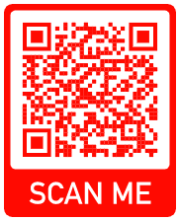
# CORRECTED CITY COUNCIL AGENDA

Notice is hereby given that the Rockport City Council will hold a regular meeting on Tuesday, February 23, 2021, at 6:30 p.m. The meeting will be held using the video conferencing application ZOOM. **No in-person meeting will be conducted at the Rockport Service Center.** A temporary suspension of the Open Meetings Act to allow telephone or video conference public meetings has been granted by Governor Greg Abbott. These actions are being taken to mitigate the spread of COVID-19 by avoiding meetings that bring people into a group setting and in accordance with Section 418.016 of the Texas Government Code. Video conferencing capabilities will be utilized to allow individuals to address the City Council. Members of the public can participate in the meeting remotely via Zoom at https://us02web.zoom.us/j/81147494003 or scan the QR code to the right.

Due to the COVID-19 pandemic, the attorney general has said: "statutes that may be interpreted to require face-to-face interaction between members of the public and public officials are suspended; provided, however, that the governmental bodies must offer alternative methods of communicating with their public officials." Public participation is valued and citizens wishing to express their views on any topic or agenda item can either 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. 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 Mayor will read the comments and they will be summarized in the minutes of 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, written comments received by 4:00 p.m. on the day of the meeting, on any subject matter that is not on the agenda, will be read by the Mayor 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.

## 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 Regular Meeting Minutes of February 9, 2021.

5. Deliberate and act on a Resolution of the City of Rockport, Texas, authorizing the Rockport Police Department to apply for and operate a Local Border Security Program (Border Star) administered by the Office of the Governor for Fiscal Year 2022; and authorizing the Mayor to act as the Executive Officer and authorized representative in all matters pertaining to the participation in this grant program.

6. Deliberate and act on 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 grant (JAG) administered by the Office of the Governor for Fiscal Year 2022; 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 a State Homeland Security Program (SHSP) , Law Enforcement Terrorism Prevention Activities (LEPTA) Grant administered by the Office of the Governor, Homeland Security grants division for Fiscal Year 2022; 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 1st quarter Report from Rockport Cultural Arts District for Fiscal Year 2020-2021 marketing expenditures.

9. Deliberate and act on an Ordinance of the City Council of the City of Rockport, Texas, extending a COVID-19 pandemic Declaration of Local Disaster for the period of February 23 – March 23, 2021; establishing rules and regulations for the duration of the disaster; restricting certain activities; and establishing penalties for violations.

10. Deliberate and act on an Ordinance of the City Council of the City of Rockport, Texas, extending a Declaration of Local Disaster (Hurricane Hanna) for the period of February 23 – March 23, 2021; establishing rules and regulations for the duration of the disaster; and establishing an effective date.

11. Deliberate and act on an Ordinance of the City Council of the City of Rockport, Texas, extending a Declaration of Local Disaster for the period of February 19 – March 9, 2021; establishing rules and regulations for the duration of the Disaster; and establishing an effective date.

**Public Hearings**

12. Call to Order – Rockport Planning & Zoning Commission.

13. Conduct a Joint Public Hearing with the Planning & Zoning Commission to consider a request to rezone property located at 1802 FM 2165; also known as 7.253 acres of land out of a 10.345 acre tract, out of the J.W. Paup Survey, A-179, City of Rockport, Aransas County, Texas, and said 10.345 acre tract being described in a deed of record under Clerk's File Number 339130, Official Public Records of Aransas County, Texas; to R-2 (2nd Single Family Dwelling District) to develop an over 55-years-of-age gated community, currently zoned R-1 (1st Single Family Dwelling District).

14. Conduct a Joint Public Hearing with the Planning & Zoning Commission to consider a request to rezone property located at 1802 FM 2165; also known as 1.343 acres of land out of a 10.345 acre tract, out of the J.W. Paup Survey, A-179, City of Rockport, Aransas County, Texas, and said 10.345 acre tract being described in a deed of record under Clerk's File Number 339130,

Official Public Records of Aransas County, Texas, to B-1 (General Business District) to serve as a buffer between housing development, known as Pearl Street Square, currently zoned R-1 (1st Single Family Dwelling District).

15. Adjourn – Rockport Planning & Zoning Commission.

**Regular Agenda**

16. 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-6 (Hotel/Motel District) for property located at 345 SH 35 Bypass; also known as 28.071 acres of land out of Farm Lots 1, 2 And 3, Land Block 22, T.P. McCampbell Subdivision: a portion of the Northeast one-half of a 40.0 foot wide platted, unimproved roadway, adjacent to Farm Lots 1, 2, And 3, Land Block 21; and a portion of a 40.0 foot wide platted, unimproved roadway adjacent to Farm Lot 1, 2, And 3 Land Block 22, T.P. McCampbell Subdivision, City Of Rockport, Aransas County, Texas, according to the plat recorded in Volume 1, Pages 3 And 4, Plat Records Of Aransas County, Texas, and being out of a called 7.311 acre tract (Tract 3) and a called 56.463 acre tract (Tract 2), as described in a deed of record under Clerks File Number 368317, Official Public Records Of Aransas County, Texas, to B-1 (General Business District) to develop office space and retail space; repealing all ordinances in conflict therewith; providing for severability; and providing an effective date.

17. Deliberate and act on second and final first reading of an Ordinance amending Chapter 58, Article II (Unclaimed Property) to add the collection of reasonable expenses in circumstances where the rightful owner of abandoned and unclaimed property valued $500.00 or more claims the property before the lawful sale and disposition of such property; providing for cumulative and conflicts and severability clauses; and providing an effective date.

18. Hear and deliberate on presentation of City of Rockport Police Department 2020 Bias Based Profiling Report.

~~19. Deliberate and act regarding the maintenance of the Rockport Glory metal sculpture located in the triangular lot just south of McDonald's.~~

19. Hear and deliberate on status of COVID-19 and response efforts.

20. Hear and deliberate on status of Winter Storm Uri and response efforts.

21. Reports from Council.

At this time, the City Council will report/update on 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.

## 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:

22. Section 551.074 Personnel Matters - deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee: Chief of Police.

## 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 accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's office at (361) 729-2213, ext. 225 or FAX (361) 790-5966 or email citysec@cityofrockport.com for further information. Braille is not available. The City of Rockport reserves the right to convene into executive session under Government Code §§ 551.071-551.074 and 551.086.

## Certification

I certify that the above notice of meeting was posted on the bulletin board at the Rockport Service Center, 2751 State Highway 35 Bypass, Rockport, Texas on Friday, February 19, 2021, at 5:10 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* and *Corpus Christi Caller Times*.

# CITY COUNCIL AGENDA
## Regular Meeting: Tuesday, February 23, 2021

**AGENDA ITEM:** 4

Deliberate and act on approval of Regular Meeting Minutes of February 9, 2021.

**SUBMITTED BY**: City Secretary Teresa Valdez

**APPROVED FOR AGENDA:** PKC

**BACKGROUND:** Please see the accompanying minutes of the Regular Meeting of February 9, 2021.

**FISCAL ANALYSIS:** N/A

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

# CITY OF ROCKPORT

# MINUTES

# CITY COUNCIL REGULAR MEETING
# 6:30 p.m., Tuesday, February 9, 2021
# Via Video Conferencing Application ZOOM

A temporary suspension of the Open Meetings Act to allow telephone or video conference public meetings was granted by Governor Greg Abbott. These actions were being taken to mitigate the spread of COVID-19 by avoiding meetings that bring people into a group setting and in accordance with Section 418.016 of the Texas Government Code.

Due to the COVID-19 pandemic, the attorney general has said: "statutes that may be interpreted to require face-to-face interaction between members of the public and public officials are suspended; provided, however, that the governmental bodies must offer alternative methods of communicating with their public officials." Public participation is valued and citizens wishing to express their views on any topic or agenda item can either 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. 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 Mayor will read the comments and they will be summarized in the minutes of the meeting.

On the 9th day of February 2021, the City Council of the City of Rockport, Aransas County, Texas, convened in Regular Session at 6:30 p.m., via video conferencing application ZOOM 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 Patrick R. Rios
Mayor Pro-Tem J.D. Villa, Ward 2
Council Member Michael Saski, Ward 1 – *joined the meeting at 6:43 p.m.*
Council Member Bob Cunningham, Ward 3
Council Member Andrea Hattman, Ward 4

**CITY COUNCIL MEMBER(S) ABSENT**

**PLANNING & ZONING COMMISSION MEMBERS PRESENT**
Kim Hesley
G. Maynard Green
Ruth Davis
Diana Severino-Saxon

**STAFF MEMBERS PRESENT**
City Manager Kevin Carruth
City Secretary Teresa Valdez
Director of Public Works & Building Services Mike Donoho
Community Planner Amanda Torres
Director of Finance Katie Griffin

**ELECTED OFFICIALS PRESENT**

Assistant to City Manager Kimberly Henry
Parks & Leisure Services Director Rick Martinez
Chief of Police Greg Stevens

**Opening Agenda**

**1. Call to Order.**

With a quorum of the Council Members present, the Regular Meeting of the Rockport City Council was called to order by Mayor Rios at 6:32 p.m. on Tuesday, February 9, 2021, via video conferencing application ZOOM.

**2. Pledge of Allegiance**.

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

**3. Citizens to be heard.**

At this time, written comments received by 4:00 p.m. on the day of the meeting, on any subject matter that is not on the agenda, will be read by the Mayor 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.

Mayor Rios said he had received one Citizen Participation Form request to speak under Citizens to be heard.

1) Andrew Kane, 2106 Lakeview Drive: Mr. Kane said Item #10 on the Consent Agenda addresses accepting two benches donated by the daughter and friends of Kay Duplichan. Mr. Kane stated he met Ms. Duplichan in 2017 right after Hurricane Harvey. Mr. Kane commented Ms. Duplichan was a great citizen and asset to the community.

**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 Regular Meeting Minutes of January 26, 2021.**

**5. Deliberate and act on a Resolution approving cooperation with the cities served by AEP to review AEP Texas Inc.'s requested final reconciliation of advanced metering costs; hiring legal and consulting services to negotiate with the company and direct any necessary litigation and appeals; finding that the meeting at which this Resolution is passed is open to the public as required by law; requiring notice of this Resolution to legal counsel.**

**6. Deliberate and act on a Resolution of the City of Rockport, Texas, authorizing the award of a professional engineering service provider contract or the 2021-2022 Texas**

**Community Development Block Grant Fund through the Texas Department of Agriculture.**

7. **Deliberate and act on 1st quarter Report from Friends of the Fulton Mansion State Historical Site for Fiscal Year 2020-2021 marketing expenditures.**

8. **Deliberate and act on 1st quarter Report from the Texas Maritime Museum for Fiscal Year 2020-2021 marketing expenditures.**

9. **Deliberate and act on 1st quarter Report from the Rockport-Fulton Chamber of Commerce for Fiscal Year 2020-2021 marketing expenditures.**

10. **Deliberate and act on acceptance of two benches from Mrs. Donna Kouwe, daughter, and friends of Kay Duplichan.**

11. **Deliberate and act on approval of Interlocal Contract between City of Rockport and Town of Fulton for Assistance in Law Enforcement.**

Mayor Rios stated there were two errors on the Agenda cover sheet of Item #9: In the "Fiscal Anaylsis" section it states the amount budgeted is $370,000 and the correct amount is $330,000 as stated in the "Background" information; and it states the year-to-date expenses are $43,632.00 and that amount should be $29,832.00.

Council Member Cunningham stated he appreciated the correction and complimented the Chamber for the expenses coming in under budget.

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

**MOTION:** Mayor Pro-Tem Villa moved to approve the Consent Agenda, as presented. Council Member Hattman seconded the motion. Motion carried unanimously.

**Public Hearing**

12. **Call to Order – Rockport Planning & Zoning Commission.**

With a quorum of the members present, the meeting of the Rockport Planning & Zoning Commission was called to order at 6:39 p.m. on Tuesday, February 9, 2021, in the Training Room of the Rockport Service Center, 2751 State Highway 35 Bypass, Rockport, Texas, via video conferencing application ZOOM.

Mayor Rios opened the Public Hearing at 6:40 p.m.

13. **Conduct a Joint Public Hearing with the Planning & Zoning Commission to consider a request to rezone property located at 345 SH 35 Bypass; also known as 28.071 acres of land out of Farm Lots 1, 2 And 3, Land Block 22, T.P. McCampbell Subdivision: a**

**portion of the Northeast one-half of a 40.0 foot wide platted, unimproved roadway, adjacent to Farm Lots 1, 2, And 3, Land Block 21; and a portion of a 40.0 foot wide platted, unimproved roadway adjacent to Farm Lot 1, 2, And 3 Land Block 22, T.P. McCampbell Subdivision, City Of Rockport, Aransas County, Texas, according to the plat recorded in Volume 1, Pages 3 And 4, Plat Records Of Aransas County, Texas, and being out of a called 7.311 acre tract (Tract 3) and a called 56.463 acre tract (Tract 2), as described in a deed of record under Clerks File Number 368317, Official Public Records Of Aransas County, Texas, with said 28.071 acres of land, to B-1 (General Business District) to develop warehouse/office space; currently zoned R-6 (Hotel/Motel Dwelling District).**

There were no public comments.

Mayor Rios stated the Planning and Zoning Commission will consider this item at their meeting on Monday, February 15, 2021, at 5:30 pm.

**14. Adjourn – Rockport Planning & Zoning Commission.**

At 6:43 p.m., the Rockport Planning & Zoning Commission adjourned.

**Regular Agenda**

**15. 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) to B-1 (General Business District) for retail and office space for property located at 309 West Market Street; also known as East 90 feet of Lots 9, 10, and 11, Block 153, Doughty and Mathis Division, City of Rockport, Aransas County, Texas; repealing all Ordinances in conflict therewith; providing for severability; and providing an effective date.**

Mayor Rios said there had been no changes in format or content since Council approved the first reading of the Ordinance on January 26, 2021.

**MOTION:** Mayor Pro-Tem Villa moved to approve the second and final reading of an Ordinance amending the official zoning map as stipulated under Article 4.1 of the City of Rockport Zoning Ordinance Number 1027 by changing the zoning of land from R-1 (1st Single Family Dwelling District) to B-1 (General Business District) for retail and office space for property located at 309 West Market Street; also known as East 90 feet of Lots 9, 10, and 11, Block 153, Doughty and Mathis Division, City of Rockport, Aransas County, Texas,; repealing all Ordinances in conflict therewith; providing for severability; and providing an effective date. Council Member Saski seconded the motion. Motion carried unanimously.

**16. Deliberate and act on first reading of an Ordinance amending Chapter 58, Article II (Unclaimed Property) to add the collection of reasonable expenses in circumstances where the rightful owner of abandoned and unclaimed property valued $500.00 or more**

**claims the property before the lawful sale and disposition of such property; providing for cumulative and conflicts and severability clauses; and providing an effective date.**

City Manager Kevin Carruth said last fall the City received some property and went through the statutory process and could not find the owner of the property. Mr. Carruth stated the court gave the property to the City and then the owner claimed the property; the City gave the property back to the owner, but this did identify a weakness in our current Ordinance – there is no way to recover expenses (advertising, legal notices, handling fees, etc.) Mr. Carruth explained staff would like for taxpayers to be reimbursed for these costs and the proposed Ordinance allows for this. Mr. Carruth added the owner in the case he mentioned did indicate he would pay the costs.

Mayor Rios said he did see where this could be an issue and a weakness is our current ordinance had been uncovered.

Mayor Pro-Tem Villa asked what happens if the expenses are more than the property is worth. Mayor Pro-Tem asked if there was a statute of limitations on this.

Mr. Carruth answered once the City has gone through the statutory redemption period, it is the City's property. Mr. Carruth said the City does not have to give the property back to the owner if the owner does not want to pay for the expenses incurred.

Council Member Cunningham said the wording in the Ordinance states the Chief of Police shall collect. Council Member Cunningham asked if we want to use the word "may" collect.

Chief of Police Stevens stated his preference is the "may" discretion not be given. Chief Stevens said this cause equity issues and he recommended the "shall" be left as is in the Ordinance.

Council Member Hattman stated she agreed.

**MOTION:** Council Member Hattman moved to approve the first reading of an Ordinance amending Chapter 58, Article II (Unclaimed Property) to add the collection of reasonable expenses in circumstances where the rightful owner of abandoned and unclaimed property valued $500.00 or more claims the property before the lawful sale and disposition of such property; providing for cumulative and conflicts and severability clauses; and providing an effective date. Mayor Pro-Tem Villa seconded the motion. Motion carried unanimously,

**17. Hear and deliberate on status of COVID-19 and response efforts.**

Council Member Cunningham said he received a notice from the Director of Public Affairs, late this afternoon, that Wal Mart Pharmacies in Texas will be receiving vaccines and the Rockport Wal Mart is on that list. Council Member Cunningham stated the City may want to add that link to the information on the City's website.

Mayor Pro-Tem Villa said he had also received this notice.

Mayor Rios said the City and County is starting to prepare for the administration of the second

COVID shots which should be coming up in another week or two. Mayor Rios stated there has been some chatter about the Rockport Service Center being closed to the public, but the City is still doing business on a day-to-day basis and he has not received any complaints. Mayor Rios added if someone has a complaint they should contact him.

Director of Public Works Mike Donoho said the Service Center is receiving items from developers through electronic means, telephone or making an appointment to drop things off. Mr. Donoho stated to his knowledge there have not been any complaints about developers not being able to conduct business. Mr. Donoho expressed the ladies at the Utility office on Laurel street are doing a great job. Mr. Donoho said he understood the offices being closed is an inconvenience, but a customer can call and schedule an appointment if necessary.

Mayor Rios said there has been an up-tick of the second round on injections that were to be given in Robstown this Thursday or Friday due to the inclement weather forecast. Mayor Rios expressed the County and City received good checkmarks from the Texas Department of Emergency Management and the Department of State Health Services for the event that had been held at the Paws and Taws Convention Center. Mayor Rios stated he hoped this will lead to more vaccines being sent to Aransas County; he cannot promise that, and he encourages everyone if you can get the vaccine elsewhere to do so.

Parks and Leisure Services Director Rick Martinez addressed the Council. Mr. Martinez said he met with the spokesperson for the Little League, Spencer Craig, and they had a good meeting. Mr. Martinez they are working on moving forward with opening the fields at Memorial Park if COVID protocols are adhered to. Mr. Martinez stated the Little League's interest is safety and that is at the top of the list. Mr. Martinez added he did not see any issues why the City cannot allow them to do their tryouts. Mr. Martinez said the concession stand will not be open.

Mr. Carruth said the City and the Little League have a common understanding and protocols regarding COVID.

Mayor Pro-Tem Villa commended Patricia Arnold and her staff and volunteers with Aransas County; they can only do so much, and they are doing a great job. Mayor Pro-Tem Villa expressed after the vaccination event in Fulton people contacted the regional office in Arlington and complained and this could have hurt us badly.

Mayor Rios said a planning meeting for the second shot event is coming up soon and Mr. Donoho and his team will provide logistical help, as well as the City Police Department. Mayor Rios added there is no cause for negativity; we are going to get it done – it is just going to take some time and this is the reality we have to deal with.

City Manager Kevin Carruth encouraged people to go to the YouTube video of the Aransas County Commissioners Court meeting of February 9, 2021, and watch the presentation given by Patricia Arnold and Rick McLester. Mr. Carruth said they gave a good recap of what has been done; most people do not see this and somehow this information does not make it to social media. Mr. Carruth added government entities do not get enough credit for the things they do.

Mayor Rios commented there are City staff that put in blood, sweat and tears working on the COVID disaster and that does not go unrecognized by him.

**18. Reports from Council.**

At this time, the City Council will report/update on 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; Rockport Cultural Arts District, 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 did not address this Agenda item.

**19. Adjournment.**

At 7:07 p.m., Mayor Pro-Tem Villa moved to adjourn. Motion was seconded by Council Member Cunningham. Motion carried unanimously.

**APPROVED:**

_____

Patrick R. Rios, Mayor

**ATTEST:**

_____

Teresa Valdez, City Secretary

# CITY COUNCIL AGENDA
## Regular Meeting: Tuesday, February 23, 2021

**AGENDA ITEM:** 5

Deliberate and act on a Resolution of the City of Rockport, Texas, authorizing the Rockport Police Department to apply for and operate a Local Border Security Program (Border Star) administered by the Office of the Governor for Fiscal Year 2022; 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:** Chief of Police Gregory Stevens

**APPROVED FOR AGENDA:** PKC

**BACKGROUND:** The objective of the Local Border Security Program (Border Star) is to disrupt, deter, interdict, and dominate criminal activity associated with the northbound and southbound movement of illicit traffic through the Texas border region in order to reduce border-related crime, reduce potential acts of terror, and increase the security and quality of life of Texans. As detailed in the accompanying application, this is a reimbursement program that will primarily allow the Rockport Police Department to pay overtime to officers to increase visible patrol and engage in enhanced traffic enforcement. The Department received and successfully implemented a similar grant for FY 2020 and FY 2021. A requirement of the grant is a resolution from the City authorizing the operation of the Local Border Security Program FY 2022.

**FISCAL ANALYSIS:** Border Star is in Fund 18 with revenue is credited to account 40420 and overtime and fuel expenses charged to accounts 6181008 and 6187044, respectively. No cash or in-kind match is required.

**STAFF RECOMMENDATION:** Staff recommends City Council approve the Resolution authorizing the Rockport Police Department to apply for and operate a FY 2022 Local Border Security Program administered by the Office of the Governor, as presented.

**RESOLUTION NO. 2021 - __**

**A RESOLUTION OF THE CITY OF ROCKPORT, TEXAS, AUTHORIZING THE ROCKPORT POLICE DEPARTMENT TO APPLY FOR AND OPERATE A LOCAL BORDER SECURITY PROGRAM(BORDER STAR) GRANT ADMINISTERED BY THE OFFICE OF THE GOVERNOR, FOR FISCAL YEAR 2022; 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,** Operation Border Star was launched in 2007 to provide local and state agencies funds to pay officers overtime to beef up border patrol sand to coordinate intelligence gathering about crime on the border. The local and state agencies also coordinate and share information with federal agencies: and

**WHEREAS,** the City of Rockport finds it is the best interest of our citizens that the City of Rockport participate in the Local Border Star Security Program joining together with local, state and federal partners, to support the men and women of the U. S. Border Patrol, and protect our community by securing our international borders; 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.

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

**Section 1.** That a Local Border Star Security Program 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 in connection with this application and participation in the Local Border Security Program. The authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the agency.

**PASSED** and **APPROVED** the 23rd day of February 2021.

**CITY OF ROCKPORT, TEXAS**

_____
Patrick R. Rios, Mayor

**ATTEST:**

_____
Teresa Valdez, City Secretary

Print This Page

**Agency Name:** Rockport, City of
**Grant/App:** 3136406 **Start Date:** 9/1/2021 **End Date:** 8/31/2022

**Project Title:** Local Border Security Program
**Status:** Application Pending AO Certification

## Eligibility Information

**Your organization's Texas Payee/Taxpayer ID Number:**
17460020005001

**Application Eligibility Certify:**
Created on:2/1/2021 1:58:41 PM By:Meredith Yarnall

## Profile Information

**Applicant Agency Name:** Rockport, City of
**Project Title:** Local Border Security Program
**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:** 9/1/2021
**End Date:** 8/31/2022

**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:** Patrick Rios
**Email:** mayor@cityofrockport.com
**Address 1:** 2751SH 35 BYP
**Address 1:**
**City:** Rockport, Texas 78382
**Phone:** 361-729-2213 Other Phone: 361-205-2172
**Fax:** 361-790-5966
**Title:** The Honorable
**Salutation:** Mayor
**Position:** Mayor

**Financial Official**
**Name:** Katie Griffin
**Email:** finance@cityofrockport.com
**Address 1:** 2751 State Hwy 35 Bypass
**Address 1:**
**City:** Rockport, Texas 78382
**Phone:** 361-729-2213 Other Phone: 940-206-3465
**Fax:**
**Title:** Ms.
**Salutation:** Ms.
**Position:** Director of Finance

**Project Director**
**Name:** Jerry Lawing
**Email:** jlawing@cityofrockport.com
**Address 1:** 714 E. Concho St.
**Address 1:** 714 E. Concho St.

**City:** Rockport, Texas 78382
**Phone:** 361-790-1105 Other Phone: 361-463-9418
**Fax:** 361-729-3461
**Title:** Mr.
**Salutation:** Commander
**Position:** Criminal Investiagftions 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):** 17460020005001
**Data Universal Numbering System (DUNS):** 048150783

## Narrative Information

**Introduction**

The purpose of the program is to sustain interagency law enforcement operations and enhance local law enforcement patrols to facilitate directed actions to deter and interdict criminal activity. Program participants shall assist in the execution of coordinated border security operations in an effort to:

- Increase the effectiveness and impact of Steady State and Surge Operations.
- 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 air operations mission planning and prioritization.
- Increase the coordination and integration of air-ground team operations to include Texas Military Forces (TMF) aviation, United States Customs and Border Patrol (USCBP) Air and Marine, Texas Department of Public Safety (DPS) Aircraft Division, and United States Coast Guard (USCG) aviation support.
- 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 the number and quality of analytical intelligence products developed at the Unified Command and state levels.
- Increase intelligence based operations at the Unified Command level through integration of TxMap, sector specific information, and intelligence analysis.

The funding announcement, located on the eGrants Calendar page, describes the organization types, activities, and costs that are eligible under the announcement. The PSO's eGrants User Guide to Creating an Application guides applicants through the process of creating and submitting an application in eGrants. Information and guidance related to the management and use of grant funds can be found in the The PSO's Guide to Grants, located on the PSO Resource for Applicants and Grantees webpage.

**Program Requirements**

**Coordination with Regional Joint Operations Intelligence Center (JOIC)**

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 (JOIC).
- 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.

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 LBSP 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 LBSP 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 local border security operations. 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:

**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.

Beginning January 1, 2021, counties applying for grant awards from the Office of the Governor must commit that the county will report at least 90 percent of convictions and other dispositions within five business days to the Criminal Justice Information System at the Department of Public Safety. Click here for additional information from DPS on this new reporting requirement.

**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. Note: UCR is transitioning from summary reporting to NIBRS only in 2021. Applicants are encouraged to transition to NIBRS as soon as possible in order to maintain their grant eligibility.

**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).

**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, 2022 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 along 15 miles of Texas Highway 35 and Texas Business Highway 35 in an effort to confuse, disrupt, arrest and prosecute offenders of illegal human trafficking, illegal narcotic smuggling and other border related crimes. Operate a marine unit for surveillance, documentation and interdiction of illegal smuggling operations in the adjacent waterways; working with Texas Game Wardens, United States Coast Guard, United States Customs, and Department of Public Safety marine units to ensure analytical intelligence and apprehension of suspected violators.

**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.

Local concerns about increasing border-related crime including home burglaries, human and drug smuggling, and cross border violence from gangs and drug cartels.

**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.

26 sworn peace officers and 16 marked, fully equipped police vehicles. One 22ft shallow draft patrol vessel equipped with radar and navigation that is capable of day and night operation in a littoral environment.

**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 is the capability that we currently lack. The grant will provide the department the funds to pay officers to work in an overtime capacity. This will allows officers working the grant to focus on interdiction activities on the highways and waterways. The equipment and accessories will be under 1.1 Prevent terrorist attacks and organized criminal activity in Texas. The purchase of the laptop equipment will allow officers to communicate effectively with one another, dispatch communications, NLETS, TLETS, and other investigative databases in order to gather and disseminate Intelligence Information more effectively. The purchase of the vehicles will allow additional patrol officers on the streets to delay, divert, intercept, halt, apprehend, or secure threats and/or hazards.

**Impact Statement :**

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

The project will reduce the capability gap by providing the funds to put officers on the street and waterways tasked with performing interdiction and surveillance activities. These activities will focus on curtailing human trafficking, narcotic smuggling and to prevent criminal and terrorist organizations from exploiting the borders of our state.

**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.

This project will provide an immediate benefit to the citizens of Aransas County. However, through this grant the Rockport Police Department, will be able to provide benefits to the citizens and visitors of the State of Texas. By targeting human trafficking and narcotics smuggling in our area, we are able to stem the tide of criminal activity before it reaches other areas throughout our state.

**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 the officers, it will 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 |
|---|---|---|
| Enhanced Patrol | 100.00 | Increase visible patrol and conduct surveillance in an effort to confuse, disrupt, arrest and prosecute offenders of illegal human trafficking, illegal narcotic smuggling, and other border related crimes. |

## Measures Information

Objective Output Measures

| OUTPUT MEASURE | TARGET LEVEL |
|---|---|
| Number of hours of overtime for all law enforcement support personnel (i.e. dispatchers or jailers) agency-wide. | 0 |
| Number of hours of overtime for grant-funded law enforcement support personnel (i.e. dispatchers or jailers) supporting the border initiative. | 0 |
| Number of hours of overtime for peace officers agency-wide. | 5000 |
| Number of hours of overtime of grant-funded officers supporting the border initiative. | 3500 |
| Number of hours of regular time for all law enforcement support personnel (i.e. dispatchers or jailers) agency-wide. | 0 |
| Number of hours of regular time for grant-funded law enforcement support personnel (i.e. dispatchers or jailers) supporting the border initiative. | 0 |
| Number of hours of regular time for peace officers agency-wide. | 0 |
| Number of hours of regular time of grant-funded peace officers supporting the border initiative. | 0 |
| | |

| | |
|---|---|
| Number of miles patrolled by grant-funded officers. | 2200 |
| Number of reports submitted - BIARs to a Regional DPS-JOIC (for LBSP) or DARs to US Border Patrol (for OPSG). | 5 |
| Number of traffic stops conducted by all peace officers agency-wide. | 3742 |
| Number of traffic stops conducted by grant-funded officers supporting the border initiative. | 200 |
| Number of traffic stops yielding findings related to border security offenses, conducted by all peace officers agency-wide. | 25 |
| Number of traffic stops yielding findings related to border security offenses, conducted by grant-funded officers. | 5 |
| Number of weapons seized by all peace officers agency-wide. | 0 |
| Number of weapons seized by grant-funded officers supporting the border initiative. | 0 |

Objective Outcome Measures

| **OUTCOME MEASURE** | **TARGET LEVEL** |
|---|---|
| Number of arrests (felony) made by all peace officers agency-wide. | 275 |
| Number of arrests (felony) made by grant-funded officers supporting the border initiative. | 2 |
| Number of arrests (misdemeanor) made by all peace officers agency-wide. | 785 |
| Number of arrests (misdemeanor) made by grant-funded officers supporting the border initiative. | 10 |
| Number of forfeitures (cash and other assets) attributed to all peace officers agency-wide. | 0 |
| Number of forfeitures (cash and other assets) attributed to grant-funded officers supporting the border initiative. | 0 |
| Number of major (Tier 1 and Tier 2) gangs targeted in the border initiative. | 0 |
| Number of major cartels targeted in the border initiative. | 0 |
| | |

| | |
|---|---|
| Value of all forfeitures (cash and other assets) attributed to all peace officers agency-wide. | 0 |
| Value of all forfeitures (cash and other assets) attributed to grant-funded officers supporting the border initiative. | 0 |

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 eGrants Files*.

**Contract Compliance**

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

Select the appropriate response:
_ Yes
**X** No

For applicant agencies that selected **Yes** above, describe how you will monitor the activities of the sub-contractor(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
X 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
X 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]:
10/1/2021
Enter the End Date [mm/dd/yyyy]:
9/30/2022

**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:
X 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:
9/30/2020

**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:
X 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 | Overtime for All Peace Officers | Enhanced patrol overtime according to local OT policy estimate 3500 hours at an average OT rate , including fringe benefits of $48.447/hr up to a total of $169,564.50 | $169,564.50 | $0.00 | $0.00 | $0.00 | $169,564.50 | 100 |
| Equipment | Equipment / Accessories for Law Enforcement Vehicle (purchased separately from vehicle) | 2 police equipped law enforcement vehicles totaling up to $116.000.00 | $116,000.00 | $0.00 | $0.00 | $0.00 | $116,000.00 | 2 |
| Supplies and Direct Operating Expenses | Vehicle Operating Cost (e.g., fuel, lubricants, maintenance, storage) | Actual vehicle operating costs prorated for the hours officers work on grant paid overtime for an estimated value of $13,900 | $13,900.00 | $0.00 | $0.00 | $0.00 | $13,900.00 | 0 |

## 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 | $116,000.00 | $0.00 | $0.00 | $0.00 | $116,000.00 |
| Personnel | $169,564.50 | $0.00 | $0.00 | $0.00 | $169,564.50 |
| Supplies and Direct Operating Expenses | $13,900.00 | $0.00 | $0.00 | $0.00 | $13,900.00 |

**Budget Grand Total Information:**

| OOG | CASH MATCH | IN-KIND MATCH | GPI | TOTAL |
|---|---|---|---|---|
| $299,464.50 | $0.00 | $0.00 | $0.00 | $299,464.50 |

## 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 23, 2021

**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 an Office of the Governor, Public Safety Office, Criminal Justice Division, DJ-Edward Byrne Memorial Justice Assistance Grant Program grant (JAG) administered by the Office of the Governor for Fiscal Year 2022; 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:** Chief of Police Gregory Stevens

**APPROVED FOR AGENDA:** PKC

**BACKGROUND:** The objective of the DJ-Edward Byrne Memorial Justice Assistance Grant Program grant (JAG) is to provide additional personnel, equipment, supplies, contractual support, training, technical assistance, and information systems for criminal justice purposes. As detailed in the accompanying $316,860.70 application, this is a reimbursement program that will primarily allow the Rockport Police Department to fund positions and receive equipment to increase visible patrol and engage in crime prevention and detection, specifically two new police officer positions for community outreach and two outdoor camera systems. A requirement of the grant is a resolution from the City authorizing the operation of the DJ-Edward Byrne Memorial Justice Assistance Grant Program grant (JAG), FY 2022.

**FISCAL ANALYSIS:** JAG is in Fund 18 with revenue is credited to account 40420 and overtime and fuel expenses charged to accounts 6181008 and 6187044, respectively. No cash or in-kind match is required.

**STAFF RECOMMENDATION:** Staff recommends City Council approve the Resolution authorizing the Rockport Police Department to apply for and operate a FY 2022 DJ-Edward Byrne Memorial Justice Assistance Grant Program grant (JAG) administered by the Office of the Governor, as presented.

**RESOLUTION NO. 2021 - __**

**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 2022; 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 2022; 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;

**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** the 23rd day of February 2021.

**CITY OF ROCKPORT, TEXAS**

_____
Patrick R. Rios, Mayor

**ATTEST:**

_____
Teresa Valdez, City Secretary

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**Agency Name:** City of Rockport
**Grant/App:** 4283201 **Start Date:** 10/1/2021 **End Date:** 9/30/2022

**Project Title:** Community Liasons and Crime Prevention
**Status:** Application Pending AO Certification

## Eligibility Information

**Your organization's Texas Payee/Taxpayer ID Number:**
17460020005001

**Application Eligibility Certify:**
Created on:2/1/2021 3:15:19 PM By:Meredith Yarnall

## Profile Information

**Applicant Agency Name:** City of Rockport
**Project Title:** Community Liasons and Crime Prevention
**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:** 10/1/2021
**End Date:** 9/30/2022

**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:** Patrick Rios
**Email:** mayor@cityofrockport.com
**Address 1:** 2751SH 35 BYP
**Address 1:**
**City:** Rockport, Texas 78382
**Phone:** 361-729-2213 Other Phone: 361-205-2172
**Fax:** 361-790-5966
**Title:** The Honorable
**Salutation:** Mayor
**Position:** Mayor

**Financial Official**
**Name:** Katie Griffin
**Email:** finance@cityofrockport.com
**Address 1:** 2751 State Hwy 35 Bypass
**Address 1:**
**City:** Rockport, Texas 78382
**Phone:** 361-729-2213 Other Phone: 940-206-3465
**Fax:**
**Title:** Ms.
**Salutation:** Ms.
**Position:** Director of Finance

**Project Director**
**Name:** Jerry Lawing
**Email:** jlawing@cityofrockport.com
**Address 1:** 714 E. Concho St.
**Address 1:** 714 E. Concho St.

