner Carey Dietrich

APPROVED FOR AGENDA: VRS

BACKGROUND: Bonnie Carlisle, owner of The Coastal Mercantile, has submitted a Certificate of Appropriateness application for the construction of a six foot (6') wood fence enclosure in the rear of the property located at 406 S Austin St, for the purpose of extending the outdoor seating area and possible children's play area. Please see replat for clarification.

Section 118-266 #7 requires that street screening be constructed *of either the same building material as the principal structure on the lot or masonry or a living screen composed of shrubs planted to be opaque at maturity.*

The property is located in the Austin Street Corridor Character District.

The applicant would like to seek design exceptions on the following item:

- **Sec. 118-266. Character district building form and development standards.**
6.1 General Requirements. The following shall apply to all Character Districts unless otherwise noted.
#7 Screening of parking: Any frontage along all streets (except alleys) not defined by a building at the BTZ shall be defined by a 4-foot-high Street Screen, furthermore service areas shall be defined by a Street Screen that is at least as high as the service equipment being screened. The Street Screen shall be of either the same building material as the principal structure on the lot or masonry or a living screen composed of shrubs planted to be opaque at maturity. Species shall be selected from the Planting List in [Chapter 106](#) of the Rockport Code of Ordinances. The required Street Screen shall be located within the BTZ along the corresponding frontage.

Per the Rockport Heritage District Zoning Overlay Code (RHDZOC), the board's responsibilities include hearing Design Exceptions (RHDZOC 3.8.1ix). Because this request involves such, this is an item that requires action from the Heritage District Board.

FISCAL ANALYSIS: N/A

RECOMMENDATION: Staff has reviewed the application and recommends approval of the Heritage District Certificate of Appropriateness Application submitted for 406 S Austin Street to extend the wood fence enclosure —The Coastal Mercantile



Heritage District Certificate of Appropriateness Application

142
Building &
Development
Services
Department

Chapter 118 of the City of Rockport Code of Ordinances (available at www.cityofrockport.com/200/Ordinances-Resolutions) established the Heritage District Zoning Overlay Code with the purpose and intent of implementing the design goals of the Heritage District Master Plan, establishing specific standards within different character districts, and encouraging historic preservation and economic development. A complete certificate of appropriateness (COA) is required in order to help guide the project through the process as quickly and efficiently as possible. It is highly recommended that applicants contact the Building and Development Services Department in the beginning stages of their project before any designs are finalized and well in advance of an application deadline. The COA is required for any modifications or improvements made to property within the Heritage District and is not in lieu of a building permit.

Property Description

Address: 406 S. Austin St.

ACAD Property ID: _____

Subdivision: _____

Block: 8 Lot: 12

Character District: Austin Street Corridor Arterial Mixed Use District Civic Core District
 Harbor Destination Neighborhood Mixed Use District Waterfront District

Street Type Designation: A B Current Use/Occupation: _____

Property Owner Information

Name: Bonnie Carlisle

Owner's Agent/Representative (if different from owner)

Name: _____

Company: The Coastal Mercantile Company: _____

Mailing Address: 406 S. Austin
Rockport 78382

Mailing Address: _____

Phone: 512 484 0220

Phone: _____

Email: bonnie@thecoastalmercantile.com

Email: _____

Signature: _____

Signature: _____

Date: 1-6-24

Date: _____

Project Description Summary

Project Name: Coastal Mercantile Fence Use Designation: Commercial Residential

Proposed Use/Occupation: Fence Area of Lot

Type of Project (check all that apply): Building Addition Change of Use/Expansion of Use
 Demolition Expansion of Building Area Expansion of Parking Area Facade Changes
 Signage, Modification Signage, New New Construction Rehabilitation/Remodeling
 Relocation

Project Synopsis: Extend wood fence enclosure & work 143

143

w/ RCAD to have mural outward facing to street. Part of fence to be 6', part to be 3'. Would like to start ASAP to be ready for Summer Break.

Application Checklist

Please check the box of the materials listed below that are attached to this application. Refer to Chapter 118 Sec. 118-261 through Sec. 118-270 of the Code of Ordinances for a complete description of all requirements.

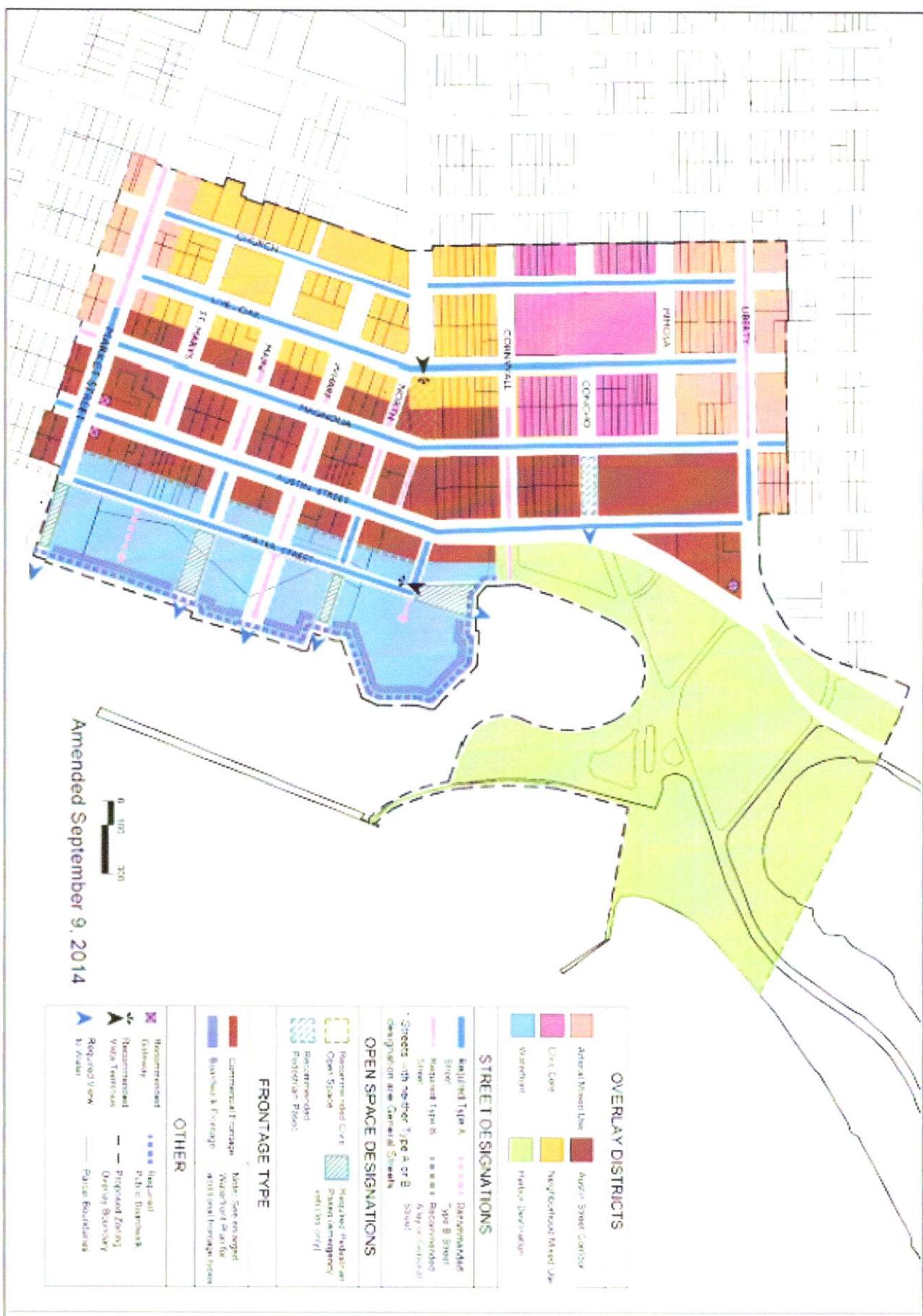
1. Detailed description of the project and scope of work
 2. Project timeline
 3. Photo of front of the structure and additional photos of the area(s) of work
 4. Site plan, with all maps and renderings drawn to scale and including the required elements listed in Sec. 118-263 §3.7.1 as well as any other details necessary to clearly describe the project
 5. Specifications of materials to be used
 6. Samples of materials, paint colors, finishes, and/or fabrics
 7. Elevations and architectural drawings showing exterior work and fencing
 8. Proposed signage plan *NA*
 9. Proof of ownership or authorization to act on behalf of the property owner

DO NOT WRITE BELOW THIS LINE – FOR STAFF USE ONLY

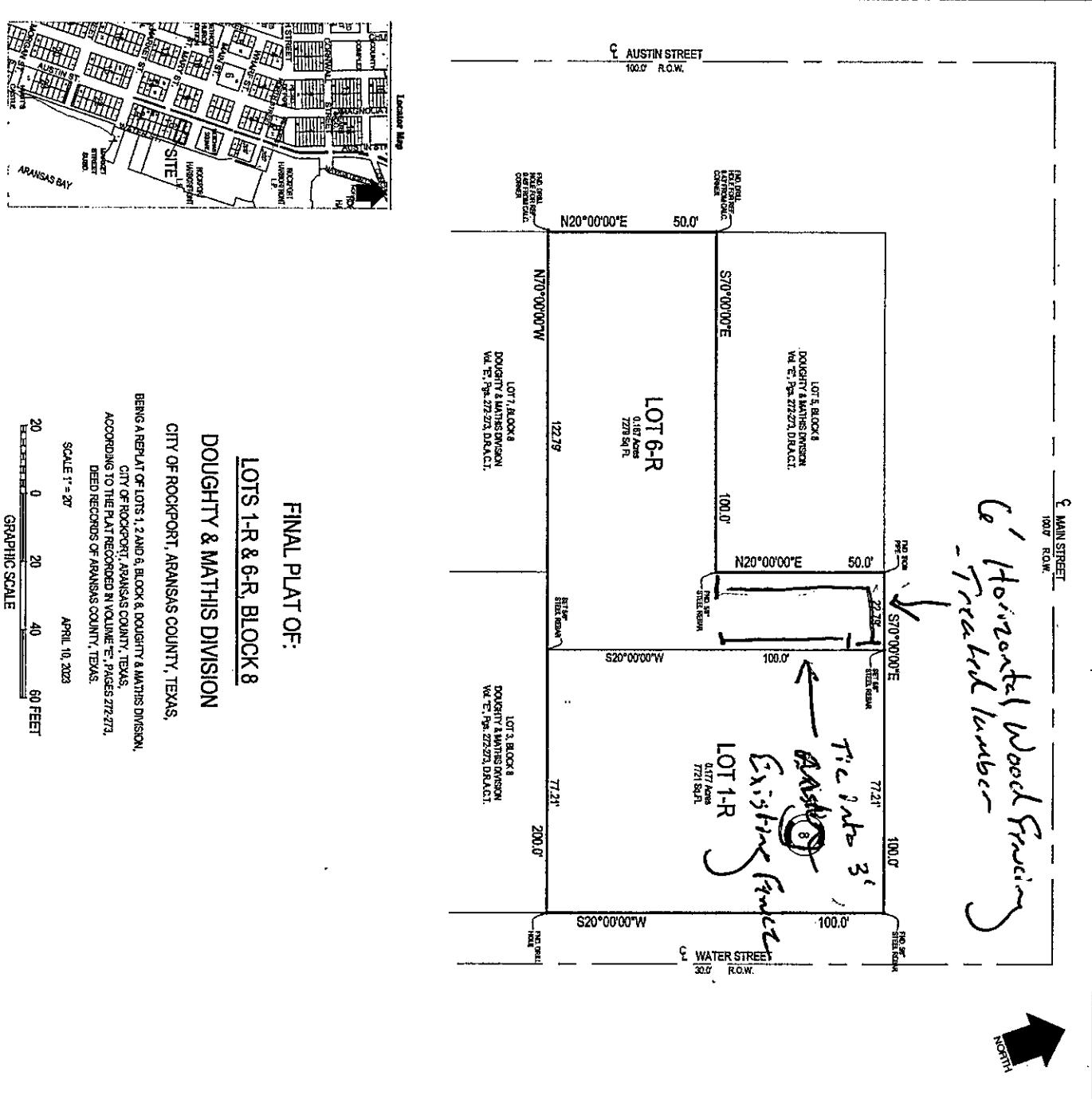
Date Received: _____ **Referred to:** Staff RHDB Date: _____

Resolution: Approved Denied Appealed Date: _____

Comments:



Rockport Heritage District Overlay Map



WOOD Fence exp:
I

3D View

See more dates



...





Wood Fence
ext = 2
horizontal
style to be
used similar
to this.



WOOD FENCE
Ex: 3

CITY COUNCIL AGENDA

Regular Meeting: February 13, 2024

AGENDA ITEM: 17

Deliberate and act on the submission of an application by the City of Rockport, Texas for a U.S. Army Corps of Engineers (USACE) permit for a possible future project that will include upgrades and improvements to Tule Creek.

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

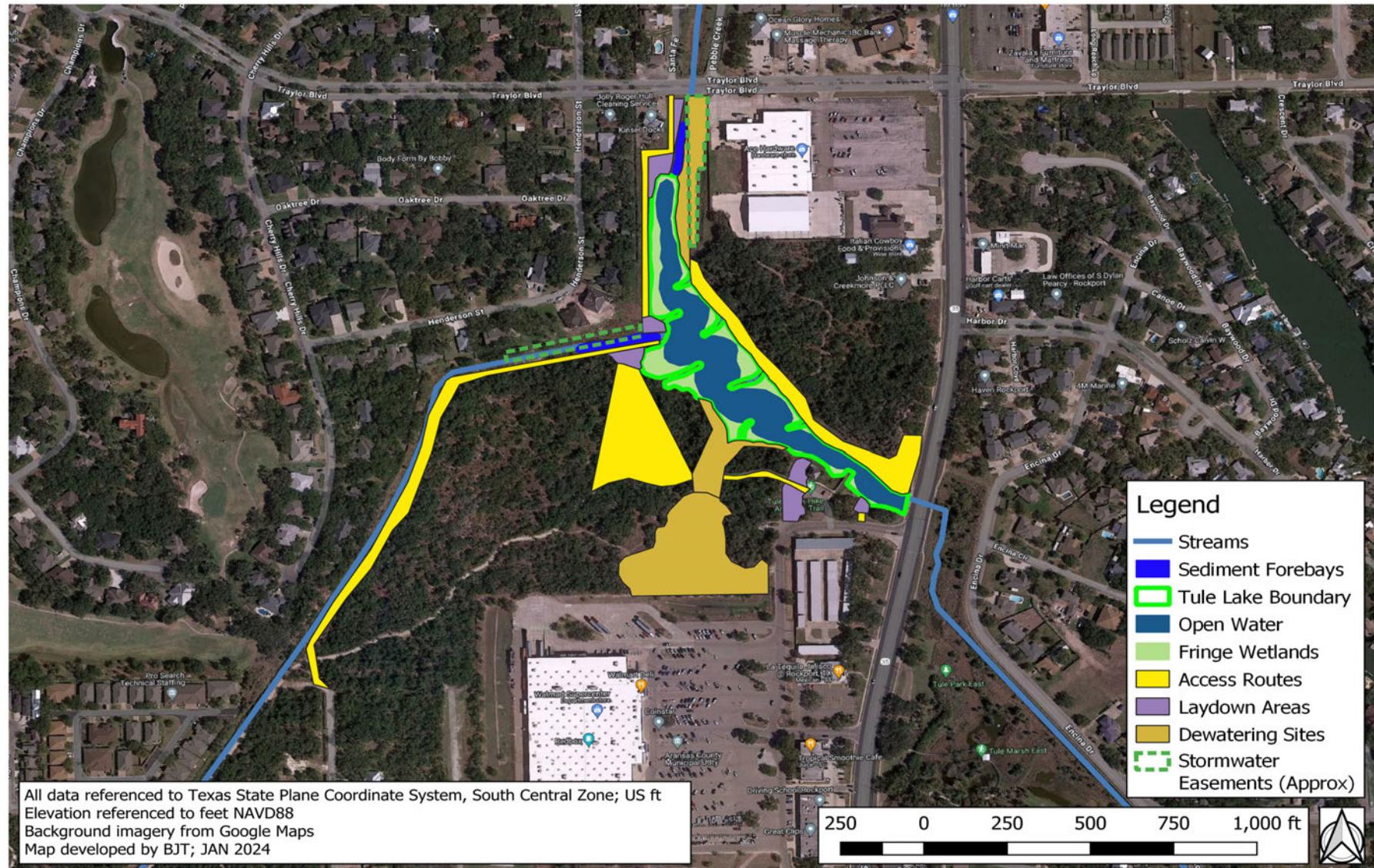
APPROVED FOR AGENDA: VRS

BACKGROUND: City of Rockport staff has been working with Clean Coast Texas and other organizations looking for ways to improve overall storm water management and drainage. We are looking at a potential future grant opportunity to improve the storm water detention in the Tule Creek System. The project will require a USACE permit.

Mr. Dan Opdyke, Ph.D.,P.E. from Anchor QEA,LLC will make a short presentation on the potential future project and the permit application process.

FISCAL ANALYSIS: N/A

RECOMMENDATION: Staff recommends Council approve the submission of a USACE Permit application for a potential future project for Tule Creek.



CITY COUNCIL AGENDA

Regular Meeting: February 13, 2024

AGENDA ITEM: 18

Deliberate and possible approval of an Engagement Agreement from Wildan to provide a 2024 water and wastewater rate study.

SUBMITTED BY: Vanessa Shrauner

APPROVED FOR AGENDA: VRS

BACKGROUND: During the 2024 budget process, the City Council decided to adjust water rates for both in-district and out-of-district customers. Recognizing the substantial opposition and the inadequacy of rate change notification, a resolution was reached to rescind the out-of-district rate increase. Direction was given to staff to engage for a rate study. There are only a few companies that perform the work we need and being that NuGen performed our previous study, Wildan was chosen for a fresh perspective. Wildan has extensive experience in this field and will do an in-depth study to give us the insight we need for the next several years.

FISCAL ANALYSIS: \$42,800 from reserves. Corresponding budget transfer in upcoming item.

RECOMMENDATION: Staff recommends approval



January 31 2024

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

Re: Proposal to Provide 2024 Cost of Service Water and Wastewater Rate Study

Dear Ms. Shrauner:

Willdan Financial Services ("Willdan") is pleased to present the following scope of services and budget to provide a Water and Wastewater Cost of Service and Rate Study for the City of Rockport ("The City"). The study is intended to cover the test year FY 2024 and a ten-year forecast period. The purpose of this engagement will be for our project team to analyze the City's financial, debt and operating obligations for both the current year and ten years into the future and develop multi-year rate plan scenarios designed to recover rate revenues sufficient to cover the projected costs of service and to meet and to meet key financial benchmarks.

Our firm specializes in municipal and public sector utilities and our principal clients are national, state and local governments. Each of our clients is served directly by senior level professionals with decades of experience in utility consulting and economic/financial management. We are proud of our history of building long-term relationships with clients based on affordability, professionalism and performance. Our company has helped over 100 cities in Texas and over 1,200 public agencies across the USA successfully address a broad range of financial challenges, including comprehensive rate studies, financing the costs of growth and generating revenues for utilities to fund desired services. We have also provided rate assistance for five sovereign nations.

We have a proven track record of completing projects on time and staying within the quoted budget. Our client references will confirm that we do not miss deadlines or exceed our budget in our engagements. We encourage you to contact the references provided for feedback on our performance, commitment to our clients and adherence to project milestones.

Willdan's interactive approach results from our highly regarded revenue requirement and rate model that creates a focused and tailored analysis of the City's current rates, revenues, capital project and operational expenditures, debt commitments, reserve funding, and other financial data. Our model calculates the cost of service for inside city customers and outside city customers. The culmination of our analysis will be a comprehensive utility revenue requirement financial plan that develops projected system operating results for the next five fiscal years under alternative rate designs. We will employ our proven interactive approach, supported with advanced financial modeling techniques, to develop our sophisticated and flexible revenue requirement/rate model for use by the City.

Our ability to focus on the financial aspects of operating publicly-owned utility systems is coupled with recognized leadership in strategic planning and operations and enables us to bring unmatched value to our clients. Our team brings a set of nationally-recognized qualifications and experts that sets us apart. These qualifications include:

Live and Work in Texas — We will conduct the analysis for this study both at the City and in our Plano, Texas office. We present a team of professionals with decades of experience providing economic and financial consulting

services to the utility industry. Our team includes professionals who are all based in Plano, who have nationwide reputations and experience in the industry and possess impeccable academic credentials. We have an in-depth knowledge of the local market, given our residence here in Texas and our experience completing similar rate studies for over 100 Texas cities.

Unparalleled Expertise in Financial and Rate Modeling — The project team's efforts will result in a focused and tailored analysis of the City's current utility rates and revenues, development of a comprehensive financial management plan, cost of service analysis based on guiding industry practices, and innovative rate design solutions.

Effectively Communicate Study Results — Sound technical analysis is only one element of this process. It will be equally important to effectively and transparently communicate results and implications of the proposed rate structure to City staff, Council members, key stakeholders and, ultimately, to those that will be subject to new rates. In other words, the objective of this study is not simply to write a report, deliver it to the client, and leave. We consider rate studies to be part of an overall process, the ultimate goal of which is to adopt a formal and final rate and financial plan. This involves far more than the completion of a report — the public involvement process is critical, and we will work tirelessly with staff to ensure that our recommended alternatives are successfully implemented. Most of our projects incorporate significant community and/or stakeholder involvement and education efforts, and our experienced consultants are able to communicate complicated technical analysis in a manner that is easy to follow and understand.

Significant Resources to Devote to Serving the City's Needs — Willdan combines the approach and attention of a boutique, North-Texas based consulting firm with the resources of a nationwide consulting organization. While our proposed team is based in Plano, if necessary, we can draw from the vast resources and industry expertise of fellow Willdan employees in other regions. This gives us a significant advantage over sole proprietors or boutique consulting firms, who often have limited availability, resources and expertise that can hamper their ability to serve clients.

Appreciate the Sensitivity of Rate Proposals — Our team understands the fact that the political, social and economic impact of rate alternatives on ratepayers is of critical importance to those who are responsible for deciding whether to implement these plans. We recognize that it is never easy to ask ratepayers to pay more for utility service. Therefore, we will work with City staff to design rate alternatives that will recover the revenue the utility requires, while to the best extent possible minimizing the impact of any increases on ratepayers and their families.

More information about Willdan, including an overview of the firm, our project team, and representative client engagements, is presented in later sections of this proposal.

Proposed Scope of Work / Tasks

In the course of this engagement, we will perform the following specific tasks:

- A comparison of the City's current rates to those of surrounding providers.
- A determination of the revenues required for the City to meet its operating and capital obligations in the current year and future years.
- We will adapt our internationally-recognized water and wastewater cost of service and rate model to develop a customized ten-year utility cost of service for the City's water and wastewater utilities using current budget, volume, debt service and capital improvement plan ("CIP") data. The model will identify current and forecast operating expenses, capital outlays and debt service for the period FY 2025 – 2034. The model will adhere to each respective utilities' industry ratemaking standards to ensure that the cost of service for each customer class is just, reasonable and accurate.

- The project team will prepare several alternative proposed water and wastewater rate plans for the City to consider. Each alternative will enable the City to recover sufficient revenues to fund operating and capital costs and to meet key financial objectives.
- The project team will summarize its initial findings and recommendations into a PowerPoint summary presentation for review with staff.
- The project team will prepare a draft written rate study report which will thoroughly document the project team's analysis, findings and recommendations. An electronic (PDF) copy of the preliminary draft report will be submitted for staff review.
- Based on comments received from staff and other participants, the draft report will be revised to incorporate the agreed upon changes. Upon completion, up to ten copies of the final rate study report will be provided to the City.

As part of this engagement, the project team will conduct the following meetings:

- an initial meeting with staff to go over information required for the study;
- a status/preliminary recommendations meeting with staff to outline initial findings and answer questions raised during the course of the analysis;
- a workshop with the City Council to go over findings, recommendations and rate alternatives; and
- a final meeting with the City Council at which the recommendations are voted upon by the Council.

As Principal in Charge for this engagement, I will have sole responsibility for its successful outcome. Mr. Jason Gray, Vice President, will serve as Project Advisor, and Mr. Dan Lanning will serve as Project Analyst.

Proposed Timing

The project team intends to have preliminary recommendations for staff within 90 days of receipt of all required data from City staff.

Proposed Pricing

Table 1 below itemizes our estimated hours by task for this engagement. The engagement will consist of nine separate and distinct tasks, all of which are critical components of a Cost of Service Study. As the table reveals, we propose to complete this study for a fixed fee of **\$42,800**, to be invoiced monthly on a percentage of completion basis. Tasks or meetings considered to be outside the scope of this engagement will be discussed with City Staff and additional work completed would be subject to staff approval and would be billed at our hourly rates.

Table 1

Rockport TX – Water and Wastewater Rate Study Proposed Project Team Hours and Professional Fees				
	D. Jackson Project Manager	J. Gray Project Advisor	D. Lanning Project Analyst	Total
	\$240	\$220	\$190	Hours
Scope of Services				
Task I: Project Kick-off, Data Acquisition & Assessment	4.0	4.0	4.0	12.0
Task II: Demographic Analysis	4.0	2.0	16.0	22.0
Task III: Determine Revenue Requirements	4.0	2.0	16.0	22.0
Task IV: Determine User Characteristics & Customer Classes	8.0	2.0	16.0	26.0
Task V: Cost Functionalization, Classification & Allocation	8.0	2.0	16.0	26.0
Task VI: Alternative Rate Designs	8.0	2.0	16.0	26.0
Task VII: Prepare & Present Draft & Final Reports	8.0	2.0	16.0	26.0
Task VIII: Board Meetings	8.0	4.0	-	12.0
Task IX: Project Management & Quality Control	8.0	-	-	8.0
Subtotal Hours	60.0	20.0	100.0	180.0
Task I: Project Kick-off, Data Acquisition & Assessment	960	880	760	2,600
Task II: Demographic Analysis	960	440	3,040	4,440
Task III: Determine Revenue Requirements	960	440	3,040	4,440
Task IV: Determine User Characteristics & Customer Classes	1,920	440	3,040	5,400
Task V: Cost Functionalization, Classification & Allocation	1,920	440	3,040	5,400
Task VI: Alternative Rate Designs	1,920	440	3,040	5,400
Task VII: Prepare & Present Draft & Final Reports	1,920	440	3,040	5,400
Task VIII: Board Meetings	1,920	880	-	2,800
Task IX: Project Management & Quality Control	1,920	-	-	1,920
Subtotal Professional Fees	14,400	4,400	19,000	37,800
Travel and Production Expenses				5,000
Total Cost				42,800

Ms. Vanessa Shrauner
City of Rockport
Proposal to Prepare a Water and Wastewater Study
January 31 2024
Page 5

Authorization

General terms and conditions for this engagement are included as Attachment 1. If the terms of this engagement are acceptable, please execute one copy of this letter and return it to our Dallas office. We appreciate this opportunity to serve the City. If you have any questions regarding the proposed services, please contact me directly at 972-378-6588 or via email at djackson@willdan.com.

Sincerely,

Willdan Financial Services



Dan V. Jackson, Vice President

January 31 2024

Date

ACCEPTED BY

City of Rockport

Signature

Date

Printed Name

Printed Title

ATTACHMENT 1 TO LETTER AGREEMENT

TERMS AND CONDITIONS

The Letter Agreement between Rockport, TX ("Client") and Willdan Financial Services ("WFS") is subject to these Terms and Conditions (collectively, this "Agreement").

1. Additional Services. Additional services shall be performed by WFS only upon Client's request evidenced by a written addendum executed by both parties.
2. Compensation. WFS shall submit monthly statements for services. Payments shall be due and payable within 30 days of invoice and if not timely paid shall bear interest at the rate of 1.5% per month.
3. Termination. Either party may terminate this Agreement at any time upon 30 days' written notice. In the event of early termination, WFS shall be paid for services performed prior to the effective date of termination.
4. Data Provided by Client. WFS shall rely upon data provided by Client without independent verification of accuracy. WFS shall not be responsible for any errors resulting from its use of inaccurate data provided by Client.
5. Indemnification. Each Party shall indemnify the other from claims resulting from their respective negligence or other wrongful conduct or the negligence or other wrongful conduct of their respective officers, agents or employees.
6. Insurance. WFS shall maintain the following insurance:
 - a. Workers' Compensation and Employer's Liability Insurance as prescribed by applicable law.
 - b. Commercial General Liability Insurance, with limits not be less than \$1,000,000 per occurrence and general aggregate.
 - c. Commercial Automobile Liability with limits not less than \$1,000,000 per occurrence.
 - d. Professional Liability with limits not be less than \$1,000,000 per claim and annual aggregate.
 - e. All policies except Professional Liability and Workers Compensation shall include Client as an additional insured and be primary with respect to any insurance carried by WFS. All policies shall include a waiver of subrogation in favor of Client.
 - f. WFS shall provide Client with certificates of insurance evidencing compliance with the above insurance requirements prior to commencing its services.
7. Miscellaneous.
 - a. Titles used in this Agreement are for general reference and are not a part of the Agreement.
 - b. This Agreement shall be interpreted as though prepared by both parties.
 - c. Any provision of this Agreement held to violate any law shall be deemed void, and all remaining provisions shall continue in full force and effect.
 - d. This Agreement shall be interpreted under the laws of the State of Texas.
 - e. This Agreement comprises a final and complete repository of the understandings between the parties and supersedes all prior or contemporaneous communications, representations or agreements, whether oral or written, relating to the subject matter of this Agreement.
 - f. Any notices given pursuant to this agreement shall be effective on the third business day after posting by first class mail, postage prepaid, to the address appearing immediately after the signatures below.
 - g. WFS shall not be liable for damages resulting from the actions or inactions of governmental agencies including, but not limited to, permit processing or environmental impact reports.
 - h. WFS's waiver of any term, condition, or covenant, or breach of any term, condition, or covenant, shall not constitute the waiver of any subsequent breach of any other term, condition or covenant.
 - i. WFS shall not be responsible for the performance of services by third parties not retained by WFS.