**City:** Rockport, Texas 78382
**Phone:** 361-790-1105 Other Phone: 361-463-9418
**Fax:** 361-729-3461
**Title:** Mr.
**Salutation:** Commander
**Position:** Criminal Investiagftions 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):** 17460020005001
**Data Universal Numbering System (DUNS):** 048150783

## Narrative Information

### Introduction

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

The funding announcement, located on the eGrants Calendar page, describes the organization types, activities, and costs that are eligible under the announcement. The PSO's eGrants User Guide to Creating an Application guides applicants through the process of creating and submitting an application in eGrants. Information and guidance related to the management and use of grant funds can be found in the The PSO's Guide to Grants, located on the PSO Resource for Applicants and Grantees webpage.

### 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.

**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.

Beginning January 1, 2021, counties applying for grant awards from the Office of the Governor must commit that the county will report at least 90 percent of convictions and other dispositions within five business days to the Criminal Justice Information System at the Department of Public Safety. Click here for additional information from DPS on this new reporting requirement.

**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. Note: UCR is transitioning from summary reporting to NIBRS only in 2021. Applicants are encouraged to transition to NIBRS as soon as possible in order to maintain their grant eligibility.

**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**
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.

**Certification of Compliance with 8 U.S.C 1373 and 1644**
Applicant assures that it complies with 8 U.S.C. § 1373 & 1644. Applicant may be required to submit written

assurances and/or certifications to this effect prior to award issuance. The Public Safety Office (PSO) will notify applicants if this becomes a requirement and provide the federally required form(s) and/or template(s).

**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 OOG and is active until August 31, 2022 or the end of the grant period, whichever is later.

**Information regarding Communication with the Department of Homeland Security (DHS) and/or Immigration and Customs Enforcement (ICE)**

Please explain and describe any policies or practices your jurisdiction may have related to whether, when, or how employees may communicate with DHS or ICE. Include information on how each policy or practice complies with 8 U.S.C. 1373. Upload a copy of any written policies onto the Upload.Files Tab. Enter "N/A" below if your agency does NOT have any policies or practices regarding communication with DHS or ICE.

N/A

**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:
Ruby Beaven
Enter the Address for the Civil Rights Liaison:
2751 Byp 35 Rockport, TX 78382
Enter the Phone Number for the Civil Rights Liaison [(999) 999-9999 x9999]:
361-729-2213

**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 & requirements.**

**Project Abstract :**

1. Hire 2 contractual police officers to begin a Crime Prevention initiative/Community Liaison Program. The hiring package will include all accessories and all costs associated with hiring 2 new sworn personnel, 2 outdoor, portable camera systems and all materials associated with the Crime Prevention Initiative. This initiative will promote trust, understanding and create a community wide effort to reduce and prevent crime.

**Problem Statement :**

Community outreach is an area where are department is lacking. This initiative will build partnerships and establish trust between our community and our local law enforcement agencies. These relationships will help forge a stronger united community. The liaisons would provide education and crime prevention information to crime stricken areas of the community.

**Supporting Data :**

This initiative will promote Community Resilience as identified in the 2019 THIRA on page 27. The information that

will be provided and relayed to our local residents will help to protect property/persons and prevent future crimes. This initiative also aligns with the President's Executive Order on Safe Policing for Safe Communities (EOPSPSC). Our agency does not have a program currently aimed at improving the relationship with our law enforcement agency and the community. The equipment and this initiative would address that as well as provide a way to interact with our residents to drive down crime within our community.

**Project Approach & Activities:**

The 2 grant funded liaisons will attend community meetings with an emphasis on getting to know the community, building partnerships and establishing trust. They will provide educational information on how to prevent individuals from becoming victims of a crime and to encourage reporting. The officers will also assist in educating the department on cultural issues in our community and how our agency can adapt to and embrace our community. The outdoor camera equipment will allow officers to view real-time events and help deter crime occurrences.

**Capacity & Capabilities:**
The project will hire 2 grant funded sworn police officers for a contractual period. The City will have an option but not an obligation to absorb the funded officers after the expiration of the contract if the contracts are not renewed through another grant cycle. All equipment and any other associated fees after initial purchase will be covered by the City.

**Performance Management :**

All officer activities will be accounted for on daily activity sheets. All community meetings and Crime prevention materials will be tracked for expenses and distribution. The overall goal of this project is to create a better working relationship with our residents to promote trust and provide education. Crime statistics will be logged in individual neighborhoods to track the number of reported crimes, and hopefully the reduction of crime in those areas.

**Target Group :**

All areas and neighborhoods in the City limits of Rockport.

**Evidence-Based Practices:**

The addition of the 2 sworn police officers will allow our agency to dedicate their time specifically to intervention and reduction of crime. These officers will be create a personal connection with the community and be the link that connects our law enforcement agency. Through social media, local media and any other resource available the initiative will be advertised to reach as many residents as possible. Real-time tracking of crimes can be managed through the video surveillance 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 |
|---|---|---|
| Crime Prevention | 100.00 | Fund 2 sworn police officers and all accessories included with creating 2 new positions for a period of 1 year. Purchase materials necessary for marketing a successful Crime Prevention Initiative and 2 outdoor, portable camera systems. |

**CJD Purpose Areas**

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

## Measures Information

Objective Output Measures

| OUTPUT MEASURE | TARGET LEVEL |
|---|---|
| Casework, non-licensed counseling, individual advocacy, or other support: Hours delivered. | 0 |
| Casework, non-licensed counseling, individual advocacy, or other support: Individuals receiving | 0 |
| Instruction and Support for Pro-social, Educational, Vocational, or Employment skills: Hours delivered. | 0 |
| Instruction and Support for Pro-social, Educational, Vocational, or Employment skills: Individuals receiving. | 0 |

Objective Outcome Measures

| OUTCOME MEASURE | TARGET LEVEL |
|---|---|

Custom Output Measures

| CUSTOM OUTPUT MEASURE | TARGET LEVEL |
|---|---|
| Number of Community Meetings attended | 10 |
| Number of follow-ups on reported crimes-prevention information given | 50 |
| Reduction of property crimes | 20 |
| Business/Citizen outreach to educate on current trends and offer prevention education | 50 |

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
**X** No

For applicant agencies that selected **Yes** above, describe how you will monitor the activities of the sub-contractor(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
**X** 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
**X** 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]:
10/1/2021
Enter the End Date [mm/dd/yyyy]:
9/30/2022

**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:
**X** 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:
9/30/2020

**Equal Employment Opportunity Plan**

**Compliance**

The EEOP certification information must be submitted to the Office of Civil Rights, Office of Justice Programs through their on-line EEOP Reporting Tool. For more information and guidance on how to complete and submit the federal EEOP certification information, please visit the US Department of Justice, Office of Justice Programs website at https://ojp.gov/about/ocr/eeop.htm.

**Type I Entity**

Defined as an applicant that meets one or more of the following criteria:

- has less than 50 employees;
- is a non-profit organization;
- is a medical institution;
- is an Indian tribe;
- is an educational institution, or
- is receiving a single award of less than $25,000.

Requirements

- The applicant agency is exempt from the requirement to prepare an EEOP because it is a Type I Entity as defined above, pursuant to 28 CFR 42, subpart E;
- the applicant will comply with applicable federal civil rights laws that prohibit discrimination in employment and in the delivery of services; and
- the applicant must submit EEOP Certification information the Office for Civil Rights (OCR) to claim the exemption from developing an EEOP.

**Type II Entity**
Defined as an applicant that meets the following criteria:

- has 50 or more employees, and
- is receiving a single award of $25,000 or more, but less than $500,000.

Requirements
- The applicant agency is required to formulate an EEOP in accordance with 28 CFR 42.301, subpart E;
- the EEOP is required to be formulated and signed into effect within the past two years by the proper authority;
- the EEOP is available for review by the public and employees or for review or audit by officials of OOG, OOG's designee, or the Office of Civil Rights, Office of Justice Programs, U.S. Department of Justice, as required by relevant laws and regulations;
- the applicant will comply with applicable federal civil rights laws that prohibit discrimination in employment and in the delivery of services;
- the applicant must submit EEOP information to the Office for Civil Rights (OCR) to claim the exemption from submitting an EEOP to OCR; and
- the EEOP is required to be on file with the applicant agency.

Enter the name of the person responsible for the EEOP and the address of the office where the EEOP is filed:
Ruby Beaven 2751 Hwy 35 Bypass Rockport, Texas 78382

**Type III Entity**
Defined as an applicant that is NOT a Type I or Type II Entity.

Requirements

- The EEOP is required to be formulated and signed into effect within the past two years by the proper authority;
- the EEOP has been submitted to the Office of Civil Rights (OCR), Office of Justice Programs, U.S. Department of Justice and has been approved by the OCR, or it will be submitted to the OCR for approval upon award of the grant, as required by relevant laws and regulations; and
- the applicant will comply with applicable federal civil rights laws that prohibit discrimination in employment and in the delivery of services; and
- the applicant must submit EEOP information to the Office for Civil Rights (OCR).

**Certification**
Based on the definitions and requirements above, the applicant agency certifies to the following entity type:
_ Type I Entity
X Type II Entity
_ Type III Entity

**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:
X 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
X 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
X 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/% |
|---|---|---|---|---|---|---|---|---|
| Personnel | Certified Peace Officer - Police Department | 2 sworn police officers salary and benefits up to $72,000 each= $144,000 | $144,000.00 | $0.00 | $0.00 | $0.00 | $144,000.00 | 100 |
| Equipment | Police / Sheriff Department Vehicle (with no law enforcement equipment installed) | Equipment and all accessories (vehicle, uniforms, radio, weapon, etc.) for the 2 sworn officers up to $148,300. 2 outdoor, portable cameras up to $21,100 | $169,360.70 | $0.00 | $0.00 | $0.00 | $169,360.70 | 4 |
| Supplies and Direct Operating Expenses | Presentation and/or Training Supplies | Materials and supplies for the Crime Prevention | $3,500.00 | $0.00 | $0.00 | $0.00 | $3,500.00 | 0 |

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| | | initiative up to $3500 | | | | | | |

## 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 | $169,360.70 | $0.00 | $0.00 | $0.00 | $169,360.70 |
| Personnel | $144,000.00 | $0.00 | $0.00 | $0.00 | $144,000.00 |
| Supplies and Direct Operating Expenses | $3,500.00 | $0.00 | $0.00 | $0.00 | $3,500.00 |

**Budget Grand Total Information:**

| OOG | CASH MATCH | IN-KIND MATCH | GPI | TOTAL |
|---|---|---|---|---|
| $316,860.70 | $0.00 | $0.00 | $0.00 | $316,860.70 |

## 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 23, 2021

**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 a State Homeland Security Program (SHSP), Law Enforcement Terrorism Prevention Activities (LEPTA) Grant administered by the Office of the Governor, Homeland Security grants division for Fiscal Year 2022; 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:** Chief of Police Gregory Stevens

**APPROVED FOR AGENDA:** PKC

**BACKGROUND:** The objective of the SHSP, LEPTA 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. This grant application is specifically for the purchase of 20 Unity XG-100M multiband in-car radios in order to increase RPD's interoperability with agencies throughout the region. A requirement of the grant is a resolution from the City authorizing the operation of the SHSP, LEPTA grant FY 2022.

**FISCAL ANALYSIS:** Each radio, including installation and accessories, are $6,200 each, for a total project cost of $124,000. SHSP, LEPTA is in Fund 18 with revenue is credited to account 40421. No cash or in-kind match is required.

**STAFF RECOMMENDATION:** Staff recommends City Council approve the Resolution authorizing the Rockport Police Department to apply for and operate a FY 2022 SHSP, LEPTA grant administered by the Office of the Governor, Homeland Security grants division, as presented.

**RESOLUTION NO. 2021 - __**

**A RESOLUTION OF THE CITY OF ROCKPORT, TEXAS, AUTHORIZING THE ROCKPORT POLICE DEPARTMENT TO APPLY FOR AND OPERATE A STATE HOMELAND SECURITY PROGRAM(SHSP), LAW ENFORCEMENT TERRORISM PREVENTION ACTIVITIES(LEPTA) GRANT ADMINISTERED BY THE OFFICE OF THE GOVERNOR, HOMELAND SECURITY GRANTS DIVISION FOR FISCAL YEAR 2022; 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 SHSP, LEPTA grant be operated for 2022; 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 SHSP, LEPTA 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 SHSP, LEPTA grant.

**PASSED** and **APPROVED** the 23rd day of February 2021.

**CITY OF ROCKPORT, TEXAS**

_____
Patrick R. Rios, Mayor

**ATTEST:**

_____
Teresa Valdez, City Secretary

Print This Page

**Agency Name:** Rockport, City of
**Grant/App:** 3586302 **Start Date:** 10/1/2019 **End Date:** 9/30/2020

**Project Title:** Interoperable Communications
**Status:** Pending OOG Review

## Eligibility Information

**Your organization's Texas Payee/Taxpayer ID Number:**
17460020005001

**Application Eligibility Certify:**
Created on:2/1/2021 2:29:40 PM 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:** 10/1/2019
**End Date:** 9/30/2020

**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:** Patrick Rios
**Email:** mayor@cityofrockport.com
**Address 1:** 2751SH 35 BYP
**Address 1:**
**City:** Rockport, Texas 78382
**Phone:** 361-729-2213 Other Phone: 361-205-2172
**Fax:** 361-790-5966
**Title:** The Honorable
**Salutation:** Mayor
**Position:** Mayor

**Financial Official**
**Name:** Katie Griffin
**Email:** finance@cityofrockport.com
**Address 1:** 2751 State Hwy 35 Bypass
**Address 1:**
**City:** Rockport, Texas 78382
**Phone:** 361-729-2213 Other Phone: 940-206-3465
**Fax:**
**Title:** Ms.
**Salutation:** Ms.
**Position:** Director of Finance

**Project Director**
**Name:** Jerry Lawing
**Email:** jlawing@cityofrockport.com
**Address 1:** 714 E. Concho St.
**Address 1:** 714 E. Concho St.

**City:** Rockport, Texas 78382
**Phone:** 361-790-1105 Other Phone: 361-463-9418
**Fax:** 361-729-3461
**Title:** Mr.
**Salutation:** Commander
**Position:** Criminal Investiagftions 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):** 17460020005001
**Data Universal Numbering System (DUNS):** 048150783

## Narrative Information

### Introduction

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

The funding announcement, located on the eGrants Calendar page, describes the organization types, activities, and costs that are eligible under the announcement. The PSO's eGrants User Guide to Creating an Application guides applicants through the process of creating and submitting an application in eGrants. Information and guidance related to the management and use of grant funds can be found in the The PSO's Guide to Grants, located on the PSO Resource for Applicants and Grantees webpage.

### 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.

**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.

Beginning January 1, 2021, counties applying for grant awards from the Office of the Governor must commit that the county will report at least 90 percent of convictions and other dispositions within five business days to the Criminal Justice Information System at the Department of Public Safety. Click here for additional information from DPS on this new reporting requirement.

**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. Note: UCR is transitioning from summary reporting to NIBRS only in 2021. Applicants are encouraged to transition to NIBRS as soon as possible in order to maintain their grant eligibility.

**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**
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.

**Certification of Compliance with 8 U.S.C 1373 and 1644**
Applicant assures that it complies with 8 U.S.C. § 1373 & 1644. Applicant may be required to submit written

assurances and/or certifications to this effect prior to award issuance. The Public Safety Office (PSO) will notify applicants if this becomes a requirement and provide the federally required form(s) and/or template(s).

**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 OOG and is active until August 31, 2022 or the end of the grant period, whichever is later.

**Information regarding Communication with the Department of Homeland Security (DHS) and/or Immigration and Customs Enforcement (ICE)**

Please explain and describe any policies or practices your jurisdiction may have related to whether, when, or how employees may communicate with DHS or ICE. Include information on how each policy or practice complies with 8 U.S.C. 1373. Upload a copy of any written policies onto the Upload.Files Tab. Enter "N/A" below if your agency does NOT have any policies or practices regarding communication with DHS or ICE.

N/A

**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:
Ruby Beaven
Enter the Address for the Civil Rights Liaison:
2751 Bypass 35 Rockport, TX 78382
Enter the Phone Number for the Civil Rights Liaison [(999) 999-9999 x9999]:
361-729-2213

**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 & requirements.**

**Project Abstract :**

Purchase 20 Unity XG-100M 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 :**

Our current 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 current 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 20 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 26 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 will allow our agency to maintain and update our radio communications system, including the requested in-car 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 20 multi band in-car radios in order to respond to critical incidents and targeted terrorist attacks. |

**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 | 20 |
| | 0 |

| | |
|---|---|
| General Law Enforcement or Public Safety: Arrests resulting from grant. | |
| 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 | 0 |
| Training, professional development, or technical assistance: Hours provided | 0 |
| Training, professional development, or technical assistance: Hours received | 0 |

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
**X** No

For applicant agencies that selected **Yes** above, describe how you will monitor the activities of the sub-contractor(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
**X** 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
**X** 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]:
10/1/2021
Enter the End Date [mm/dd/yyyy]:
9/30/2021

**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:
**X** 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:
9/30/2020

**Equal Employment Opportunity Plan**

**Compliance**
EEOP certification information must be submitted to the Office of Civil Rights, Office of Justice Programs through their on-line EEOP Reporting Tool within 120 days of the grant award date. For more information and guidance on how to complete and submit the federal EEOP certification information, please visit the US Department of Justice, Office of Justice Programs website at https://ojp.gov/about/ocr/eeop.htm.

**Type I Entity**
Defined as an applicant that meets one or more of the following criteria:

- has less than 50 employees;
- is a non-profit organization;
- is a medical institution;
- is an Indian tribe;
- is an educational institution, or
- is receiving a single award of less than $25,000.

Requirements
- The applicant agency is exempt from the requirement to prepare an EEOP because it is a Type I Entity as defined above, pursuant to 28 CFR 42, subpart E;
- the applicant will comply with applicable federal civil rights laws that prohibit discrimination in employment and in the delivery of services; and
- the applicant must submit EEOP Certification information the Office for Civil Rights (OCR) to claim the exemption from developing an EEOP.

**Type II Entity**
Defined as an applicant that meets the following criteria:

- has 50 or more employees, and
- is receiving a single award of $25,000 or more, but less than $500,000.

Requirements
- The applicant agency is required to formulate an EEOP in accordance with 28 CFR 42.301, subpart E;
- the EEOP is required to be formulated and signed into effect within the past two years by the proper authority;
- the EEOP is available for review by the public and employees or for review or audit by officials of OOG, OOG's designee, or the Office of Civil Rights, Office of Justice Programs, U.S. Department of Justice, as required by relevant laws and regulations;
- the applicant will comply with applicable federal civil rights laws that prohibit discrimination in employment and in the delivery of services;
- the applicant must submit EEOP information to the Office for Civil Rights (OCR) to claim the exemption from submitting an EEOP to OCR; and
- the EEOP is required to be on file with the applicant agency.

Enter the name of the person responsible for the EEOP and the address of the office where the EEOP is filed:

Ruby Beaven, Human Resources 2751 Hwy 35 Bypass Rockport, Tx 78382
**Type III Entity**
Defined as an applicant that is NOT a Type I or Type II Entity.

Requirements

• The EEOP is required to be formulated and signed into effect within the past two years by the proper authority;
• the EEOP has been submitted to the Office of Civil Rights (OCR), Office of Justice Programs, U.S. Department of Justice and has been approved by the OCR, or it will be submitted to the OCR for approval upon award of the grant, as required by relevant laws and regulations; and
• the applicant will comply with applicable federal civil rights laws that prohibit discrimination in employment and in the delivery of services; and
• the applicant must submit EEOP information to the Office for Civil Rights (OCR).

**Certification**
Based on the definitions and requirements above, the applicant agency certifies to the following entity type:
_ Type I Entity
X Type II Entity
_ Type III Entity

**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:
X 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
X 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
X 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 | 20 multi band in-car Unity radios at approximately $6200 each including installation and accessories for an amount up to $124,000 | $124,000.00 | $0.00 | $0.00 | $0.00 | $124,000.00 | 20 |

## 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 | $124,000.00 | $0.00 | $0.00 | $0.00 | $124,000.00 |

**Budget Grand Total Information:**

| OOG | CASH MATCH | IN-KIND MATCH | GPI | TOTAL |
|---|---|---|---|---|
| $124,000.00 | $0.00 | $0.00 | $0.00 | $124,000.00 |

## 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 23, 2021

**AGENDA ITEM:** 8

Deliberate and act on 1st quarter report from the Rockport Cultural Arts District for Fiscal Year 2020-2021 marketing expenditures.

**SUBMITTED BY:** City Secretary Teresa Valdez

**APPROVED FOR AGENDA:** PKC

**BACKGROUND:** The Rockport Cultural Arts District has been allocated $35,000.00 in FY 2020-2021 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 $8,750.00 out of $35,000.00 budgeted.

**STAFF RECOMMENDATION:** Staff recommends approval of the Rockport Cultural Arts District FY 2020-2021 Hotel Occupancy Tax funds 1st quarter expenditures and authorization to disburse the 2nd quarter funds in the amount of $8,750.00, as presented.

EXHIBIT "B"

| HOT FUNDING EXPENSE REPORT FY 2020-2021 | | | | | | |
|---|---|---|---|---|---|---|
| Description of Expense | Approved Budget | 1st Quarter Expenses | 2nd Quarter Expenses | 3rd Quarter Expenses | 4th Quarter Expenses | TOTAL |
| Events - Arts Promotion | 9,000 | - | | | | - |
| Historical Restoration & Preservation Activities | 11,000 | - | | | | - |
| Administrative | 15,000 | 8,750 | | | | 8,750 |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| TOTAL REQUESTED | 35,000 | 8,750 | | | | 8,750 |

| 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 | 81,000 | 76,915 | 95% |
| | | | |
| | | | |
| | | | |
| TOTALS | 81,000 | 76,915 | 95% |

ROCKPORT CULTURAL
ARTS DISTRICT

# City of Rockport
# HOT Report
# October - December 2020

# Mission and Objective Statement:

*The Mission and Objectives of the Rockport Cultural Arts Districts are to celebrate the unique character of our coastal community today while empowering artists, entrepreneurs and visionaries to ensure progress and vitality for tomorrow. The District's goals are focused on continued economic development through marketing the many facets of tourism within the District.*

# RCAD Initiatives

- Sales Tax Exemption on Original One-of-a-Kind Works of Art Sold in the District
- Social Media Campaign – District Businesses,  Culinary Arts and Local Culture
- Identify Revenue Dollars for Economic Development Measurement Baseline

# RCAD Initiatives continued

- Pathways Southern Trail – RCAD Logo/Stamp in District Sidewalk
- Support CAD Non-Profits with funding opportunities
- Design in District – District Wide Brand, Design, Pedestrian, Safety Enhancements

# RCAD Marketing / Promotion

- RCAD Website / Facebook – Features / Updates
  - District Events / Exhibits
  - Farmers Markets / Makers Markets
  - Local Business / Artists Promotions
  - Culinary Features
  - History of Rockport Art Colony

DOWN TOWN
ROCKPORT
Farmers Market

DOWNTOWN
LOCALLY MADE
Makers Market
ROCKPORT, TX

## Makers Market
## Locally made items

- Art
- Pottery
- Photography
- Handcrafted Items
- and more!

Location: Daily Grind Courtyard
302 S. Austin St., Rockport TX

Every 2nd Saturday
of the Month

K B

BAKER LAW

# BUSINESS SPOTLIGHT FOR NEW DISTRICT BUSINESSES

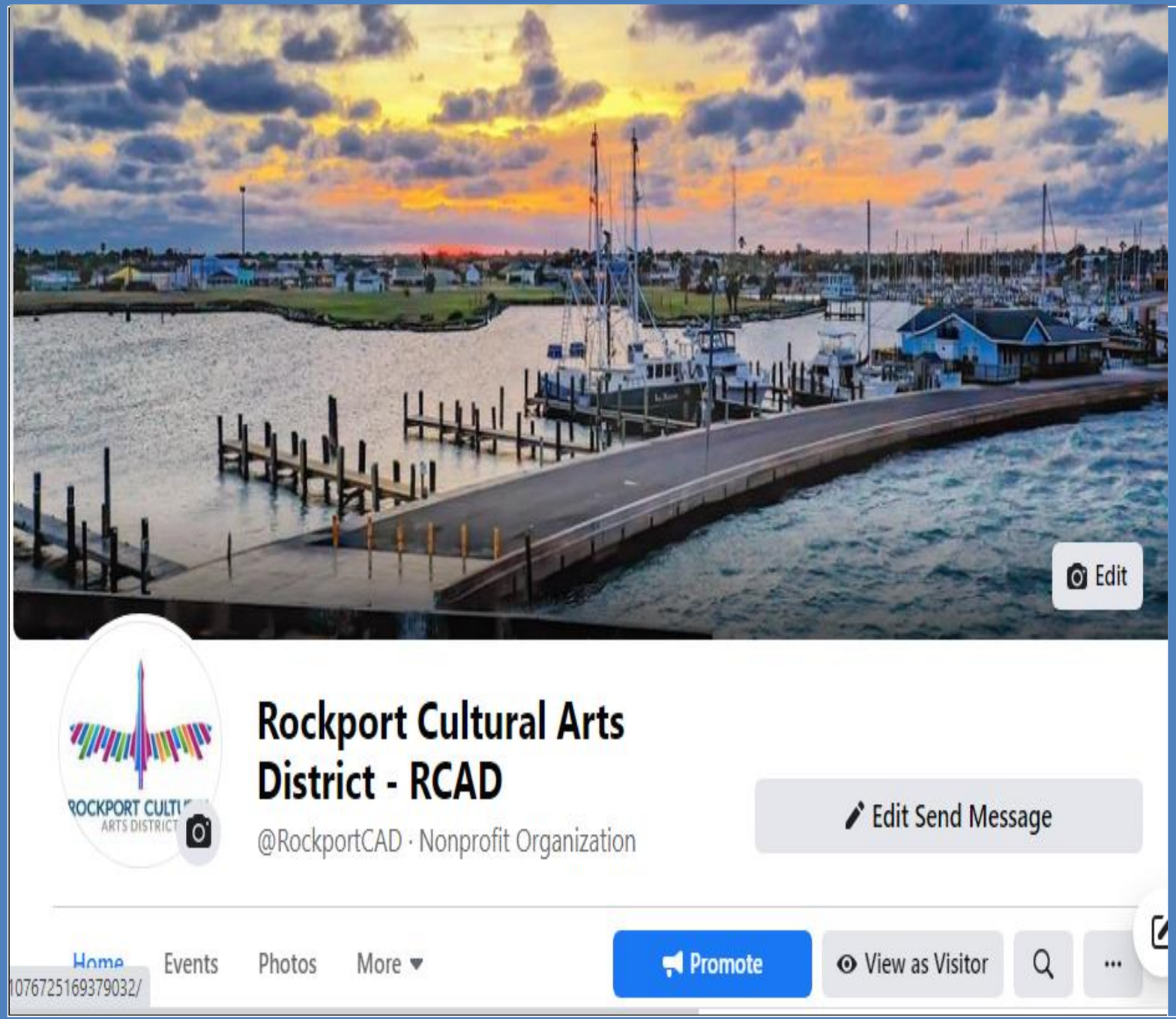
# LIAISON FOR 2021 CHAMBER MAGAZINE

Elis Baker

Kevin Baker Law

The Dish House

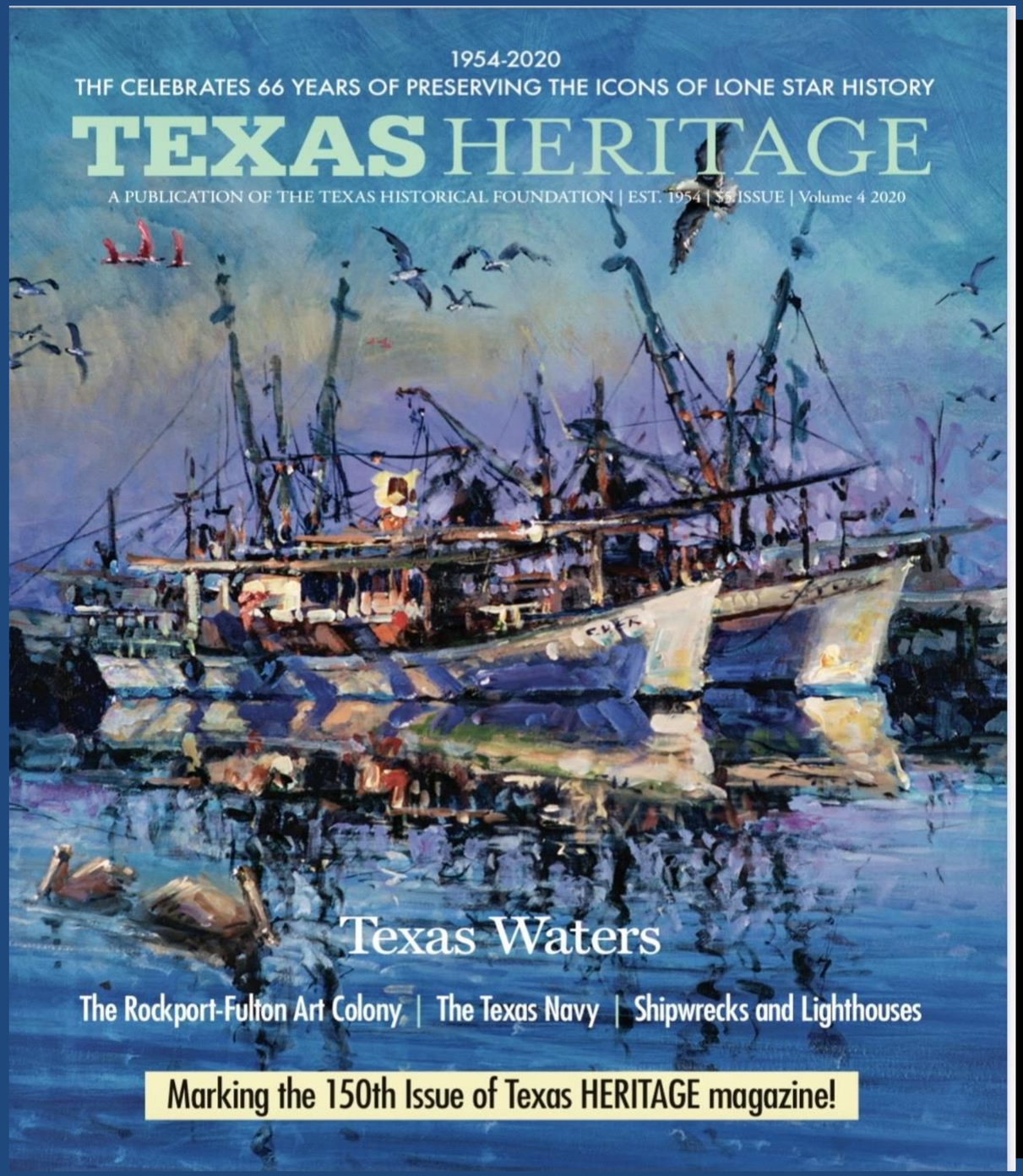
# RCAD CONTINUING ITS STRONG SOCIAL MEDIA CAMPAIGN




# FACEBOOK PAGE

## 2,145 Likes

## 2,340 Followers




# The Rockport – Fulton Art Colony Featured in Texas Heritage Magazine

**Written by RCAD Board Member Kay Betz , and Vickie Merchant**

**Cover art by local artist Steve Russell**

# HALLOWEEN IN THE DISTRICT

Saturday, October 31st!

Spooktacular Event!!