Firm Profile

Firm History

Willdan Financial Services is an operating division within Willdan Group, Inc. (WGI), which was founded in 1964 as an engineering firm working with local governments. Today, WGI is a publicly traded company (WLDN). WGI, through its divisions, provides professional technical and consulting services that ensure the quality, value and security of our nation's infrastructure, systems, facilities, and environment. The firm has pursued two primary service objectives since its inception—ensuring the success of its clients and enhancing its surrounding communities.

A financially stable company, Willdan has approximately 1,400 employees working in more than a dozen states across the U.S. Our employees include a number of nationally recognized Subject Matter Experts for all areas related to the broadest definition of connected communities—three of whom are committed to contribute their expertise throughout the duration of the City's engagement.

Willdan has solved economic, engineering and energy challenges for local communities and delivered industry-leading solutions that have transformed government and commerce. Today, we are leading our clients into a future accelerated by change in resources, infrastructure, technology, regulations, and industry trends.



Willdan Financial Services

Established on June 24, 1988, Willdan Financial Services, is one of the largest public sector economic and financial analysis consulting firms in the United States. We have helped over 800 public agencies successfully address a broad range of infrastructure challenges. Willdan assists local public agencies by providing the following services:

Willdan Financial Services	
Primary Services	
<ul style="list-style-type: none"> ▪ Utility rate and cost of service studies; ▪ User fee studies; ▪ Cost allocation studies; ▪ Real estate economic analysis; ▪ Tax increment finance district formation and amendment; ▪ Property tax audits; ▪ Housing development and implementation strategies; ▪ Municipal advisory services; 	<ul style="list-style-type: none"> ▪ Development impact fee establishment and analysis; ▪ Economic development strategic plans; ▪ District administration services; ▪ Feasibility studies; ▪ Arbitrage rebate and continuing disclosure services; ▪ Debt issuance support; and ▪ Long-term financial plans and cash flow modeling.

Our staff of nearly 80 full-time employees supports our clients by conducting year-round workshops and on-site training to assist them in keeping current with the latest developments in our areas of expertise.

On April 6, 2015, the Plano, Texas office of Economists.com joined Willdan. Economists.com provided economic analysis and innovative financial solutions since 1997 to a wide range of municipal and public sector utilities and other critical infrastructure organizations.

Office Locations

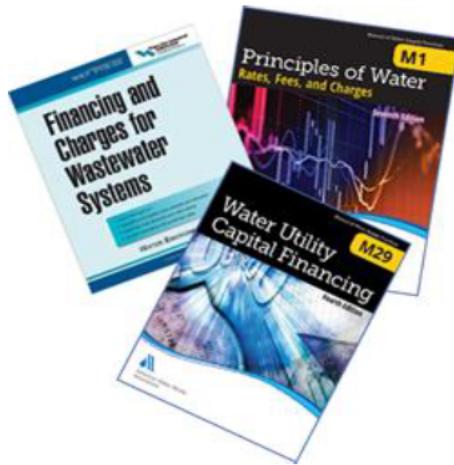
WFS' Plano Texas office will spearhead this project and will be responsible for all meetings, work product and deliverables. All project team members are located in our Plano office.

Tomball Engagement Office

Dan V. Jackson, Vice President
5500 Democracy Drive Ste. 130
Plano Texas 75024
Tel #: (972) 378-6588
djackson@willdan.com

Utility Rate Experience

Willdan's professional staff has provided professional consulting services, including financial planning; rate and cost-of-service studies; alternative and feasibility analyses; and operational and management studies for water, reclaimed water, wastewater, solid waste, and stormwater utility clients across the United States for three decades. Additionally, *Willdan staff are involved with the development of the rate-setting methodologies set forth in the American Water Works Association (AWWA) M-1 manual "Principles of Water Rates, Fees and Charges," and the AWWA M-29 manual, "Water Utility Capital Financing."* *Willdan is nationally recognized for its expertise with staff frequently being called upon to speak or instruct on utility financial matters, as subject matter experts, including the AWWA Utility Management conference.*



Willdan staff is experienced in a broad range of utility planning services; and therefore, understand the importance of an approach that integrates elements of utility planning, engineering, and finance. Willdan Team members possess considerable experience in utility rate and cost-of-service studies and have performed these services for hundreds of utilities throughout the country. Our team includes staff with public sector experience spanning 30 years, and staff on the forefront of utility ratemaking and rate-modeling. In addition, team members have held positions as finance directors, deputy city managers, and auditors, and therefore understand the financial, operational, and political realities faced by governmental staff and management; we craft solutions, which are sensitive to this. Our expertise spans across the following utility financial planning services:

Willdan Financial Services

Experience and Expertise

- **Retail and wholesale rate studies;**
- Revenue sufficiency analyses;
- Utility management and policy assistance;
- **Connection fee / impact fee studies;**
- Miscellaneous fee and charge studies;
- Renewal and replacement sufficiency analyses;
- Comprehensive alternatives analyses;
- Capital project funding studies;
- Interactive rate model development with dashboards showing key performance indicators;
- CIP financial scenario planning;
- Rate ordinance drafting;
- Billing system validation/rate testing;
- Bond feasibility reports;
- Valuation/divestiture studies; and
- Life cycle costs analyses

Willdan will work with the City to identify, and prioritize operational and fiscal objectives, and match these to specific rate attributes; and use this information throughout the engagement to develop a comprehensive financial plan and design utility rates that effectively meet these goals.

The culmination of our analyses will be rate policies that guide the rate setting process, and a financial management plan that develops projected system operating results for the utility for the forecasted period.

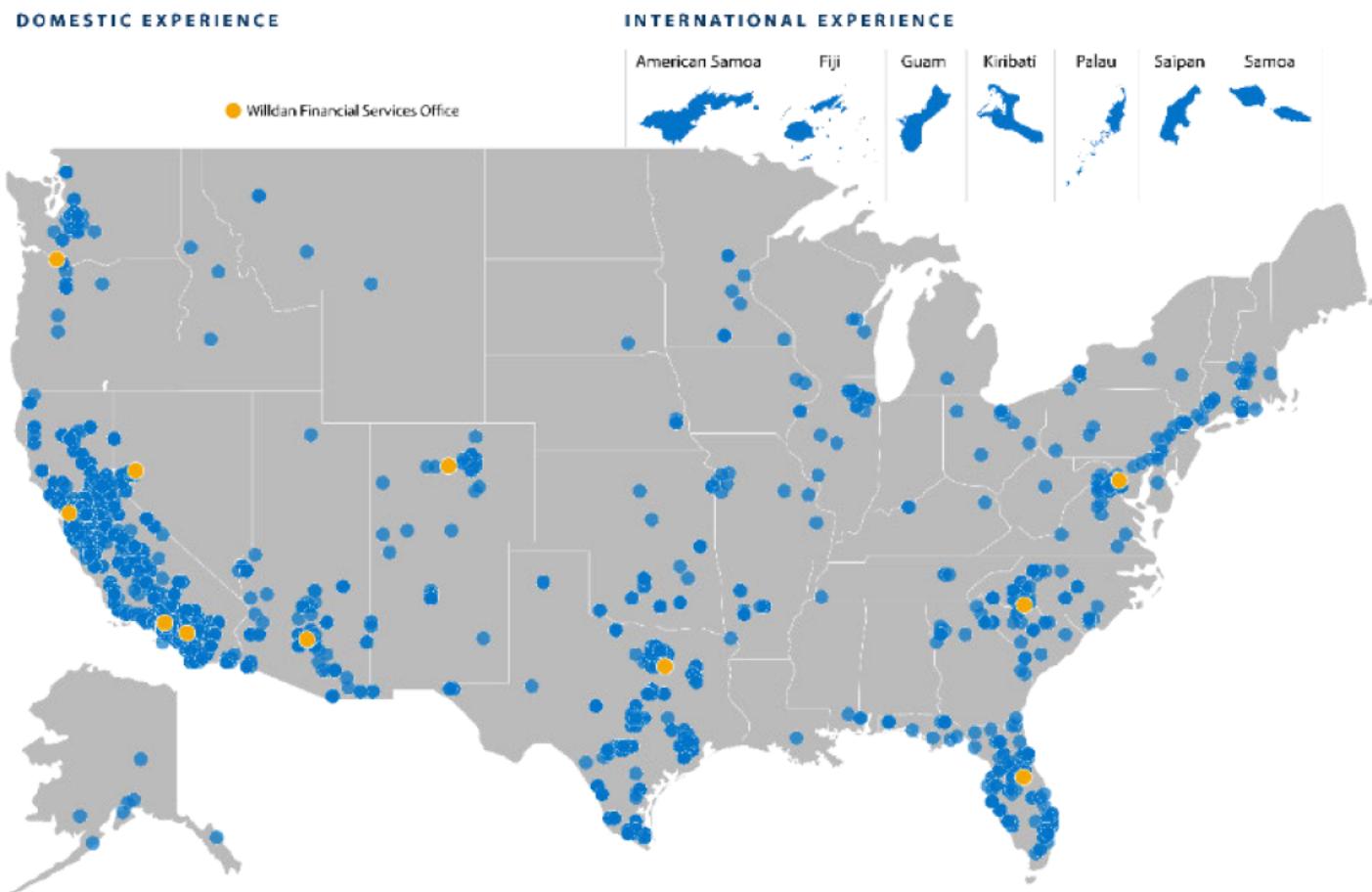
City of Rockport, TX

Willdan will employ its proven interactive approach, coupled with advanced financial modeling techniques to design rates and a financial plan that meet established goals and performance criteria. These modeling techniques serve as a powerful decision-making tool and provide the City with genuine business solutions and recommendations as to the strategic direction of its utilities.

During rate and financial planning projects we employ tools and techniques, which focus on consensus building among stakeholders to ensure the team understands the future financial implications of current management decisions. Our extensive project expertise is bolstered by our unique interactive financial planning process and model.

National and International Presence

For over 30 years, Willdan's professional staff has provided utility rate, financial, economic, management and capital planning consulting services to utilities and governmental entities across the country. A representation of Willdan's geographical client presence is depicted in the **graphic below**. Our client base extends from the south shores of Florida to the inside passage of Alaska, and for five sovereign nations.



Willdan Plano Clients

Willdan's Plano office is the focal point of the company's southwest operation. The Plano office has prepared rate studies similar to that requested by the City for over 100 cities in the state of Texas alone.

The table below presents a comprehensive listing of the Plano office's clients. As the table shows, in addition to over 100 cities in Texas alone, the Plano office has worked for over 75 cities across the USA, the sovereign nations of Fiji, Palau, Samoa and Kiribati, and the US Commonwealth/Territories of Saipan CNMI, Guam and American Samoa. **Designated project team members listed in this proposal worked on every one of these engagements.**

This list does not include the hundreds of additional clients served by other Willdan offices. We do not "pack" our **proposals with representative engagements in which designated team members did not participate**, as it is our belief that a company's general experience not shared by proposed team members is not useful to, nor relevant to, the City's needs and requirements.

More information on engagements in the last five years and specific references are contained on the following pages of this proposal. We encourage all prospective clients to contact our references to assess the degree of satisfaction our past clients have with our work product and consulting services.

Willdan Financial Services Client List - Plano Office					
Texas			Arizona		United States
1	Alamo Heights	54	Leander	1	Arizona Dept. of Environmental Quality
2	Allen	55	League City	2	Avondale
3	Alvarado	56	Liberty Hill	3	Bisbee
4	Amarillo	57	Little Elm	4	Buckeye
5	Aqua Water Supply Corporation	58	Llano	5	Bullhead City
6	Aubrey	59	Los Fresnos	6	Camp Verde
7	Arlington	60	Marble Falls	7	Carefree
8	Balch Springs	61	McKinney	8	Casa Grande
9	Bellmead	62	Mercedes	9	Chino Valley
10	Beeville	63	Mesquite	10	Clarkdale
11	Brady	64	Midlothian	11	Clifton
12	Brazos River Authority	65	New Braunfels	12	Cottonwood
13	Brownsville Public Utility Board	66	New Summerfield	13	Chloride Domestic Water Imp. District
14	Castroville	67	North Fort Bend Water Authority	14	Douglas
15	Cedar Hill	68	Oak Point	15	Eagar
16	Celina	69	Pantego	16	Eloy
17	Cinco Southwest MUD 1, 2, 3	70	Parker	17	Flowing Wells Irrigation District
18	Cibolo Creek Municipal Authority	71	Plano	18	Florence
19	Cibolo Valley Local Govt Corp	72	Port Arthur	19	Gila Bend
20	Combes	73	Primer	20	Globe
21	Coppell	74	Princeton	21	Goodyear
22	Crandall	75	Prosper	22	Holbrook
23	Crystal Clear SUD	76	Raymondville	23	Jerome
24	Del Rio	77	Richardson	24	Marana
25	Denton	78	Robstown	25	Miami
26	Denton County FWSD #1A	79	Rockwall	26	Nogales
27	Denton County FWSD #8C	80	Rowlett	27	Oro Valley
28	Denton County Transportation	81	Royse City	28	Patagonia
29	DeSoto	82	San Benito	29	Payson
30	Donna	83	San Juan	30	Picacho Peak
31	Duncanville	84	San Marcos	31	Pine Strawberry Water Improvement District
32	Eagle Pass	85	Schertz	32	Pomerene Domestic Water Improvement District
33	East Medina County SUD	86	Schertz Seguin LGC	33	Prescott
34	El Paso County WCID #4	87	Seguin	34	Quartzsite
35	Ferris	88	Selma	35	Queen Creek
36	Frisco	89	Sherman	36	Safford
37	Grand Prairie	90	Sonora	37	Show Low
38	Galveston	91	Southmost Regional Water Auth	38	San Luis
39	Garland	92	Taylor	39	Somerton
40	Groesbeck	93	Tomball	40	Springerville
41	Hackberry	94	Tornillo Water Improvement Dist	41	Tombstone
42	Harker Heights	95	Troup	42	Water Infrastructure Finance Authority of Arizona
43	Harlingen	96	Van Alstyne	43	Welton
44	Heath	97	Venus	44	Willcox
45	Hempstead	98	Waco	45	Winslow
46	Hewitt	99	Waller	46	Yuma
47	Hutchins	100	Waxahachie		
48	Jonah Water SUD	101	Webb County		
49	Kempner WSC	102	West Harris County RWA		
50	La Villa	103	Whitehouse		
51	Laguna Madre Water District	104	Winona		
52	Laredo	105	Woodway		
53	Lavon	106	Yancey Water Supply Corporation		

Qualifications Highlight

Willdan's Unique Approach

Willdan proposes to develop a *Microsoft Excel-based utility rate and financial planning model* that will allow the City to test a variety of "what-if" futures, whereby the City can change and *update assumptions related to growth, consumption patterns by customer and meter classifications, the capital improvement program, operational programs*, and a variety of other planning, engineering, and financial variables and predict the financial outcome of that scenario and its effect on utility rates. This is especially useful in testing the affordability of the capital improvement program, allowing the user to turn new projects "on or off" in the model, change the costing with updated information, delay their funding, or look at cash vs. debt vs. fee-funding alternatives and their impact on affordability.