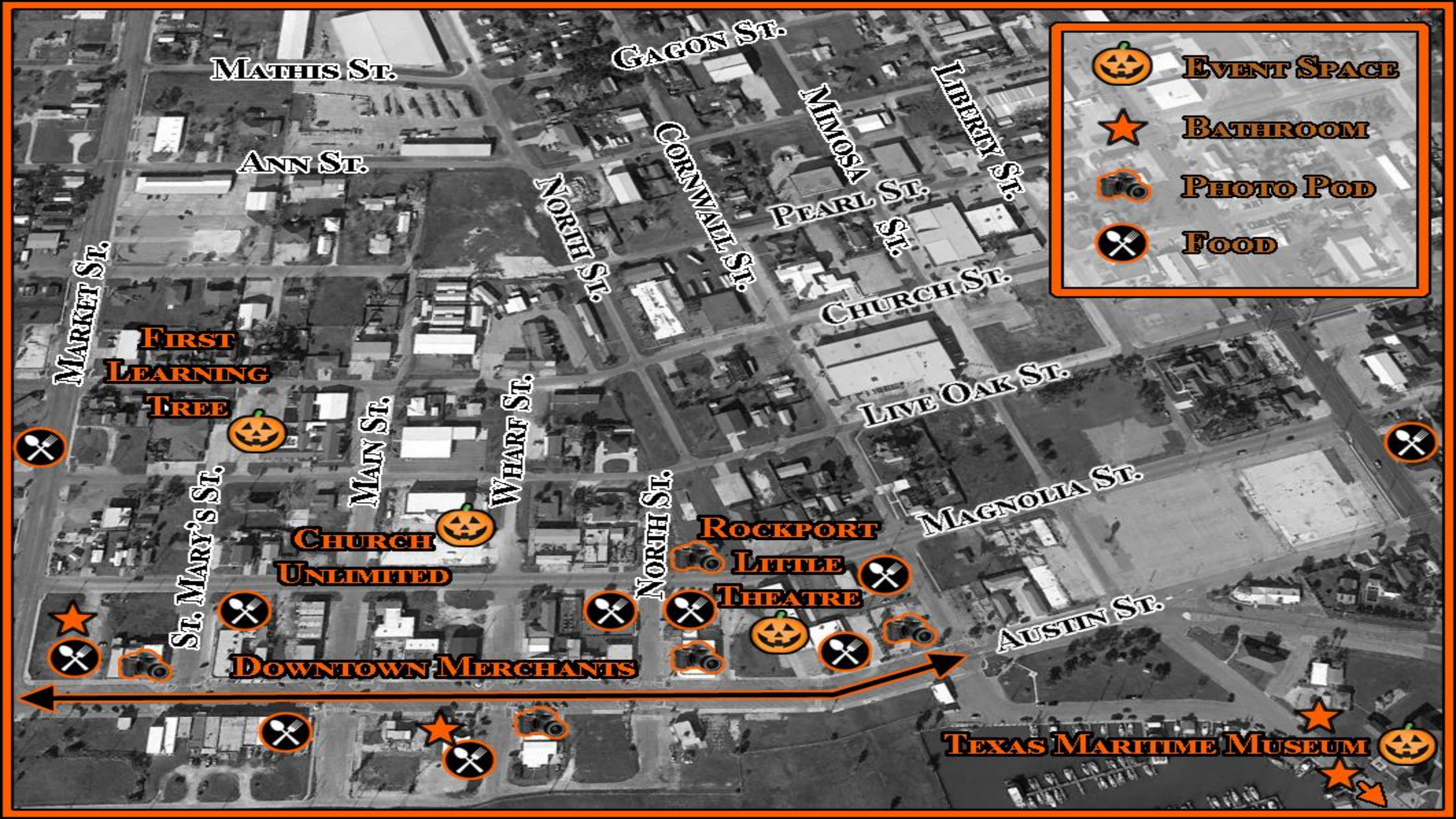
| 10am – 4pm | Noon – 5pm | Noon – 3pm | 3pm – 5pm | 6pm – 9pm |
|---|---|---|---|---|
| Harbor Haunt<br>Pirate Ship<br>Ghost Stories<br>Texas Maritime Museum | Trick or Treat in the District<br>Stop by<br>Merchant Shops | Fall Festival<br>Pumpkin Painting<br>Stories, Crafts<br>First Learning Tree | Trunk or Treat<br>Church Unlimited | Haunted House<br>Rockport Little Theatre |

**Little Bay Sea Queens**

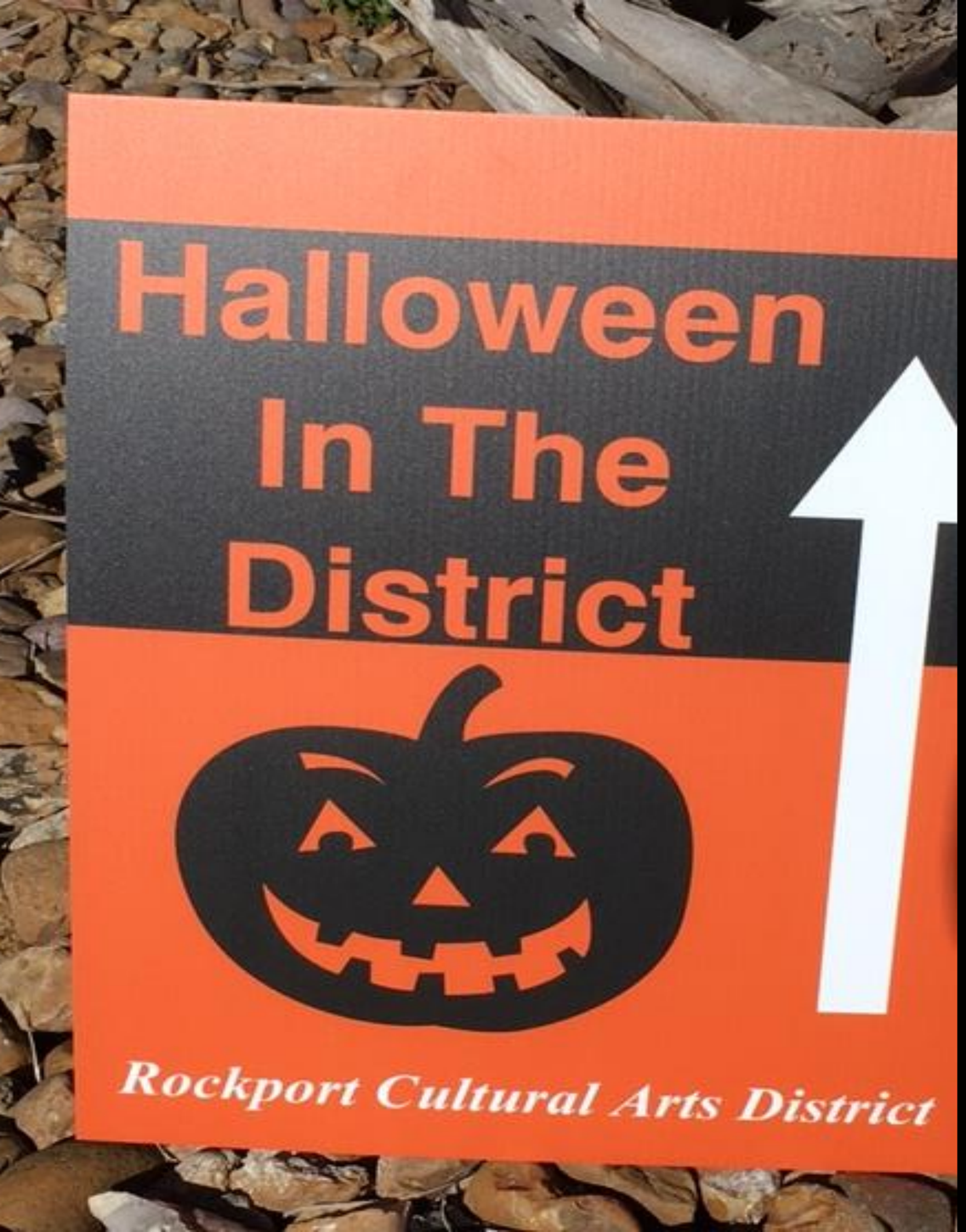
**Food Vendors** **Photo Pods** **Shopping**

**Candy** **Fun** **Costumes**

**~~~~Sponsored by the Rockport Cultural Arts District~~~~**


Event Space
Bathroom
Photo Pod
Food
Mathis St.
Gagon St.
Ann St.
North St.
Cornwall St.
Mimosa St.
Liberty St.
Pearl St.
Church St.
Market St.
First Learning Tree
Main St.
Wharf St.
Live Oak St.
St. Mary's St.
Church Unlimited
North St.
Rockport Little Theatre
Magnolia St.
Austin St.
Downtown Merchants
Texas Maritime Museum

# HALLOWEEN IN THE DISTRICT




- Zip Code Collection -
  29% - Outside 75 Miles
- Texas Maritime Museum –
  just under 300 visitors
- Rockport Little Theatre –
  410 visitors
- ACISD Project Graduation
  Raised $2,500

# Little Bay Sea Queens

Collected Zip Codes
and
Distributed Candy

# Christmas on the Beach

## Nov 29 – Jan 3

**Over 10,000 people visited the outdoor display in 3000 vehicles over 36 days**

# Championed Downtown Building Lights Oct 20–Jan 1

# Annual Christmas In the District Dec 12th

- **Santa and Mrs. Claus**
- **Positive Economic Impact**

Business Revenue Increased from 1st weekend in December to CID weekend

| | |
|---|---|
| Christmas in the District Sales | 12/12 |
| Restaurant | ↑ **50%** |
| Retail | ↑ **26%** |

# Heritage Tourism Impact Study Benefits

***In the past few decades, heritage has become an important aspect of tourism development strategies to attract visitors who see a unique and rewarding experience.***

***Heritage tourism, is a major contributor to the economy, generating jobs and tax revenues.***

# The Historic Rockport Railroad

- Acquisition
- Exterior Restoration
- Interior Restoration

# The Historic Rockport Railroad

- Bicycle Rentals
- Sponsorship
- Future Exhibit and Educational Programs
- Office Space Initiatives

ROCKPORT
RAILROAD DEPOT

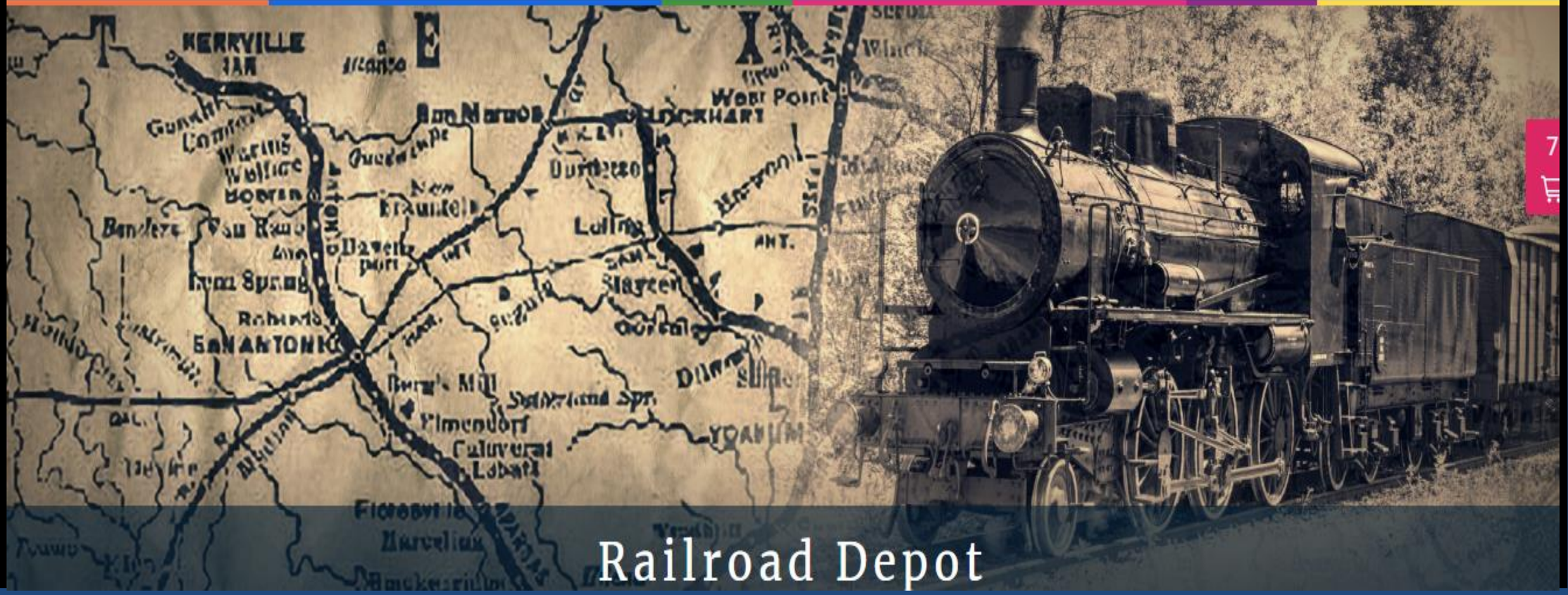
# The Historic Rockport Railroad

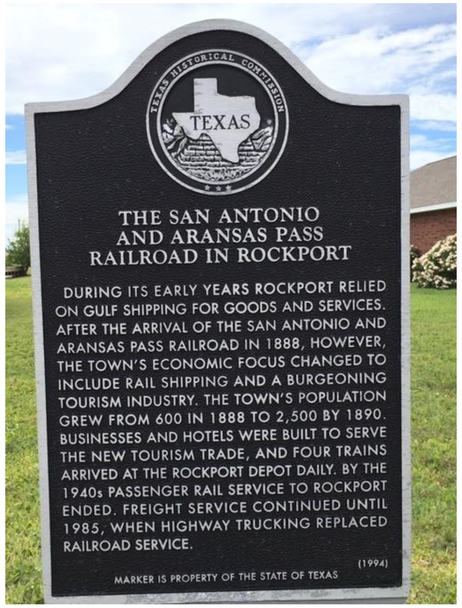
- Branding
- Marketing / Advertising
- Website Page
- Securing Industry Expertise and Advocates

# The Historic Rockport Railroad

## Merchandising

Online Sales
Premiered Thanksgiving
Weekend


KERRVILLE
SAN ANTONIO
New Braunfels
Luling
West Point
Boerne
Comfort
Kerrville
Ingram
Hunt
Kerrville
Bandera
Pipe Creek
Waring
Welfare
Center Point
Ingram
Hunt
Kerrville
Bandera
Pipe Creek
Waring
Welfare
Boerne
Comfort
Kerrville




# RCAD WILL FEATURE THE HISTORIC ROCKPORT SAN ANTONIO ARANSAS PASS RAILROAD DEPOT

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# AT COUNTY SESQUICENTENNIAL JUNE 2021

# Public Art

Commissioned local renown artist Steve Russell for:

**Major Bronze Art Sculpture – “Cultural Interface”**
*Depicts the interaction between European colonists and Native American Karankawa Indians.*

In partnership with Aransas County Navigation District, sculptures to be located near Little Bay.

This project will be a landmark in the U.S. attracting international visibility.

# “Cultural Interface” Fundraising

Over 200 Donation Requests Mailed

Online Art Auction Held
Over 40 artists and families of legendary artists donated from private collections

Engineering Firms and Individual Engineers providing in-kind support

# **“Cultural Interface”** 4th Quarter **Fundraising**

Over $40,000 cash donations

Over $45,000 in donated art

Over $45,000 of In-Kind Services

# Public Art

Commissioned local renown artist Steve Russell for:

**Major Mural Project – “Rockport Art Colony”**
*Depicts the history of the Rockport Art Colony started in the 1940s with Michael Simon and Estelle Stair*

Located on North Street between Austin and Magnolia Streets

# Art Colony Mural – Will Be Complete March 30th

ROCKPORT CULTURAL
ARTS DISTRICT

# Thank You!

# CITY COUNCIL AGENDA
## Regular Meeting: Tuesday, February 23, 2021

**AGENDA ITEM:** 9

Deliberate and act on an Ordinance of the City Council of the City of Rockport, Texas, extending a COVID-19 pandemic Declaration of Local Disaster for the period of February 23 – March 23, 2021; establishing rules and regulations for the duration of the disaster; restricting certain activities; and establishing penalties for violations.

**SUBMITTED BY:** City Manager Kevin Carruth

**APPROVED FOR AGENDA:** PKC

**BACKGROUND:** Mayor Rios declared the original COVID-19 pandemic state of disaster for the City of Rockport beginning March 16, 2020. *Texas Government Code* Section 418.108(b) states that the state of disaster shall continue for a period of not more than seven days from the date of this declaration unless continued or renewed with the consent of the governing body of the political subdivision. The original Disaster Declaration expired on March 22, 2020, and the table below details the various extensions of the declaration.

**Disaster Declaration Extensions**
**Original Declaration March 16, 2020 to March 22, 2020**

| Date of Extension | Period Covered by Extension | Extension No. | Ordinance No. |
|---|---|---|---|
| March 20, 2020 | March 23, 2020 - April 14, 2020 | #1 | No. 1782 |
| April 14, 2020 | April 14, 2020 – May 4, 2020 | #2 | No. 1788 |
| April 28, 2020 | May 4, 2020 – May 12, 2020 | #3 | No. 1790 |
| May 12, 2020 | May 12, 2020 – May 26, 2020 | #4 | No. 1792 |
| May 25, 2020 | May 26, 2020 – June 9, 2020 | #5 | No. 1794 |
| June 9, 2020 | June 9, 2020 – June 23, 2020 | #6 | No. 1795 |
| June 23, 2020 | June 23, 2020 – July 14, 2020 | #7 | No. 1797 |
| July 14, 2020 | July 14, 2020 – July 28, 2020 | #8 | No. 1798 |
| July 28, 2020 | July 28, 2020 – August 11, 2020 | #9 | No. 1800 |
| August 11, 2020 | August 11, 2020 – September 22, 2020 | #10 | No. 1802 |
| September 22, 2020 | September 22, 2020 – October 27, 2020 | #11 | No. 1808 |
| October 27, 2020 | October 27, 2020 – November 24, 2020 | #12 | No. 1812 |
| November 24, 2020 | November 24, 2020 – January 26, 2021 | #13 | No. 1814 |
| January 26, 2021 | January 26, 2021 – February 23, 2021 | #14 | No. 1822 |

The proposed Ordinance continues and renews the Disaster Declaration for the period of February 23 – March 23, 2021, and matches other orders that will also be extended.

**FISCAL ANALYSIS:** N/A

**RECOMMENDATION:** Staff recommends Council adopt the Ordinance extending a COVID-19 pandemic Declaration of Local Disaster for the period of February 23 – March 23, 2021; establishing rules and regulations for the duration of the disaster; restricting certain activities; and establishing penalties for violations, as presented.

**ORDINANCE NO.**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKPORT, TEXAS, EXTENDING A COVID-19 PANDEMIC DECLARATION OF LOCAL DISASTER FOR THE PERIOD OF FEBRUARY 23 – MARCH 23, 2021; ESTABLISHING RULES AND REGULATIONS FOR THE DURATION OF THE DISASTER; RESTRICTING CERTAIN ACTIVITIES; AND ESTABLISHING PENALTIES FOR VIOLATIONS.**

**WHEREAS**, in December 2019 a novel coronavirus, now designated COVID-19, was detected in Wuhan City, Hubei Province, China. Symptoms of COVID-19 include fever, cough, and shortness of breath. Outcomes have ranged from mild to severe illness, and in some cases death; and

**WHEREAS**, on January 30, 2020, the World Health Organization Director General declared the outbreak of COVID-19 as a Public Health Emergency of International Concern (PHEIC), advising countries to prepare for the containment, detection, isolation and case management, contact tracing and prevention of onward spread of the disease; and

**WHEREAS,** on March 5, 2020, the World Health Organization Director General urged aggressive preparedness and activation of emergency plans to aggressively change the trajectory of this epidemic; and

**WHEREAS,** on March 11, 2020, the World Health Organization declared that the COVID-19 outbreak should be characterized as pandemic; and

**WHEREAS,** the Center for Disease Control and Prevention is closely monitoring the growing number of COVID-19 cases that have spread into the United States; and

**WHEREAS,** over 1,629 cases of COVID-19 have been reported in the United States, including 41 deaths; and

**WHEREAS,** a large gathering of unidentifiable individuals without necessary mitigation for the spread of infection may pose a risk of the spread of infectious disease; and

**WHEREAS**, President Trump declared a national emergency on March 13, 2020; and

**WHEREAS**, Governor Greg Abbott declared a public health disaster on March 13, 2020; and

**WHEREAS**, the Center for Disease Control recommends that citizens stop handshaking, clean hands at the door, schedule regular hand washing, avoid touching faces and cover coughs and sneezes, disinfect surfaces like doorknobs, tables, desks, and handrails regularly, and increase ventilation by opening windows or adjusting air conditioning; and

**WHEREAS**, the Center for Disease Control recommends the use of videoconferencing for meetings when possible, and adjusting or postponing large meetings or gatherings; and

**WHEREAS**, the Center for Disease Control recommends citizens stay home if they are feeling sick or when they have a sick family member in their home; and

**WHEREAS**, households with vulnerable seniors and those with underlying health conditions should conduct themselves as if they were a significant risk to the person with underlying conditions; and

**WHEREAS**, the identification of "community spread" cases of COVID-19 in the United States could has signaled that transmission of the virus is no longer limited to those who traveled to China, or had contact with travelers who have visited china; and

**WHEREAS,** the COVID-19 virus spreads between people who are in close contact with one another through respiratory droplets produced when an infected person coughs or sneezes; and

**WHEREAS,** the continued worldwide spread of COVID-19 presents an imminent threat of widespread illness, which requires emergency action; and

**WHEREAS,** a declaration of local disaster includes the ability to take measures to reduce the possibility of exposure to disease, control the risk, and promote the health and safety of Rockport residents; and

**WHEREAS,** the City of Rockport will work collaboratively with Aransas County to ensure that all appropriate and necessary measures are taken to limit the development, contraction and spread of COVID-19; and

**WHEREAS**, pursuant to the Texas Disaster Act of 1975, the Mayor is designated as the emergency management director of the City of Rockport, and may exercise the powers granted to the governor on an appropriate local scale; and

**WHEREAS**, a declaration of local disaster and public health emergency includes the ability to reduce the possibility of exposure to disease, control the risk, promote health, compel persons to undergo additional health measures that prevent or control the spread of disease, including isolation, surveillance, quarantine, or placement of persons under public health observation, including the provision of temporary housing or emergency shelters for persons misplaced or evacuated and request assistance from the governor of state resources; and

**WHEREAS**, the Mayor has made a Declaration of Public Health Emergency, and further declared all rules and regulations that may inhibit or prevent prompt response to this threat suspended for the duration of the incident; and

**WHEREAS**, the Mayor, under the Texas Disaster Act of 1975, has authorized the use of all available resources of state government and political subdivisions to assist in the City's response to this situation; and

**WHEREAS**, the Mayor has determined that extraordinary and immediate measures must be taken to respond quickly, prevent and alleviate the suffering of people exposed to and those infected with the virus, as well as those that could potentially be infected or impacted by COVID-19.

**WHEREAS,** Pursuant to §418.108(b) of the Government Code, Mayor Patrick R. Rios, on March 24, 2020, renewed and extended the local state of disaster and public health emergency for the period of March 24 – April 14, 2020, declared for the City of Rockport, Texas, pursuant to §418.108(a) of the Texas Government Code.

**WHEREAS,** Pursuant to §418.108(b) of the Government Code, Mayor Patrick R. Rios, on April 14, 2020, renewed and extended the local state of disaster and public health emergency for the period of April 14 – May 4, 2020, declared for the City of Rockport, Texas, pursuant to §418.108(a) of the Texas Government Code.

**WHEREAS,** Pursuant to §418.108(b) of the Government Code, Mayor Patrick R. Rios, on April 28, 2020, renewed and extended the local state of disaster and public health emergency for the period of May 4 – May 12, 2020, declared for the City of Rockport, Texas, pursuant to §418.108(a) of the Texas Government Code.

**WHEREAS,** Pursuant to §418.108(b) of the Government Code, Mayor Patrick R. Rios, on May 12, 2020, renewed and extended the local state of disaster and public health emergency for the period of May 12 – May 26, 2020, declared for the City of Rockport, Texas, pursuant to §418.108(a) of the Texas Government Code.

**WHEREAS,** Pursuant to §418.108(b) of the Government Code, Mayor Patrick R. Rios, on May 26, 2020, renewed and extended the local state of disaster and public health emergency for the period of May 26 – June 9, 2020, declared for the City of Rockport, Texas, pursuant to §418.108(a) of the Texas Government Code.

**WHEREAS,** Pursuant to §418.108(b) of the Government Code, Mayor Patrick R. Rios, on June 9, 2020, renewed and extended the local state of disaster and public health emergency for the period of June 9 – June 23, 2020, declared for the City of Rockport, Texas, pursuant to §418.108(a) of the Texas Government Code.

**WHEREAS,** Pursuant to §418.108(b) of the Government Code, Mayor Patrick R. Rios, on June 23, 2020, renewed and extended the local state of disaster and public health emergency for the period of June 23 – July 14, 2020, declared for the City of Rockport, Texas, pursuant to §418.108(a) of the Texas Government Code.

**WHEREAS,** Pursuant to §418.108(b) of the Government Code, Mayor Patrick R. Rios, on July 14, 2020, renewed and extended the local state of disaster and public health emergency for the period of July 14 – July 28, 2020, declared for the City of Rockport, Texas, pursuant to §418.108(a) of the Texas Government Code.

**WHEREAS,** Pursuant to §418.108(b) of the Government Code, Mayor Patrick R. Rios, on July 28, 2020, renewed and extended the local state of disaster and public health emergency for the period of July 28 – August 11, 2020, declared for the City of Rockport, Texas, pursuant to §418.108(a) of the Texas Government Code.

**WHEREAS,** Pursuant to §418.108(b) of the Government Code, Mayor Patrick R. Rios, on August 11, 2020, renewed and extended the local state of disaster and public health emergency for the period of August 11 – September 22, 2020, declared for the City of Rockport, Texas, pursuant to §418.108(a) of the Texas Government Code.

**WHEREAS,** Pursuant to §418.108(b) of the Government Code, Mayor Patrick R. Rios, on September 22, 2020, renewed and extended the local state of disaster and public health emergency for the period of September 22 – October 27, 2020, declared for the City of Rockport, Texas,

pursuant to §418.108(a) of the Texas Government Code.

**WHEREAS,** Pursuant to §418.108(b) of the Government Code, Mayor Patrick R. Rios, on October 27, 2020, renewed and extended the local state of disaster and public health emergency for the period of October 27, 2020 – November 24, 2020, declared for the City of Rockport, Texas, pursuant to §418.108(a) of the Texas Government Code.

**WHEREAS,** Pursuant to §418.108(b) of the Government Code, Mayor Patrick R. Rios, on November 24, 2020, renewed and extended the local state of disaster and public health emergency for the period of November 24, 2020 – January 26, 2021, declared for the City of Rockport, Texas, pursuant to §418.108(a) of the Texas Government Code.

**WHEREAS,** Pursuant to §418.108(b) of the Government Code, Mayor Patrick R. Rios, on January 26, 2021, renewed and extended the local state of disaster and public health emergency for the period of January 26 – February 23, 2021, declared for the City of Rockport, Texas, pursuant to §418.108(a) of the Texas Government Code.

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

**Section 1.** 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 City Council.

**Section 2.** The local state of disaster and public health emergency declared by Mayor Patrick R. Rios for the City of Rockport, Texas, pursuant to §418.108(a) of the Texas Government Code is hereby renewed and extended for a period February 23 – March 23, 2021, pursuant to §418.108(b) of the Government Code.

**Section 3.** Pursuant to §418.108(c) of the Government Code, this declaration of a local state of disaster and public health emergency shall be given prompt and general publicity and shall be filed promptly with the City Secretary.

**Section 4.** Pursuant to §418.108(d) of the Government Code, this declaration of a local state of disaster and public health emergency activates the City of Rockport emergency management plan.

**Section 5.** Pursuant to §418.020(c) of the Government Code, this declaration authorizes the City to commandeer or use any private property, temporarily acquire, by lease or other means, sites required for temporary housing units or emergency shelters for evacuees, subject to compensation requirements.

**Section 6.** Pursuant to §122.006 of the Health and Safety Code, this declaration authorizes the City to take any actions necessary to promote health and suppress disease, including quarantine, examining and regulating hospitals, regulating ingress and egress from the City, and fining those who do not comply with the City's rules.

**Section 7.** All ordinances 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 herein.

**Section 8.** This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

**Section 9.** 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 Council hereby declares that this Ordinance would have been enacted without such invalid provision.

**Section 10.** 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, Texas Government Code, as amended.

**Section 11.** This Ordinance shall be in force and effect from and after its final passage, and any publication required by law.

**PASSED, ADOPTED, APPROVED,** and **EFFECTIVE** the 23rd day of February 2021.

**CITY OF ROCKPORT, TEXAS**

_____
Patrick R. Rios, Mayor

ATTEST:

_____
Teresa Valdez, City Secretary

# CITY COUNCIL AGENDA
## Regular Meeting: February 23, 2021

**AGENDA ITEM:** 10

Deliberate and act on an Ordinance of the City Council of the City of Rockport, Texas, extending a Declaration of Local Disaster (Hurricane Hanna) for the period of February 23 – March 23, 2021; establishing rules and regulations for the duration of the disaster; and establishing an effective date.

**SUBMITTED BY**: City Manager Kevin Carruth

**APPROVED FOR AGENDA:** PKC

**BACKGROUND:** Texas Governor Greg Abbott issued a Disaster Declaration for 32 counties due to severe weather from Hurricane Hanna which began on July 25, 2020. Mayor Rios declared the original state of disaster for the City of Rockport beginning July 25, 2020. *Texas Government Code* Section 418.108(b) states that the state of disaster shall continue for a period of not more than seven dates from the date of this declaration unless continued or renewed by the City of Rockport.

The original Disaster Declaration expired on July 31, 2020, and the table below details the extensions of the declaration.

**Disaster Declaration Extensions**
**Original Declaration July 25, 2020 to July 31, 2020**

| Date of Extension | Period Covered by Extension | Extension No. | Ordinance No. |
|---|---|---|---|
| August 3, 2020 | August 1 - August 25, 2020 | #1 | No. 1801 |
| August 25, 2020 | August 25, 2020 – September 22, 2020 | #2 | No. 1803 |
| September 22, 2020 | September 22, 2020 – October 27, 2020 | #3 | No. 1809 |
| October 27, 2020 | October 27, 2020 – November 24, 2020 | #4 | No. 1812 |
| November 24, 2020 | November 24, 2020 – January 26, 2021 | #5 | No. 1815 |
| January 26, 2021 | January 25, 2021 – February 23, 2021 | #6 | No. 1823 |

The proposed Ordinance continues and renews the Disaster Declaration for the period of February 23 – March 23, 2021.

**FISCAL ANALYSIS:** N/A

**RECOMMENDATION:** Council adopt Ordinance, as presented.

**ORDINANCE NO.**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKPORT, TEXAS, EXTENDING A DECLARATION OF LOCAL DISASTER (HURRICANE HANNA) FOR THE PERIOD OF FEBRUARY 23 – MARCH 23, 2021; ESTABLISHING RULES AND REGULATIONS FOR THE DURATION OF THE DISASTER; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS,** Texas Governor Greg Abbott issued a Disaster Declaration for 32 Counties due to severe weather from Hurricane Hanna which began Saturday, July 25, 2020 and posed a threat of imminent disaster, including property damage and loss of life, due to widespread flooding, storm surge, and hurricane force winds, in Aransas, Bee, Bexar, Brazoria, Brooks, Calhoun, Cameron, Dimmit, Duvall, Fort Bend, Galveston, Goliad, Harris, Hidalgo, Jackson, Jim Hogg, Jim Wells, Kennedy, Kleberg, La Salle, Live Oak, Matagorda, McMullen, Nueces, Refugio, San Patricio, Starr, Victoria, Webb, Wharton, Willacy, and Zapata counties; and

**WHEREAS,** declaring a state of disaster facilitated and expedited the use and deployment of resources to enhance preparedness and response; and

**WHEREAS**, pursuant to the Texas Disaster Act of 1975, the Mayor is designated as the emergency management director of the City of Rockport, and may exercise the powers granted to the governor on an appropriate local scale; and

**WHEREAS**, the Mayor, under the Texas Disaster Act of 1975, has authorized the use of all available resources of state government and political subdivisions to assist in the City's response to this situation; and

**WHEREAS**, the Mayor has determined that extraordinary and immediate measures must be taken to respond quickly, prevent and alleviate the suffering of people and to protect or rehabilitate property; and

**WHEREAS,** Pursuant to §418.108(a) of the Government Code, Mayor Patrick R. Rios, on July 25, 2020, declared a local state of disaster and public health emergency for the City of Rockport, Texas.

**WHEREAS,** Pursuant to §418.108(b) of the Government Code, Mayor Patrick R. Rios, on August 3, 2020, renewed and extended the local state of disaster and public health emergency for the period of August 1 – August 25, 2020, declared for the City of Rockport, Texas, pursuant to §418.108(a) of the Texas Government Code.

**WHEREAS,** Pursuant to §418.108(b) of the Government Code, Mayor Patrick R. Rios, on August 25, 2020, renewed and extended the local state of disaster and public health emergency for the period of August 25 – September 22, 2020, declared for the City of Rockport, Texas, pursuant to §418.108(a) of the Texas Government Code.

**WHEREAS,** Pursuant to §418.108(b) of the Government Code, Mayor Patrick R. Rios, on September 22, 2020, renewed and extended the local state of disaster and public health emergency for the period of September 22 – October 27, 2020, declared for the City of Rockport, Texas, pursuant to §418.108(a) of the Texas Government Code.

**WHEREAS,** Pursuant to §418.108(b) of the Government Code, Mayor Patrick R. Rios, on October 27, 2020, renewed and extended the local state of disaster and public health emergency for the period of October 27 – November 24, 2020, declared for the City of Rockport, Texas, pursuant to §418.108(a) of the Texas Government Code.

**WHEREAS,** Pursuant to §418.108(b) of the Government Code, Mayor Patrick R. Rios, on November 24, 2020, renewed and extended the local state of disaster and public health emergency for the period of November 24, 2020 – January 26, 2021, declared for the City of Rockport, Texas, pursuant to §418.108(a) of the Texas Government Code.

**WHEREAS,** Pursuant to §418.108(b) of the Government Code, Mayor Patrick R. Rios, on January 26, 2021, renewed and extended the local state of disaster and public health emergency for the period of January 26, 2021 – February 23, 2021, declared for the City of Rockport, Texas, pursuant to §418.108(a) of the Texas Government Code.

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

**Section 1.** 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 City Council.

**Section 2.** The local state of disaster and public health emergency declared by Mayor Patrick R. Rios for the City of Rockport, Texas, pursuant to §418.108(a) of the Government Code is hereby renewed and extended for a period of February 23 – March 23, 2021, pursuant to §418.108(b) of the Government Code.

**Section 3.** Pursuant to §418.108(c) of the Government Code, this declaration of a local state of disaster and public health emergency shall be given prompt and general publicity and shall be filed promptly with the City Secretary.

**Section 4.** Pursuant to §418.108(d) of the Government Code, this declaration of a local state of disaster and public health emergency activates the City of Rockport emergency management plan.

**Section 5.** All ordinances 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 herein.

**Section 6.** This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

**Section 7.** 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 Council hereby declares that this Ordinance would have been enacted without such invalid provision.

**Section 8.** 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, Texas

Government Code, as amended.

**Section 9.** This Ordinance shall be in force and effect from and after its passage, and any publication required by law.

**PASSED, ADOPTED, APPROVED,** the 23rd day of February 2021.

**CITY OF ROCKPORT, TEXAS**

_____
Patrick R. Rios, Mayor

ATTEST:

_____
Teresa Valdez, City Secretary

# CITY COUNCIL AGENDA
## Regular Meeting: Tuesday, February 23, 2021

**AGENDA ITEM:** 11

Deliberate and act on an Ordinance of the City Council of the City of Rockport, Texas, extending a Declaration of Local Disaster (Winter Storm Uri) for the period of February 19 – March 9, 2021; establishing rules and regulations for the duration of the disaster; and establishing an effective date.

**SUBMITTED BY:** City Manager Kevin Carruth

**APPROVED FOR AGENDA:** PKC

**BACKGROUND:** Mayor Rios declared the original state of disaster for the City of Rockport on February 12, 2021. *Texas Government Code* Section 418.108(b) states that the state of disaster shall continue for a period of not more than seven days from the date of this declaration unless continued or renewed with the consent of the governing body of the political subdivision. The original Disaster Declaration expires on February 18, 2021.

City staff has prepared an Ordinance to continue and renew the state of disaster extending the Declaration of Local Disaster for the period of February 19 -March 9, 2021. The Ordinance is attached hereto.

**FISCAL ANALYSIS:** N/A

**RECOMMENDATION:** Council approve and adopt An Ordinance of the City Council of the City of Rockport, Texas, extending a Declaration of Local Disaster for the period of February 19 -March 9, 2021; establishing rules and regulations for the duration of the disaster; restricting certain activities; and establishing penalties for violations, as presented.

**ORDINANCE NO.**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKPORT, TEXAS, EXTENDING A DECLARATION OF LOCAL DISASTER (WINTER STORM URI) FOR THE PERIOD OF FEBRUARY 19 – MARCH 9, 2021; ESTABLISHING RULES AND REGULATIONS FOR THE DURATION OF THE DISASTER; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS,** Texas Governor Greg Abbott issued a Disaster Declaration for all 254 Counties due to severe weather from Winter Storm Uri and poses an imminent threat of widespread and severe property damage, injury, and loss of life due to prolonged freezing temperatures, heavy snow, and freezing rain statewide; and

**WHEREAS,** declaring a state of disaster facilitated and expedited the use and deployment of resources to enhance preparedness and response; and

**WHEREAS**, pursuant to the Texas Disaster Act of 1975, the Mayor is designated as the emergency management director of the City of Rockport, and may exercise the powers granted to the governor on an appropriate local scale; and

**WHEREAS**, the Mayor, under the Texas Disaster Act of 1975, has authorized the use of all available resources of state government and political subdivisions to assist in the City's response to this situation; and

**WHEREAS**, the Mayor has determined that extraordinary and immediate measures must be taken to respond quickly, prevent and alleviate the suffering of people and to protect or rehabilitate property; and

**WHEREAS,** Pursuant to §418.108(a) of the Government Code, Mayor Patrick R. Rios, on February 12, 2021, declared a local state of disaster and public health emergency for the City of Rockport, Texas.

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

**Section 1.** 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 City Council.

**Section 2.** The local state of disaster and public health emergency declared by Mayor Patrick R. Rios for the City of Rockport, Texas, pursuant to §418.108(a) of the Government Code is hereby renewed and extended for a period of February 19 – March 9, 2021, pursuant to §418.108(b) of the Government Code.

**Section 3.** Pursuant to §418.108(c) of the Government Code, this declaration of a local state of disaster and public health emergency shall be given prompt and general publicity and shall be filed promptly with the City Secretary.

**Section 4.** Pursuant to §418.108(d) of the Government Code, this declaration of a local state of disaster and public health emergency activates the City of Rockport emergency management plan.

**Section 5.** All ordinances 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 herein.

**Section 6.** This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

**Section 7.** 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 Council hereby declares that this Ordinance would have been enacted without such invalid provision.

**Section 8.** 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, Texas Government Code, as amended.

**Section 9.** This Ordinance shall be in force and effect from February 19, 2021, and after its passage, and any publication required by law.

**PASSED, ADOPTED, APPROVED,** the 23rd day of February 2021 and **EFFECTIVE** the 19th day of February 2021.

**CITY OF ROCKPORT, TEXAS**

_____
Patrick R. Rios, Mayor

ATTEST:

_____
Teresa Valdez, City Secretary

# PROCLAMATION
# DISASTER DECLARATION

**WHEREAS,** Texas Governor Greg Abbott issued a Disaster Declaration on February 12, 2021, for all 254 Counties due to severe weather from Winter Storm Uri and poses an imminent threat of widespread and severe property damage, injury, and loss of life due to prolonged freezing temperatures, heavy snow, and freezing rain statewide.

**WHEREAS,** the City of Rockport on the 12th of February 2021 has suffered and will suffer a threat of imminent widespread and severe property damage, injury, and possibly loss of life due to prolonged freezing temperatures, possible heavy snow, and possible freezing rain;

**NOW, THEREFORE, BE IT PROCLAIMED** by Patrick R. Rios**,** Mayor of the City of Rockport, Texas, that I do hereby certify that Winter Storm Uri poses an imminent threat of disaster and that a local state of disaster is hereby declared for City of Rockport pursuant to §418.108(a) of the Texas Government Code.

Pursuant to §418.108(b) of the Texas Government Code, the state of disaster shall continue for a period of not more than seven days from the date of this declaration unless continued or renewed by the City of Rockport.

Pursuant to §418.108(c) of the Texas Government Code, this declaration of a local state of disaster shall be given prompt and general publicity and shall be filed promptly with the City Secretary.

Pursuant to §418.108(d) of the Texas Government Code, this declaration of a local state of disaster activates the City of Rockport Emergency Management Plan.

Pursuant to City of Rockport Personnel Policy Section 40-62 (i)(2)(a), Emergency and Disaster Pay, all actual hours worked by nonexempt employees over 40 hours in a 7-day work period shall be compensated at the overtime rate of one and one-half of the employee's hourly rate as provided in the City's overtime policy (Section 40-62(h)). In accordance with Personnel Policy Section 40-62 (i)(3)(a), Emergency and Disaster Pay, upon activation of emergency situation through written or verbal notification by the City Manager, exempt employees who exceed 40 actual hours of work in a 7-day work period, as defined in the policy, shall be eligible for overtime at the rate of one and one-half of the employee's hourly rate or by compensatory time at the rate of one and one-half hours for each hour actually worked over 40 hours in a 7-day work period. This provision for exempt employees will be enacted upon written notification to department heads by the City Manager. Specific to the Disaster Declaration for Winter Storm Uri, the City will compensate all nonexempt and exempt employees with disaster pay of 40 hours of the employee's regular pay. This is in addition to compensation for actual hours worked.

That this Proclamation shall take effect immediately from and after its issuance.

**ORDERED this 12th day of February 2021.**

_____

Patrick R. Rios, Mayor

# CITY COUNCIL AGENDA
## Regular Meeting: Tuesday, February 23, 2021

**AGENDA ITEM:** 13

Conduct a Joint Public Hearing with the Planning & Zoning Commission to consider a request to rezone property located at 1802 FM 2165; also known as 7.253 acres of land out of a 10.345 acre tract, out of the J.W. Paup Survey, A-179, City of Rockport, Aransas County, Texas, and said 10.345 acre tract being described in a deed of record under Clerk's File Number 339130, Official Public Records of Aransas County, Texas; to R-2 (2nd Single Family Dwelling District) to develop an over 55-years-of-age gated community, currently zoned R-1 (1st Single Family Dwelling District).

**SUBMITTED BY**: Community Planner Amanda Torres

**APPROVED FOR AGENDA:** PKC

**BACKGROUND:** Property representative Donnie Garcia has submitted an application seeking a request to rezone property located at 1802 FM 2165; also known as 7.253 acres of land out of a 10.345 acre tract, out of the J.W. Paup Survey, A-179, City of Rockport, Aransas County, Texas, and said 10.345 acre tract being described in a deed of record under Clerk's File Number 339130, Official Public Records of Aransas County, Texas; to R-2 (2nd Single Family Dwelling District) to develop an over 55-years-of-age gated community, currently zoned R-1 (1st Single Family Dwelling District).

A public notice regarding this item was published in *The Rockport Pilot* in the Saturday, February 6, 2021, edition and mailed out to twenty-nine property owners within a 200-foot radius of the property. No letters for or against the request has been received.

Please see the accompanying zoning change request application and Section 118-7 of Code of Ordinances for detail information.

**FISCAL ANALYSIS:** N/A

**RECOMMENDATION:** No action required. Public hearing only.

## STAFF REPORT

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

**PROPERTY ADDRESS/LOCATION**
1802 FM 2165

**APPLICANT/PROPERTY OWNER**
Donnie Garcia

**PUBLIC HEARING DATE**
Tuesday, February 23, 2021

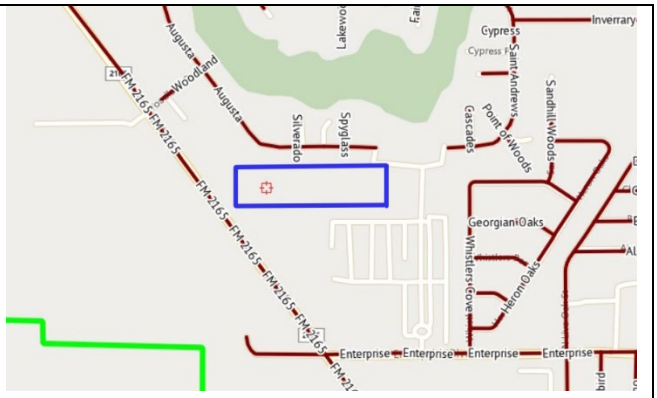
**P&Z DATE**
Monday, March 1, 2021

**CITY COUNCIL DATE(S)**
1st Reading - Tuesday, March 9, 2021
2nd Reading – Tuesday, March 23, 2021

**BRIEF SUMMARY OF REQUEST**

Property representative Donnie Garcia has submitted an application seeking a request to rezone property located at 1802 FM 2165; also known as 7.253 acres of land out of a 10.345 acre tract, out of the J.W. Paup Survey, A-179, City of Rockport, Aransas County, Texas, and said 10.345 acre tract being described in a deed of record under Clerk's File Number 339130, Official Public Records of Aransas County, Texas; to R-2 (2nd Single Family Dwelling District) to develop an over 55-years-of-age gated community, currently zoned R-1 (1st Single Family Dwelling District).

A public notice regarding this item was published in The Rockport Pilot in the Saturday, February 6, 2021 edition and mailed out to twenty-nine property owners within a 200-foot radius of the property. No letters for or against the request has been received.




MAP SOURCE: Pictometry

| EXISTING ZONING | EXISTING LAND USE | SURROUNDING ZONING & LAND USE | SITE IMPROVEMENTS | SIZE OF PROPERTY |
|---|---|---|---|---|
| R-1 1st Single Family Dwelling District | Undeveloped | **North:** R-1 1st Single-Family Dwelling, businesses, single-family homes<br>**South**: B-1 General Business, under construction<br>**East:** R-5 2nd Multi-Family Dwelling, undeveloped<br>**West:** R-1 1st Single-Family Dwelling/B-1 General Business, undeveloped | Will need water/sewer/drainage | 7.253 acres |

STAFF RECOMMENDATION

**APPROVE** **APPROVE WITH CONDITIONS** **DENY**

**COMPATIBILITY** with the ZONING ORDINANCE & FUTURE LAND USE MAP

Any future development will meet all setback requirements of the R-2 2nd Single Family Dwelling District if approved.

The 2011 Future Land Use Map indicated the east side interior of FM 2165 as Low Density Residential.

**PROPERTY HISTORY**

*Compatibility with the planned development (or other controlling documents); traffic/parking; public works/utilities; engineering/flood plain/soil; building code/fire or design*

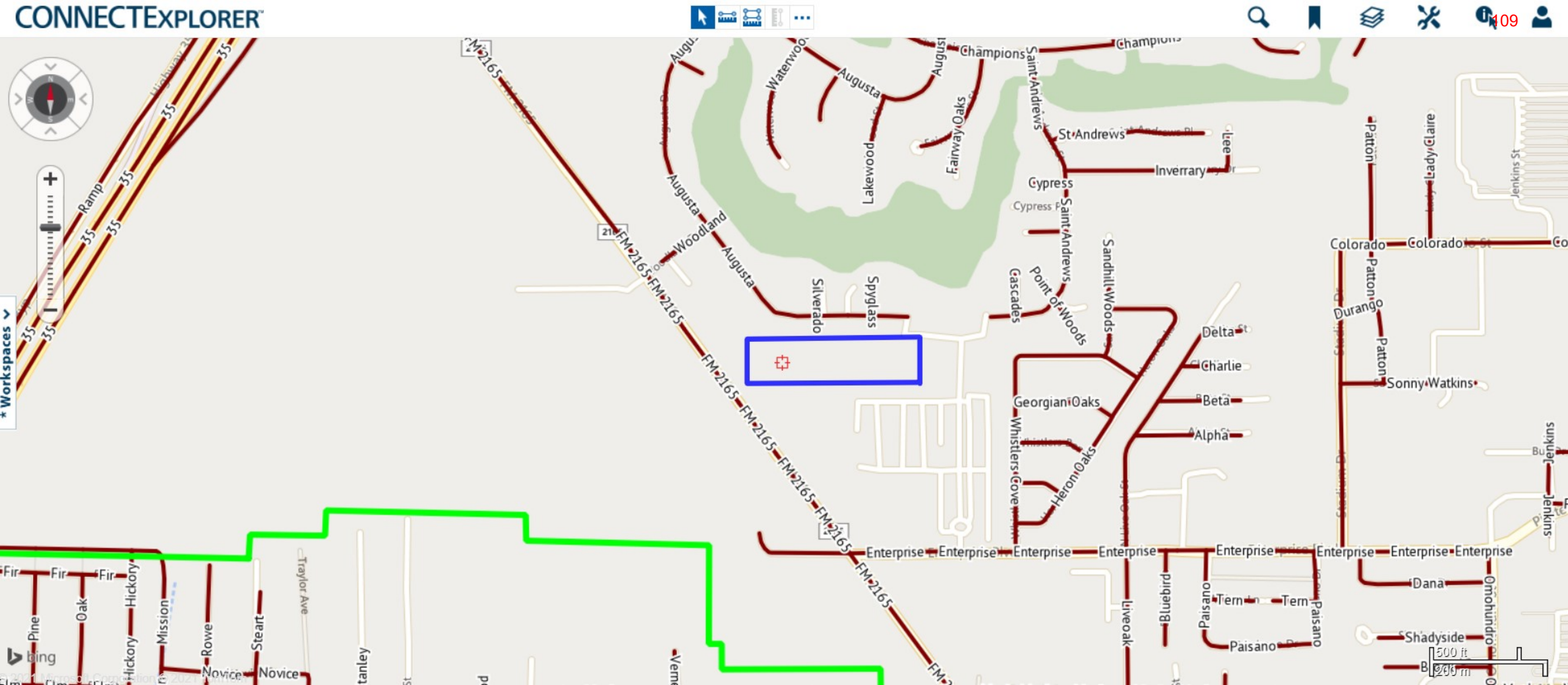
The property is not within the Special Flood Hazard Area. Commercial plans including parking, drainage, building design, etc. will need to conform to the approved zoning district, if zoning is approved.

**ATTACHMENTS** (CIRCLE)

SUBMITTED PLANS | PUBLIC HEARING PETITION/ APPLICATION FORM | LEGAL NOTICE | LEGAL DESCRIPTION

PUBLIC COMMENTS | AGENCY COMMENTS | RESPONSE TO STANDARDS

**OTHER** (DESCRIBE)


CONNECTEXPLORER
109
* Workspaces
FM 2165
Augusta
Woodland
Silverado
Spyglass
Champions
Saint Andrews
St Andrews
Inverrary
Cypress
Lakewood
Fairway Oaks
Waterwood
Cascades
Point of Woods
Sandhill Woods
Georgian Oaks
Whistlers Cove
Heron Oaks
Delta
Charlie
Beta
Alpha
Colorado
Patton
Durango
Sonny Watkins
Lady Claire
Jenkins St
Enterprise
Liveoak
Bluebird
Paisano
Tern
Dana
Shadyside
Omohundro
Jenkins
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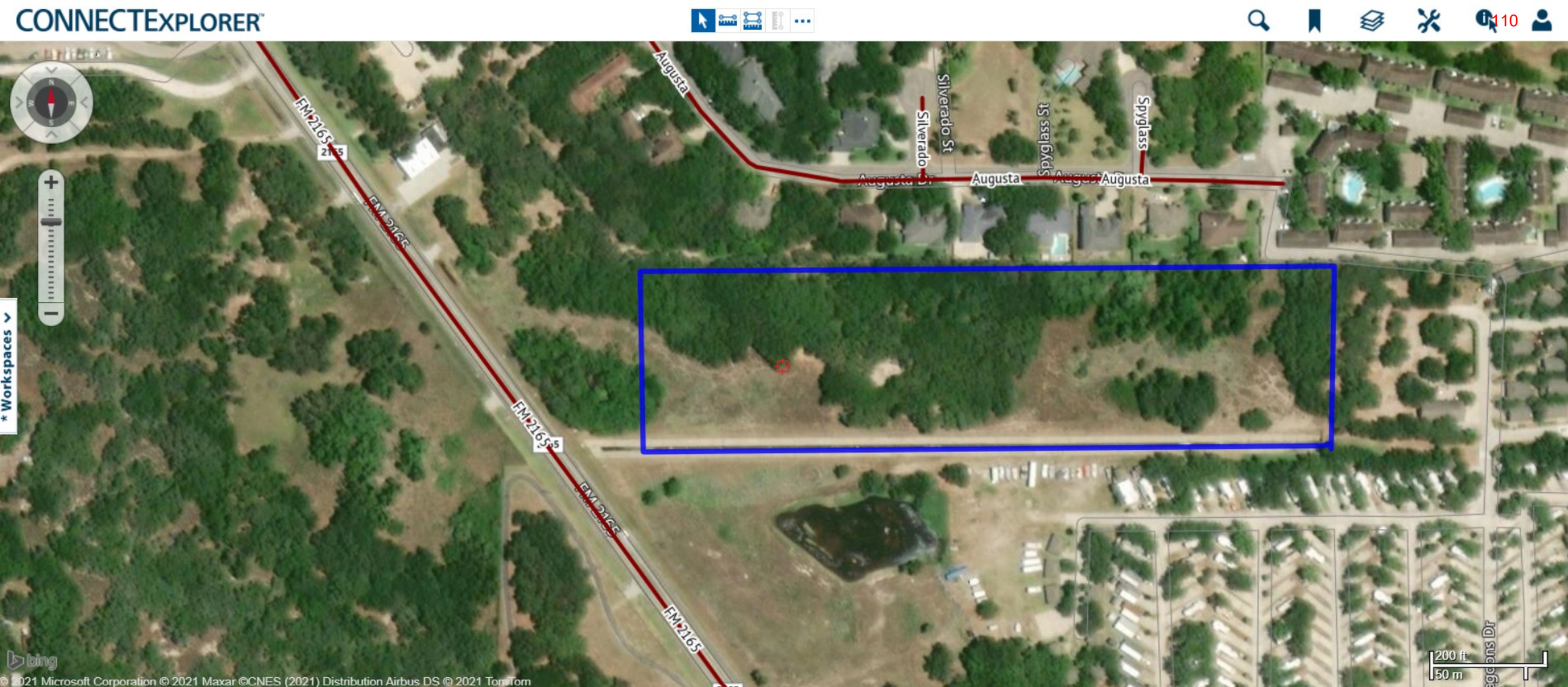
CONNECTEXPLORER
110
Augusta
Silverado St
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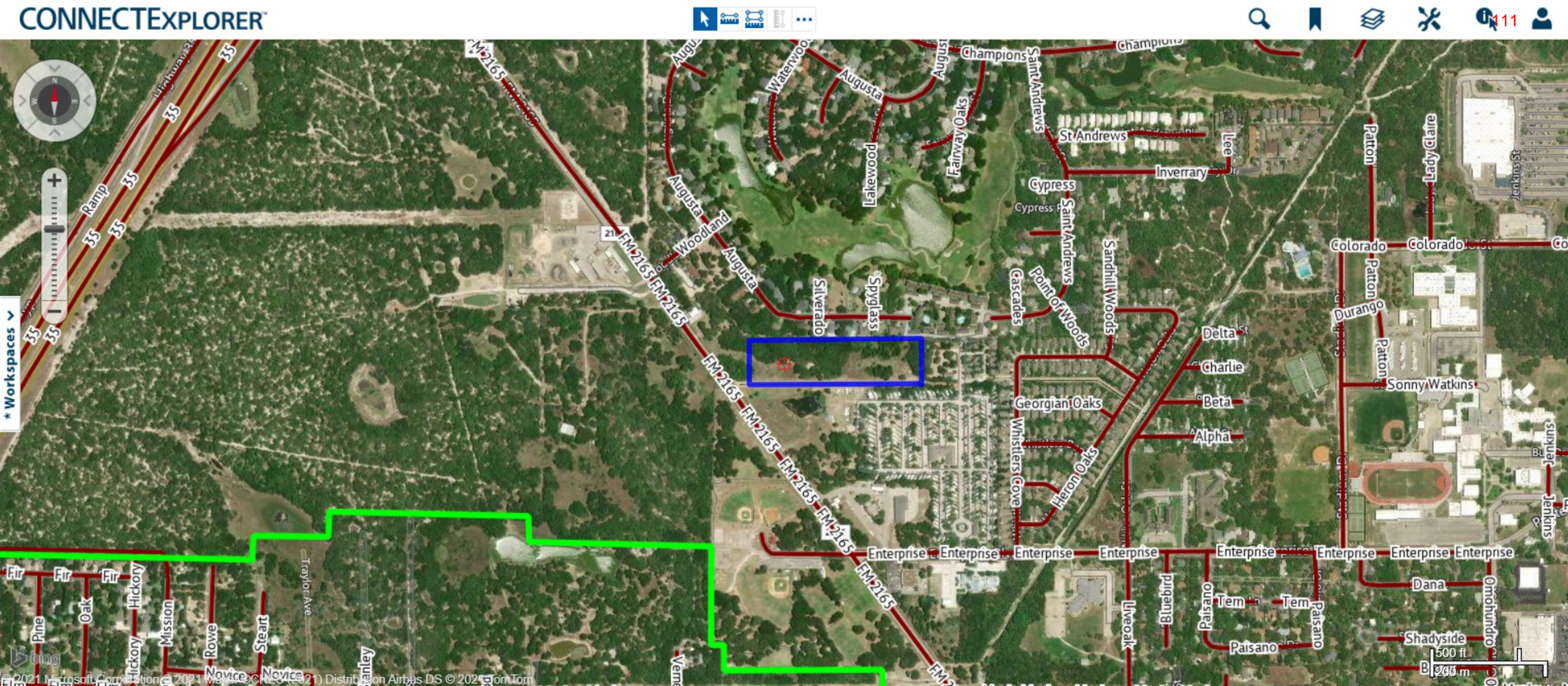
FM 2165
* Workspaces
200 ft
50 m
© 2021 Microsoft Corporation © 2021 Maxar ©CNES (2021) Distribution Airbus DS © 2021 TomTom


CONNECTEXPLORER
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* Workspaces
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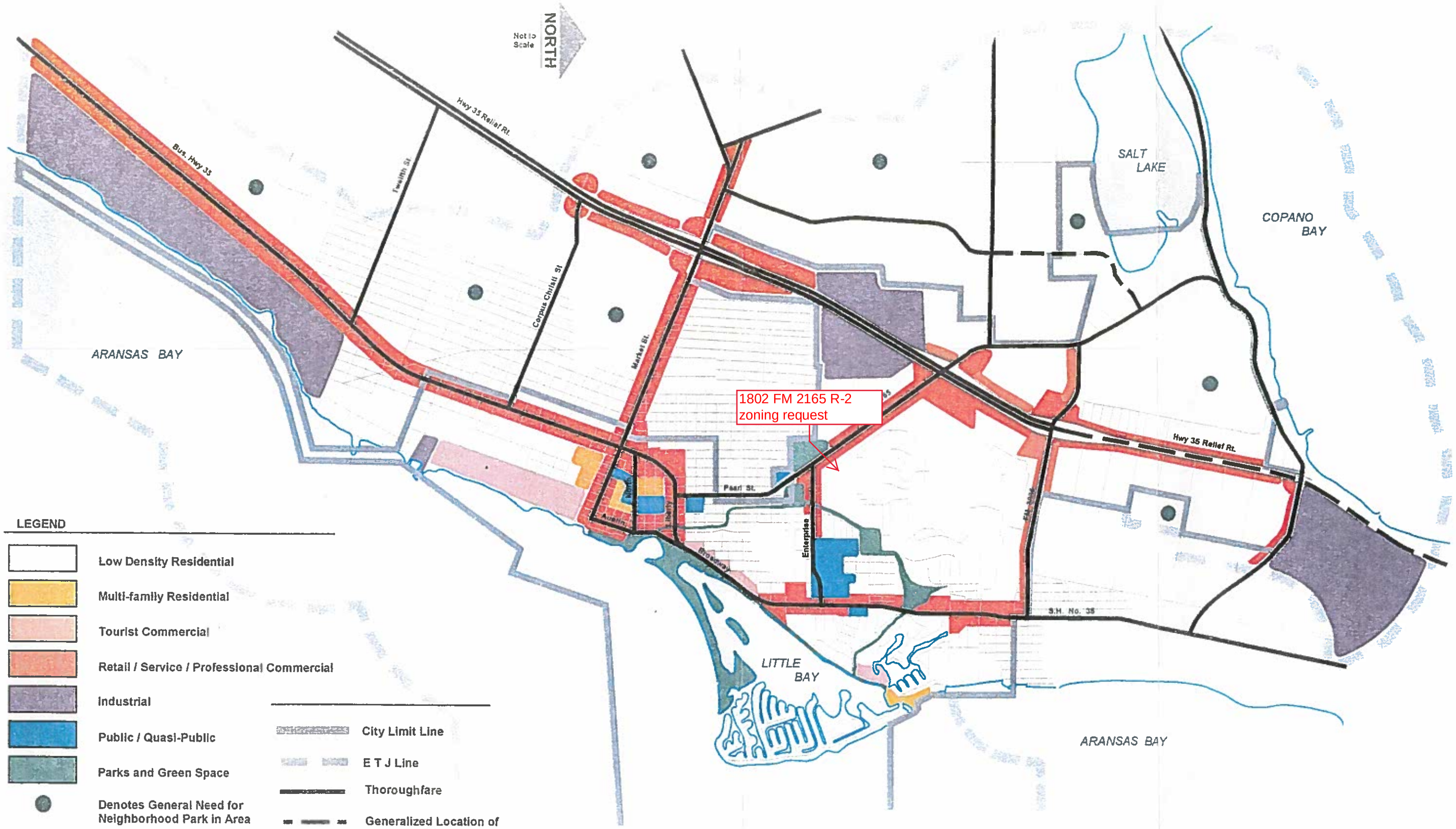
Sandhill Woods
Cascades
Augusta
Woodland
Silverado
Spyglass
Lakewood
Fairway Oaks
Waterwood
Colorado
Patton
Lady Claire
Jenkins St
Durango
Sonny Watkins
Delta St
Charlie
Beta
Alpha
Georgian Oaks
Whistlers Cove
Heron Oaks
Enterprise
Liveoak
Bluebird
Paisano
Tern
Dana
Shadyside
Fir
Pine
Oak
Hickory
Mission
Rowe
Steart
Novice
Traylor Ave
Stanley
Ramp
35
500 ft
200 m
© 2021 Microsoft Corporation © 2021 Maxar (DCNES (2021) Distribution Airbus DS © 2021 TomTom

Note: A Comprehensive Plan shall not constitute zoning regulations or establish zoning district boundaries




LEGEND

- Low Density Residential
- Multi-family Residential
- Tourist Commercial
- Retail / Service / Professional Commercial
- Industrial
- Public / Quasi-Public
- Parks and Green Space
- Denotes General Need for Neighborhood Park in Area
- City Limit Line
- E T J Line
- Thoroughfare
- Generalized Location of Future Thoroughfare

MPRG inc.
Municipal Planning Resources Group, Inc.

# City of Rockport, Texas
# Future Land Use Plan w / ETJ

Article I. Zoning Ordinance*

**Sec. 118-7. R-2 2nd Single-Family Dwelling District.**

7.1 *Use Regulations*. The purpose of this district is to provide a residential district with smaller lot sizes in keeping with established standards in certain parts of the city, but which will provide the same residential environment as the 1st Single-Family Dwelling District. Land and premises may be used only for:

1. Uses 1 through 8 in an R-1 district.

7.2 *Area and Yard Regulations*.

7.2.1 *Area of the Lot*. The minimum area of the lot shall be five thousand (5,000) square feet. See Article 20 [section 118-20].

7.2.2 *Width of the Lot*. The minimum width of the lot shall be fifty (50) feet. See [section 118-20] Table 20.

7.2.3 *Area of the Dwelling*. The minimum living area of the dwelling shall be six hundred (600) square feet. See [section 118-20] Table 20.

7.2.4 *Yard Area and Building Setbacks*. See [section 118-20] Table 20.

7.3 *Height of the Building*. No building shall exceed thirty five (35) feet in height. See Article 3 [section 118-3] Definitions and Article 20 [section 118-20].

7.4 *Parking Regulations*. Parking regulations for permitted uses as contained in Article 21 [section 118-21].

7.5 *Accessory Use Regulations*. Accessory uses, which are auxiliary or incidental to the primary use of a building or premises, as contained in Article 22 [section 118-22].

(Ord. No. 1027, art. 7, 4-9-96)

CITY of ROCKPORT, TEXAS
Est. 1870

# 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 [X] Conditional Permit [ ]

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

B. ADDRESS AND LOCATION OF PROPERTY 1802 FM 2165 ROCKPORT, TX 78382

C. CURRENT ZONING OF PROPERTY: R-1

D. PRESENT USE OF PROPERTY: UNDEVELOPED

E. ZONING DISTRICT REQUESTED: R-2

F. CONDITIONAL USE REQUESTED: _____

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

- Lot or Tract _____ Block _____
- Tract See Attached 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) PEARL ST. SQUARE

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

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

The proposed development is an over 55 gated community. The typical buyer is a retired couple.

K. OWNER'S NAME: (Please print) DIANE TUCKER
ADDRESS: 1622 CHERRY ST
CITY, STATE, ZIP CODE: ROCKPORT, TX 78382
PHONE NO 361-229-2682

L. REPRESENTATIVE: (If Other Than Owner) DONNIE GARCIA, THE OAKS LLC
ADDRESS: 2803 TAYLOR BLVD
CITY, STATE, ZIP CODE: ROCKPORT, TX 78382
PHONE NO 512-801-6201

**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)** CK # 2014

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

Signed:_____
(Owner or Representative)

**(FOR CITY USE)**

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

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

If rejected, reasons why: _____

Receipt No. _____

# EXHIBIT "A"

JANUARY 13, 2021

BEING THE DESCRIPTION OF 7.253 ACRES OF LAND OUT OF A 10.345 ACRE TRACT, OUT OF THE J.W. PAUP SURVEY, A-179, CITY OF ROCKPORT, ARANSAS COUNTY, TEXAS, AND SAID 10.345 ACRE TRACT BEING DESCRIBED IN A DEED OF RECORD UNDER CLERKS FILE NUMBER 339130, OFFICIAL PUBLIC RECORDS OF ARANSAS COUNTY, TEXA, WITH SAID 7.253 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCE, at a point in the Northeasterly R.O.W. line of Texas State F.M. 2165, and being the Southwest corner of said 10.345 acre tract; THENCE, North 37°33'13" West, a distance of 74.34 feet to a point for the Northwest corner of a 60.0 foot wide drainage easement, described in documents of record under Clerks File Number 275121 and 277050, Official Public Records of Aransas County, Texas; THENCE, North 88°37'55" East, along and with the North line of said 60.0 foot wide drainage easement, a distance of 104.15 feet to a point for the SOUTHWEST corner and PLACE OF BEGINNING of this description;

THENCE, North 01°22'05" West, crossing said 10.345 acre tract, a distance of 280.52 feet to a point in the common boundary line of said 10.345 acre tract and Lot 35, Block 21, Rockport Country Club Estates, Unit 2, according to the plat recorded in Volume 4, Page 31, Plat Records of Aransas County, Texas, and being the NORTHWEST corner of this description;

THENCE, North 89°21'22" East, along and with the common boundary line of said 10.345 acre tract, and said Block 21, a distance of 928.50 feet to an angle point and EXTERIOR corner of this description;

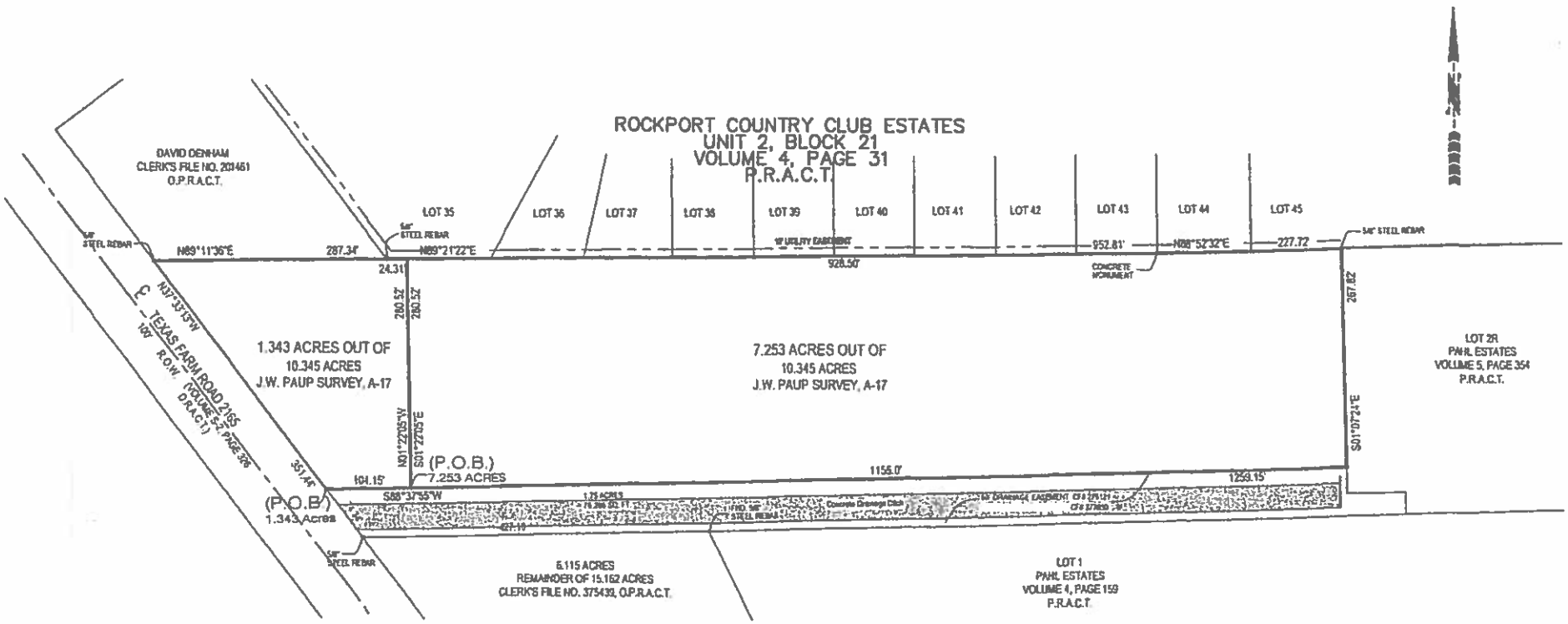
THENCE, North 88°52'32" East, continuing along and with the common boundary line of said 10.345 acre tract and said Block 21, a distance of 227.72 feet to a point for the Northeast corner of said 10.345 acre tract and being the NORTHEAST corner of this description;

THENCE, South 01°07'24" East, along and with the common boundary line of said 10.345 acre tract and Lot 2-R, Pahl Estates, according to the plat recorded in Volume 5, Page 354, Plat Records of Aransas County, Texas, a distance of 267.82 feet to a point for the SOUTHEAST corner of this description;

THENCE, South 88°37'55" West, along and with the North line of said 60.0 foot wide drainage easement, a distance of 1155.0 feet to the PLACE OF BEGINNING of this description and containing 7.253 acres or 315,938 square feet of land, more or less.

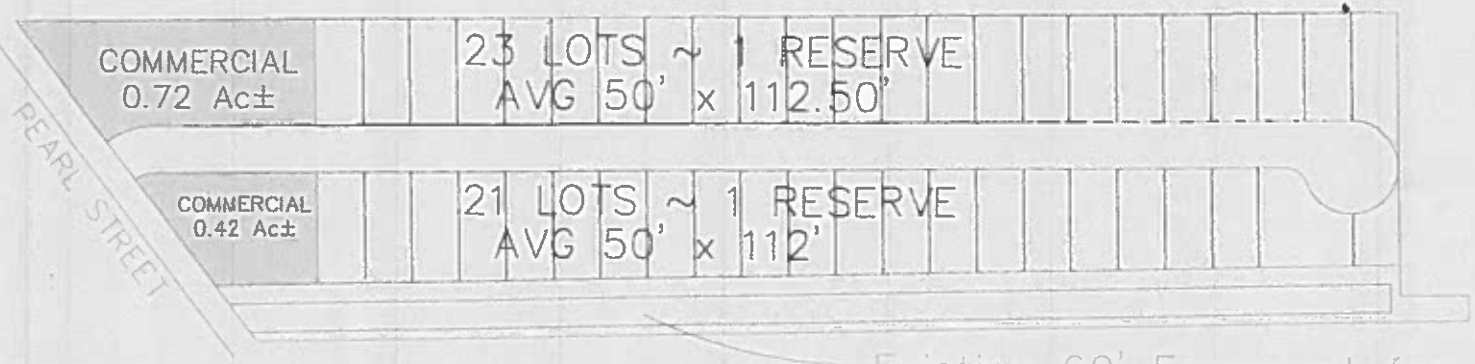
SEE ACCOMPANYING EXHIBIT
FILENAME: 210113BB2

210113BB2FN




**"SEE ACCOMPANYING FIELD NOTES DESCRIPTIONS"**

| CURRENT PARTY | LEGAL DESCRIPTION OF PROPERTY |
|---|---|
| Prepared For: Paul Lippke | EXHIBIT "B"<br>1.343 ACRES & 7.253 ACRES<br>OUT OF A 10.345 ACRE TRACT, OUT OF THE J.W. PAUP SURVEY, A-179,<br>CITY OF ROCKPORT, ARANSAS COUNTY, TEXAS,<br>AND SAID 10.345 ACRE TRACT BEING DESCRIBED IN A DEED OF RECORD UNDER<br>CLERKS FILE NUMBER 315938, OFFICIAL PUBLIC RECORDS OF ARANSAS COUNTY,TEXAS.<br>Scale: 1" = 150' JANUARY 13, 2021 |
| FIRM NAME AND ADDRESS<br>Griffith & Brundrett<br>Surveying - Engineering<br>411 S. Pearl St., PO Box 2322<br>Rockport, Texas 78381<br>361 729 6479<br>361 729 7933 | FILE NAME: 210113BB2 |

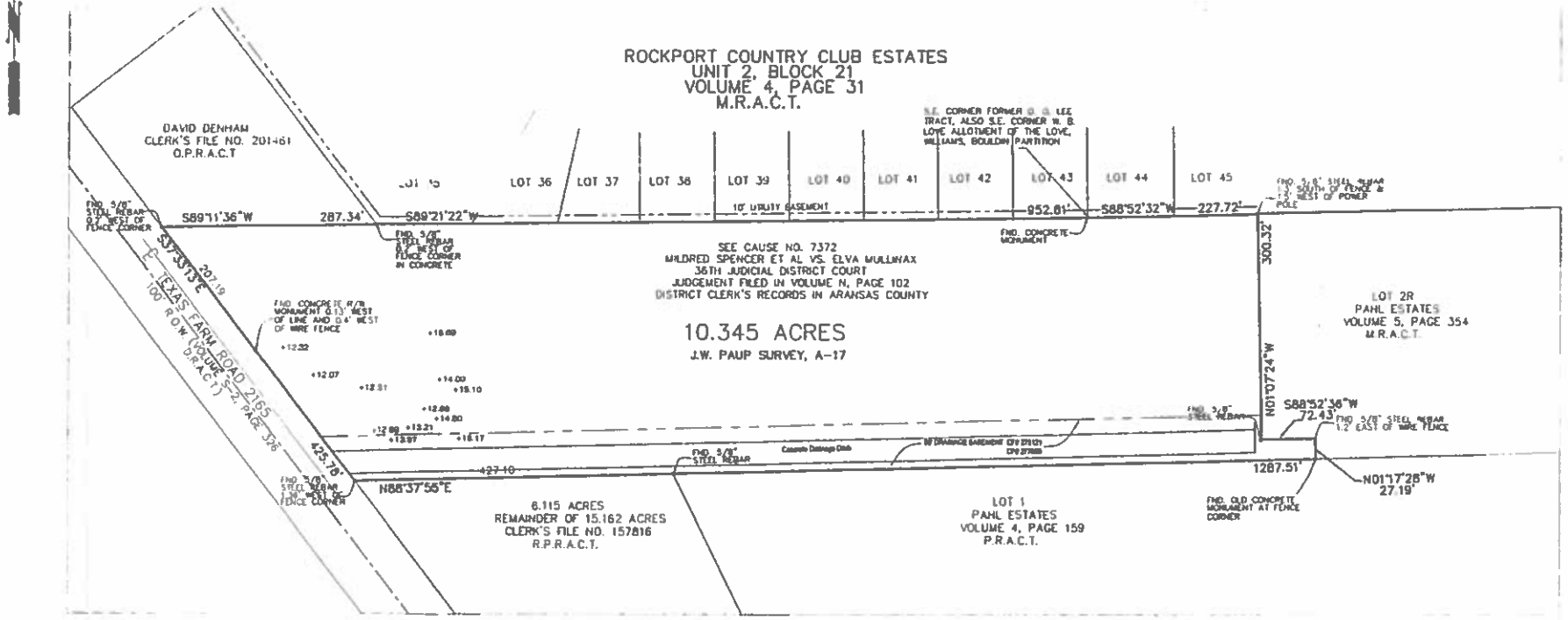



Existing 60' Easement for drainage. Land to be dedicated to City of Rockport on plat

LAND PLAN # 8

THE OAKS, LLC
PEARL ST. COMMONS

SCALE 1" = 60' | Dec 15, 2020




COPYRIGHT NOTICE

Griffith & Brundrett Surveying & Engineering, Inc.