Working with the professionals on our team and City staff, we will use advanced modeling techniques to test the City's capital improvement program for prioritization, timing, and affordability of projects. In doing so, the City will be able to identify the resources available for implementing programs identified in the capital planning process. In the end, the process will allow the City to determine the optimum rate path for balancing the financial health of the system against political and other considerations, *such as conservation*.

We cannot emphasize strongly enough the need for, and benefit of, a properly constructed public involvement process to introduce the recommended rate plan to the public. The general public and elected officials are naturally going to be inclined to oppose rate plans that involve higher rates and fees; after all, no one wants to pay more for anything at any time for any reason. Therefore, the burden is on the City and its consulting team to present any proposed rate plan to the public in a manner that is both easily understandable and emphasizes the benefits of implementation (i.e., a better quality of service). **Consulting teams and rate plans that do not recognize both the need to present information in an understandable manner and take into account the sensitivity of ratepayers and elected bodies to cost increases are doomed to fail.**

With this in mind, we would note the following about our services and the deliverables we will prepare for the City:

- We take pride in the quality of our written reports. The intent is to make our reports readable and easily understandable to those who are not ratemaking or financial professionals. We are frequently complimented by clients who tell us that they understood both the major points of our analysis and the benefits of our proposed rate plans. We pledge to produce both a final report and presentations to the City that will result in a similar reaction.
- Many regard the process of rate studies as simply writing a report, dropping it off to the client, and leaving. Rate studies should be considered overall processes, the goal of which is to ultimately adopt a formal rate and financial plan. This involves far more than the completion of a report – the public involvement process is critical, and we will work tirelessly with staff to ensure that our recommended alternatives are successfully implemented.
- We also believe that our public presentations are of a superior quality, both in terms of overall presentation and understandability. Mr. Jackson has provided over 300 public presentations in his career, to such diverse clients as large cities and suburbs, border communities, and Pacific sovereign nations. He understands how to *make presentations to audiences that include utility customers and other lay persons*.

We take pride in the frequent compliments received from clients about the ease and understandability of our presentations, and the fact that they present critical information required to make decisions in a straightforward and easy to follow manner.

In conclusion, our project team offers the benefits of not only a first-rate analysis and model development, and a well written and easily understandable report, but also a public involvement process that is designed to successfully implement the results of the analysis.

Rate and Financial Planning

During this project, we will be utilizing our Microsoft Excel-based model, with its interactive dashboard, as a comprehensive financial tool to allow planning and evaluation of variable inputs and assumptions, thereby *creating a thorough analysis of revenue requirements to address the City's goal of ensuring predictable and stable revenue*. These analyses are then seamlessly integrated with the rate development component of the model to demonstrate and project various rate design alternatives, and the effects they would have on the City's financial outlook.

The model is used in meetings, in order to efficiently cycle through rate scenarios and establish the most viable rate plans for the City. During these interactive meetings we invite City staff to participate in scenario planning/“what-if” sessions, where we use the dashboard to demonstrate and evaluate the financial/rate impact of alternative data (CIP, operating costs, etc.) and assumptions (interest rates, customer growth, cost escalation, etc.) in real-time to focus on the most critical drivers of the analysis. This ensures the resulting rate plan alternatives are viable from a financial, operational, managerial and political perspective. The rate plan alternatives will then be incorporated into the water and wastewater rate study report, which will provide the City every assumption, data item, and calculation used in the development of each rate plan alternative.

The Financial Planning component of the model provides transparency such that users can develop a viable financial plan and understand the reasons for needed revenue adjustments.

Willdan Models Guide You to Your Optimal Solutions

Real-Time Financial Modeling

The goal of financial forecasting is to provide clear vision regarding the potential financial outcomes of current management decisions. Our goal is to help you mold the existing knowledge base of the City into a viable financial management and rate plan. At Willdan, the development and use of real-time financial models in an interactive, collaborative process is an integral part of the model development.

Model Development as Part of the Consulting Process

Each model is designed with the following elements:

- Graphical dashboard to clearly show the results of various scenarios to the user;
 - Assumptions;
 - Data tables; and
- Calculation engine.

Each model is “baselined” after an initial meeting with staff to ensure that we have the correct data and a basic understanding of the financial dynamics of your system. We will then conduct interactive financial planning sessions with City staff. After validating our data, calculation approach, and baseline assumptions, we will explore alternative scenarios, varying a number of assumptions and financial planning techniques:

- Rate increase magnitude and timing;
- Alternative timing of capital projects;
- Alternative financing options (alternative combinations of pay-as-you-go, revenue bond debt and State Revolving Fund (SRF) debt, for example);
- Alternative growth/demand forecasts and other “what-if” analyses, such as the impact of a loss of one or more service areas or addition of wholesale customers; and
- Effect of increases in other sources of funds, such as impact fees.

City of Rockport TX

The model is self-solving through the use of controlled feedback loops, and therefore does not require significant manipulation by the user to solve correctly. Given any combination of cost requirements (both operating and capital), non-rate sources of funds, and forecast assumptions, rate increases are generated that:

- Meet specified reserve targets;
- Fully fund capital expenditures using specified financing techniques; and
- Meet legal and contractual requirements that are financially measurable, such as debt service coverage on revenue bonds.

Alternatively, the user can specify rate increases and then examine the results to determine if the desired/required parameters are met.

Subsequent to careful development and validation of the baseline forecast, a series of alternative forecasts will be prepared illustrating various results in the following general categories.

- **What if things turn out differently?** These alternatives will demonstrate the sensitivity of the forecast to the significant assumptions used. This results in a sound understanding of areas where a conservative forecast approach is warranted.
- **What happens when we try this?** This series of alternatives focuses on different financial management approaches.
- **What can we do to make it better?** This approach to forecasting identifies the factors that may be causing significant rate increases in a given year and explores alternatives. For example, if a large capital project in a single year is the culprit, we would work with staff and the consulting engineers to determine whether this project could be phased or delayed.

In like manner, the rate design model can be used to explore the impact of various rate structures on bills for each customer class over the relevant consumption range.



Project Team

Key Personnel

Our management and supervision of the project team is very simple: staff every position with experienced, capable personnel in sufficient numbers to deliver a superior product on time and on budget. With that philosophy in mind, we have selected several experienced professionals for this engagement.

Mr. Dan V. Jackson, MBA will serve as **project manager** for this engagement. Mr. Jackson was the co-founder, Managing Director, and Chief Executive of Economists.com. Since the acquisition of Economists.com, Mr. Jackson now serves as a Willdan Financial Services Vice President. He possesses 36 years of experience in financial consulting for water, sewer, stormwater, solid waste, and electric utilities throughout Texas, the southwest, the United States and Pacific Region. He has prepared over 400 such studies and has provided over 300 public presentations outlining the results of the analysis conducted.

Mr. Jackson is a frequent speaker at utilities conferences and trade associations. He received a Bachelor of Arts in Social Science and a Master's in Business Administration in Finance and Accounting from the University of Chicago in 1984. Mr. Jackson is also an accomplished author; his newest novel **Rainbow Bridge** has won the prestigious 2021 Feathered Quill Award for animal-based literature.

Mr. Jason Gray, MPSA will serve as the **project advisor** for this engagement, Mr. Gray has gained an extensive understanding of municipal utilities while serving in a variety of municipal staff positions for over 15 years. As a former City Manager, he acquired and maintains a full appreciation of the operational, political, and financial considerations necessary for rate and fee studies.

Mr. Gray, a Willdan Financial Services Vice President, has over 9 years of professional consulting experience and has led several water and sewer rate study projects along with over 200 municipal consulting projects ranging from City Council workshop facilitations, city-wide strategic planning efforts, financial and economic impact analyses of growth and development. He consistently engages stakeholders in meaningful ways to create positive project impacts.

Mr. Lanning is a contributing author to the AWWA Manual of Practice M29 – Capital Financing for Water Utilities and is involved in the ongoing update of the AWWA Manual M1 – Principles of Water Rates, Fees, and Charges.

With more than 30 years of professional consulting experience, **Mr. Daniel Lanning, Sr.** will serve as the **senior project analyst** working closely with Mr. Gray, and Mr. Jackson to develop the analyses under the City's scope of services. Furthermore, Mr. Lanning will share knowledge gained through his involvement with American Water Works Association (AWWA) developing industry professional standards.

Resumes

A resume for each team member has been provided on the following pages for your review and consideration.

Jason D. Gray, MPSA

Education

Master of Public Service Administration, George Bush School of Government & Public Service at Texas A&M University

Bachelor of Arts in Political Science, Minnesota State University at Moorhead

Certificate in High Performance/High Potential Leadership

Cox School of Business at Southern Methodist University

Certification in Mediation & Dispute Resolution

George Bush School of Government & Public Service at Texas A&M University

Areas of Expertise

Executive-level reporting
Data storytelling to enhance decision support

Strategic Planning
Financial Forecasting

Economic Impact Analysis

Economic Development
Negotiations

Financial Impacts of Municipal Growth

Bond Rating Optimization

Expert Witness Testimony

Affiliations

Member, International City/County Management Association

Member, Texas City Management Association

Member, American Public Works Association

23 Years' Experience

Project Advisor

Mr. Gray is a management consultant with over 20 years of combined city staff and municipal consulting experience. As a former City Manager, Mr. Gray gained a hands-on appreciation of the operational, political, and financial considerations necessary for rate and fee studies. As a professional consultant, Mr. Gray has led over 170 municipal projects ranging from utility rate studies and long-term financial plans, City Council workshop facilitations, city-wide strategic planning efforts, financial and economic impact analyses of growth and development, and consistently engages project stakeholders in meaningful ways.

Relevant Consulting Experience & Municipal Projects

- Project manager and analyst for multiple water/sewer rate studies and long-term financial plans:
 - Heath, TX
 - Primera, TX
 - West University Place, TX
 - Alvarado, TX
 - Josephine, TX
 - Cobblestone Wholesale Rate (TX)
 - Hewitt, TX
 - Mesquite, TX
 - Galveston County WCID #1 (TX)
- Solution architect for the restructuring of a multi-billion-gallon wholesale water rate, assisting thirteen member cities to compromise on a generational rate structure settlement | North Texas Municipal Water District (TX)
- Lead city negotiator and project manager on a multi-decade 2,100-acre mixed-use development projected to deliver over \$3 billion in direct value growth | Frisco, TX
- Lead negotiator for a community to partner with a quality developer on a high-profile 14-acre commercial development site with a planned improvement value of over \$350 million | Frisco, TX
- Selection, design, implementation, and ongoing executive support for the Strategy Management System, a cloud-based strategy execution system that enables managers to track and report on all strategy-focused actions:
 - Bismarck, ND
 - Hutto, TX
 - Missouri City, TX
 - Argyle, TX
- Sales tax and revenue impact analyst for mass transit authority adapting revenue estimates to account for COVID-19 pandemic | Denton County Transportation Authority, TX
- Facilitated strategic planning, goal alignment, goal execution, and reporting processes:

City of Rockport TX

J. Gray

Resume Continued

- Bismarck, ND, TX
- Missouri City, TX
- Pilot Point, TX
- Hutto, TX
- Argyle, TX
- Rio Grande Valley MPO

- Founded the Center for Public Servant Leadership, an organization that provides tools and training to public-sector entities to develop a culture of servant leadership

Municipal Projects and Relevant Experience

- Increased General Fund reserve by 28% in three years with no tax increases and limited assessed value increases | McKinney, TX
- Elevated S&P Credit Rating to the industry best AAA | McKinney, TX
- Cultivated a culture of transparency which led to one of just four perfectly rated Texas Comptroller's Office Gold Leadership Circle awards (2012) and a Platinum Leadership Circle award (2014) | McKinney, TX
- Developed multi-year financial plan to execute reasonable and regular property tax rate reductions | McKinney, TX
- Developed and implemented a strategic "Program/Service Level" methodology of budget decision-making utilizing quantitative and qualitative | McKinney, TX
- Improved ISO rating from ISO3 to ISO1, significantly decreasing commercial property and liability insurance costs | McKinney, TX
- City Manager of Money Magazine's Best Place to Live in America in 2014 | McKinney, TX
- Increased Moody's and S&P Bond Ratings three steps from junk bond status to investment grade | Celina, TX
- Created and administered multiple Tax Increment Reinvestment Zones | Celina, TX | Frisco, TX
- Renegotiated the City's largest single development agreement to provide for city public safety services to a residential community outside of the city limits | Celina, TX
- Led effort to plan, propose, and approve the three successful bond elections | Celina, TX | Frisco, TX
- Dramatically increased General Fund reserve from 3 days of operating reserve to over 80 days of reserve in three years | Celina, TX
- Project manager for selection of and transition to a new Enterprise Resource Planning (ERP) system | Frisco, TX

J. Gray

Resume Continued

Expert Witness Testimony & Litigation Experience

- **Petition of the Cities of Garland, Mesquite, Plano, and Richardson Appealing Wholesale Water Rates Implemented by North Texas Municipal Water District** | Public Utility Commission of Texas | Docket #46662 | Analyst and Settlement Solution Architect for multiple parties
- **Collin County Municipal Utility District No. 1 Appealing Water and Wastewater Rates established by the City of Celina** | Public Utility Commission of Texas | Docket #49448 | Expert Witness for City of Celina
- **City of Celina v. City of Pilot Point and Talley Ranch Management LTD** | Texas 2nd District of Appeals | 362nd District Court of Denton County | Docket #2-08-230-CV | Fact witness for City of Celina
- **Upstream Addicks and Barker (Texas) Flood-Control Reservoirs v. United States** | Court of Federal Claims | Sub-Master Docket No. 17-9001L | Brief for Amici Curiae
- **City of Marana, AZ v. Pulte Home Company, LLC** | Arizona Superior Court, Pima County | Case No. C2020 5095 | Expert Witness for City of Marana

Dan V. Jackson, MBA

Project Manager / Principal-in-Charge

Education

Master of Business Administration, University of Chicago, 1984; Specialization in Finance/Accounting

Bachelor of Arts, University of Chicago, 1982; Major in Social Sciences
Dean's Honor List

Areas of Expertise

Rate Design

Cost of Service

Financial Forecasting

Valuation Analysis

Acquisition Analysis

Privatization Analysis

Economic Impact Analysis

Expert Witness Testimony

Affiliations

Member, American Water Works Association

National Association for Business Economics

Other

The Forgotten Men (fiction) – Mediaguruz

Rainbow Bridge (fiction) – Mirador Publishing

36 Years' Experience

Mr. Jackson has 36 years of experience as an international financial expert, having completed more than 400 water, wastewater, electric, gas, solid waste and stormwater rate/cost of service studies and long-term financial plans for clients in the USA and the Pacific region. He also has served as an expert witness in state court, federal court and before several public utility commissions. Mr. Jackson's prior experience includes positions with Deloitte and Touche, Reed-Stowe & Company and Arthur Andersen. In 1997, Mr. Jackson co-founded Economists.com LLC, an international consulting firm with offices in Dallas and Portland, Oregon. Willdan acquired Economists.com in 2015, and Mr. Jackson now serves as Vice President and Managing Principal.