DATE: DECEMBER 30, 2013
SCALE: 1" = 100'
FILE NAME: 121330004
REVISED DATE: JANUARY 24, 2014

PREPARED FOR: BRETT BOW

## 10.345 ACRES OF LAND OUT OF THE J.W. PAUP SURVEY, A-17, CITY OF ROCKPORT, ARANSAS COUNTY, TEXAS,

AND BEING THAT SAME TRACT CONVEYED BY ELVA MULLINAX TO MILDRED SPENCER, ET AL, UNDER CLERKS FILE NUMBER 139307, REAL PROPERTY RECORDS OF OF ARANSAS COUNTY, TEXAS

I, J. L. BRUNDRETT, JR., A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THIS PLAT CORRECTLY SHOWS A SURVEY ON THE GROUND OF THE FOREGOING PROPERTY AND THAT THERE ARE NO VISIBLE EASEMENTS, ENCROACHMENTS OR PROTRUSIONS (EXCEPT AS SHOWN HEREON.)

J. L. BRUNDRETT, JR., R.P.L.S. REG. NO.2133
TBPLS FIRM REG. NO. 10004600

STATE OF TEXAS REGISTERED J. L. BRUNDRETT, JR. 2133 PROFESSIONAL LAND SURVEYOR

# JOINT PUBLIC HEARING

Rockport City Council and Planning
& Zoning Commission

NOTICE is hereby given that the Rockport City Council and the Planning & Zoning Commission will hold a Joint Public Hearing on Tuesday, February 23, 2021, at 6:30 p.m., to consider a request to rezone property to R-2 (2nd Signal Family Dwelling District), currently zoned R-1 (1st Signal Family Dwelling District), located at 1802 FM 2165; also known as 7.253 acres of land out of a 10.345 acre tract, out of the J.W. Paup Survey, A-179, City of Rockport, Aransas County, Texas, and said 10.345 acre tract being described in a deed of record under clerks file number 339130, Official Public Records of Aransas County, Texas; to develop an over 55-years of age gated community.

The meeting will be held using the video conferencing application ZOOM. **No in-person meeting will be conducted at the Rockport Service Center.** A temporary suspension of the Open Meetings Act to allow telephone or video conference public meeting has been granted by Governor Greg Abbott. These actions are being taken to mitigate the spread of COVID-19 by avoiding meetings that bring people into a group setting and in accordance with Section 418.016 of the Texas Government Code. Video conferencing capabilities will be utilized to allow individuals to address the Planning & Zoning Commission and City Council. Members of the public can participate in the meeting remotely by using the ZOOM address that will be provided on the City Council Agenda of February 23, 2021, and posted on the City's website www.cityofrockport.com.

Due to the COVID-19 pandemic, the attorney general has said: "statutes that may be interpreted to require face-to-face interaction between members of the public and public officials are suspended; provided, however, that the governmental bodies must offer alternative methods of communicating with their public officials." Public participation is valued and citizens wishing to express their views during the Joint Public Hearing can either electronically submit a Citizen Participation Form in order to register to speak by going to https://rockport.seamlessdocs.com/f/CouncilCitizenParticipation or emailing written comments to the City Secretary by 4:00 p.m. on the day of the meeting. The Mayor will read the comments and they will be summarized in the minutes of the meeting.

The City encourages citizens to participate and make their views known at this Joint Public Hearing. For further information on this request, please contact the Building Department at (361) 790-1125.

**POSTED** the 2nd day of February 2021 at 1:00 p.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 6, 2021, Edition, in accordance with the City of Rockport Code of Ordinances.

**CITY OF ROCKPORT, TEXAS**

Teresa Valdez, City Secretary

| Property ID | Property Owner | Situs Address | Mailing Address | City | State | ZIP |
|---|---|---|---|---|---|---|
| 28629 | EDWARD L SAMPLE ETUX MISCHELLE Y | 1853 FM 2165 | P O BOX 6278 | CORPUS CHRISTI | TX | 78466-6278 |
| 28628 | SCHINDLER LORETTA J | 1821 FM 2165 | 107 SANTA FE DRIVE | ROCKPORT | TX | 78382-6855 |
| 54417 | GREEN WING INVESTMENTS LLC | 1702 FM 2165 | 1702 FM 2165 | THREE RIVERS | TX | 78071-1518 |
| 54416 | J & S LAGOONS RV LLC | 600 ENTERPRISE BLVD | 401 OAKWOOD ST | INGRAM | TX | 78025-4305 |
| 70723 | J & S LAGOONS RV LLC | 1540 COTTAGE LOOP DR | 401 OAKWOOD ST | INGRAM | TX | 78025-4305 |
| 55376 | MCCANN PAUL ETUX COOK-MCCANN TOLLY M | 302 ST ANDRWS APT h-103 | 302 SAINT ANDREWS ST # 103 H | ROCKPORT | TX | 78382-6978 |
| 31649 | KEVIN AND JOANNE FERRALL | 501 SPYGLASS | 501 SPYGLASS | ROCKPORT | TX | 78382-6953 |
| 60305 | THEODORE C HILTON | 504 SPYGLASS | P O BOX 1542 | SPARTA | NC | 25675-1542 |
| 51968 | KEVIN & JOANNE FERRALL | 503 SPYGLASS | 505 SPYGLASS | ROCKPORT | TX | 78382-6953 |
| 31643 | Equity Trust Custodian FBO C Michael Couvillion IRA | 601 SILVERADO | 605 SILVERADO ST | ROCKPORT | TX | 78382-6954 |
| 31642 | Equity Trust Custodian FBO C Michael Couvillion IRA | 603 SILVERADO | 605 SILVERADO ST | ROCKPORT | TX | 78382-6954 |
| 31638 | DANIEL & MELANIE WINKLES | 602 SILVERADO | 602 SILVERADO ST | ROCKPORT | TX | 78382-6954 |
| 31639 | MARK & ANGELA HAGEN | 604 SILVERADO | 604 SILVERADO ST | ROCKPORT | TX | 78382-6954 |
| 52355 | CHARLES & MARGARET GOOLSBEE | 478 AUGUSTA DR | 478 AUGUSTA DR | ROCKPORT | TX | 78382-6945 |
| 31543 | BELVINA KITTLE ETAL | 477 AUGUSTA DR | 477 AUGUSTA DR | ROCKPORT | TX | 78382-6950 |
| 31542 | BELVINA KITTLE ETAL | 475 AUGUSTA DR | 477 AUGUSTA DR | ROCKPORT | TX | 78382-6950 |
| 31541 | Corp of the Presiding Bishop Church of Jesus Christ | 111 WOODLAND DR | TAX ADM DIV 546-3173 50 E N TEMPLE FLOOR 22 | SLAT LAKE CITY | UT | 84150-3620 |
| 30375 | DAVID I DENHAM | 1842 FM 2165 | 420 OLYMPIC DR | ROCKPORT | TX | 78382-6834 |
| 57516 | LOUIS & ERIN OLVER | 479 AUGUSTA DR | 479 AUGUSTA DR | ROCKPORT | TX | 78382-6950 |
| 31546 | ROOFUS LLC | 483 AUGUSTA DR | P O BOX 1658 | FULTON | TX | 78358-1658 |
| 31547 | ALBERTA GODINICH JR | 485 AUGUSTA DR | P O BOX 1658 | FULTON | TX | 78358-1658 |
| 31548 | ROOFUS LLC | 487 AUGUSTA DR | P O BOX 1658 | FULTON | TX | 78358-1658 |
| 31549 | RICHARD FLINN | 489 AUGUSTA DR | P O BOX 1882 | ROCKPORT | TX | 78381-1882 |
| 31550 | COURTNEY & JOHN UHR | 491 AUGUSTA DR | 491 AUGUSTA DR | ROCKPORT | TX | 78382-6950 |
| 31551 | RICHARD & LAWANA JACKSON TRUSTEES | 493 AUGUSTA DR | 493 AUGUSTA DR | ROCKPORT | TX | 78382-6950 |
| 31552 | HELEN G GOLDATE | 495 AUGUSTA DR | 495 AUGUSTA DR | ROCKPORT | TX | 78382-6950 |
| 31553 | SAMUEL C MOSS | 497 AUGUSTA DR | 1024 N MCCAPBELL ST | ARANSAS PASS | TX | 78336-2714 |
| 31554 | CHRISTIAN & MARIE SALAS | 499 AUGUSTA DR | 499 AUGUSTA DR | ROCKPORT | TX | 78382-6950 |
| 31555 | GEORGE & TRUDY CUSACK TRUSTEES | 501 AUGUSTA DR | HC 66 BOX 530 | MOUNTAINAIR | NM | 87036-9413 |

# CITY COUNCIL AGENDA
## Regular Meeting: Tuesday, February 23, 2021

**AGENDA ITEM:** 14

Conduct a Joint Public Hearing with the Planning & Zoning Commission to consider a request to rezone property located at 1802 FM 2165; also known as 1.343 acres of land out of a 10.345 acre tract, out of the J.W. Paup Survey, A-179, City of Rockport, Aransas County, Texas, and said 10.345 acre tract being described in a deed of record under Clerk's File Number 339130, Official Public Records of Aransas County, Texas, to B-1 (General Business District) to serve as a buffer between housing development, known as Pearl Street Square, currently zoned R-1 (1st Single Family Dwelling District).

**SUBMITTED BY**: Community Planner Amanda Torres

**APPROVED FOR AGENDA:** PKC

**BACKGROUND:** Property representative Donnie Garcia has submitted an application seeking a request to rezone property located at 1802 FM 2165; also known as 1.343 acres of land out of a 10.345 acre tract, out of the J.W. Paup Survey, A-179, City of Rockport, Aransas County, Texas, and said 10.345 acre tract being described in a deed of record under Clerk's File Number 339130, Official Public Records of Aransas County, Texas; to B-1 (General Business District) to serve as a buffer between housing development, known as Pearl Street Square, currently zoned R-1 (1st Single Family Dwelling District).

A public notice regarding this item was published in *The Rockport Pilot* in the Saturday, February 6, 2021, edition and mailed out to eight property owners within a 200-foot radius of the property. No letters for or against the request has been received.

Please see the accompanying zoning change request application and Section 118-15 of Code of Ordinances for detail information.

**FISCAL ANALYSIS:** N/A

**RECOMMENDATION:** No action required. Public hearing only.

## STAFF REPORT

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

**PROPERTY ADDRESS/LOCATION**
1802 FM 2165

**APPLICANT/PROPERTY OWNER**
Donnie Garcia

**PUBLIC HEARING DATE**
Tuesday, February 23, 2021

**P&Z DATE**
Monday, March 1, 2021

**CITY COUNCIL DATE(S)**
1st Reading - Tuesday, March 9, 2021
2nd Reading – Tuesday, March 23, 2021

**BRIEF SUMMARY OF REQUEST**

Property representative Donnie Garcia has submitted an application seeking a request to rezone property located at 1802 FM 2165; also known as 1.343 acres of land out of a 10.345 acre tract, out of the J.W. Paup Survey, A-179, City of Rockport, Aransas County, Texas, and said 10.345 acre tract being described in a deed of record under Clerk's File Number 339130, Official Public Records of Aransas County, Texas; to B-1 (General Business District) to serve as a buffer between housing development, known as Pearl Street Square, currently zoned R-1 (1st Single Family Dwelling District).

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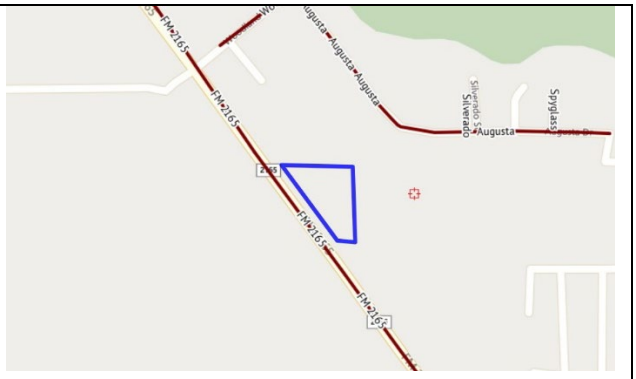



MAP SOURCE: Pictometry

| EXISTING ZONING | EXISTING LAND USE | SURROUNDING ZONING & LAND USE | SITE IMPROVEMENTS | SIZE OF PROPERTY |
|---|---|---|---|---|
| R-1 1st Single Family Dwelling District | Undeveloped | **North:** R-1 1st Single-Family Dwelling, businesses, single-family homes<br>**South**: B-1 General Business, under construction<br>**East:** R-1 1st Single-Family Dwelling, undeveloped<br>**West:** R-1 1st Single-Family Dwelling/B-1 General Business, undeveloped | Will need water/sewer/drainage | 1.343 acres |

STAFF RECOMMENDATION

**APPROVE** **APPROVE WITH CONDITIONS** **DENY**

**COMPATIBILITY** with the ZONING ORDINANCE & FUTURE LAND USE MAP

Any future development will meet all setback requirements of the B-1 General Business District if approved.

The 2011 Future Land Use Map indicated the east side frontage of FM 2165 as Commercial.

**PROPERTY HISTORY**

*Compatibility with the planned development (or other controlling documents); traffic/parking; public works/utilities; engineering/flood plain/soil; building code/fire or design*

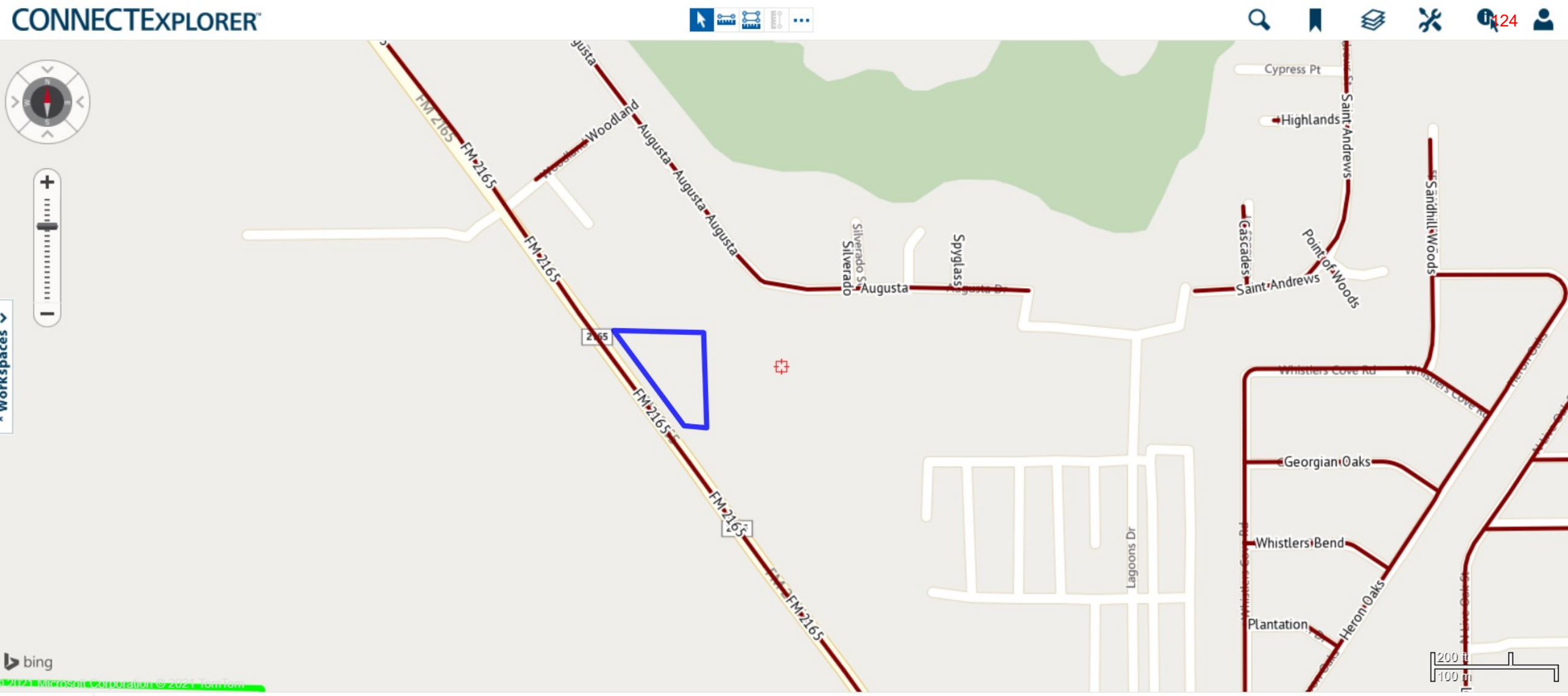
The property is not within the Special Flood Hazard Area. Commercial plans including parking, drainage, building design, etc. will need to conform to the approved zoning district, if zoning is approved.

**ATTACHMENTS** (CIRCLE)

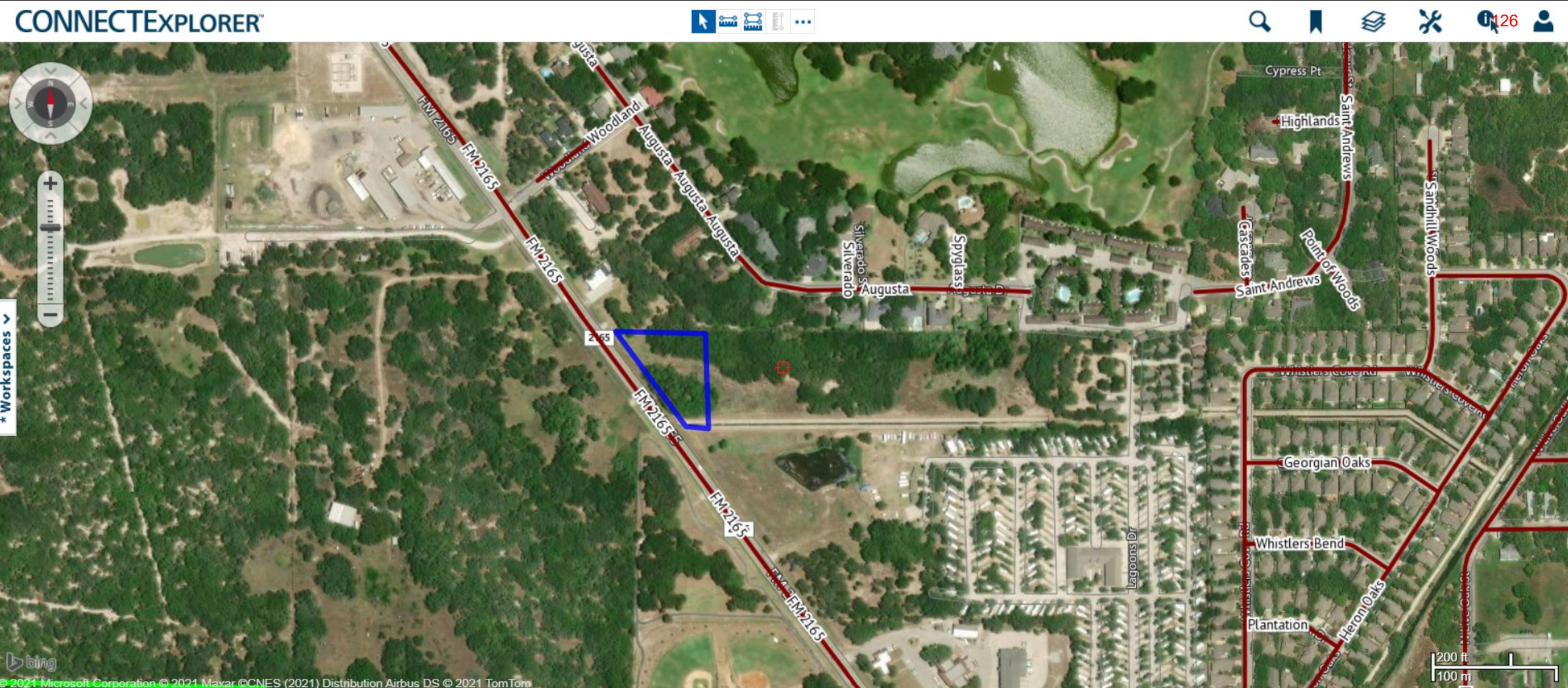
SUBMITTED PLANS | PUBLIC HEARING PETITION/ APPLICATION FORM | LEGAL NOTICE | LEGAL DESCRIPTION

PUBLIC COMMENTS | AGENCY COMMENTS | RESPONSE TO STANDARDS

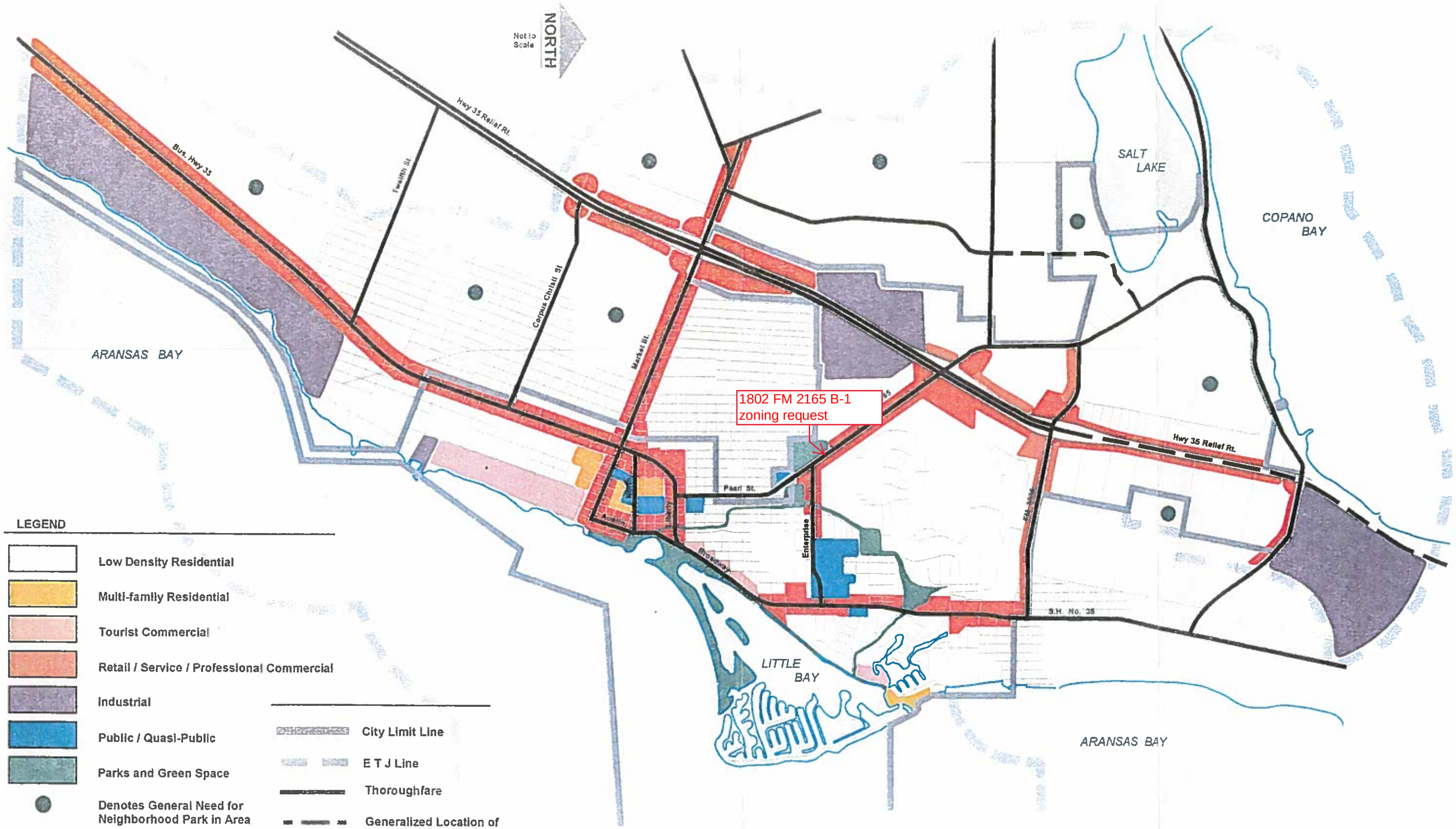
**OTHER** (DESCRIBE)


CONNECTEXPLORER
124
Cypress Pt
Highlands
Saint Andrews
Sandhill Woods
Woodland
Augusta
Augusta
Augusta
Silverado
Spyglass
Cascades
Point of Woods
Saint Andrews
FM 2165
FM 2165
FM 2165
FM 2165
FM 2165
2165
Whistlers Cove Rd
Georgian Oaks
Whistlers Bend
Lagoons Dr
Plantation
Heron Oaks
Workspaces
bing
200 ft
100 m

CONNECTEXPLORER
125
* Workspaces
FM 2165
Augusta
Silverado St
Spyglass St
Spyglass
Augusta Dr
Augusta
200 ft
50 m
bing
© 2021 Microsoft Corporation © 2021 Maxar ©CNES (2021) Distribution Airbus DS © 2021 TomTom


CONNECTEXPLORER
126
Cypress Pt
Highlands
Saint Andrews
Sandhill Woods
Point of Woods
Cascades
Saint Andrews
Woodland
Augusta
Augusta
Augusta
Silverado Sr
Silverado
Augusta
Spyglass
Augusta Dr
FM 2165
FM 2165
FM 2165
FM 2165
FM 2165
FM 2165
Whistlers Cove Rd
Whistlers Cove Rd
Georgian Oaks
Whistlers Bend
Lagoons Dr
Plantation
Heron Oaks
* Workspaces
200 ft
100 m
bing
© 2021 Microsoft Corporation © 2021 Maxar ©CNES (2021) Distribution Airbus DS © 2021 TomTom

Note: A Comprehensive Plan shall not constitute zoning regulations or establish zoning district boundaries




LEGEND

- Low Density Residential
- Multi-family Residential
- Tourist Commercial
- Retail / Service / Professional Commercial
- Industrial
- Public / Quasi-Public
- Parks and Green Space
- Denotes General Need for Neighborhood Park in Area

- City Limit Line
- E T J Line
- Thoroughfare
- Generalized Location of Future Thoroughfare

MPRG inc.
Municipal Planning Resources Group, Inc.

# City of Rockport, Texas
# Future Land Use Plan w / ETJ

Article I. Zoning Ordinance*

**Sec. 118-15. B-1 General Business District.**

15.1 *Use Regulations*. The purpose of this district is to provide suitable locations for a wide variety of business and mercantile uses. In addition to the previous listed uses in R-1 through R-7 districts, land and premises may be used for:

1. Restaurants, cafes, food catering services.

2. Offices, banks, libraries, museums, etc.

3. Service stations, car washes, laundromats.

4. Malls, shopping centers, retail stores.

5. Shops (butcher shops, shoe shops, shell shops, etc., including pawn shops that have been licensed to transact business by the Consumer Credit Commissioner under Chapter 371, Finance Code).

6. Grocery stores, convenience stores, markets.

7. Retail markets (seafood/meat) and bait stands.

8. Entertainment facilities (theaters, bowling alleys, pool halls, clubs and lounges, etc.

9. Sales, service and repair shops (radio, television, shoe repair, tool repair and rental, lawn mower repair, auto and boat repair shops, etc).

10. Personal service shops (beauty salons, barber shops, tailoring and dressmaking shops, etc).

11. Storage buildings, auto storage yards.

12. Animal hospitals, boarding kennels and grooming shops.

13. Mortuaries and funeral homes.

14. Agricultural services, greenhouses and landscaping services.

15. Outdoor welding, fabricating operations, by CUP.

16. Permanent or long term (more than 30 days) public entertainment facilities or uses, by CUP. Such uses may include, but not be limited to, amusement parks, carnivals, circuses, marine life shows, dance/theatrical productions and natatoriums.

17. Fish houses, seafood processing plants, by CUP.

18. Adult entertainment, by CUP.

15.2 *Area and Yard Regulations*.

15.2.1 *Area of the Lot*. None required for non-dwelling uses. For dwelling uses, See [section 118-20] Table 20.

15.2.2 *Width of the Lot*. The minimum width of the lot shall be fifty (50) feet. See [section 118-20] Table 20.

15.2.3 *Area of the Building*. For a primary use structure, the minimum floor area shall be five hundred (500) square feet. See [section 118-20] Table 20.

15.2.4 *Yard Area and Building Setbacks*. See [section 118-20] Table 20

15.3 *Height of the Building*. No building shall exceed forty five (45) feet in height. See Article 3 [section 118-3] Definitions and Article 20 [section 118-20].

15.4 *Parking Regulations*. Parking regulations for permitted uses as contained in Article 21 [section 118-21].

15.5 *Accessory Use Regulations*. Accessory uses, which are auxiliary or incidental to the primary use of a building or premises, as contained in Article 22 [section 118-22].

(Ord. No. 1027, art. 15, 4-9-96)

B-1

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 [X] Conditional Permit [ ]

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

B. ADDRESS AND LOCATION OF PROPERTY 1802 FM 2165 Rockport, TX 78382

C. CURRENT ZONING OF PROPERTY: R-1

D. PRESENT USE OF PROPERTY: UNDEVELOPED

E. ZONING DISTRICT REQUESTED: B-1

F. CONDITIONAL USE REQUESTED: ———

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

- Lot or Tract _____ Block _____
- Tract See Attached 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) PEARL ST. SQUARE

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

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

B-1 to be a buffer between housing development and Pearl St.

K. OWNER'S NAME: (Please print) DIANE TUCKER
ADDRESS: 1622 CHERRY ST.
CITY, STATE, ZIP CODE: ROCKPORT, TX 78382
PHONE NO 361-229-2682

L. REPRESENTATIVE: (If Other Than Owner) DONNIE GARCIA, THE OAKS LLC
ADDRESS: 2808 TAYLOR
CITY, STATE, ZIP CODE: ROCKPORT, TX 78382
PHONE NO 512-801-6201

**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)** CK # 2015

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

Signed: _____
(Owner or Representative)

**(FOR CITY USE)**

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

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

If rejected, reasons why: _____

Receipt No. _____

# EXHIBIT "A"

JANUARY 13, 2021

BEING THE DESCRIPTION OF 1.343 ACRES OF LAND OUT OF A 10.345 ACRE TRACT, OUT OF THE J.W. PAUP SURVEY, A-179, CITY OF ROCKPORT, ARANSAS COUNTY, TEXAS, AND SAID 10.345 ACRE TRACT BEING DESCRIBED IN A DEED OF RECORD UNDER CLERKS FILE NUMBER 339130, OFFICIAL PUBLIC RECORDS OF ARANSAS COUNTY, TEXA, WITH SAID 1.343 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGIN, at a point in the Northeasterly R.O.W. line of Texas State F.M. 2165, from whence the Southwest corner of said 10.345 acre tract bears South 37°33'13" East, a distance of 74.34 feet, with said point being the SOUTHWEST corner and PLACE OF BEGINNING of this description;

THENCE, North 37°33'13" West, along and with the Northeasterly R.O.W. line of Texas State F.M. 2165, a distance of 351.44 feet to a 5/8" steel rebar for the Northwest corner of said 10.345 acre tract, and being the Southwest corner of a 1.51 acre tract, as described in a deed of record under Clerks File Number 201461, Official Public Records of Aransas County, Texas, and being the NORTHWEST corner of this description;

THENCE, North 89°11'36" East, along and with the common boundary line of said 1.51 acre tract and said 10.345 acre tract, a distance of 287.34 feet to a 5/8" steel rebar for the Southeast corner of said 1.51 acre tract and being the Southwest corner of Lot 35, Block 21, Rockport Country Club Estates, Unit 2, according to the plat recorded in Volume 4, Page 31, Plat Records of Aransas County, Texas, and being an angle point and EXTERIOR corner of this description;

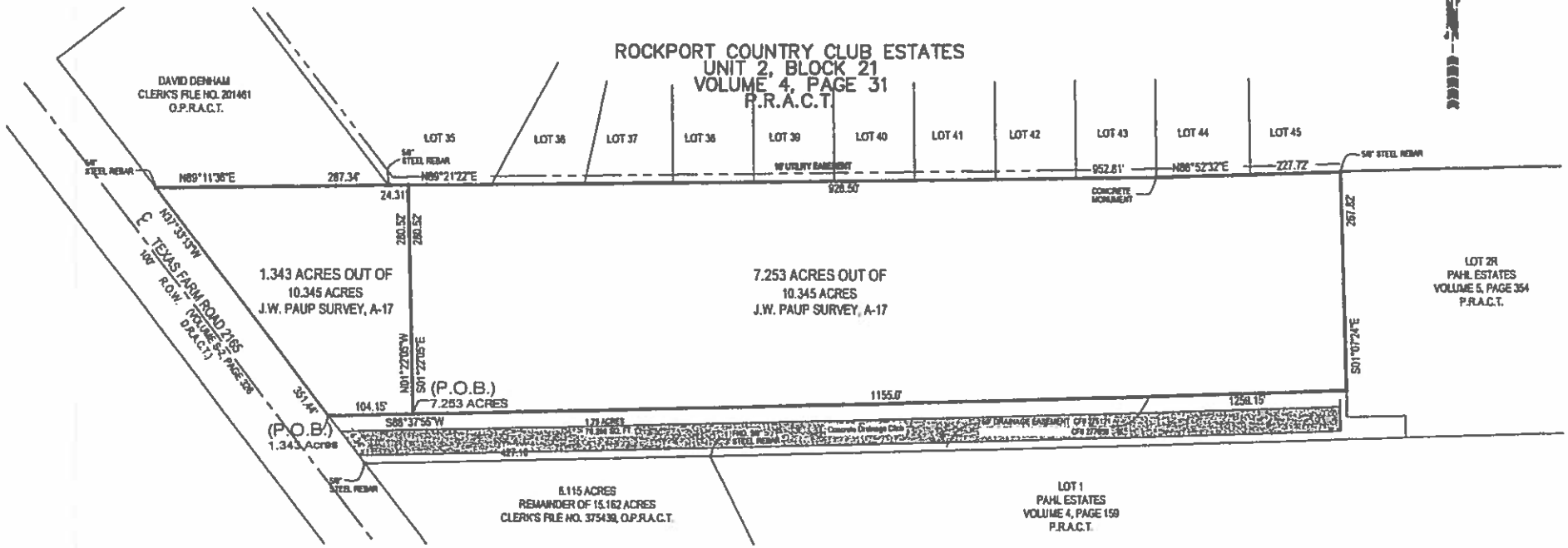
THENCE, North 89°21'22" East, along and with the common boundary line of said 10.345 acre tract, and said Block 21, a distance of 24.31 feet to a point for the NORTHEAST corner of this description;

THENCE, South 01°22'05" East, crossing said 10.345 acre tract, a distance of 280.52 feet to a point in the North line of a 60.0 foot wide drainage easement, as described in documents of record under Clerks File Number 275121 and 277050, Official Public Records of Aransas County, Texas, and being the SOUTHEAST corner of this survey;

THENCE, South 88°37'55" West, along and with the North line of said 60.0 foot wide drainage easement, a distance of 104.15 feet to the PLACE OF BEGINNING of this description and containing 1.343 acres or 58,489 square feet of land, more or less.

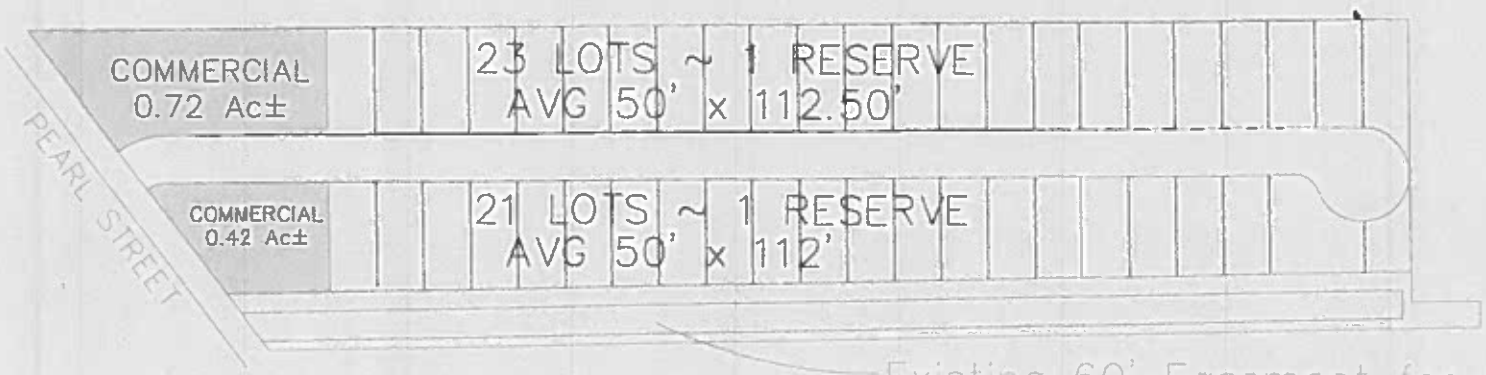
SEE ACCOMPANYING EXHIBIT
FILENAME: 210113BB2

210113BB1FN




**SEE ACCOMPANYING FIELD NOTES DESCRIPTIONS**

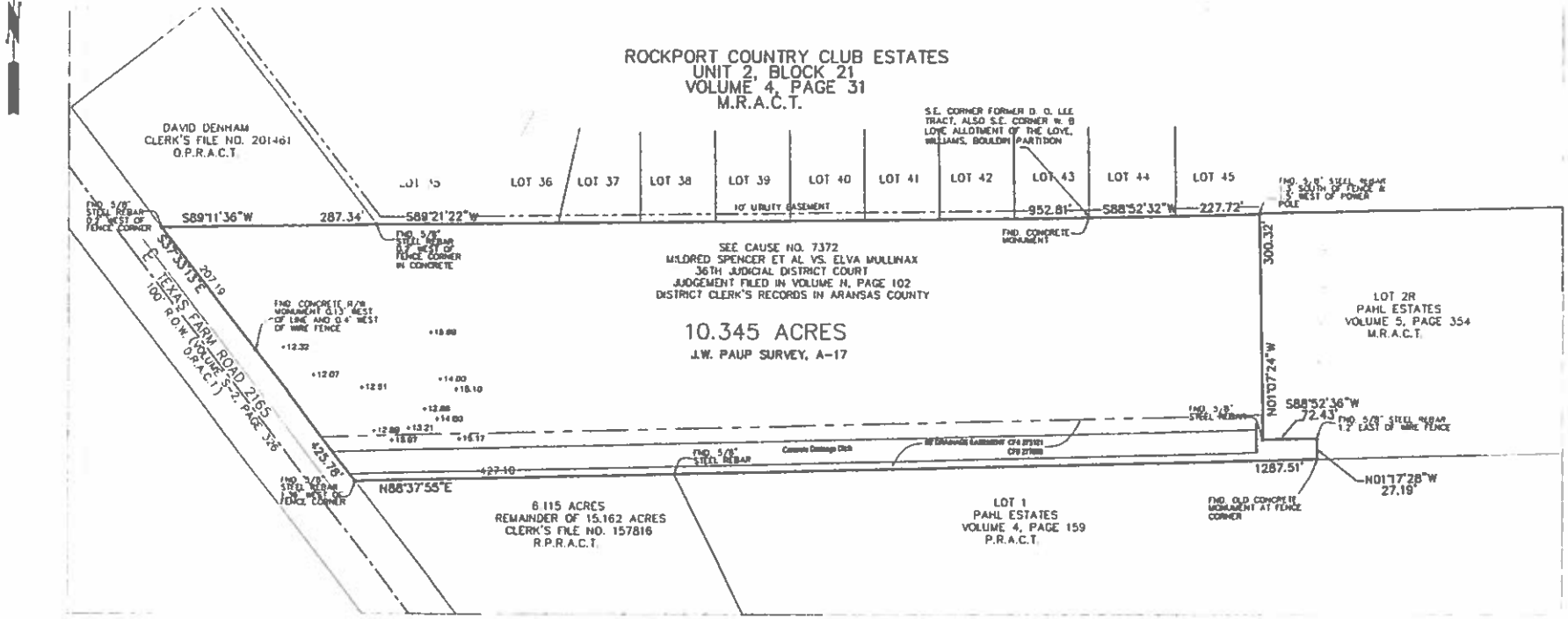
| CURRENT PARTY | LEGAL DESCRIPTION OF PROPERTY |
|---|---|
| Prepared For: Paul Lippke | EXHIBIT "B"<br>1.343 ACRES & 7.253 ACRES<br>OUT OF A 10.345 ACRE TRACT, OUT OF THE J.W. PAUP SURVEY, A-179,<br>CITY OF ROCKPORT, ARANSAS COUNTY, TEXAS,<br>AND SAID 10.345 ACRE TRACT BEING DESCRIBED IN A DEED OF RECORD UNDER<br>CLERKS FILE NUMBER 315938, OFFICIAL PUBLIC RECORDS OF ARANSAS COUNTY,TEXAS.<br>Scale: 1' = 150' JANUARY 13, 2021 |
| FIRM NAME AND ADDRESS<br>Griffith & Brundrett Surveying & Engineering PC<br>411 S. Pearl St., P.O. Box 2322<br>Rockport, Texas 78381<br>P: 361 729 6479<br>F: 361 729 7931<br>E: jerry@gbsurveyor.com<br>W: www.gbsurveyor.com | FILE NAME: 210113BB2 |




LAND PLAN # 8

THE OAKS, LLC
PEARL ST. COMMONS

SCALE 1"= 60' | Dec 15, 2020




****ELEVATIONS ON NAVD 88****

COPYRIGHT NOTICE

Griffith & Brundrett Surveying & Engineering, Inc.

DATE: DECEMBER 30, 2013
SCALE: 1" = 100'
FILE NAME:
REVISED DATE: JANUARY 24, 2014

PREPARED FOR: BRETT BOHN

# 10.345 ACRES OF LAND OUT OF THE J.W. PAUP SURVEY, A-17, CITY OF ROCKPORT, ARANSAS COUNTY, TEXAS,

AND BEING THAT SAME TRACT CONVEYED BY ELVA MULLINAX TO MILDRED SPENCER, ET AL, UNDER CLERKS FILE NUMBER 139307, REAL PROPERTY RECORDS OF OF ARANSAS COUNTY, TEXAS

I, J. L. BRUNDRETT, JR., A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THIS PLAT CORRECTLY SHOWS A SURVEY ON THE GROUND OF THE FOREGOING PROPERTY AND THAT THERE ARE NO VISIBLE EASEMENTS, ENCROACHMENTS OR PROTRUSIONS (EXCEPT AS SHOWN HEREON.)

J. L. BRUNDRETT, JR., R.P.L.S. REG. NO.2133
TBPLS FIRM REG. NO. 10004600

STATE OF TEXAS REGISTERED J. L. BRUNDRETT, JR. 2133 PROFESSIONAL LAND SURVEYOR

# JOINT PUBLIC HEARING

Rockport City Council and Planning
& Zoning Commission

NOTICE is hereby given that the Rockport City Council and the Planning & Zoning Commission will hold a Joint Public Hearing on Tuesday, February 23, 2021, at 6:30 p.m., to consider a request to rezone property to B-1 (General Business District), currently zoned R-1 (1st Single Family Dwelling District), located at 1802 FM 2165; also known as 1.343 acres of land out of a 10.345 acre tract, out of the J.W. Paup Survey, A-179, City of Rockport, Aransas County, Texas, and said 10.345 acre tract being described in a deed of record under clerks file number 339130, Official Public Records of Aransas County, Texas; to serve as a buffer between housing development and to be known as Pearl Street Square.

The meeting will be held using the video conferencing application ZOOM. **No in-person meeting will be conducted at the Rockport Service Center.** A temporary suspension of the Open Meetings Act to allow telephone or video conference public meeting has been granted by Governor Greg Abbott. These actions are being taken to mitigate the spread of COVID-19 by avoiding meetings that bring people into a group setting and in accordance with Section 418.016 of the Texas Government Code. Video conferencing capabilities will be utilized to allow individuals to address the Planning & Zoning Commission and City Council. Members of the public can participate in the meeting remotely by using the ZOOM address that will be provided on the City Council Agenda of February 23, 2021, and posted on the City's website www.cityofrockport.com.

Due to the COVID-19 pandemic, the attorney general has said: "statutes that may be interpreted to require face-to-face interaction between members of the public and public officials are suspended; provided, however, that the governmental bodies must offer alternative methods of communicating with their public officials." Public participation is valued and citizens wishing to express their views during the Joint Public Hearing can either electronically submit a Citizen Participation form in order to register to speak by going to https://rockport.seamlessdocs.com/f/CouncilCitizenParticipation or emailing written comments to the City Secretary by 4:00 p.m. on the day of the meeting. The Mayor will read the comments and they will be summarized in the minutes of the meeting.

The City encourages citizens to participate and make their views known at this Joint Public Hearing. For further information on this request, please contact the Building Department at (361) 790-1125.

**POSTED** the 2nd day of February 2021 at 1:00 p.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 6, 2021, Edition, in accordance with the City of Rockport Code of Ordinances.

**CITY OF ROCKPORT, TEXAS**

Teresa Valdez, City Secretary

| Property ID | Property Owner | Situs Address | Mailing Address | City | State | ZIP |
|---|---|---|---|---|---|---|
| 28629 | EDWARD L SAMPLE ETUX MISCHELLE Y | 1853 FM 2165 | P O BOX 6278 | CORPUS CHRISTI | TX | 78466-6278 |
| 28628 | SCHINDLER LORETTA J | 1821 FM 2165 | 107 SANTA FE DRIVE | ROCKPORT | TX | 78382-6855 |
| 54417 | GREEN WING INVESTMENTS LLC | 1702 FM 2165 | 1702 FM 2165 | THREE RIVERS | TX | 78071-1518 |
| 30375 | DAVID I DENHAM | 1842 FM 2165 | 420 OLYMPIC DR | ROCKPORT | TX | 78382-6834 |
| 57516 | LOUIS & ERIN OLVER | 479 AUGUSTA DR | 479 AUGUSTA DR | ROCKPORT | TX | 78382-6950 |
| 31546 | ROOFUS LLC | 483 AUGUSTA DR | P O BOX 1658 | FULTON | TX | 78358-1658 |
| 31547 | ALBERTA GODINICH JR | 485 AUGUSTA DR | P O BOX 1658 | FULTON | TX | 78358-1658 |
| 30360 | CITY OF ROCKPORT | 1601 FM 2165 | 2751 SH 35 BYPASS | ROCKPORT | TX | 78382-5710 |

# CITY COUNCIL AGENDA
## Regular Meeting: Tuesday, February 23, 2021

**AGENDA ITEM:** 16

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-6 (Hotel/Motel District) for property located at 345 SH 35 Bypass; also known as 28.071 acres of land out of Farm Lots 1, 2 And 3, Land Block 22, T.P. McCampbell Subdivision: a portion of the Northeast one-half of a 40.0 foot wide platted, unimproved roadway, adjacent to Farm Lots 1, 2, And 3, Land Block 21; and a portion of a 40.0 foot wide platted, unimproved roadway adjacent to Farm Lot 1, 2, And 3 Land Block 22, T.P. McCampbell Subdivision, City Of Rockport, Aransas County, Texas, according to the plat recorded in Volume 1, Pages 3 And 4, Plat Records Of Aransas County, Texas, and being out of a called 7.311 acre tract (Tract 3) and a called 56.463 acre tract (Tract 2), as described in a deed of record under Clerks File Number 368317, Official Public Records Of Aransas County, Texas, to B-1 (General Business District) to develop office space and retail space; repealing all ordinances in conflict therewith; providing for severability; and providing an effective date.

**SUBMITTED BY**: Community Planner Amanda Torres

**APPROVED FOR AGENDA:** PKC

**BACKGROUND:** Property owner Don Buttrum and representative Jamise Fisher has submitted an application seeking a request to rezone 28.071 acres of land out of Farm Lots 1, 2 And 3, Land Block 22, T.P. McCampbell Subdivision: a portion of the Northeast one-half of a 40.0 foot wide platted, unimproved roadway, adjacent to Farm Lots 1, 2, And 3, Land Block 21; and a portion of a 40.0 foot wide platted, unimproved roadway adjacent to Farm Lot 1, 2, And 3 Land Block 22, T.P. McCampbell Subdivision, City Of Rockport, Aransas County, Texas, according to the plat recorded in Volume 1, Pages 3 And 4, Plat Records Of Aransas County, Texas, and being out of a called 7.311 acre tract (Tract 3) and a called 56.463 acre tract (Tract 2), as described in a deed of record under Clerks File Number 368317, Official Public Records Of Aransas County, Texas, with said 28.071 acres of land; to B-1 (General Business District) to develop office space and retail space; currently zoned R-6 (Hotel/Motel Dwelling District).

In late 2019/early 2020, the applicant submitted a zoning change request to re-zone his entire parcel to B-1 (General Business District). After discussions with City Council, this request was then changed to R-6 (Hotel/Motel District) and approved. Mr. Buttrum would like to build office space for his company, Buttrum Construction, and provide leased retail space on the front portion of his property.

A public notice regarding this item was published in *The Rockport Pilot* in the Saturday, January 16, 2021, edition and mailed out to three property owners within a 200-foot radius of the property. No letters for or against the request have been received. A Joint Public Hearing was held on Tuesday, February 9. No comments for or against the request were made. Planning & Zoning Commission met on Monday, February 16 and voted to recommend approval to City Council.

Please see the accompanying zoning change request application and Section 118-15 of Code of Ordinances for detail information.

**FISCAL ANALYSIS:** N/A

**RECOMMENDATION:** Staff and the Planning & Zoning Commission recommend approval of 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-6 (Hotel/Motel District) for property located at 345 SH 35 Bypass; also known as 28.071 acres of land out of Farm Lots 1, 2 And 3, Land Block 22, T.P. McCampbell Subdivision: a portion of the Northeast one-half of a 40.0 foot wide platted, unimproved roadway, adjacent to Farm Lots 1, 2, And 3, Land Block 21; and a portion of a 40.0 foot wide platted, unimproved roadway adjacent to Farm Lot 1, 2, And 3 Land Block 22, T.P. McCampbell Subdivision, City Of Rockport, Aransas County, Texas, according to the plat recorded in Volume 1, Pages 3 And 4, Plat Records Of Aransas County, Texas, and being out of a called 7.311 acre tract (Tract 3) and a called 56.463 acre tract (Tract 2), as described in a deed of record under Clerks File Number 368317, Official Public Records Of Aransas County, Texas, to B-1 (General Business District) to develop office space and retail space; repealing all ordinances in conflict therewith; providing for severability; and providing an effective date, as presented.

**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-6 (HOTEL/MOTEL DISTRICT) FOR PROPERTY LOCATED AT 345 SH 35 BYPASS; ALSO KNOWN AS 28.071 ACRES OF LAND OUT OF FARM LOTS 1, 2 AND 3, LAND BLOCK 22, T.P. MCCAMPBELL SUBDIVISION: A PORTION OF THE NORTHEAST ONE-HALF OF A 40.0 FOOT WIDE PLATTED, UNIMPROVED ROADWAY, ADJACENT TO FARM LOTS 1, 2, AND 3, LAND BLOCK 21; AND A PORTION OF A 40.0 FOOT WIDE PLATTED, UNIMPROVED ROADWAY ADJACENT TO FARM LOT 1, 2, AND 3 LAND BLOCK 22, T.P. MCCAMPBELL SUBDIVISION, CITY OF ROCKPORT, ARANSAS COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN VOLUME 1, PAGES 3 AND 4, PLAT RECORDS OF ARANSAS COUNTY, TEXAS, AND BEING OUT OF A CALLED 7.311 ACRE TRACT (TRACT 3) AND A CALLED 56.463 ACRE TRACT (TRACT 2), AS DESCRIBED IN A DEED OF RECORD UNDER CLERKS FILE NUMBER 368317, OFFICIAL PUBLIC RECORDS OF ARANSAS COUNTY, TEXAS, TO B-1 (GENERAL BUSINESS DISTRICT) TO DEVELOP OFFICE SPACE AND RETAIL SPACE; 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 January 13, 2021, 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 January 15, 2021, notice was mailed to affected property owners within 200' of subject property; and

**WHEREAS,** on January 16, 2021, the City caused to be published "Notice of Joint 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 February 9, 2021, at 6:30 p.m., the Rockport City Council and the Planning & Zoning Commission did hold a Joint Public Hearing; and

**WHEREAS,** on February 15, 2021, the Planning & Zoning Commission did meet and said Commission voted to recommend to City Council to accept and approve this request to re-zone property, located at 345 SH 35 Bypass from R-6 (Hotel/Motel District), to B-1 (General Business District) to develop office space and retail space.

**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 345 SH 35 Bypass; also known as 28.071 acres of land out of Farm Lots 1, 2 And 3, Land Block 22, T.P. McCampbell Subdivision: a portion of the Northeast one-half of a 40.0 foot wide platted, unimproved roadway, adjacent to Farm Lots 1, 2, And 3, Land Block 21; and a portion of a 40.0 foot wide platted, unimproved roadway adjacent to Farm Lot 1, 2, And 3 Land Block 22, T.P. McCampbell Subdivision, City Of Rockport, Aransas County, Texas, according to the plat recorded in Volume 1, Pages 3 And 4, Plat Records Of Aransas County, Texas, and being out of a called 7.311 acre tract (Tract 3) and a called 56.463 acre tract (Tract 2), as described in a deed of record under Clerks File Number 368317, Official Public Records Of Aransas County, Texas; to B-1 (General Business District) to develop office space and retail space; repealing all ordinances in conflict therewith; providing for severability; and providing an effective date.

**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 the 23rd day of February 2021.

**CITY OF ROCKPORT, TEXAS**

_____
Patrick R. Rios, Mayor

**ATTEST:**

_____
Teresa Valdez, City Secretary

**APPROVED, PASSED** and **ADOPTED** on second and final reading the ____ day of _____ 2021.

**CITY OF ROCKPORT, TEXAS**

_____
Patrick R. Rios, Mayor

**ATTEST:**

_____
Teresa Valdez, City Secretary

## STAFF REPORT

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

**PROPERTY ADDRESS/LOCATION**
345 SH 35 Bypass

**APPLICANT/PROPERTY OWNER**
Jamise Fisher/Don Buttrum

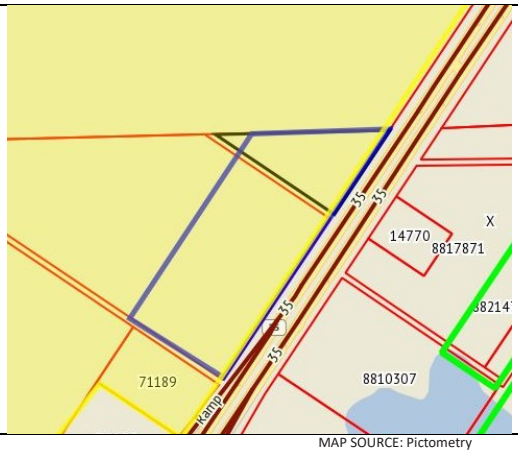
**PUBLIC HEARING DATE**
Tuesday, February 9, 2021

**P&Z DATE**
Monday, February 15, 2021

**CITY COUNCIL DATE(S)**
1st Reading - Tuesday, February 23, 2021
2nd Reading – Tuesday, March 9, 2021

**BRIEF SUMMARY OF REQUEST:**
Property owner Don Buttrum and representative Jamise Fisher has submitted an application seeking a request to rezone 28.071 acres of land out of Farm Lots 1, 2 And 3, Land Block 22, T.P. McCampbell Subdivision: a portion of the Northeast one-half of a 40.0 foot wide platted, unimproved roadway, adjacent to Farm Lots 1, 2, And 3, Land Block 21; and a portion of a 40.0 foot wide platted, unimproved roadway adjacent to Farm Lot 1, 2, And 3 Land Block 22, T.P. McCampbell Subdivision, City Of Rockport, Aransas County, Texas, according to the plat recorded in Volume 1, Pages 3 And 4, Plat Records Of Aransas County, Texas, and being out of a called 7.311 acre tract (Tract 3) and a called 56.463 acre tract (Tract 2), as described in a deed of record under Clerks File Number 368317, Official Public Records Of Aransas County, Texas, with said 28.071 acres of land; to B-1 (General Business District) to develop warehouse/office space currently zoned R-6 (Hotel/Motel Dwelling District).

A public notice regarding this item was published in The Rockport Pilot in the Saturday, January 16, 2020 edition and mailed out to three property owners within a 200-foot radius of the property. No letters for or against the request have been received.



MAP SOURCE: Pictometry

| EXISTING ZONING | EXISTING LAND USE | SURROUNDING ZONING & LAND USE | SITE IMPROVEMENTS | SIZE OF PROPERTY |
|---|---|---|---|---|
| R-6 Hotel/Motel Dwelling District | Undeveloped | **North:** R-1 1st Single-Family Dwelling, undeveloped<br>**South**: B-1 General Business and R-1 1st Single-Family Dwelling, businesses<br>**East:** R-1 1st Single-Family Dwelling, B-1 (General Business), undeveloped, RV Park<br>**West:** R-6 Hotel/Motel District, currently undeveloped | Will be extending water and sewer | 28.07 acres (Frontage) |

STAFF RECOMMENDATION

**APPROVE** | **APPROVE WITH CONDITIONS** | **DENY**

**COMPATIBILITY** with the ZONING ORDINANCE & FUTURE LAND USE MAP

Any future development will meet all setback requirements of the B-1 General Business District if approved.

The 2011 Future Land Use Map indicates this portion of the Bypass corridor should be Industrial.

**PROPERTY HISTORY**

*Compatibility with the planned development (or other controlling documents); traffic/parking; public works/utilities; engineering/flood plain/soil; building code/fire or design*

The property is not within the Special Flood Hazard Area. Commercial plans including parking, drainage, building design, etc. will need to conform to the approved zoning district, if zoning is approved.

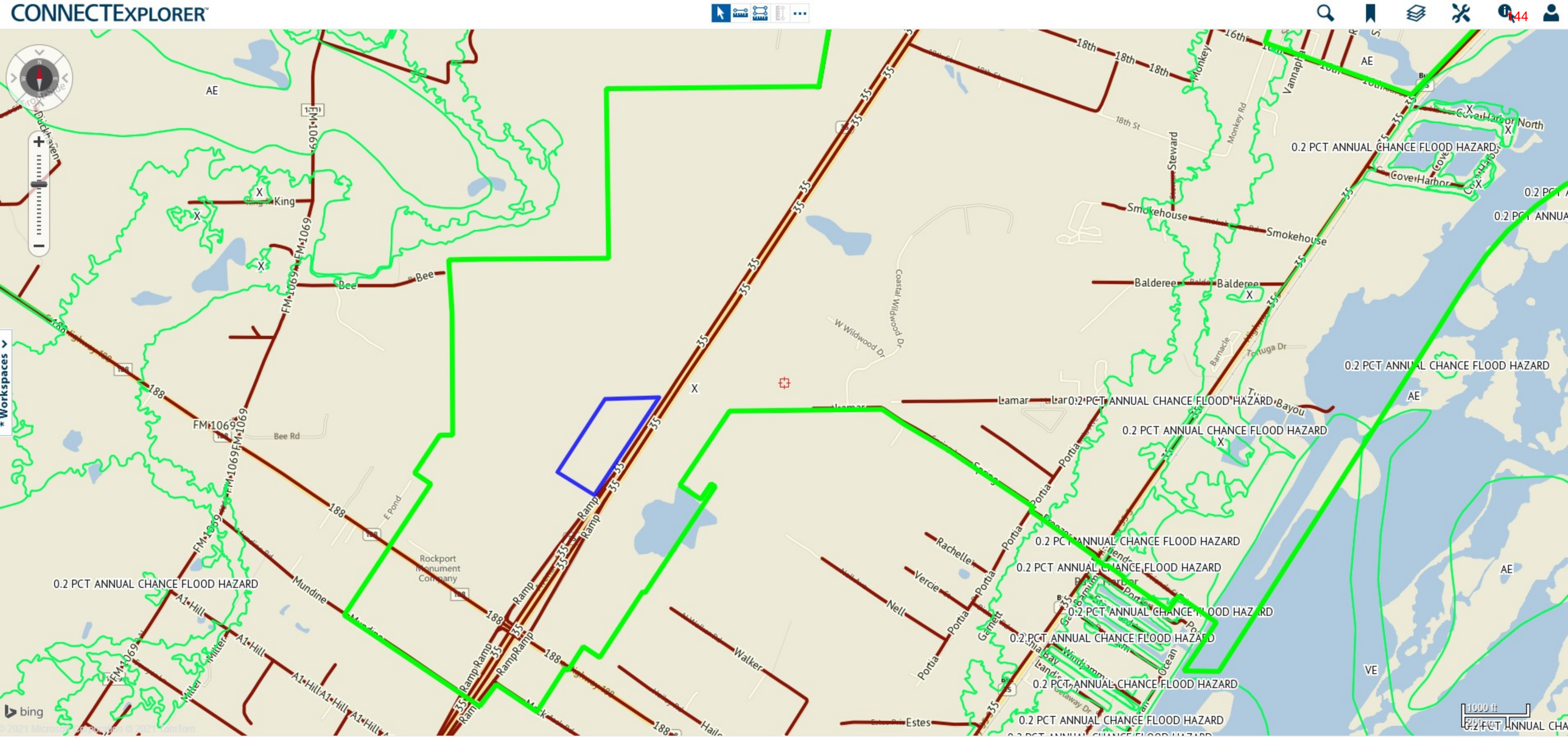
The property in question was annexed by the City of Rockport in 2016. Because this property was incorporated into the city as part of an annexation, this and surrounding properties were designated as R-1 (1st Single Family Dwelling District) in accordance to the City's zoning policy for newly annexed territory (City of Rockport Code of Ordinances, Chapter 118 Zoning, Article 5 Newly Annexed Territory).

**ATTACHMENTS** (CIRCLE)

SUBMITTED PLANS | PUBLIC HEARING PETITION/ APPLICATION FORM | LEGAL NOTICE | LEGAL DESCRIPTION

PUBLIC COMMENTS | AGENCY COMMENTS | RESPONSE TO STANDARDS

**OTHER** (DESCRIBE)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Ramp
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Balderee
Portia
Mundine
Walker
Estes
Rockport Monument Company
Cove Harbor North
Cove Harbor
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W Wildwood Dr
Tortuga Dr
Barnacle
Monkey Rd
18th St
Steward
Lamar
Bayou
Rachelle
Vercie
Nell
Garnett
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Windjammer
Gateway Dr
King
Miller
A1 Hill
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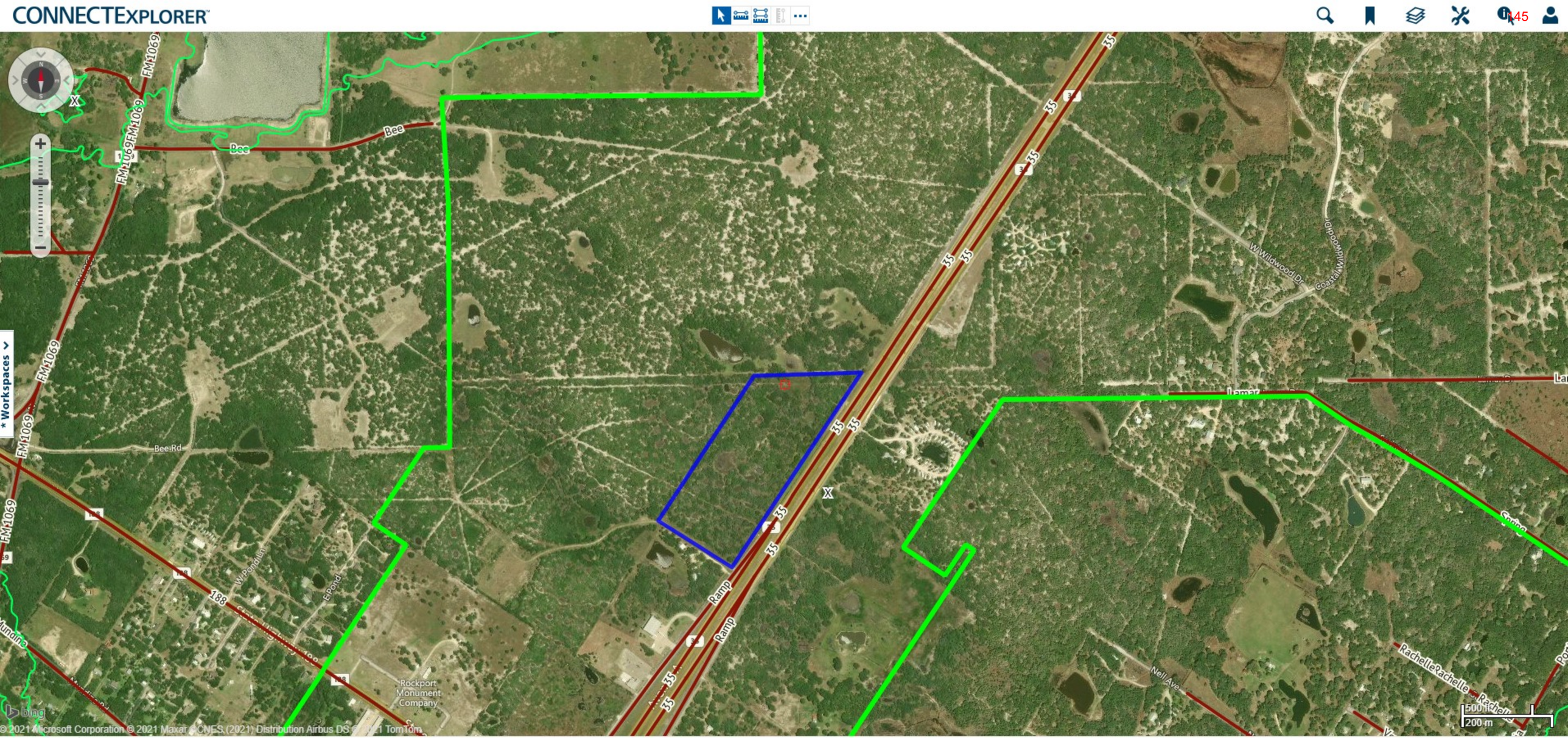
map: Road
Dec 2019 - Jan 2020
* Workspaces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* Workspaces
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Ramp
Rockport Monument Company
W Wildwood Dr
Lamar
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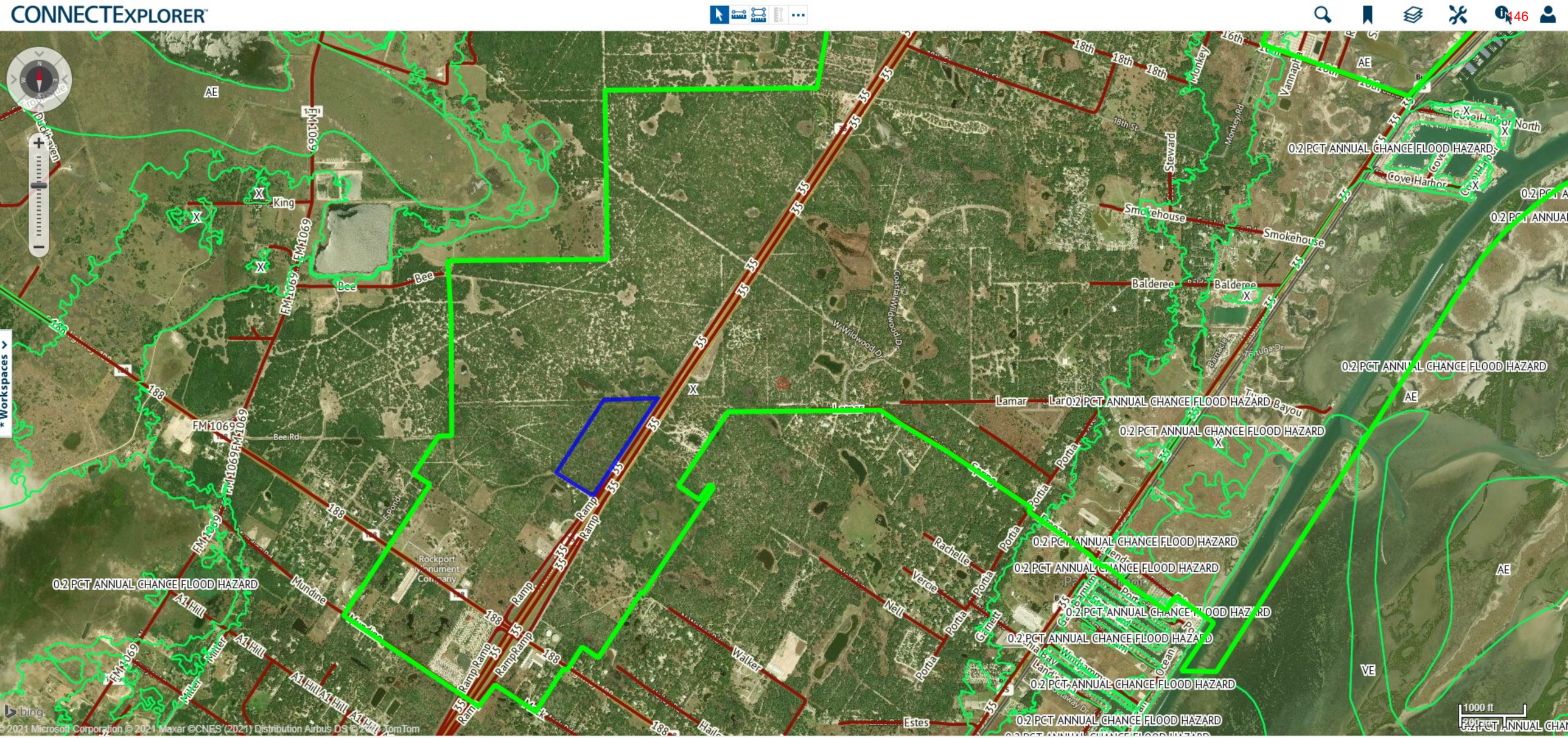
500 ft
200 m
© 2021 Microsoft Corporation © 2021 Maxar ©CNES (2021) Distribution Airbus DS © 2021 TomTom
map: Aerial
Dec 2019 - Jan 2020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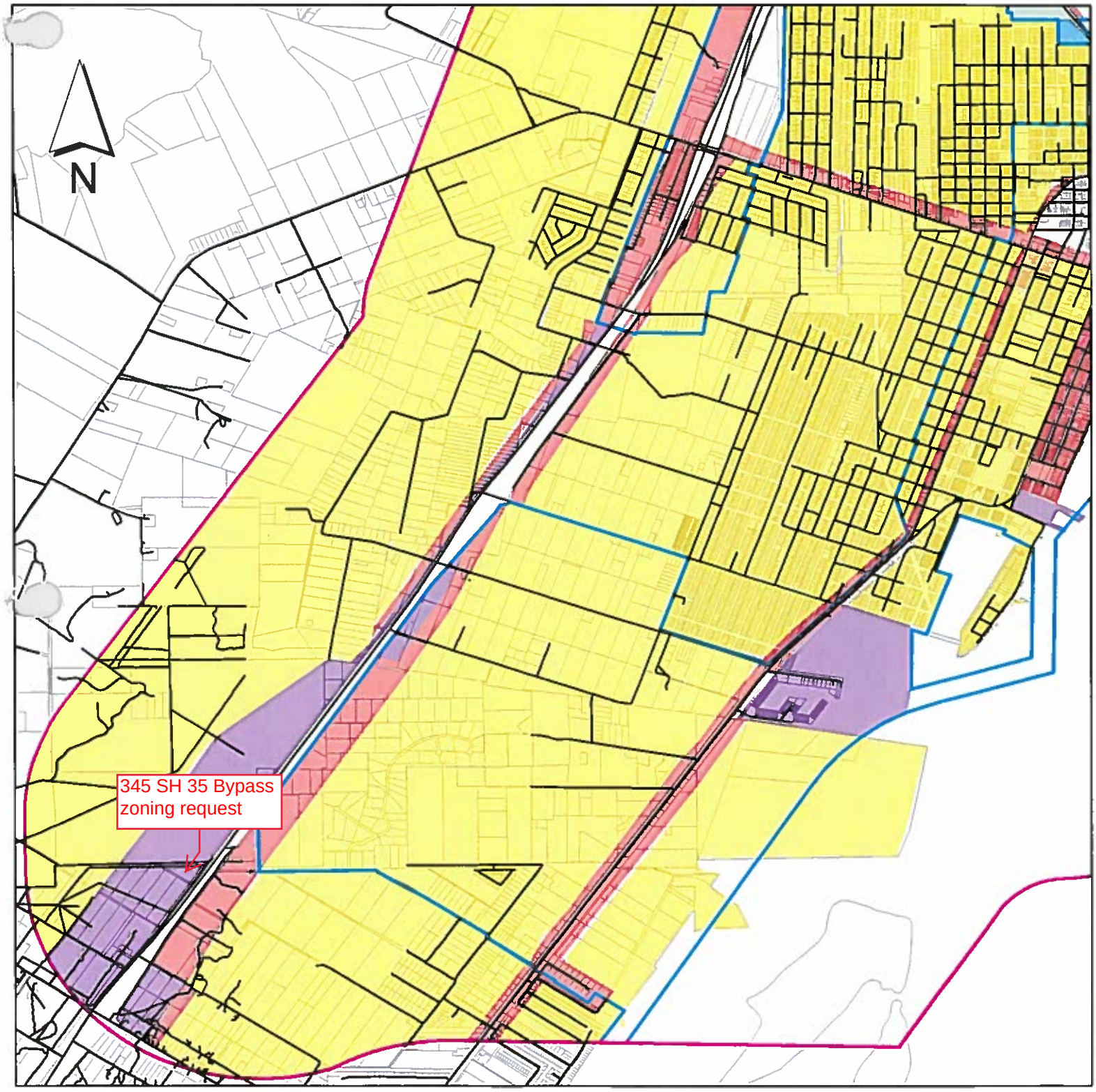
Lamar
Portia
Rachelle
Verde
Nell
Garnett
Walker
Estes
Mundine
A1 Hill
Miller
Ramp
Rockport Monument Company
Cove Harbor
Cove Harbor North
Bayou
Coastal Wildwood Dr
W Wildwood Dr
Monkey
Steward
18th
18th St
Vannapp
Tortuga Dr
Barnacle
Galloway Dr
1000 ft
200 m
© 2021 Microsoft Corporation © 2021 Maxar ©CNES (2021) Distribution Airbus DS © 2021 TomTom
bing
* Workspaces
map: Aerial
Dec 2019 - Jan 2020