Mr. Jackson has given dozens of lectures and presentations before professional associations. Furthermore, he is a published author; his newest novel Rainbow Bridge is now available in bookstores and on Amazon.com and bn.com.

Water/Wastewater Rate Studies and Long-Term Financial Plans

Listed below are the water and/or wastewater rate studies for which Mr. Jackson served as project manager.

Dallas/Fort Worth

- Allen, TX 2007, 2009, 2012, 2016
- Balch Springs, TX 2017, 2021
- Cedar Hill, TX 2016, 2018
- Celina, TX 2014, 2018, 2019, 2020, 2021
- Coppell, TX 2017, 2020, 2021
- Denison, TX 2022
- Denton County FWSD 1A, TX 2017
- Denton County FWSD 8C, TX 2018
- DeSoto, TX 2005 – 2019
- Duncanville, TX 2002, 2003, 2007, 2013, 2018, 2022
- Fairview, TX 2016, 2018
- Ferris, TX 2020
- Frisco, TX 2017
- Garland, TX 2009 – 2012
- Grand Prairie, TX 2019, 2020, 2022
- Hackberry, TX 2006
- Heath, TX 2020
- Hutchins, TX 2017, 2019
- Kaufman, TX 1994
- League City, TX 2019
- Little Elm, TX 2001, 2004, 2008 – 2016
- McKinney, TX 2016, 2010, 2019
- Mesquite, TX 2018
- Midlothian, TX 2000, 2003, 2006, 2010, 2016, 2021
- Oak Point, TX 2006, 2011
- Parker, TX 2016, 2022

City of Rockport TX

D. Jackson

Resume Continued

▪ Plano, TX	2017, 2020
▪ Princeton, TX	2012
▪ Prosper, TX	2005, 2016, 2018
▪ Richardson, TX	2016
▪ Rowlett, TX	2009, 2017, 2019, 2021
▪ Royse City, TX	2007, 2011, 2018, 2022
▪ Rockwall, TX	2018
▪ Sachse, TX	2014
▪ Sherman, TX	2021, 2022
▪ Venus, TX	2005, 2012
▪ Waxahachie, TX	2012
State of Texas	
▪ Alamo Heights, TX	2018
▪ Alvarado, TX	2022
▪ Amarillo, TX	2017
▪ Aqua Water Supply Corporation, TX	2003
▪ Beeville, TX	2017, 2022
▪ Brownsville PUB, TX	2020 - 2022
▪ Brady, TX	2016
▪ Castroville, TX	2016, 2018
▪ Cibolo Creek Municipal Authority, TX	2012, 2015
▪ Combes, TX	2021
▪ Crystal Clear SUD, TX	2021
▪ Del Rio, TX	2020, 2021
▪ Donna, TX	2007, 2011, 2012, 2013, 2015 – 2020
▪ El Paso County WCID #4, TX	2005, 2007, 2010, 2011, 2015, 2019
▪ El Paso County Tornillo WCID, TX	2006, 2010
▪ Galveston, TX	2020
▪ Groesbeck, TX	2001, 2004
▪ Harker Heights, TX	2006
▪ Hewitt, TX	2009 – 2015, 2021
▪ Hondo, TX	2019
▪ Jonah Special Utility District, TX	2006
▪ Kempner WSC, TX	2014 – 2015
▪ Laredo, TX	2018, 2019
▪ Laguna Madre Water District, TX	1991 – 1999, 2005, 2014, 2018, 2020
▪ La Villa, TX	2007
▪ Leander, TX	2017 – 2018, 2020, 2021
▪ League City, TX	2019, 2021
▪ Liberty Hill, TX	2018, 2019
▪ Los Fresnos, TX	2007, 2017
▪ Marble Falls	2020, 2022
▪ McLendon-Chisholm, TX	2019
▪ Mercedes, TX	2001, 2003
▪ New Braunfels, TX	2019
▪ North Fort Bend Water Authority, TX	2011, 2016, 2020
▪ Paris, TX	1995

City of Rockport TX

D. Jackson
Resume Continued

- Port Arthur, TX 2020
 - Port of Houston Authority, TX 2001
 - Primera, TX 2021
 - Raymondville, TX 2001
 - Robinson, TX 2012, 2014, 2015
 - Robstown, TX 2014, 2015
 - San Juan, TX 2019
 - Schertz, TX 2012 – 2019
 - Seguin, TX 2015 – 2019
 - Selma, TX 2018
 - Schertz-Seguin Local Govt Corp, TX 2009 – 2022
 - Sonora, TX 2012
 - Southmost Regional Water Auth, TX 2001
 - Tomball, TX 2018
 - Troup, TX 2006
 - Venus, TX 2005, 2012
 - West Harris Cty. Reg. Water Auth, TX 2003, 2006, 2010, 2011, 2016
 - West University Place, TX 2022
 - Webb County, TX 2011
 - Whitehouse, TX 2008
 - Winona, TX 2009
 - Yancey Water Supply Corporation, TX 2005
- Arizona**
- Bisbee, AZ 2000 – 2005, 2018
 - Buckeye, AZ 2013, 2015, 2016
 - Camp Verde Sanitary District, AZ 2006, 2008
 - Carefree, AZ 2018
 - Casa Grande, AZ 2009
 - Chino Valley, AZ 2010 – 2018
 - Chloride Domestic Water Imp Dist., AZ 2003
 - Clarkdale, AZ 2005
 - Clifton, AZ 2018
 - Cottonwood, AZ 2004, 2007, 2009
 - Douglas, AZ 2009, 2011
 - Eagar, AZ 2006, 2011, 2012
 - Eloy, AZ 2007, 2011 – 2013
 - Florence, AZ 2008, 2012, 2017, 2022
 - Flowing Wells Improvement District, AZ 2008
 - Goodyear, AZ 2014, 2015, 2019, 2020
 - Holbrook, AZ 2004
 - Jerome, AZ 2019
 - Marana, AZ 2008 – 2013, 2016
 - Miami, AZ 2010 – 2012, 2015
 - Nogales, AZ 2011, 2015 – 2016, 2018
 - Patagonia, AZ 1999, 2002
 - Payson, AZ 2006, 2010, 2012 – 2014, 2019, 2020
 - Prescott, AZ 2008

City of Rockport TX

D. Jackson
Resume Continued

- Quartzsite, AZ 2004, 2009, 2011, 2012, 2018, 2022
- Queen Creek, AZ 2004, 2007, 2015, 2016
- Safford, AZ 2006
- San Luis, AZ 2002, 2012, 2013, 2017, 2018, 2021
- Show Low, AZ 2011, 2014
- Somerton, AZ 1999, 2002, 2005 – 2010, 2018
- Tombstone, AZ 2001
- Tonto Village DWID, AZ 2018
- Wellton, AZ 2003
- Willcox, AZ 2002
- Winslow, AZ 2016, 2018
- Yuma, AZ 2007, 2014, 2015, 2018

Arkansas

- Bryant, AR 2021
- Conway, AR 2022
- Hot Springs, AR 2005, 2009-2021
- North Little Rock Wastewater Utility, AR 1999, 2003, 2006, 2011– 2015, 2021
- Russellville, AR 2013, 2014, 2015, 2019
- Hot Springs Village, AR 2015, 2019

Oklahoma

- Ada, OK 2014, 2015, 2018
- Altus, OK 2020
- Chickasha, OK 2016
- Edmond, OK 2010, 2015, 2017, 2018
- Miami, OK 2009, 2014, 2017, 2022
- Pryor, OK 2016

USA

- North Chicago, IL 2001, 2005
- Sarpy County, NE 2018
- South Adams County WSD, CO 2013

International Regulated Utilities – Pacific and Caribbean

- Water Authority of Fiji 2016, 2019
- Palau Public Utilities Corporation 2018
- Kiribati Public Utilities Board 2019, 2020
- EPC, Independent State of Samoa 2013
- Commonwealth Utilities Corp. Saipan 2005 – 2021
- American Samoa Power Authority 2009, 2014, 2016
- Guam Power Authority 2011
- Virgin Islands Telephone Company 1990 – 1991

Solid Waste and Stormwater – Rate Studies and Long-Term Financial Plans

Stormwater

- Hot Springs, AR 2011, 2012, 2013, 2016
- Hewitt, TX 2018
- Bryant, AR 2021

City of Rockport TX

D. Jackson
Resume Continued

- Balch Springs, TX 2021
- Coppell, TX 2020
- San Marcos, TX 2018
- Celina, TX 2021
- DeSoto, TX 2021
- Solid Waste**
- Duncanville, TX 2007
- Frisco, TX 2017
- Hewitt, TX 2010
- Mercedes, TX 1999
- San Luis, AZ 2003, 2013
- Somerton, AZ 2006
- Goodyear, AZ 2020
- Altus, OK 2021
- Miami, OK 2009

Water/Wastewater –CCN/ System Valuations and Acquisitions

- Avondale, AZ 2006
- Bolvar WSC, TX 2022
- Bullhead City, AZ 2020
- Buckeye, AZ 2013 – 2015
- Casa Grande, AZ (private) 2015
- Chino Valley, AZ 2006, 2016, 2018
- Cottonwood, AZ 2009, 2012
- Clarksdale, AZ 2009
- Denton, TX 2022
- Florence, AZ 2007, 2014, 2022
- Marana, AZ 2009, 2010
- Pine Strawberry Water Imp District, AZ 2009
- Prescott, AZ 2006
- Prescott Valley, AZ 1998
- Queen Creek, AZ 2008, 2011
- Show Low, AZ 2010, 2011
- Aubrey, TX 2015
- Arlington, TX 1999, 2001
- Celina, TX 2006, 2015
- FCS Lancaster, TX 2021
- Forney Lake WSC, TX 2016
- Gunter, TX 2006
- Huffines Development 2022
- Kempner WSC, TX 2016
- Taylor, TX 1999
- Whitehouse, TX 2006
- Van Alstyne, TX 2019, 2022
- Rockwall, TX 2005
- Trinity Water Reserve, TX 2000
- North Little Rock WWU, AR 2015

City of Rockport TX

D. Jackson
Resume Continued

Water/Wastewater – Impact Fee Studies

- East Medina Cty Special Utility Dist., TX 2000
- Cibolo Creek Municipal Authority, TX 2015
- Crystal Clear SUD, TX 2021
- Harlingen, TX 2005
- Laguna Madre Water District, TX 1993, 1996, 2000, 2003
- Liberty Hill, TX 2019
- Los Fresnos, TX 2006
- Seguin, TX 2015, 2020
- San Luis, AZ 2002
- Marana, AZ 2011– 2014
- Wellton, AZ 2003
- Prescott, AZ 2007
- Yuma, AZ 2004, 2007, 2016
- Hot Springs, AR 2005, 2009, 2016

Expert Witness Testimony

City of Arlington, TX – Seven separate cost of service analyses and testimony in wholesale contract rate proceedings before TNRCC. Largest ongoing wastewater rate dispute in Texas history, 1990-1994.

Cameron County Fresh Water Supply District No. 1 vs. Town of South Padre Island (TNRCC Docket 30346-W) – Expert testimony on reasonableness of rate structure, 1992.

Cameron County Fresh Water Supply District No. 1 vs. Sheraton Hotel/Outdoor Resorts (TNRCC Docket 95-0432-UCR) – Expert testimony on reasonableness of rate structure, 1993.

Laguna Madre Water District (PUC Docket 49154) – Expert testimony on the reasonableness of the District's raw water rate, 2019.

City of Celina, TX (SOAH Docket 2003-0762-DIS) – Expert testimony on the proposed creation of a Municipal Utility District, 2004.

City of Celina, TX (PUC Docket No. 49225) – Expert testimony on the reasonableness of outside city limit rates, 2020.

East Medina County Special Utility District (SOAH Docket 582-02-1255) – Expert testimony on CCN application, 2003.

East Medina County Special Utility District (SOAH Docket 582-04-1012) – Expert testimony on CCN application, 2004.

City of Karnes City, TX – Expert testimony on valuation of CCN before the Texas Commission on Environmental Quality, 2009.

City of Princeton, TX (SOAH Docket 582-06-1641 and TCEQ Docket 2006-0044-UCR) – Expert testimony on ability to serve proposed service territory, 2007.

Town of Little Elm, TX (SOAH Docket 582-01-1618) – Expert testimony on reasonableness of rate structure, 2001.

City of Rockport TX

D. Jackson

Resume Continued

Schertz Seguin Local Government Corporation – Expert testimony addressing application of San Antonio Water System for groundwater permits for Gonzalez County UWCD, 2009.

City of Ruidoso, NM – Expert testimony on reasonableness of Wastewater Rates, 2010.

City of Hot Springs, AR – Expert witness testimony on Reasonableness of Stormwater Rates, 2010.

Dallas County Water Control and Improvement District No. 6 (TNRCC Docket 95-0295-MWD) – Hearing on the merits for proposed wastewater treatment plant permit, 1995.

Commonwealth Utilities Corporation Saipan – Expert testimony before Commonwealth Public Utilities Commission on reasonableness of rate structure, 2010-2015.

City of Mesquite, TX vs. Southwestern Bell Telephone Company (No. 3-89-0115-T, U.S. Federal Court Northern Texas) – 18-year estimate of revenues excluded from municipal franchise fees by SWB. Expert testimony on SWB accounting and franchise policies and Discovery disputes, 1991-1995.

City of Port Arthur, et. al., vs. Southwestern Bell Telephone Company (No. D-142,176, 136th Judicial District Court of Beaumont, Texas) – 20-year estimate of revenues excluded from municipal franchise fees by SWB. Expert testimony on SWB accounting and franchise policies, 1993-1995.