# City of Rockport, Texas Study Area
# Future Land Use Map: Exhibit A




**Legend**

- Rockport ETJ
- Rockport City Limits
- Roads
- Commercial/Business
- Industrial
- Low Density Residential
- Multi-family Residential
- Parks and Green Space
- Public
- Aransas Parcels

1 Miles

Article I. Zoning Ordinance*

**Sec. 118-15. B-1 General Business District.**

15.1 *Use Regulations*. The purpose of this district is to provide suitable locations for a wide variety of business and mercantile uses. In addition to the previous listed uses in R-1 through R-7 districts, land and premises may be used for:

1. Restaurants, cafes, food catering services.

2. Offices, banks, libraries, museums, etc.

3. Service stations, car washes, laundromats.

4. Malls, shopping centers, retail stores.

5. Shops (butcher shops, shoe shops, shell shops, etc., including pawn shops that have been licensed to transact business by the Consumer Credit Commissioner under Chapter 371, Finance Code).

6. Grocery stores, convenience stores, markets.

7. Retail markets (seafood/meat) and bait stands.

8. Entertainment facilities (theaters, bowling alleys, pool halls, clubs and lounges, etc.

9. Sales, service and repair shops (radio, television, shoe repair, tool repair and rental, lawn mower repair, auto and boat repair shops, etc).

10. Personal service shops (beauty salons, barber shops, tailoring and dressmaking shops, etc).

11. Storage buildings, auto storage yards.

12. Animal hospitals, boarding kennels and grooming shops.

13. Mortuaries and funeral homes.

14. Agricultural services, greenhouses and landscaping services.

15. Outdoor welding, fabricating operations, by CUP.

16. Permanent or long term (more than 30 days) public entertainment facilities or uses, by CUP. Such uses may include, but not be limited to, amusement parks, carnivals, circuses, marine life shows, dance/theatrical productions and natatoriums.

17. Fish houses, seafood processing plants, by CUP.

18. Adult entertainment, by CUP.

15.2 *Area and Yard Regulations*.

15.2.1 *Area of the Lot*. None required for non-dwelling uses. For dwelling uses, See [section 118-20] Table 20.

15.2.2 *Width of the Lot*. The minimum width of the lot shall be fifty (50) feet. See [section 118-20] Table 20.

15.2.3 *Area of the Building*. For a primary use structure, the minimum floor area shall be five hundred (500) square feet. See [section 118-20] Table 20.

15.2.4 *Yard Area and Building Setbacks*. See [section 118-20] Table 20

15.3 *Height of the Building*. No building shall exceed forty five (45) feet in height. See Article 3 [section 118-3] Definitions and Article 20 [section 118-20].

15.4 *Parking Regulations*. Parking regulations for permitted uses as contained in Article 21 [section 118-21].

15.5 *Accessory Use Regulations*. Accessory uses, which are auxiliary or incidental to the primary use of a building or premises, as contained in Article 22 [section 118-22].

(Ord. No. 1027, art. 15, 4-9-96)

# 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 [ X ] Conditional Permit [ ]

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

B. ADDRESS AND LOCATION OF PROPERTY 345 SH 35 BYPASS ROCKPORT, TX

C. CURRENT ZONING OF PROPERTY: R-6

D. PRESENT USE OF PROPERTY: NONE

E. ZONING DISTRICT REQUESTED: B-1

F. CONDITIONAL USE REQUESTED: _____

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

- Lot or Tract _____ Block _____
- Tract 28.07 ACRES of the T.P. McCampbell 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) Buttrum Development

I. TOTAL ACREAGE OR SQ. FT. OF SITE(S): Rezoning 28.07 acre frontage out of 134.34 acre tract

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

Entire property was rezoned to R-6 based on developer's plans in January, 2020. He now wishes to develop warehouse / office space and retail business along the SH 35 Bypass, which require a B-1 zoning designation.

K. OWNER'S NAME: (Please print) Don Buttrum

ADDRESS: 8012 N. Interstate 35

CITY, STATE, ZIP CODE: New Braunfels, TX 78130

PHONE NO 623-251-9432

L. REPRESENTATIVE: (If Other Than Owner) Jamise Fisher

ADDRESS: 2121 FM 3036

CITY, STATE, ZIP CODE: Rockport, TX 78382

PHONE NO 214-675-7384 Email: jamisefisher@att.net

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

YES X NO _____

M. FILING FEE:

| | | |
|---|---|---|
| REZONING | $150.00 + $10.00 PER ACRE | $430.70 |
| PLANNED UNIT DEVELOPMENT | $200.00 + $10.00 PER ACRE | |
| P.U.D. REVISION | $200.00 + $10.00 PER ACRE | |
| CONDITIONAL PERMIT | $150.00 + $10.00 PER ACRE | |

**(Make check payable to the City of Rockport)**

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

Signed: _____
(Owner or Representative)

**(FOR CITY USE)**

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

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

If rejected, reasons why: _____

Receipt No. _____

# EXHIBIT "A"

BEING THE DESCRIPTION OF 28.071 ACRES OF LAND OUT OF FARM LOTS 1, 2 AND 3, LANDBLOCK 21; FARM LOTS 1, 2 AND 3, LANDBLOCK 22, T.P. MCCAMPBELL SUBDIVISION; A PORTION OF THE NORTHEAST ONE-HALF OF A 40.0 FOOT WIDE PLATTED, UNIMPROVED ROADWAY, ADJACENT TO FARM LOTS 1, 2, AND 3, LANDBLOCK 21; AND A PORTION OF A 40.0 FOOT WIDE PLATTED, UNIMRPOVED ROADWAY ADJACENT TO FARMLOTS 1, 2, AND 3, LANDBLOCK 21 AND FARM LOTS 1, 2 AND 3, LANDBLOCK 22, T.P. MCCAMPBELL SUBDIVISION, CITY OF ROCKPORT, ARANSAS COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED NI VOLUME 1, PAGES 3 AND 4, PLAT RECORDS OF ARANSAS COUNTY, TEXAS, AND BEING OUT OF A CALLED 7.311 ACRE TRACT (TRACT 3) AND A CALLED 56.463 ACRE TRACT (TRACT 2), AS DESCRIBED IN A DEED OF RECORD UNDER CLERKS FILE NUMBER 368317, OFFICIAL PUBLIC RECORDS OF ARANSAS COUNTY, TEXAS, WITH SAID 28.071 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGIN, at a point in the Northwesterly R.O.W. line of Texas State Highway 35 Relief Route, and being in the South boundary line of a called 437.175 acre tract out of the Charles Zenn Survey A-226, as described in a deed of record under Clerks File Number 326488, Official Public Records of Aransas County, Texas, and being the Northeast corner of said 7.257 acre tract, and being the existing Northeast corner of Fractional Farm Lot 1, of said Landblock 22, and being the NORTHEAST corner and PLACE OF BEGINNING of this description;

THENCE, South 32°51'51" West, along and with the Northwesterly R.O.W. line of said Texas State Highway 35 Relief Route, a distance of 1912.53 feet to an angle point and EXTERIOR corner of this description;

THENCE, South 36°04'35" West, continuing along and with the Northwesterly R.O.W. line of said Texas State Highway 35 Relief Route, a distance of 97.06 feet to a point in the centerline of said 40.0 foot wide platted, unimproved roadway, and being the SOUTHEAST corner of this description;

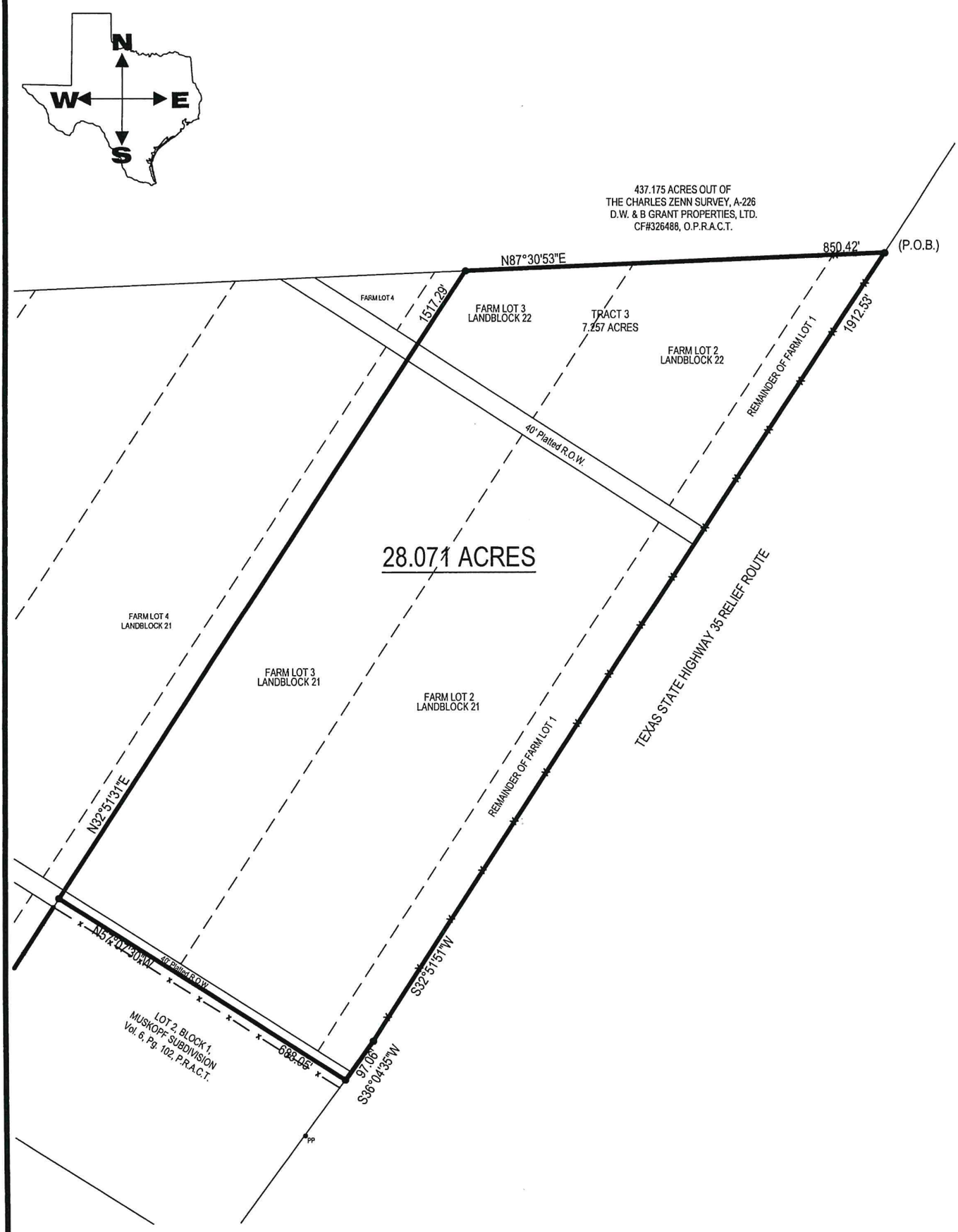
THENCE, North 57°07'30" West, along and with the centerline of said 40.0 foot wide, platted, unimproved roadway, a distance of 688.05 feet to a point for the SOUTHWEST corner of this description;

THENCE, North 32°51'31" East, crossing said 56.463 acre tract and said 7.311 acre tract, along and with the portions of said 40.0 foot wide platted unimproved roadway, a distance of 1517.29 feet to a point in the Southerly boundary line of said 437.175 acre tract, and being in the North boundary line of said Farm Lot 3, Landblock 22, and being the NORTHWEST corner of this description;

THENCE, North 87°30'53" East, along and with the common boundary line of said 437.175 acre tract and said called 7.311 acre tract, a distance of 850.42 feet to the PLACE OF BEGINNING of this description and containing 28.071 acres of land, more or less.

SEE ACCOMPANYING EXHIBIT "B"

201222BB1FN




# EXHIBIT "B"

28.071 ACRES OF LAND OUT OF FARM LOTS 1, 2 & 3, LANDBLOCK 21;
FARM LOTS 1, 2 & 3, LANDBLOCK 22, T.P. MCCAMPBELL SUBDIVISION; AND
A PORTION OF THE NORTHEAST ONE-HALF OF A 40.0 FOOT WIDE, PLATTED,
UNIMPROVED ROADWAY ADJACENT TO SAID LOTS 1 -3, LANDBLOCK 21; AND A
PORTION OF A 40.0 FOOT WIDE, PLATTED, UNIMPROVED ROADWAY, ADJACENT TO
SAID LOTS 1-3, LANDBLOCK 21 AND LOTS 1-3, LANDBLOCK 22

CITY OF ROCKPORT, ARANSAS COUNTY, TEXAS,

ACCORDING TO THE PLAT RECORDED IN VOLUME 1, PAGES 3 AND 4, PLAT RECORDS OF ARANSAS COUNTY, TEXAS, AND BEING OUT OF A CALLED 7.311 ACRE TRACT (TRACT 3) AND A CALLED 56.463 ACRE TRACT (TRACT 2), AS DESCRIBED IN A DEED OF RECORD UNDER CLERKS FILE NUMBER 368317, OFFICIAL PUBLIC RECORDS OF ARANSAS COUNTY, TEXAS.

Filename: 201228BB4

Scale 1" = 250 DECEMBER 28, 2020

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

# JOINT PUBLIC HEARING

Rockport City Council and Planning
& Zoning Commission

NOTICE is hereby given that the Rockport City Council and the Planning & Zoning Commission will hold a Joint Public Hearing on Tuesday, February 9, 2021, at 6:30 p.m., to consider a request to rezone property located at 345 State Highway 35 Bypass; also known as 28.071 acres of land out of Farm Lots 1, 2 and 3, Land Block 22, T.P. McCampbell Subdivision: a portion of the Northeast one-half of a 40.0 foot-wide platted, unimproved roadway, adjacent to Farm Lots 1, 2, and 3, Land block 21; and a portion of a 40.0 foot-wide platted, unimproved roadway adjacent to Farm Lot 1, 2, and 3 Land Block 22, T.P. McCampbell Subdivision, City Of Rockport, Aransas County, Texas, according to the plat recorded in Volume 1, Pages 3 and 4, Plat Records of Aransas County, Texas, and being out of a called 7.311 acre tract (Tract 3) and a called 56.463 acre tract (Tract 2), as described in a Deed Of Record under Clerks File Number 368317, Official Public Records of Aransas County, Texas, with said 28.071 acres of land, to B-1 (General Business District) to develop office space and retail space; currently zoned R-6 (Hotel/Motel Dwelling District).

The meeting will be held using the video conferencing application ZOOM. **No in-person meeting will be conducted at the Rockport Service Center.** A temporary suspension of the Open Meetings Act to allow telephone or video conference public meeting has been granted by Governor Greg Abbott. These actions are being taken to mitigate the spread of COVID-19 by avoiding meetings that bring people into a group setting and in accordance with Section 418.016 of the Texas Government Code. Video conferencing capabilities will be utilized to allow individuals to address the Planning & Zoning Commission and City Council. Email comments may also be submitted to communityplanner@cityofrockport.com by 3:00 p.m. the day of the meeting. Members of the public are entitled to participate remotely via Zoom at https://us02web.zoom.us/j/81147494003 or scan the QR code to the right.

SCAN ME

Due to the COVID-19 pandemic, the attorney general has said: "statutes that may be interpreted to require face-to-face interaction between members of the public and public officials are suspended; provided, however, that the governmental bodies must offer alternative methods of communicating with their public officials." Public participation is valued and citizens wishing to express their views on any topic or agenda item can either 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. 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 Mayor will read the comments and they will be summarized in the minutes of the meeting.

SCAN ME

The City encourages citizens to participate and make their views known at this Public Hearing. For further information on this request, please contact the Building Department at (361) 790-1125.

**POSTED** the 13th day of January 2021 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, January 16, 2021, Edition, in accordance with the City of Rockport Code of Ordinances.

**CITY OF ROCKPORT, TEXAS**

Teresa Valdez, City Secretary

| Property ID | Property Owner | Situs Address | Mailing Address | City | State | ZIP |
|---|---|---|---|---|---|---|
| 35529 | DW & B GRANT PROPERTIES LTD | 501-651 SH 35 BYPASS | P O BOX 798 | BALLINGER | TX | 76821-0798 |
| 28293 | D & R SELF STORAGE INC | 349-499 SH 35 BYPASS | 25100 IH 35 N | NEW BRAUNFELS | TX | 78132-4937 |
| 71189 | BILLS PET SERVICE & CREMATION LLC | 243 SH 35 BYPASS | 679 LISA ANN DR | ARANSAS PASS | TX | 78336-2119 |

# CITY COUNCIL AGENDA
## Regular Meeting: Tuesday, February 23, 2021

**AGENDA ITEM:** 17

Deliberate and act on second and final reading of an Ordinance amending Chapter 58, Article II (Unclaimed Property) to add the collection of reasonable expenses in circumstances where the rightful owner of abandoned and unclaimed property valued $500.00 or more claims the property before the lawful sale and disposition of such property; providing for cumulative and conflicts and severability clauses; and providing an effective date.

**SUBMITTED BY**: City Manager Kevin Carruth

**APPROVED FOR AGENDA:** PKC

**BACKGROUND:** A recent incident involving lost property recovered by the Rockport Police Department has highlighted a weakness in existing state statute and city ordinances that does not give the City the ability to recover reasonable expenses for abandoned and unclaimed property. These expenses can include costs related to the handling and storage of the property plus any legal and publication expenses incurred trying to locate the owner.

There have been no changes in format or content since Council approved the first reading of the Ordinance on February 9, 2021.

**FISCAL ANALYSIS:** Any funds recovered are reimbursing the City for expenses it has incurred so it should be budget neutral.

**RECOMMENDATION:** Staff recommends Council approve the second and final reading of an Ordinance amending Chapter 58, Article II (Unclaimed Property) to add the collection of reasonable expenses in circumstances where the rightful owner of abandoned and unclaimed property valued $500.00 or more claims the property before the lawful sale and disposition of such property; providing for cumulative and conflicts and severability clauses; and providing an effective date, as presented.

**ORDINANCE NO. _____**

**AN ORDINANCE OF THE CITY OF ROCKPORT, TEXAS AMENDING CHAPTER 58, ARTICLE II ("UNCLAIMED PROPERTY") TO ADD THE COLLECTION OF REASONABLE EXPENSES IN CIRCUMSTANCES WHERE THE RIGHTFUL OWNER OF ABANDONED AND UNCLAIMED PROPERTY VALUED $500.00 OR MORE CLAIMS THE PROPERTY BEFORE THE LAWFUL SALE AND DISPOSITION OF SUCH PROPERTY; PROVIDING FOR CUMULATIVE AND CONFLICTS AND SEVERABILITY CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS,** the City of Rockport, Texas is a home-rule municipality operating under its Charter and the laws of the state of Texas; and

**WHEREAS,** the City of Rockport, Texas has established by ordinance measures related to unclaimed property and the disposition of such property taken into possession by the City of Rockport Police Department; and

**WHEREAS,** the City's measures related to unclaimed property are found in Chapter 58, Article II of the City of Rockport Code of Ordinances; and

**WHEREAS,** Texas Code of Criminal Procedure Article 18.17, as amended, provides the process and procedure concerning the disposal of abandoned and unclaimed property; and

**WHEREAS,** Article 18.17 is not a remedy but a procedure implemented by the Texas State Legislature to dispose of "[a]ll unclaimed or abandoned personal property of every kind" that has been seized by the State and is not subject to the limited exceptions outlined in the statute. *State v. $281,420.00 in United States Currency*, 312 S.W.3d 547, 553–54 (Tex. 2010); and

**WHEREAS,** Article 18.17(c), as amended, establishes the procedure for the disposition of abandoned property that has a fair market value of $500.00 or more in circumstances where the owner or the address of the owner is unknown; and

**WHEREAS,** Article 18.17(c) provides that if the unknown owner does not claim the abandoned and unclaimed property within 90 days from the date of the publication the property will be disposed of and the proceeds, after deducting the reasonable expense of keeping such property and the costs of the disposition, placed in the treasury of the municipality disposing of the property; and

**WHEREAS,** Article 18.17(c) does not provide for the collection of the reasonable expenses from the owner of unclaimed and abandoned property for the storage, handling, and publication by the City in situations where the property is claimed by its rightful owner within the 90 day period before a legal sale pursuant to Article 18.17; and

DRAFT

**WHEREAS,** the City Council finds that the public is burdened by paying the reasonable expenses associated with the storage, handling, and publication of abandoned and unclaimed property that is claimed by its rightful owner before sale and disposition of the property as contemplated under Article 18.17(c); and

**WHEREAS,** the City Council finds that collection of the reasonable expenses for storage, handling, and publication in such circumstances serves a public purpose and is necessary for the good order of the City; and

**WHEREAS,** the City Council desires to adopt the administrative process as herein described to collect reasonable expenses for abandoned and unclaimed property in the circumstances contemplated herein and finds that it is in the best interest of the citizens of the City of Rockport, Texas; and

**WHEREAS,** the City has complied with all conditions precedent necessary to take this action, has properly notice and conducted all public hearings and public meetings pursuant to the Texas Local Government Code and Texas Government Code, as applicable.

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

**Section 1. Findings.** The findings set out herein are found to be true and correct and are hereby adopted by the City Council and made a part of this Ordinance for all purposes.

**Section 2. Code Amendment.** The City of Rockport Code of Ordinances Chapter 58 (entitled "Law Enforcement"), Article II (entitled "Unclaimed Property") is hereby amended by adding section 58-38 (entitled "Reasonable Expenses for Claimed Property") the underlined (underlined) words that follow:

The chief of police shall collect, from the rightful owner of abandoned property, the reasonable expenses incurred by the City when: (1) the abandoned and unclaimed property is valued $500.00 or more; (2) the owner is unknown, or the address of the owner is unknown, at the time the City seizes the property and publishes notice; and (3) the property is claimed by its rightful owner prior to a legal sale or disposition as provided in Article 18.17(c) of the Texas Code of Criminal Procedure, as amended.

Upon collection of the reasonable expenses, the chief of police shall deposit the amount collected in the treasury of the City. Reasonable expenses under this section means all costs incurred by the City related to the storage, handling, publication, and final disposition of the property.

**Section 3. Cumulative and Conflicts.** This Ordinance shall be cumulative of all provisions of ordinances of the City of Rockport, Texas, except where the provisions of the Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed. Any and all previous versions of this Ordinance to the extent that they are in conflict herewith are repealed.

**Section 4. Severability.** This Ordinance is severable as prescribed in Section 1-8 of the Code of Ordinances.

**Section 5. Publication.** The City Secretary is authorized and directed to publish a summary of this ordinance, in substantial form as Exhibit "A" attached hereto, in accordance with Section 3.11 (5) of the City Charter.

**Section 6.** This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

**Section 7. Unamended.** That the remainder of Chapter 58, Article II of the Rockport Code of Ordinances not amended hereby remain in full force and effect.

**Section 8. Open Meeting.** 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 9. Effective Date.** This Ordinance shall become effective immediately upon its passage, approval, and publication as provided by law.

**APPROVED** and **PASSED** on first reading the 9th day of February 2021.

**CITY OF ROCKPORT:**

_____
Patrick R. Rios, Mayor

**ATTEST:**

_____
Teresa Valdez, City Secretary

**APPROVED, PASSED** and **ADOPTED** on second reading the ____ day of February 2021.

**CITY OF ROCKPORT:**

_____
Patrick R. Rios, Mayor

DRAFT

**ATTEST:**

_____

Teresa Valdez, City Secretary

DRAFT

# CITY COUNCIL AGENDA
## Regular Meeting: Tuesday, February 23, 2021

**AGENDA ITEM:** 18

Hear and deliberate on Rockport Police Department 2020 Biased Based Profiling Report (Racial Profiling Report).

**SUBMITTED BY**: Chief of Police Greg Stevens

**APPROVED FOR AGENDA:** PKC

**BACKGROUND:** Article 2.134 of the Texas Code of Criminal Procedure requires Texas law enforcement agencies, including the Rockport Police Department, to submit an annual Racial Profiling Report to their governing body. In addition, The Rockport Police Department is a recognized agency under the Texas Police Chiefs Association (TPCA) Best Practices Recognition Program, which requires recognized agencies to meet the state law standard and exceed it by enacting policies and submitting an annual report regarding "biased based profiling." The accompanying 2020 Biased Based Profiling Report meets both statutory and TPCA requirements.

The analysis of data related to motor vehicle stops made by Rockport police officers revealed the following:

1. The Department is fully in compliance with Article 2.132 of the Texas Code of Criminal Procedure.
2. The Department is fully in compliance with Texas law concerning training and education regarding racial profiling.
3. The Department is fully in compliance with applicable Texas law on the racial profiling complaint process and public education about the complaint process.
4. Analysis of the process reveals that the Department is fully in compliance with applicable Texas law on the collection of bias based profiling data.
5. Analysis of statistical information from the Department reveals that there are no methodologically conclusive indications of systemic bias based profiling by the department.
6. The Rockport Police Department is fully in compliance with applicable Texas law concerning the reporting of information to the Texas Commission on Law Enforcement.

Please see the accompanying report for detailed information.

**FISCAL ANALYSIS:** None.

**RECOMMENDATION:** Not an action item

# BIAS BASED PROFILING REPORT

# 2020

## ROCKPORT POLICE DEPARTMENT

## Executive Summary

Article 2.133 of the Texas Code of Criminal Procedure (CCP) requires Texas peace officers to report specific information related to motor vehicle stops they make to their employing agency, and Article 2.134 of the CCP requires the agency to compile, analyze and report that information to the Texas Commission on Law Enforcement (TCOLE) and the agency's governing body. Information related to motor vehicle stops required for collection, analysis and reporting includes the driver's gender; race or ethnicity; the initial reason for the stop; whether the officer conducted a search and if so, whether the search was consensual; whether any contraband or evidence of a crime was discovered during a search along with a description of such contraband or evidence; the reason for any search; whether any arrests were made during the stop, and if so, for what charges; the location of the stop; whether the officer issued a verbal or written warning or a citation; and whether the officer used physical force that resulted in bodily injury during the stop.

The Rockport Police Department is filing this "Biased Based Profiling Report," which includes its electronic "Racial Profiling Report" filed with TCOLE on February 5, 2021, with the Rockport City Council in accordance with the reporting requirements under Article 2.134 of the CCP.

The analysis of data related to motor vehicle stops made by Rockport police officers revealed the following:

- **A COMPREHENSIVE REVIEW OF THE ROCKPORT POLICE DEPARTMENT'S BIAS BASED PROFILING POLICY SHOWS THAT THE ROCKPORT POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH ARTICLE 2.132 OF THE TEXAS CODE OF CRIMINAL PROCEDURE.**

- **A REVIEW OF THE INFORMATION PRESENTED AND SUPPORTING DOCUMENTATION REVEALS THAT THE ROCKPORT POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH TEXAS LAW ON TRAINING AND EDUCATION REGARDING RACIAL PROFILING.**

- **A REVIEW OF THE DOCUMENTATION PRODUCED BY THE DEPARTMENT REVEALS THAT THE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW ON THE RACIAL PROFILING COMPLAINT PROCESS AND PUBLIC EDUCATION ABOUT THE COMPLAINT PROCESS.**

- **ANALYSIS OF THE PROCESS REVEALS THAT THE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW ON THE COLLECTION OF BIAS BASED PROFILING DATA.**

- **ANALYSIS OF STATISTICAL INFORMATION FROM ROCKPORT POLICE DEPARTMENT REVEALS THAT THERE ARE NO METHODOLOGICALLY CONCLUSIVE INDICATIONS OF SYSTEMIC BIAS BASED PROFILING BY THE DEPARTMENT.**

- **THE ROCKPORT POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW CONCERNING THE REPORTING OF INFORMATION TO THE TEXAS COMMISSION ON LAW ENFORCEMENT (TCOLE).**

## Introduction

This report details an analysis of the Rockport Police Department's policies, training, and statistical information on bias based profiling for the calendar year 2020. This report has been prepared to specifically comply with Article 2.134 of the CCP regarding the compilation and analysis of bias based profiling data. Specifically, the analysis will address Articles 2.131 – 2.134 of the CCP and make a determination of the level of compliance with those articles by the Rockport Police Department in 2020. The full copies of the applicable laws and regulations pertaining to this report are contained in Appendix A.

This report is divided into six analytical sections: the Rockport Police Department's bias based profiling policy; the Rockport Police Department's training and education on bias based profiling; the Rockport Police Department's complaint process and public education on bias based profiling; an audit of the process for the collection of information by Rockport police officers; the compilation and analysis of the information collected; and a final section which includes completed data and information reporting forms required to be sent to TCOLE beginning in 2011.

For the purposes of this report and analysis, the following definition of bias based profiling, or "racial profiling," is used: a law enforcement-initiated action based on an individual's race, ethnicity, or national origin rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity (Texas CCP Article 3.05).

## Rockport Police Department Policy on Bias Based Profiling

State law requires Texas law enforcement agencies to have policies and submit an annual report regarding "racial profiling." The Rockport Police Department is a recognized agency under the Texas Police Chiefs Association (TPCA) Best Practices Recognition Program, which requires recognized agencies to meet the state law standard and exceed it by enacting policies and submitting an annual report regarding "biased based profiling." Policies regarding biased based profiling include racial profiling as well as other forms of discriminatory profiling such as gender bias, religious bias, economic bias, etc. As a TPCA Best Practices recognized agency, the Rockport Police Department's policy meets and exceeds the minimum state law standard.

A review of Rockport Police Department's "Bias Based Profiling Policy" (included in its entirety as Appendix B) revealed that the department has adopted policies in compliance with Article 2.132 of the CCP. There are seven specific requirements mandated by Article 2.132 that a law enforcement agency must address. All seven are clearly covered in Rockport Police Department's bias based profiling policy. Rockport Police Department policies provide clear direction that any form of bias based profiling is prohibited and that officers found engaging in inappropriate profiling may be disciplined in accordance with Rockport Police Department and City of Rockport Policies and Procedures up to and including termination. The policies also provide a very clear statement of the agency's philosophy regarding equal treatment of all persons regardless of race, ethnicity, or national origin. The Rockport Police Department's Bias Based Profiling Policy is included with this report in Appendix B.