Southwestern Bell Telephone Company vs. City of Arlington, TX (No. 3:98-CV-0844-X, U.S. Federal Court Northern Texas) – 15-year estimate of access revenues excluded from municipal franchise fees by SWB. Expert testimony on SWB accounting and franchise policies, 1996.

Metro-Link Telecom vs. Southwestern Bell Telephone Company (No. 89-CV-0240, 56th Judicial District Court Galveston County Texas) – 20-year pro forma model calculating lost revenue from the cancellation of a trunk line leasing contract.

Complaint of the City of Denton against GTE Southwest, Inc. (PUC Docket 14152), 1994.

GTE vs. City of Denton (No. 95-50259-367, 367th Judicial District Court of Denton County, Texas) – 10-year estimate of revenues excluded from municipal franchise fees by GTE, 1994-1996.

MAS vs. City of Denton, TX (No. 99-50263-367, Judicial District Court of Denton County, Texas) – Testimony on reasonableness of franchise fee payment calculations.

Water/Wastewater – Other Studies

City of Paris, TX – Campbell's Soup Co. wholesale contract review/negotiations.

City of Conroe, TX – Evaluation of proposed long-term wholesale contract.

Cities of Bellmead, Woodway and Hewitt, TX – Least cost alternative analysis and assistance with wholesale contract negotiations with City of Waco.

City of Lubbock, TX – Analysis of reasonableness of rates for Franklin Water System, January 2002.

City of Rockwall, TX – Wholesale contract review, 2005.

City of Rockport TX

D. Jackson
Resume Continued

- City of Miami, OK** – Non-rate revenue study, 2010.
- Town of Payson, AZ** – Financial feasibility and economic impact study of C.C. Cragin Reservoir, 2011.
- City of Duncanville, TX** – Water and wastewater cost allocation study, 2002.
- City of Whitehouse, TX** – Economic analysis of potential acquisition of a water supply corporation, 2006.
- City of Midlothian, TX** – Drought management plans, 2001.
- City of Midlothian, TX** – Assistance with wholesale contract negotiations, 2000-2001.
- City of Arlington, TX** – Cost of service study for non-water/sewer revenues, 1997.
- City of Arlington, TX** – Lease vs. purchase analysis of city fixed assets, 1998.
- City of Donna, TX** – Water and wastewater affordability analysis, 2005.
- Southmost Regional Water Authority** – Economic and financial impact of proposed desalination treatment plant, 2001.
- Texas Water Development Board Region M** – Financial feasibility analysis of water resource alternatives, 2006.
- Laguna Madre Water District** – Lost/unaccounted for water study, 1992.
- Schertz Seguin Local Government Corporation** – Assistance in contract negotiations with SAWS, 2010.
- California-American Water Company** – Reasonableness of rate structure for City of Thousand Oaks, 2003.
- California-American Water Company** – Reasonableness of rate structure for City of Felton, 2004.
- Forsyth County, GA** – Business plan with extensive recommendations for managing unprecedented growth in volume and customer connections. Ten-year projection of operating income, 1998.
- City of Lakeland, FL** – Valuation of wastewater reuse alternatives over 20-year timeframe.
- Border Environment Cooperation Commission and City of Bisbee, AZ** – Wastewater system improvements plan, 2003.
- Water Infrastructure Finance Authority of Arizona** – Evaluation of 40-year wastewater construction financing plan for Lake Havasu City, 2002.
- Water Infrastructure Finance Authority of Arizona** – Comprehensive residential water and wastewater rate survey for the state of Arizona, 2004-2008.
- City of Plano, TX** – Evaluation of long-term contract with North Texas Municipal Water District, 2015-2020.

City of Rockport TX

D. Jackson

Resume Continued

Regulated Utilities – USA

City of Miami, OK – Electric, water and wastewater and electric rate study, 2006.

Bonneville Power Administration – Participation in Average System Cost (ASC) program, including proposed changes in ASC methodology, 1988-1990.

Houston Lighting & Power – Feasibility/Prudence analysis of South Texas Nuclear Project vs. alternate forms of energy. Analysis formed the basis of partner's expert testimony before the Public Utility Commission of Texas, 1988.

Kansas Power & Light – Analysis of proposed merger with two separate companies, 1988.

Greenville Electric Utility System – Development of short-term cash investment policy in accordance with state law, 1989.

Horizon Communications – Business plan development, 2000.

City of Mercedes, TX – Economic Impact of New City Projects, 2000.

Telecommunications

City of Dallas, TX – Forecast of economic and financial construction and non-construction damages resulting from franchise's failure to fulfill terms of agreement, 2004

City of Dallas, TX – Financial evaluation and forecast of alternative wireless services contracts, 2005.

City of Dallas, TX – Evaluation and advice concerning VOIP contract with SBC, 2003

Voice Web Corporation – Financial forecast and strategic plan for CLEC development, 2001

United Telephone of Ohio – Pro forma forecast model forecasting the impact on financial statements of proposed changes in state telecommunications regulatory structures. Model was used as the basis for privatization bids for Argentine and Puerto Rican Telephone Companies, 1988.

Bonneville Power Administration – Evaluation and financial forecast of long-term fiber optic leasing operation, 1999.

Bonneville Power Administration – Economics of Fiber Analysis, 1999.

City of Portland, OR – Municipal Franchise Fee Review, 2000.

US West, Inc. – Valuation study and financial forecast of headquarters operation. Used as basis for Partner's allocated cost testimony before the Public Utility Commission in Washington and Utah.

Star-Tel – Estimate of revenues lost due to rival's unfair business practices, 1995.

Cities of Denton and Carrollton, TX – Review of municipal franchise fee payments by GTE, 1994-1996.

Winstar Gateway Network – Forecast of average lifespan per ANI for specific customer classes.

Advisory Commission on State Emergency Communications – Review of E911 Equalization Surcharge Payments by AT&T, ATC Satelco, and Lake Dallas Telephone Company.

City of Rockport TX

D. Jackson

Resume Continued

Northern Telecom – Projection of potential revenue generated from the long-term lease of DMS-100 switching units to Pacific Bell.

Publications/Presentations/Seminars

- *The Forgotten Men (fiction)* – Mediaguruz Publishing, 2012.
- *Rainbow Bridge (fiction)* – Mirador Publishing, 2020. Winner, 2021 Feathered Quill Silver Award for Animal-based literature.
- *Raising Water and Wastewater Rates – How to Maximize Revenues and Minimize Headaches* – Arizona Small Utilities Association, August 2002; Texas Section AWWA, April 2003
- *Lease vs. Purchase – A Guideline for the Public Sector* – Texas Town and City, March 1998.
- *An Introduction to Lease vs. Purchase* – Texas City Managers Association – May 1998.
- *Technische Universiteit Delft* – Delft Netherlands – Annual Infrastructure Conference – May 2000, 2001.
- *The US Water Industry – A Study in the Limits of Privatization* – Technische Universiteit Delft – Delft Netherlands – March 2007.
- *The New Information Economy: Opportunity or Threat to the Rio Grande Valley?* – Rio Grande Valley Economic Summit – Oct 2000.
- *The Financial Benefits of Regionalization – A Case Study* – Texas Water Development Symposium – September 2010.
- *Developing Conservation Water Rates Without Sacrificing Revenue* – TWCA Conference, San Antonio Texas, October 2012.
 - *Water Rates – Challenges for Pacific Utilities* – Pacific Water and Wastes Conference, American Samoa, September 2014.

Daniel D. Lanning, Sr. Project Manager and Financial Analyst

Education

Bachelor of Science, Accounting, Bentley University, Waltham Massachusetts

Areas of Expertise

Management Consulting

Impact Fee Studies

Financial Analysis

Utility Rate and Cost Studies

Feasibility and Financial Analysis and Reporting

Expert Witness

Utility Regulation

Affiliations

American Water Works Association (AWWA)

Texas Section American Water Works Association

Societies

Member: AWWA Rates and Charges Committee;

Member Task Force Revising AWWA Manual M1 – Water Rates and Charges;

Member Task Force to prepare AWWA Manual M54 – Developing Rates for Small Systems;

Past Member Task Force to edit/revise AWWA Manual M29 – Fundamentals of Water Utility Capital Financing

Water Environment Federation -- Past Member Financing and Charges for Wastewater Systems Task Force that prepared WEF Manual of Practice No. 27, Financing and Charges for Wastewater Systems.

Mr. Lanning is a management consultant with over 35 years of domestic and international experience in utility financial/cost of service studies and energy efficiency and procurement matters. As a consultant, he has served as project manager, task leader, and key staff person on cost of service, impact fee, asset valuation, financial feasibility, and management studies for public and private utilities. He has presented testimony before local and federal courts and state regulatory agencies supporting positions utility cost of service issues. He has served for the past decade on the AWWA Rates and Charges Committee. Prior to his consulting career, Mr. Lanning served as a member of the New Hampshire Public Utilities Commission staff where he held several positions including Assistant Finance Director, Chief Auditor, and a PUC Examiner.

Water/Sewer – Cost of Service and Rate Studies

Mr. Lanning has developed and updated over 150 water, sewer cost of service, rate and long-term financial planning studies for domestic and international government and private (IOU) entities. These studies regularly involve evaluating utility capital improvement plans, capital financing alternatives, operating statistics, and budget reporting. Mr. Lanning also has significant experience designing computer financial models for utilities and other government entities. Example projects include: San Luis, AZ (W/WW and Solid Waste Rates); McKinney, TX (W/WW Rates); Richardson, TX (W/WW Rates); Richwood, TX (Wholesale Rate Design); and USAID (Bosnia and Herzegovina sector wide financial strengthening of water/ sewer utilities).

Stormwater and Solid Waste – Rate Studies and Long-term Financial Plans

Mr. Lanning has led and participated in numerous important stormwater and solid waste financial, rate and cost of service studies and projects. These studies included developing fees for retail solid waste, tipping fees for landfills, and developing stormwater and sewer fees utilizing impervious area data.

Water/Sewer – Impact Fees

Mr. Lanning has prepared impact/capacity fee analyses in Texas, Arizona, and Massachusetts. Recent example impact/capacity fee studies include: Yuma, AZ; Marana, AZ; Seguin, TX; and Cibolo Creek Municipal Authority, TX. These studies required strict adherence with state statutes that include preparation of specific reports and participation in public meetings.

Water/Sewer – Asset Valuation

Mr. Lanning has prepared numerous asset valuations for water and sewer utilities. These studies were used as guide for asset sale/purchases or as part of cost-of-service studies that develop rates for wholesale customers.

Energy – Procurement and Energy Management Project Feasibility

Mr. Lanning has been a key participant in several energy deregulation and comprehensive energy management projects. These projects include evaluating

City of Rockport TX

D. Lanning
Resume Continued

energy cost savings from proposed projects and developing electric procurement strategies/policies. Example studies include Dallas, TX and Houston, TX.

Professional Experience

Mr. Lanning has led and participated in over 100 important financial, rate and impact fee studies and projects as a consultant. A sample list of water and sewer rate and solid waste analysis projects have been provided on the following page.

San Luis, AZ (W/WW and Solid Waste Rates)	Richardson, TX (W/WW Rates)
Yuma, AZ (W/WW Capacity/Impact Fees, Solid Waste)	Schertz Seguin Local Government Corporation (Wholesale W Rates)
Winslow, AZ (W/WW Rates and Bond Feasibility Study)	Seguin, TX (W/WW Impact Fee)
Douglas, AZ (Solid Waste Rates)	Liberty Hill, TX (W/WW Impact Fees)
Marana, AZ (W/WW Impact Fees)	Hot Springs, AR (W/WW Impact Fees and Non-Revenue Water Audit)
Camp Verde, AZ (W/WW Rates)	Cibolo Creek Municipal Authority, TX (W/WW Impact Fees and WW Rate Analysis)
Nogales, AZ (Water Cost Analysis)	Fort Worth, TX (W/WW Impact Fees)
League City, TX (W/WW Rate Study)	North Little Rock Wastewater Utility, AR (WW Rate Study)
Rowlett, TX (W/WW Rate Study)	Westminster, CO (W/WW Rates)
Royse City, TX (W/WW Rate Study)	Duluth, MN (WW Rates)
San Juan, TX (W/WW Rate Study)	Lansing, MI (CSO Value Engineering Study)
Grand Prairie, TX (W/WW Rate Revenue Requirement Study)	Oswego, NY (W/WW Rates)
McKinney, TX (W/WW Rates)	New Bedford, MA (CSO Affordability and SRF Funding Application)
Frisco, TX (W/WW Rates)	Brewer Water District, ME (W Rates)
Amarillo TX (W/WW Rates)	Los Angeles Department of Water and Power (Integrated Resource Plan – Financial Model)
Laredo, TX (W/WW Rates)	Fort Worth, TX (Wholesale Rates & Contract Negotiations)
Brady, TX (W/WW Rates)	Falls Church, VA (Utility Asset Valuation)
Celina, TX (W/WW Rate Study)	USAID (Bosnia and Herzegovina sector wide financial strengthening of water/ wastewater utilities)
Rockwall, TX (W/WW Rates; Asset Valuation)	Waller Lansden Dortch, & Davis, LLP (Representing Trustee of Jefferson County, AL sewer debt)
Los Fresnos, TX (W/WW Rates)	OK Foods Inc., Muldrow, OK (W Rates)
Balch Springs, TX (W/WW Rates)	Corporation (IFC) and Egyptian Ministry of Housing, Utilities & Urban Developments (Purchase Feasibility Study)
Hutchins, TX (W/WW Rates)	
University Park, TX (W/WW Rates)	
Highland Park, TX (W/WW Rates)	
Schertz, TX (W/WW Rates)	
Beeville, TX (W/WW Rates)	
West Harris Regional Water Authority, TX (Wholesale Water Rates)	

City of Rockport TX

D. Lanning
Resume Continued

Plano, Garland, Richardson, Mesquite, TX City of Nashua, NH (Negotiation Support - (Evaluation of Wholesale Water Contract) Purchase of Private Water System
Midlothian, TX (W/WW Rates)
Fairview, TX (W/WW Rates)

Additional Relevant Experience

New Braunfels Utilities, TX – Water Rights Lease Evaluation (Senior Financial Analyst 2019): New Braunfels Utilities ("NBU") engaged Willdan Financial Services to review and provide input into a proposed methodology for charging for leased water to potential new customers of the utility.

Mr. Lanning prepared a financial analysis and forecast of revenue requirements used to determine the lease of GBRA Mid-Basin water supply project water rights owned by NBU. Mr. Lanning also participated in the preparation of Willdan's comfort letter regarding the proposed lease contract.

Town of Fairview, TX – Water and Wastewater Rate Study (Senior Financial Analyst, 2016 and 2018): Mr. Lanning prepared a water and wastewater rate analysis and report for the Town of Fairview. The report included recommended rates and a financial plan for the next 10 years. The study included evaluations of alternative rate structures and an impact analysis of recommended rate increases on customers.

City of Celina, TX – Water and Wastewater Rate Study (Senior Financial Analyst, 2018 and 2021): Mr. Lanning prepared a water and wastewater rate analysis and report for the City of Celina. Since the City is growing rapidly, the report included recommended rates for the next 3 years with a recommendation of an annual review to confirm growth estimates continue as planned. The report also included a 10-year financial plan for the water and wastewater utilities. Several alternative rate structures were developed and an impact analysis of these alternative on customers and the City were provided. Finally, the impact of recommended rate increases on customers was prepared.

City of Plano, TX – Water and Wastewater Rate Study (Senior Financial Analyst, 2017 and 2020): Mr. Lanning prepared a water and wastewater rate analysis and report for the City of Plano. The report also included a 10-year financial plan for the water and wastewater utilities. Several alternative rate structures were developed and an impact analysis of these alternative on customers and the City were provided. Finally, the impact of recommended rate increases on customers was prepared.

City of McKinney, TX – Water and Wastewater Rate Study (Senior Financial Analyst, 2016 and 2019): Mr. Lanning prepared a water and wastewater rate analysis and report for the City of McKinney. Since the City is growing rapidly, the report included recommended rates for the next 3 years with a recommendation of an annual review to confirm growth estimates continue as planned. The report also included a 10-year financial plan for the water and wastewater utilities. Several alternative rate structures were developed and an impact analysis of

D. Lanning

Resume Continued

these alternative on customers and the City were provided. Finally, the impact of recommended rate increases on customers was prepared.

City of Richardson, TX – Water and Wastewater Rate Study (Senior Financial Analyst, 2016/2017): Mr. Lanning prepared a water and wastewater rate analysis and report for the City of Richardson. The report also included a 10-year financial plan for the water and wastewater utilities. Several alternative rate structures were developed and an impact analysis of these alternative on customers and the City were provided. Finally, the impact of recommended rate increases on customers was prepared.

City of University Park, TX – Water and Wastewater Rate Study (Project Manager, 2013): Mr. Lanning was Project Manager for a team of experts working with Kent Austin (former University Park Finance Director) completing a cost of service and rate design study for University Park that included an evaluation of customer class usage patterns;

an allocation of cost of service to customer class based on demand; identification of large users (residential and commercial) and development of alternative rate structures designed to enhance water conservation. Tests were performed to determine impacts of decreased use on utility revenue and a reserve was recommended to offset variations in water use due to weather or significant changes to customer use patterns.

Professional Activities

- Water Rates in New England – A Decade of State Regulatory Decisions – North Atlantic Water Workers Symposium, 1994.
- SDWA Impact on Rates – Joint New England Water Works Association and New Hampshire Water Works Association Meeting, January 1995.
- Developing Performance Measures – Round Table Moderator; New England Water Works Association - 114th Annual Conference, 1995.
- Benchmarking Performance Measures: What Are They? Why Use Them? Round Table Moderator; New England Water Works Association - 115th Annual Conference, 1996.
- Water Utility Rate Making – Seminar Moderator; New England Water Works Association one day seminar, 1996, 1997, 1998.
- The Breakup of Power in New England: Changes in the Rules of the Game – J.S. Kowalczyk and D.D. Lanning. New England Health Care Engineers Conference, 1997.
- The Energy Supermarket – J.S. Kowalczyk and D.D. Lanning, Rhode Island Water Works Association, December 1997.
- Electric Utility Restructuring – Round Table Moderator; New England Water Works Association - 117th Annual Conference, 1998.
- Cost of Service vs. Reality – Presentation, New York Water Works Association, 1998.
- Contributions In Aid of Construction – Past, Present and Future – AWWA Conference, Denver, CO, June 2000.

D. Lanning

Resume Continued

- Is Deregulation An Alternative Means To Rate Stability? Southwest Section AWWA Annual Conference, Boiser City, LA, September 2000.
- Charting a Course through the Deregulated Energy Environment: The City of Dallas Experience – R. R. Rogers, J. Dillard, D. D. Lanning; AWWA/WEF Joint Management Conference, Portland OR; February 2001.
- Rate 101 Seminar – Fundamentals of Ratemaking – Seminar Moderator – Texas AWWA one day seminar, October 2002.
- User Fees: Cause and Effect – Presenter – 2003 Arkansas Water Works and Water Environment Association Conference Short School "Visionaries for Arkansas", April 2003.
- How Utility Rates and Charges Are Determined – Presenter – Kansas Water Environmental Association, 58th Annual Conference – April 2003.
- Rate 101 Seminar – Fundamentals of Water and Wastewater Rates – Government Financial Officers Association of Texas 2004 Annual Conference – April 2004 – Presenter ("Revenue Requirements") and Lead Moderator.
- Alternative Financing Available for Water/Wastewater Utility Energy Saving Improvements: Two Examples From New York – C. Korzenko and D. Lanning, (co-presenters) American Water Works Association (AWWA) 2005 Annual Conference and Exposition – San Francisco.
- Rate 101 Seminar – Fundamentals of Water and Wastewater Rates – Government Financial Officers Association of Texas 2005 Fall Conference – November 2005 – Presenter ("Revenue Requirements") and Lead Moderator.
- "Planning and Financing Water and Wastewater Utility Infrastructure Replacement" – S. Kuhr, G. Nestel, H. Reynolds and D. Lanning – Underground Infrastructure Management – magazine and web site – five articles published between 2005 and 2008.
- "Now That I Must Do It, How Do I Do It? What You Need to Know About the Fundamentals of Water Utility Capital Finance - An Introduction to AWWA's New and Improved Manual M29," American Water Works Association (AWWA) conference ACE 07 Workshop June 24, 2007 – Workshop Presenter - "Financial Requirements Planning Process."
- "Everything You Ever Wanted to Know About Finance Management but were Afraid to Ask: An Overview of the New AWWA Financial Management for Water Utilities Manual," American Water Works Conference (AWWA) ACE 08 Workshop, June 8, 2008 – Workshop Presenter – "Operational and Capital Planning, Capital Assets, CIP and Planning, Benchmarking, Strategic Financial Planning."
- "Inside/Outside Rates: Refinements in the M1 Manual" Eric Rothstein and Dan Lanning; AWWA 2012 Annual Conference and Exhibits (ACE12) Rate and Charges Committee Session "AWWA's Updated M1 Manual - Perspectives on a Changing World;" June 13, 2012

D. Lanning*Resume Continued***Testimony Experience**

- Southern New Hampshire Water Co. NH – Revenue Requirement
- Pennichuck Water Works NH – Revenue Requirement
- Manchester Water Works NH – System Development Charge
- Concord Steam Corp. NH – Revenue Requirement
- Manchester Gas Company NH – Revenue Requirement
- Public Service Company of New Hampshire – Fuel Adjustment Charge
- Gas Service Inc. NH – Revenue Requirement
- The following is a list of testimony experience Mr. Lanning has as a consultant:
- Kent County Water Authority, RI – Fire Protection
- Lakes Region Water Company, NH – Rates
- Tilton Northfield Aqueduct, NH – Rates
- Five Town Water Study Committee, NH – Cost of Service Study, Intervention in Manchester Water Works Rate Filing
- Pittsfield Aqueduct Company NH – Rates and Financing
- Carleton Trust Water Systems NH – Asset Valuation and Rates
- Brewer Water District, ME – Rates
- Garland Power and Light, TX – Petition for Transmission Improvements - Competitive Renewable Energy Zone

References

Similar Projects

Identified below are select Texas engagements completed by the proposed project team within the last three years and include the principal client contact's name and contact information. Please note that many of our projects completed in the last three years are for long-term ongoing clients. We are proud of the fact that many clients who initially engaged us for rate studies are happy with our work product, and subsequently engage us for additional work. We urge the City to contact our references who will confirm their satisfaction with our level of service and work product.

We are also proud of our reputation for customer service and encourage you to contact the references listed in regard to our commitment to completing our projects within budget and agreed upon timeline. Please feel free to ask for additional contact information for our other state or international clients.

City of Plano, TX | Water and Wastewater Cost of Service Rate Study; 2017, 2020, 2022

Willdan was engaged in April 2017 by the City of Plano to prepare a comprehensive water and wastewater rate study and long-term financial forecast for fiscal year 2017 and beyond. The City had been approaching buildout and is transitioning its water and wastewater utility to a mature, low-growth state. Additionally, the City had to absorb significant expected increases from its wholesale water supplier, North Texas Municipal Water District. Finally, the City was weighing the prospect of diverting from a pay-as-you-go structure for funding capital improvements to a debt-funding alternative. The overall objective was to develop a long-term rate plan that will enable the City to fund these expenses while minimizing the impact on ratepayers. Willdan completed its rate study was completed in late 2017, and the Council unanimously adopted the multi-year rate plan recommended by the study.

During the 2017-2020 time period Willdan assisted the City of Plano and several other member cities in negotiations with North Texas Municipal Water District for a new comprehensive long-term contract for wholesale water service. This contract adopted a new methodology for calculating the cost of service for member and non-member cities. The contract was successfully negotiated and adopted in late 2020.

In 2020 Willdan was engaged again by the City of Plano to develop a new rate study and long-term financial plan. The study was completed during the summer of 2020 and analyzed the impact of new growth, the impact of the proposed new NTMWD contract, and the impact of COVID-19 on usage. The study was completed in late 2020 and the City Council unanimously adopted the proposed new long-term rate plan.

In 2022 Willdan was engaged again to calculate the impact on the rate plan of higher levels of inflation and significant rate increases implemented by NTMWD. We presented an adjusted rate plan to the Plano City Council, which was unanimously adopted.

Client Contact: Mark Israelson, City Manager
1520 K Avenue, Plano, TX 75086
Tel #: (972) 941-5112 | Email: marki@plano.gov

City of McKinney, TX | Water and Wastewater Cost of Service Rate Study; 2016, 2019, 2022

Willdan was engaged in 2016 and again in 2019 and 2022 to conduct a comprehensive review of the water and wastewater rates and complete a full cost of service rate study for the City of McKinney. The City has

City of Rockport TX

been experiencing significant growth in recent years, which has added to the challenge of maintaining a superior quality water system. Further, the City has had to absorb significant cost increases from its regional provider, North Texas Municipal Water District (NTMWD). The studies recommended a new comprehensive rate plan that will enable the City to fund its capital improvements and rate increases from NTMWD. The City Council unanimously adopted the recommendations of each study.

Client Contact: Mr. Mark Holloway, Chief Financial Officer
 222 N. Tennessee, McKinney, TX 75070
 Tel #: (972) 547-7536 | Email: mholloway@mckinneytexas.org

City of Frisco, TX | Water, Wastewater and Solid Waste Cost of Service Rate Study; 2017

Willdan was selected to manage and complete a comprehensive review of the water, wastewater and solid waste rates and a full cost of service rate study for the City of Frisco. Frisco has one of the highest rates of residential and commercial growth in the United States and required a rate structure that would fund the capital needs associated with this growth. Additionally, Frisco is a member city of the North Texas Municipal Water District and has been experiencing significant increases in the cost of treated water service in recent years. Mr. Jackson engineered the development of Willdan's rate model and took the lead in preparing the report. The study was concluded with the presentation and acceptance of the water, wastewater and solid waste rate plan recommendations presented to Council by Mr. Jackson in August 2017. The City continues to use Willdan to review and update the rate model.

Client Contact: Ms. Anita Cothran, Director of Finance
 6101 Frisco Square Boulevard, 4th Floor, Frisco, Texas 75034
 Tel # (972) 292-5510 | Email: acothran@friscotexas.gov

City of Alvarado, TX | Water and Wastewater Cost of Service Study; 2022

Alvarado, Texas had not adjusted its utility rates in eight years and was facing both an operational shortfall and over \$70 million in pending unfunded capital improvement needs. Alvarado selected Willdan to prepare a comprehensive water and wastewater rate study and long-term financial plan for this fast-growing community just south of Fort Worth. The plan identified a path to provide revenues necessary to ensure the financial stability of the system while enabling the City to fund long-term capital improvement needs with strategic and effective annual rate adjustments.

Client Contact: Paul DeBuff, City Manager
 104 W College Street, Alvarado, Texas 76009
 Tel #: (817) 790-3351 | Email: debuffp@cityofalvarado.org

City of Mesquite, TX | Water and Wastewater Rate Study and Financial Forecast; 2018

Willdan was engaged in February 2018 by the City of Mesquite to prepare a comprehensive water and wastewater rate study and long-term financial forecast for fiscal year 2018 and beyond. The City serves around 51,500 accounts and 3 wholesale customers. Additionally, the City must absorb significant expected increases from North Texas Municipal Water District. The overall objective was to develop a long-term rate plan that will enable the City to fund these expenses while minimizing the impact on ratepayers. The project team recommended a five year rate plan that was adopted by the City Council.

Client Contact: Ms. Debbie Mol, Director of Finance

City of Rockport TX

757 North Galloway Avenue, Mesquite, TX 75149
 Tel #: (972) 288-7711 | Email: dmol@cityofmesquite.com

City of Rowlett, TX | Water and Wastewater Rate Study and Financial Forecast; 2009; 2016 - 2022

Willdan was engaged in 2022 and has been annually engaged since 2016 to complete water and wastewater rate plans for the City of Rowlett. We have served Rowlett since 2009. Like many cities in the DFW area, the City is growing rapidly and required significant capital improvements to service new accounts. Each year the project team prepares a rate plan update that is presented first to staff and then to the City Council. The Council prefers to adopt rate plans one year at a time as opposed to multi-year rate plans. The council has unanimously adopted all of our rate plans, including the most recent plan in August 2022 as a result of our 2022 comprehensive rate study.

Client Contact: Wendy Badgett, Director of Finance
 4000 Main St, Rowlett, TX 75088
 Tel #: (972) 412-6285 | Email: wbadgett@rowlett.com

City of Royse City, TX | Water and Wastewater Cost of Service Study; 2007, 2011, 2015, 2018, 2021, 2022

Willdan was served at the City of Royse City's rate and financial consultants since 2007. We were originally engaged in 2007 to prepare a comprehensive water and wastewater rate study and long-term financial plan. The City was just beginning at that time to experience rapid growth, and its capital improvement needs were expanding dramatically. Additionally, one of its large wholesale customers was in the process of divesting from the City's system. We constructed a new rate plan that enabled the City to fund its growth while minimizing the impact on its current ratepayers. We accomplished this primarily by deferring rate adjustments to later years when more accounts were scheduled to be online.

The City has periodically re-engaged us to update and expand its rate plan, primarily due to the rapidly changing capital improvement needs. We are currently developing a new rate plan for 2023 and beyond, and will be presenting the plan for approval to the City Council in October 2022.

Client Contact: Shannon Raymond, Director of Finance
 305 N. Arch, Royse City TX 75189
 Tel #: (972) 524-4844 | Email : sraymond@roysecity.com

City of Josephine, TX | Water and Wastewater Cost of Service Study; 2022

The City of Josephine is growing at an incredible pace with a significant number of customers both inside and outside of the city's corporate limits. Willdan was engaged to complete a water and wastewater rate study and long-term financial plan for the City of taking into account their changing dynamics due to the community's growth and large capital improvement plan. In addition to providing for a fully cash-funded CIP, we developed an alternative rate scenario that allowed the City to maintain a conservation-minded rate structure while addressing the overall cost increases to large users.

Client Contact: Lisa Palomba, City Administrator
 201 Main Street, Josephine, Texas 75173
 Tel #: (972) 843-8282 | Email: lpalomba@cityofjosephinetx.com

City of Rockport TX

City of Midlothian, TX | Water and Wastewater Cost of Service Rate Study; 2000 to Present

Willdan/Economists.com has completed numerous engagements for the City of Midlothian since 2000 to the present time. The initial engagement was a comprehensive water and wastewater rate study for the City. The City was realizing significant growth from both its residential sector and its outside commercial customers. The City also serves two large outside wholesale customers that utilize a substantial portion of their service. Additionally, the City must regularly update its rates to incorporate the increasing payments made to the Trinity River Authority for the use of its portion of the Joe Pool Lake water source. As with the other engagements, the major objective was to develop an “optimum” rate structure that maximizes utility revenues for future debt capacity, while providing an affordable cost to residents based on income and other factors. The initial rate study was completed in February 2000, with alternative recommendations for rate increases. Since this time, the project team has provided annual rate design recommendations and revenue forecasts to the City regularly.

The City has hired Willdan for several follow-up studies, including drought management plans, contract negotiations, and growth impact forecasts. Most recently we completed the City's 2017 rate update and a comprehensive financial plan for the current budget year and beyond.

Client Contact: Mr. Chris Dick, City Manager
 104 W Ave E, Midlothian, TX 76065
 Tel #: (972) 775-7102 | Email: chris.dick@midlothian.tx.us

City of DeSoto, TX | Water and Wastewater Cost of Service Rate Study; Annually 2004 through 2022

Willdan (formerly Economists.com) is proud of its nearly 20 year relationship with the City of Duncanville. We were originally engaged to prepare a water and wastewater rate study for the City in August 2004. The City was interested in establishing a long-term plan that would enable it to continue the present policy of financing \$2.25 million in capital improvements per year. Additionally, the City was interested in establishing an inverted block rate structure to encourage conservation. The original study was completed in August 2004, and recommendations were approved by the City Council. A comprehensive financial model was provided to the City in electronic form. A fiscal year 2006 update was completed as well, and the City engaged our firm again in May 2007 to perform a full study update which was completed in September 2007. Then in June 2008 the City engaged the firm to complete a revenue and expense update, which was completed in July 2008 and confirmed that the City was on track with the recommended rate plan. In March 2009, we were engaged again to update the full study to determine the effects of the current economic downturn on the City's revenue and plans.

In 2010, 2014 and 2019 full updates to the water and wastewater rate study for the City were completed with analysis and recommendations presented to Council and subsequently adopted. In the other years, the annual revenue and expense analysis and rate plan update were completed in time for any changes to the rates to be incorporated into the budget planning process. Our most recent rate update, completed in summer 2022, is due to be adopted by the City Council in September 2022.

Client Contact: Isom Cameron, Managing Director of Public Utilities
 211 East Pleasant Run, DeSoto, TX 75115
 Tel #: (972) 230-9640 | Email: icameron@desototexas.gov

City of Rockport TX

City of Duncanville, TX | Water and Wastewater Cost-of-Service Rate Study; 2002, 2004, 2007, 2013, 2014, 2018, 2022

Willdan (formerly Economists.com) is proud of its nearly 20 year relationship with the City of Duncanville. We were originally engaged to complete a water and wastewater rate study in 2002. The City was interested in establishing a long-term plan to finance needed capital improvements to the water distribution and wastewater collection systems. Additionally, the City was interested in establishing an inverted block conservation rate structure. The study was completed in April 2002, with alternate recommendations for rate increases. A comprehensive financial model was turned over to the City in electronic form. The City also hired the firm to complete a cost allocation study to determine the amount of general fund contribution from the water and wastewater fund. The City subsequently engaged the project team to provide rate assistance for fiscal year 2004, and in May of 2007. In 2014 and again in 2018, the City engaged our firm to update the cost of service rate study and the cost allocation study. In 2022 we completed our most recent rate study and long-term financial plan. Our recommendations were unanimously adopted by the City Council.

Client Contact: Richard Summerlin, Director of Finance
 203 East Wheatland Road, Duncanville, TX 75138
 Tel #: (972) 780-5005 | Email: rsummerlin@ci.duncanville.tx.us

City of Hewitt, TX | Water and Wastewater Cost of Service Rate Study, 2009; Annual Updates 2010-2016, 2016, 2021 | Stormwater Drainage Study, 2010

Economists.com and Willdan is proud of its 12-year record of service to the City of Hewitt. We were originally engaged in May 2009 to prepare a comprehensive water and wastewater rate study and long-term financial forecast for fiscal year 2009 and beyond. The objective was to develop a long-term rate plan that will enable the City to recover sufficient funds to meet all operating and capital expenses while minimizing the impact on ratepayers. The final report was completed in September 2009 with the acceptance of the rate plan by Council.

In 2010 we were engaged to prepare a stormwater utility financial analysis and rate forecast for the City. The rate plan included an aggressive capital improvement plan for addressing the accumulating stormwater issue in the City. The City Council unanimously approved the stormwater rate plan in 2010.

The City engaged Economists.com/Willdan on an annual basis between 2011 and 2015 to review the water and wastewater rate plan and recommend new annual rates. In 2015, the City adopted a multi-year rate plan based on our recommendations, with annual increases for the period 2016-2020.

In 2021 we prepared a new comprehensive water and wastewater rate study and long-term financial plan for the City. The City was experiencing both an increase in its account growth and the need to fund approximately \$20 million in new debt to fund capital improvements. The project team developed several alternative rate plans for the City to consider, each of which would recover sufficient revenues to fund its operations and capital improvements. In late 2021 the City Council adopted a new long-term rate plan based on our recommendations.

Client Contact: Mr. Bo Thomas, City Manager
 200 Patriot Court, Hewitt, TX 76643
 Tel #: (254) 666-6171 | Email: bthomas@cityofhewitt.com

City of Leander, TX | Water and Wastewater Cost of Service Rate Study; 2017 – 2018; 2021

Willdan was originally engaged by the City of Leander in 2017 to manage and complete a comprehensive review of the water and wastewater rates and a full cost of service rate study. The City had been undergoing a

City of Rockport TX

significant amount of growth and expansion, and its capital investment needs were substantial. The City acquires its water from a combination of Lower Colorado River Authority (LCRA) and the Brushy Creek Regional Utility Authority. The City also depends on BCRUA for wastewater treatment. Like most agencies, these utilities were increasing their cost of service, and the City had to develop a means of passing through these increasing costs while minimizing the impact on its ratepayers.

The project team developed a comprehensive ten-year forecast model that forecast both internal costs and BCRUA costs, as well as growth, usage and CIP estimates. Additionally, the project team developed a wholesale cost of service methodology to be used in conjunction with the City of Georgetown's wholesale water contract. Mr. Dan V. Jackson, Willdan Vice President, managed this project and directed all staff on behalf of Willdan. Mr. Jackson engineered the development of the model (which was based on a model Mr. Jackson designed for Willdan) and approved both the report and presentations. Due to extraordinary forecast growth, the project team recommended no initial rate adjustment in 2018, though the study showed that future adjustments would be necessary.

In 2021 the City engaged Willdan to prepare a new comprehensive rate study. The City had new water contracts with its neighboring city, had acquired the CCN of a local MUD, and was facing increased costs from the expansion of the Brushy Creek facility. The project team developed several alternative rate plans and presented them before the City Council. The Council adopted the project team's recommendations for a new multi-year rate plan. The City is currently discussing further engagements with Willdan, a sign of the successful relationship we have developed with the City.

Client Contact: Mr. Robert Powers, Finance Director
 105 N. Brushy Street, Leander, TX 78641
 Tel # (512) 528-2734 | Email: rpowers@leandertx.gov

City of Rockwall TX | Water and Wastewater Cost of Service Rate Study; 2018

Willdan was selected to manage and complete a comprehensive review of the water and wastewater rates and a full cost of service rate study for the City of Rockwall. Rockwall, located east of the City of Dallas, continues to experience a significant level of growth. Additionally, Rockwall is a member city of the North Texas Municipal Water District, and it has been experiencing significant increases in the cost of treated water service in recent years. The City requires substantial capital investment for water and wastewater related infrastructure in the coming years. The City Council unanimously adopted the project team's 5 year water and wastewater rate plan in December 2018.

Client Contact: Ms. Mary Smith, City Manager
 385 S. Goliad, Rockwall, TX 75087
 Tel # (972) 771-7700 | Email: msmith@rockwall.com

CITY COUNCIL AGENDA

Regular Meeting: Tuesday, February 13, 2024

AGENDA ITEM: 19

Deliberate and act on first reading of 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.

SUBMITTED BY: Robbie Sorrell, Director of Finance

APPROVED FOR AGENDA: VRS

BACKGROUND:

1. The “Downtown Information – Center” a/k/a Visitor Center had \$500,000 of Hotel Occupancy Tax funds budgeted in 2022-2023. During the 2023-2024 budget process, it was projected that the funds would be spent before year end, so they were not budgeted again in the 2023-2024 budget - as highlighted in yellow on the attached excerpt. The projected expenditures were not realized before year end, becoming part of reserves so staff is asking for a \$500,000 budget amendment in 2023-2024 to help fund the project.
2. When the outside city limits rates were contested and rolled back on December 13, 2023, Council asked staff to pursue an external, full rate study prior to setting any new rates. The City is engaging in a professional services contract through Dan Jackson with Willdan Financial Services (Willdan). Willdan is one of the largest public sector financial consultants in the United States and has worked with more than 800 cities, counties, government and private agencies and special districts to address a wide range of financial challenges.

FISCAL ANALYSIS:

Funding would come from fund reserves.

RECOMMENDED ACTION:

Staff recommends approval of this ordinance on the first reading.

ORDINANCE NO.

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 did not include Hotel Occupancy Tax funding for the Information Center – Downtown a/k/a Visitor Center; and

WHEREAS, the City expects to incur \$500,000 in expenditures for the Visitor Center out of Hotel Occupancy Tax funds during 2023-2024; and

WHEREAS, following Council approval on December 13, 2023 to rollback Outside City Limit rates, Council asked staff to have an external, full rate study performed prior setting any new rates; and

WHEREAS, the City expects the external, full rate study to cost approximately \$50,000 in professional and associated expenses;

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

SECTION 1.

For municipal purposes, to amend the Hotel Occupancy Tax Fund budget for an anticipated \$500,000 in expenditures for the Visitor Center, the following budget amendment is proposed to be funded with reserves.

Fund: 27 - Hotel Occupancy Tax Fund**Budget Summary****Resources vs Expenditures Summary**

	FY 21-22 <u>Actual</u>	FY 22-23 <u>Budget</u>	FY 22-23 <u>Projected</u>	FY 23-24 <u>Proposed</u>
Revenues				
Hotel Occupancy Tax Revenues	\$1,552,155	\$1,355,000	\$ 1,275,000	\$ 1,159,262
Use HOT Reserves	-	253,393	360,367	289,314
Use HOT Reserves	-	-	-	500,000
Total Fund Revenues	\$1,552,155	\$1,608,393	\$ 1,635,367	\$ 1,948,576
Expenses				
Tax Administration	\$ 805,501	\$1,608,393	\$ 1,614,135	\$ 1,448,576
Information Center - Downtown	-	-	-	500,000
Non-Departmental	-	-	21,232	-
Total Fund Expenses	\$ 805,501	\$1,608,393	\$ 1,635,367	\$ 1,948,576
Revenues Over(Under) Expenses	\$ 746,654	\$ (0)	\$ -	\$ (0)

And

For municipal purposes, to amend the Water/Wastewater Fund for an anticipated \$50,000 in professional and associated expenses for an external, full rate study. This study would be funded with reserves.

Page 1

Fund: 02 - Water/Wastewater Fund
Consolidated Resources vs Expenditure Summary

	<u>FY 21-22 Actual</u>	<u>FY 22-23 Budget</u>	<u>FY 22-23 Projected</u>	<u>FY 23-24 Approved</u>
Water/Wastewater Fund Resources				
Interest Revenues	\$ 14,458	\$ 3,000	\$ 222,054	\$ 200,000
Charges for Services	13,065,555	12,457,249	13,160,525	14,629,014
Lost Annual Water Revenues - Amend #1				(428,335)
Lost Wastewater Revenues - Amend #1				(91,956)
Use of Reserves to Cover Lost Revenues - Amend #1				520,291
Use of Reserves to Cover Legal Costs - Amend #1				5,000
Use of Reserves to Cover Full Rate Study				50,000
Operating Transfers	90,000	90,000	90,000	90,000
Other Revenues	110,808	95,000	206,744	90,000
Total Resources	\$ 13,280,821	\$ 12,645,249	\$ 13,679,323	\$ 15,064,014
Water/Wastewater Fund Expenditures				
Personnel	\$ 2,021,801	\$ 2,287,649	\$ 2,369,038	\$ 2,450,529
Contracts & Services	1,052,906	836,000	1,593,278	1,785,314
Legal/Contract fees -Water - Amend #1				4,100
Legal/Contract fees - Wastewater - Amend #1				900
Full Rate Study Contract				50,000
Supplies	4,102,261	4,598,335	4,667,312	5,052,660
Travel & Training	26,332	43,600	44,139	40,600
Intergovernmental Transfer	228,551	272,698	272,698	-
Maintenance	944,926	1,018,249	1,126,679	1,939,786
Capital Outlay/Project	59,553	41,350	53,476	31,350
Operating Transfers	3,701,465	3,547,368	3,552,704	3,708,775
Total Expenditures	\$ 12,137,795	\$ 12,645,249	\$ 13,679,323	\$ 15,064,014
Resources Over(Under) Expenditure	\$ 1,143,026	\$ 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 2.

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

APPROVED on first reading the 13th day of February 2024.

CITY OF ROCKPORT, TEXAS

Tim Jayroe,
Mayor

ATTEST:

Kimberly Henry, Interim City Secretary

APPROVED on second reading the 27th day of February 2024.

CITY OF ROCKPORT, TEXAS

Tim Jayroe,
Mayor

ATTEST:

Kimberly Henry, Interim City Secretary