***A COMPREHENSIVE REVIEW OF ROCKPORT POLICE DEPARTMENT'S BIAS BASED PROFILING POLICY SHOWS THAT THE ROCKPORT POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH ARTICLE 2.132 OF THE TEXAS CODE OF CRIMINAL PROCEDURE.***

## Rockport Police Department Training and Education on Bias Based Profiling

Texas Occupation Code §1701.253 and §1701.402 require that curriculum be established and training certificates issued on bias based profiling for all Texas peace officers. Documentation provided by Rockport Police Department reveals that bias based profiling training and certification is current for all officers in 2020. The department has also identified officers who will need updated training in 2021 and has planned for those officers to attend the training. All Rockport Police Department officers are trained and instructed on the bias based profiling law in Texas. In addition, officers also receive mandatory cultural diversity training. All officers have been instructed on the policies and procedures regarding bias based profiling and the accompanying complaint process as well.

***A REVIEW OF THE INFORMATION PRESENTED AND SUPPORTING DOCUMENTATION REVEALS THAT THE ROCKPORT POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH TEXAS LAW ON TRAINING AND EDUCATION REGARDING BIAS BASED PROFILING.***

## Rockport Police Department Complaint Process and Public Education on Bias Based Profiling

Article 2.132(b)(3) and (4) of the CCP requires that law enforcement agencies implement a complaint process on bias based profiling and that the agency provide public education on the complaint process. Section V of the Rockport Police Department's Bias Based Profiling Policy covers this requirement. The City of Rockport Police Department has also taken the following actions to ensure that the information relating to the policy disallowing bias based profiling has been made known to the public:

1. Created a complaint form which is available at any time from any officer or at any time at the lobby of the police station; and

2. Officers of the department have been instructed on the bias based profiling law and are available to, and have answered requests about, the law and complaint procedure.

***A REVIEW OF THE DOCUMENTATION PRODUCED BY THE DEPARTMENT REVEALS THAT THE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW ON THE BIAS BASED PROFILING COMPLAINT PROCESS AND PUBLIC EDUCATION ABOUT THE COMPLAINT PROCESS.***

## Audit of the Collection of Information by Rockport police officers

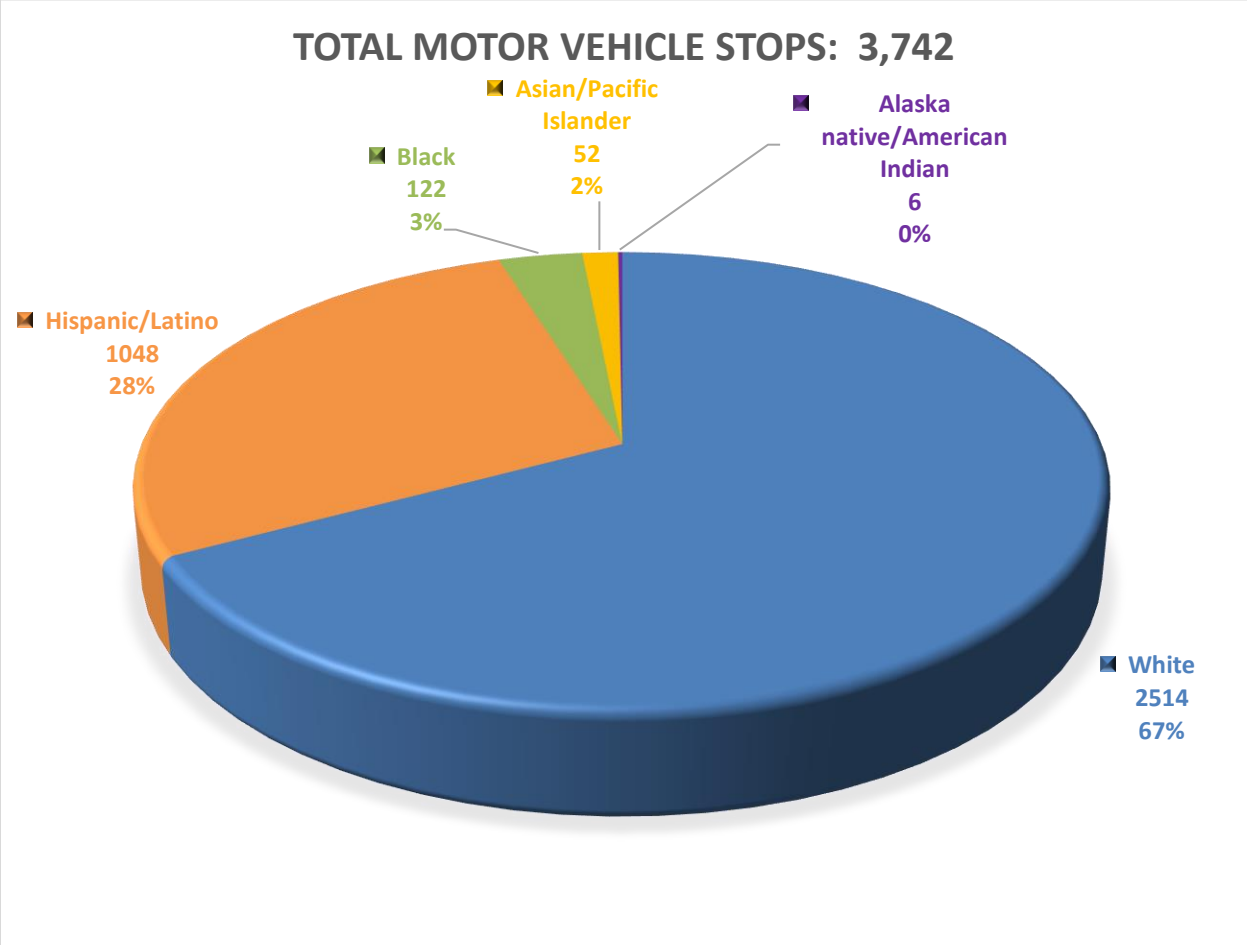
Article 2.133 of the CCP requires Rockport police officers to report specific information from motor vehicle stops they make to the Rockport Police Department in order for the department to compile and analyze the data from those stops for this report. Last year, deficiencies in how

officers collected and reported information for stops they make, specifically related to the number of arrests resulting from motor vehicle stops and when verbal warnings were given, were found. Additionally, types of contraband found during searches may also not have been accurately reported during 2019. Although none of these factors proved to have any bearing on the validity of the 2019 report in terms of indicating racial bias in the manner in which officers made motor vehicle stops, conduct searches, make arrests or use force during such stops, the methods of collecting data were improved and these deficiencies were corrected for 2020 data collection.

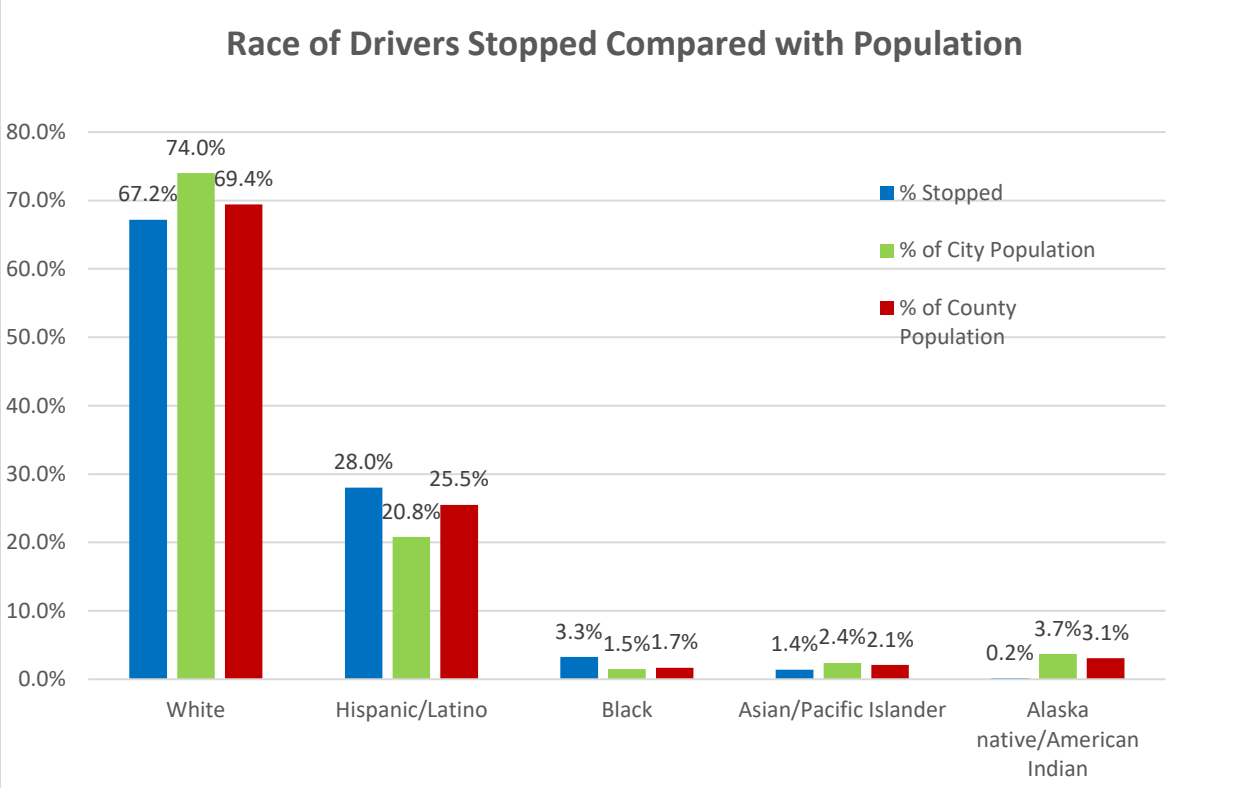
***ANALYSIS OF THE PROCESS REVEALS THAT THE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW ON THE COLLECTION OF BIAS BASED PROFILING DATA.***

## Compilation and Analysis of the Information Collected

Rockport police officers made a total of 3,742 motor vehicle stops during 2020. The chart below depicts the number and percentages of people stopped by race or ethnicity, which is categorized under Article 2.132 of the CCP as: Alaska native or American Indian; Asian or Pacific Islander; black; white; and Hispanics or Latino.



The following chart compares the demographics of persons stopped by Rockport police officers with that of the populations of Aransas County and the City of Rockport, which is the largest city in Aransas County and the county seat. By a large margin, white drivers were most often stopped, comprising 67.2 percent of all drivers stopped. That figure is statistically correlated to the average population of whites within the county and the city. The next most frequently stopped drivers were Hispanic or Latino drivers, which constituted 28 percent of all drivers stopped. That figure is also statistically correlated with the average Hispanic or Latino population between the county and the city. The 122 black drivers stopped accounted for only 3.3 percent of all drivers stopped; however, that figure is slightly statistically higher than the average of the black population of the county and the city. Of the 25 instances in which Rockport officer reported knowing the race of the driver before making a motor vehicle stop, three were of black drivers. Asian or Pacific Islander drivers constituted 1.4 percent of all drivers stopped, and Alaska native or American Indian drivers accounted for almost zero percent of all drivers stopped, both well below their respective county and city population values.[1]




The different rates within racial groups between U.S. Census figures and those stopped by Rockport police are not significant and can be accounted for by two factors. First, it is important to note that the racial and ethnic composition in the counties surrounding Rockport and Aransas County is significantly different. Specifically, the Hispanic or Latino populations of the surrounding counties are:

[1] City of Rockport and Aransas County population figures are derived from the 2010 Census from the U.S. Census Bureau.

- Calhoun County – 44 %
- Nueces County – 59%
- Refugio County – 46%
- San Patricio County – 52%[2]

Second, the economy of Rockport is based on tourism, and on any given day as many people visit Rockport as there are permanent residents. Additionally, during certain times of the year, Rockport's population can triple or even quadruple with the number of visitors. This is reflected by the fact that 49 percent of the motor vehicle stops made by Rockport police officers in 2020 were of non-residents. Between these two factors, variation within groups is expected.

As the charts above show, easy determinations regarding whether Rockport police officers have "bias based profiled" a given motorist are impossible given the nature of the data that has been collected and presented for this report. The law dictates that police agencies compile aggregate-level data regarding the *rates* at which agencies *collectively* stop motorists in terms of their race/ethnicity. These aggregated data are to be subsequently analyzed in order to determine whether *individual* officers are "bias based profiling" motorists. This methodological error, commonly referred to as the "ecological fallacy," defines the dangers involved in making assertions about individual officer decisions based on the examination of aggregate incident level data. In short, one cannot "prove" that an *individual* officer has "bias based profiled" any *individual* motorist based on the rate at which a department stops any given *group* of motorists.

Additional interpretation problems remain regarding the specific measurement of "bias based profiling" as defined by Texas state code. For example, officers are currently forced to make subjective determinations regarding an individual's race based on his or her personal observations because the Texas Department of Public Safety does not provide an objectively-based determination of an individual's race or ethnicity on the Texas driver's license. The absence of any verifiable race/ethnicity data on the driver's license is especially troubling given the racial diversity within the city of Rockport, the racial diversity of the State of Texas and the United States, and because Rockport is a tourist destination. Article 2.133(b)(1)(B) requires officers to record a driver's "race or ethnicity, as stated by the person or, if the person does not state the person's race or ethnicity, as determined by the officer to the best of the officer's ability." The validity of any racial/ethnic disparities discovered in the aggregate level data becomes threatened in direct proportion to the number of subjective "guesses" officers are forced to make when trying to determine an individual's racial or ethnic background.

Finally, there has been considerable debate as to what the most appropriate population "base-rate" is in determining whether racial or ethnic disparities exist. As the current analysis shows regarding the use of city and county population base-rates, the outcome of analyses designed to determine whether disparities exist is obviously dependent on which base-rate is used. In addition, recent population changes in the city of Rockport exacerbates problems associated with determining appropriate base-rates because measures derived from the U.S. Census can become quickly outdated. Although this report utilized the most recent 2010 Census, this population measure, in

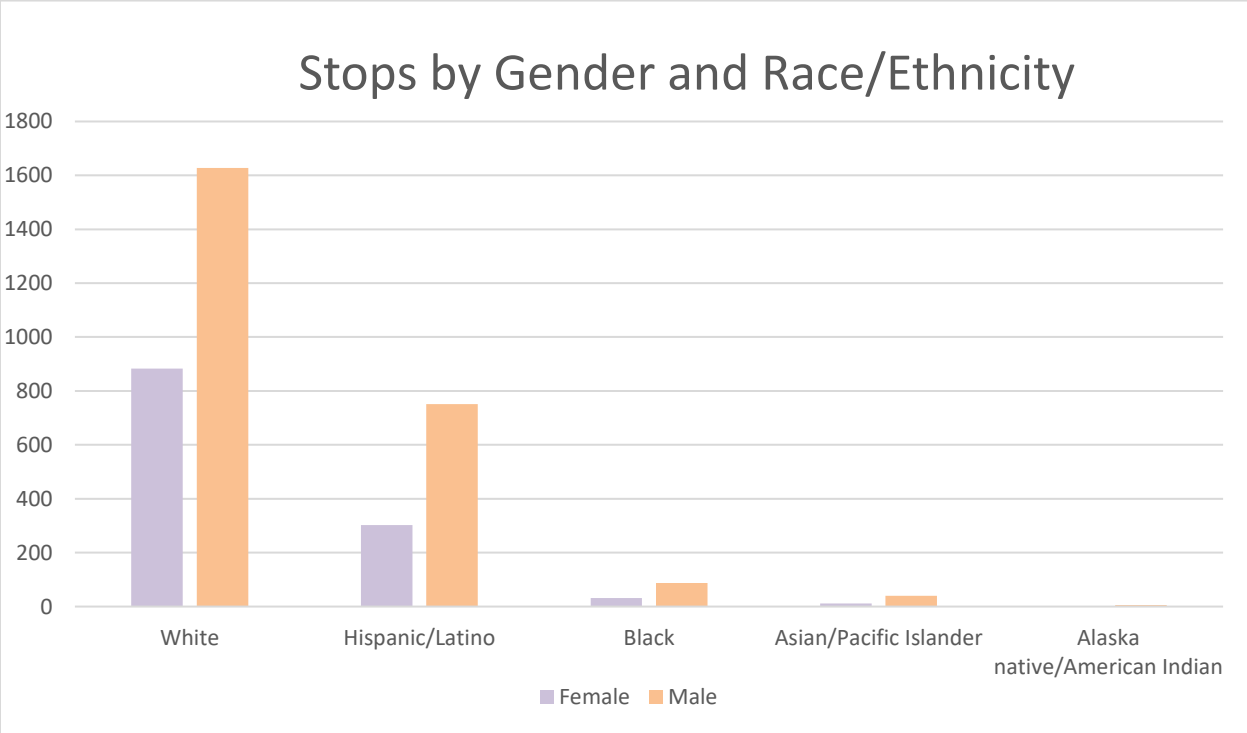
[2] Surrounding county population figures are derived from the 2010 Census from the U.S. Census Bureau.

2020, is now at the end of its usefulness. This issue is likely exacerbated by the outmigration caused by Hurricane Harvey in 2017.

Related to the above, the determination of valid stop base-rates becomes multiplied if analyses fail to distinguish between residents and non-residents who are stopped, because the existence of significant proportions of non-resident stops will lead to invalid conclusions if racial or ethnic comparisons are made exclusively to resident population figures.

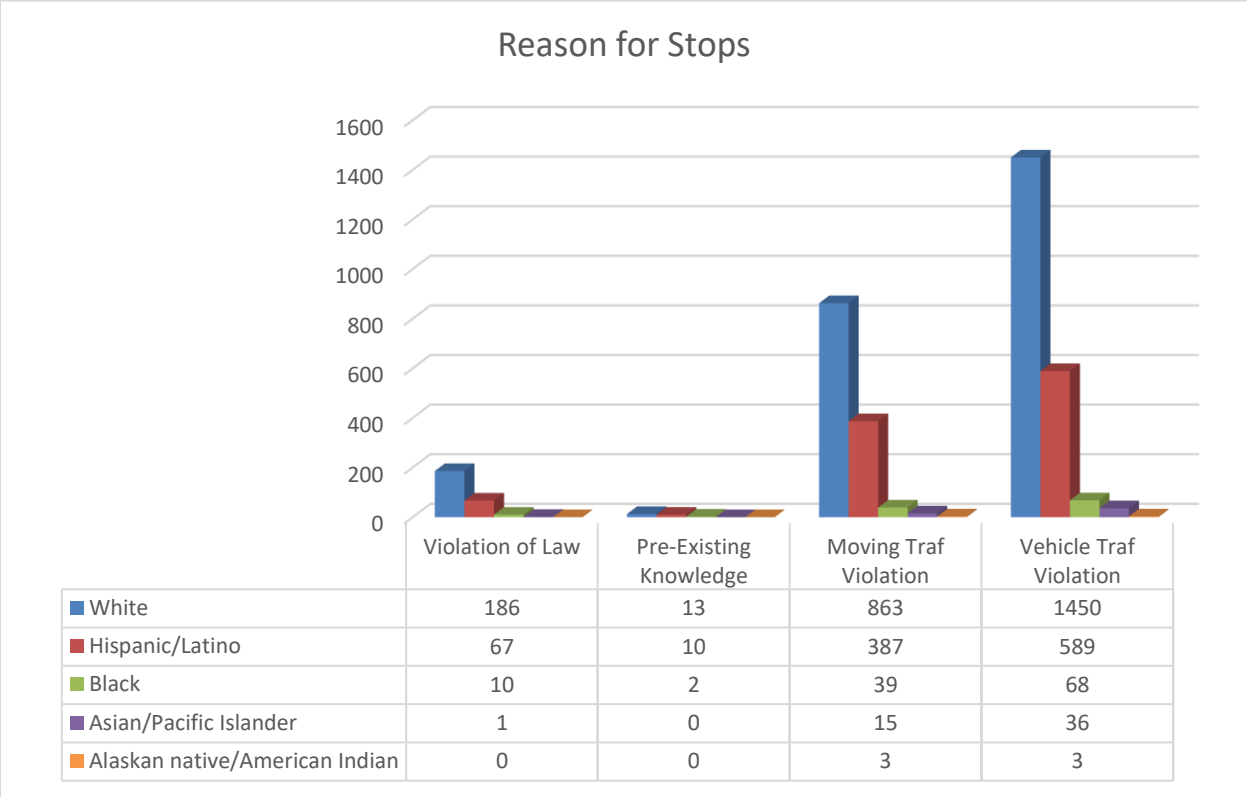
In short, the methodological problems outlined above point to the limited utility of using aggregate level comparisons of the rates at which different racial or ethnic groups are stopped in order to determine whether bias based profiling exists within a given jurisdiction.

Just over 67% of the 3,742 drivers stopped by the Rockport Police Department were male. The following graph separates drivers stopped by Rockport police officers by gender and delineates them by race or ethnicity.




The statute requires officers to report to their employing agency the reason for making a motor vehicle stop as one of the four following categories: Violation of law, pre-existing knowledge, moving traffic violation or vehicle traffic violation. The overwhelming reason for motor vehicle stops was reported as vehicle traffic violations, or more commonly known as non-moving violations such as defective signal lights or expired registration, etc. No racial or ethnic minority group was disproportionately represented. Only on rare occasions, 25 occasions in fact, were stops made because of what the statute refers to as "pre-existing knowledge," which the Rockport Police

Department has defined as when an officer stops a particular person because they know that particular person has an outstanding arrest warrant, does not have liability insurance, is driving with an invalid or no driver license, etc. It is unknown if these are the same 25 instances in which officers knew the race of the driver prior to making a stop as discussed above. The following chart reports the reason drivers were stopped, delineated by race or ethnicity.




| | Violation of Law | Pre-Existing Knowledge | Moving Traf Violation | Vehicle Traf Violation |
|---|---|---|---|---|
| White | 186 | 13 | 863 | 1450 |
| Hispanic/Latino | 67 | 10 | 387 | 589 |
| Black | 10 | 2 | 39 | 68 |
| Asian/Pacific Islander | 1 | 0 | 15 | 36 |
| Alaskan native/American Indian | 0 | 0 | 3 | 3 |

The following table reports the total number of persons, delineated by race or ethnicity, searched subsequent to being stopped by the Rockport Police Department while operating a motor vehicle in 2020 as well as the reason for such searches (i.e. consent, incident to arrest, probable cause, or contraband in plain view). In the 38 cases in which contraband was found during a search, it was drug evidence in each instance, and the chart below shows the racial or ethnic breakdown of searches resulting in found contraband. Additionally, illicit US currency was located during a search along with drug evidence after a Hispanic male was stopped. Of the 38 instances, in which contraband was discovered, only six resulted in arrest. This is likely a direct result of the COVID-19 pandemic and the Aransas County jail not accepting normal prisoner intakes. The racial breakdown of those six arrests are also reported in the following table.

Additionally, the chart below indicates the results of each stop (i.e. citation, warning and/or arrest). Numbers of citations, warnings and/or arrests cannot be correlated to the number of stops and searches delineated by the race/ethnicity of vehicle drivers, because often vehicle passengers are cited, warned and/or arrested and may or may not be the same race/ethnicity of the driver. When vehicles are searched, gender and racial/ethnic information regarding the stop and search are

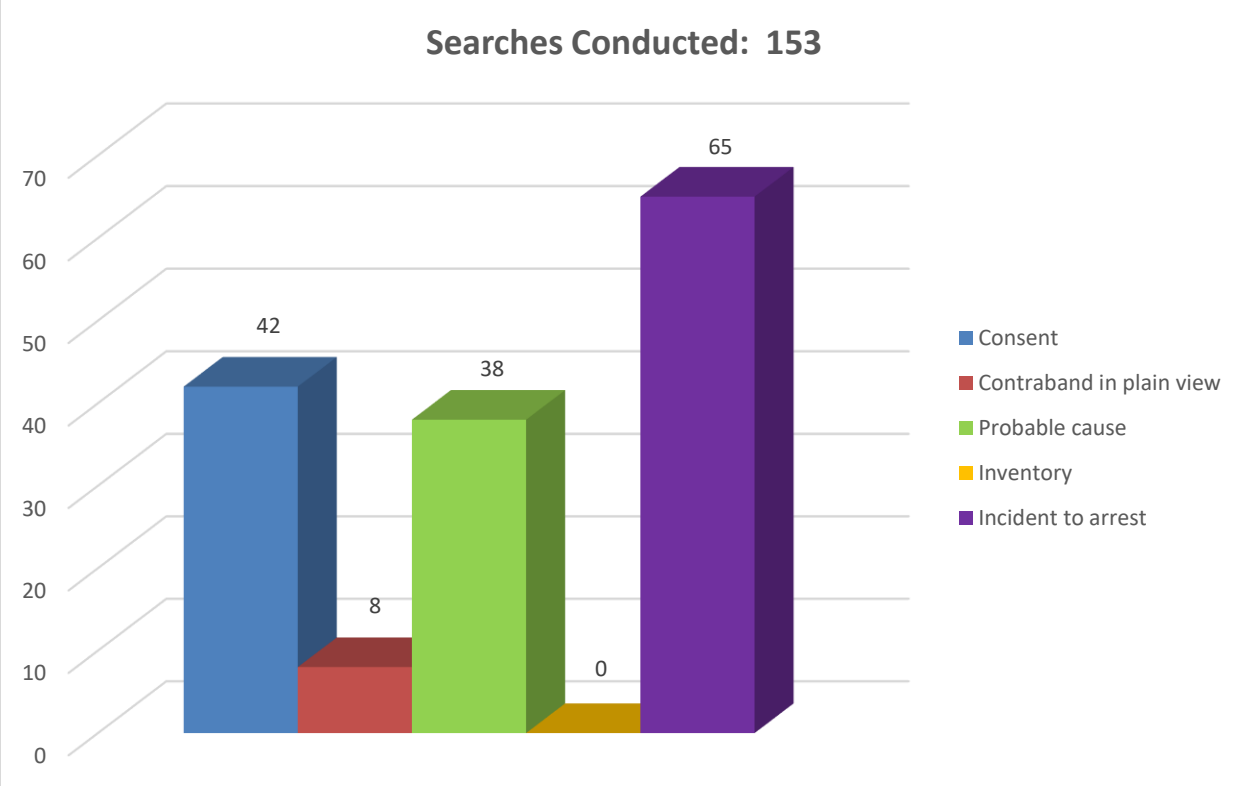
recording for the driver, regardless if only a passenger is arrested. Such is in accordance with the state statutes.

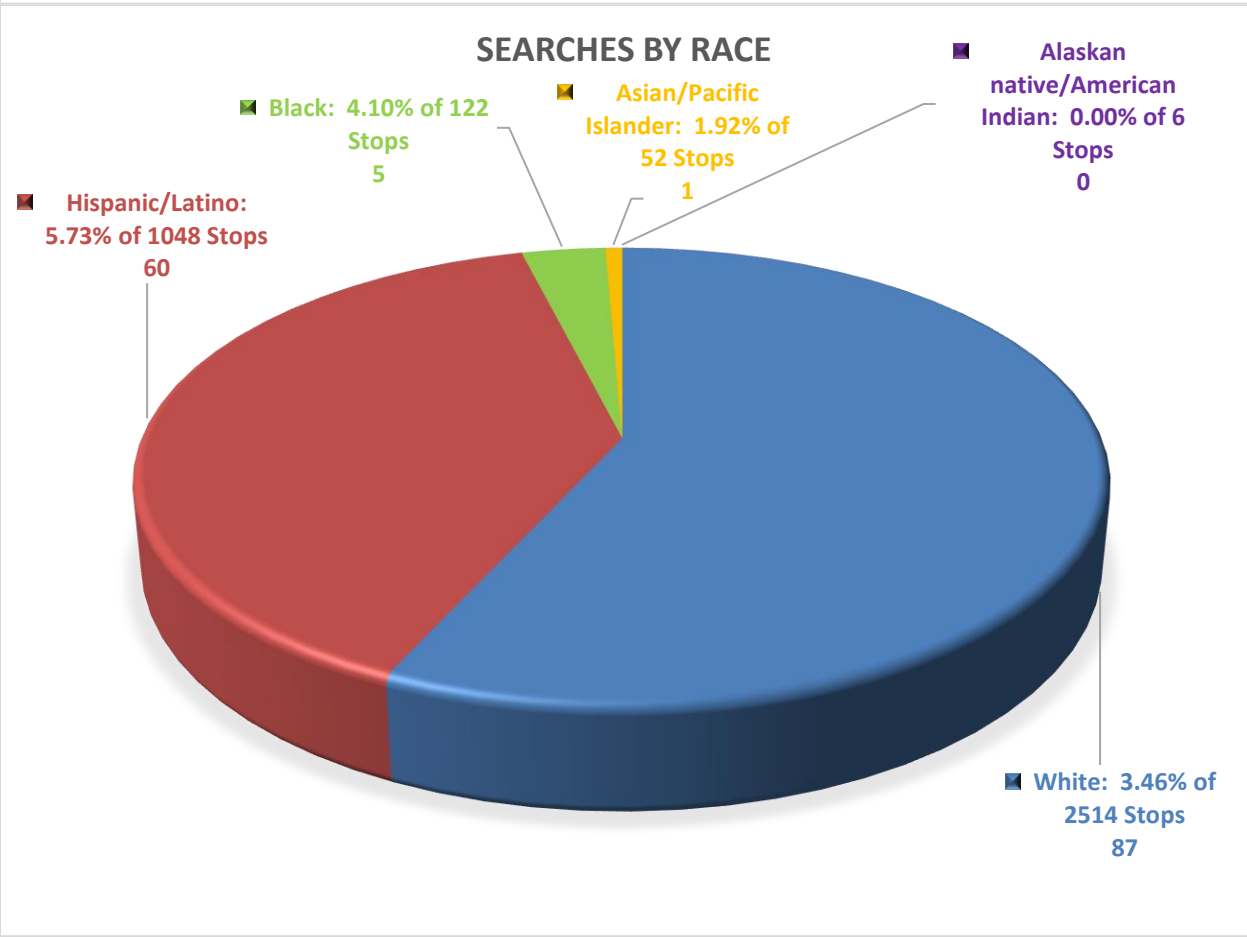
| | White | Hispanic/ Latino | Black | Asian/ P. I. | Alaska/ Indian | Total |
|---|---|---|---|---|---|---|
| Total Stops | 2514 | 1048 | 122 | 52 | 6 | 3742 |
| Total Searches | 87 | 60 | 5 | 1 | 0 | 153 |
| Consent | 24 | 15 | 2 | 1 | 0 | 42 |
| Contra Plain View | 5 | 2 | 1 | 0 | 0 | 8 |
| Probable Cause | 21 | 14 | 3 | 0 | 0 | 38 |
| Incident to Arrest | 37 | 27 | 1 | 0 | 0 | 65 |
| Contraband Found | 21 | 15 | 1 | 1 | 0 | 38 |
| Arrest for Contra | 6 | 1 | 0 | 0 | 0 | 7 |
| Verbal Warning | 12 | 8 | 3 | 2 | 0 | 25 |
| Written Warning | 1992 | 727 | 77 | 45 | 5 | 2849 |
| Citation | 414 | 272 | 40 | 5 | 1 | 737 |
| Arrests | 90 | 40 | 1 | 0 | 0 | 131 |

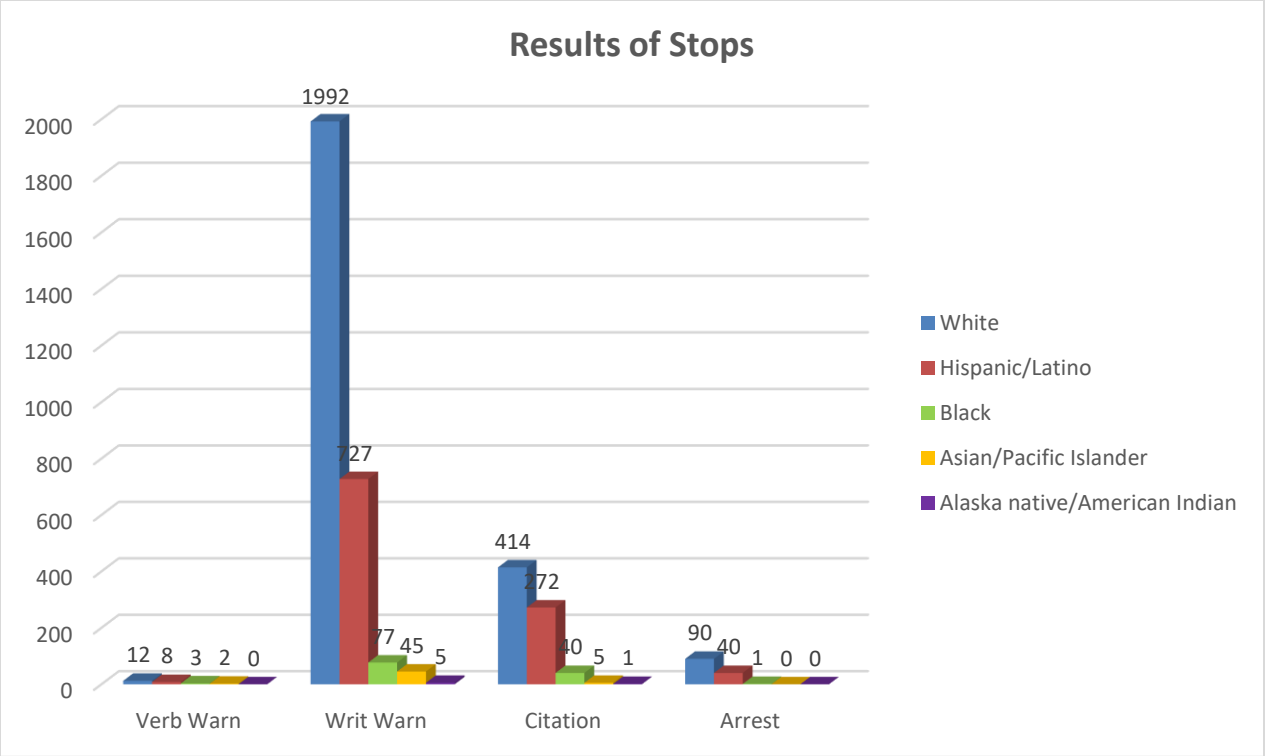
In analyzing this data, Rockport officers conducted searches during only 153, or 4.09% percent, of the total stops they made in 2020 (153/3742). The following table indicates the frequency at which each race or ethnicity was searched along with the frequency of those searches being consensual. Frequency of searches is expressed in the table below as a percentage of the total number of stops made for each race or ethnicity and as a percentage of the total number of searches overall. Frequency of consensual searches is expressed as a percentage of the total number of searches for each race or ethnicity and as a percentage of the total number of consensual searches overall.

| | White | Hispanic/ Latino | Black | Asian/ P. I. | Alaska/ Indian |
|---|---|---|---|---|---|
| Total Stops | 2514 | 1048 | 122 | 52 | 6 |
| Total Searches | 87 | 60 | 5 | 1 | 0 |
| Freq of Search – Total Stops | 3.46% | 5.73% | 4.10% | 1.92% | 0.00% |
| Freq of Search – Total Searches | 56.86% | 39.22% | 3.27% | 0.65% | 0.00% |
| Freq of Consent – Search by Race | 27.59% | 25.00% | 40.00% | 100% | N/A |
| Freq of Consent – Total of Consent | 57.14% | 35.71% | 4.76% | 2.38% | N/A |

The vast majority of drivers stopped by Rockport police officers, regardless of race or ethnicity, were not searched, 95.91 percent in fact. Racial or ethnic minorities were ticketed at slightly higher rates than whites; however, no information was found to indicated that such was the result of bias based enforcement actions or discriminatory behavior. Rockport police officers issue substantially more warnings than citations to all races and ethnicities. The following charts provide a graphic representation of the above information.


Searches Conducted: 153
70
60
50
40
30
20
10
0
42
8
38
0
65
Consent
Contraband in plain view
Probable cause
Inventory
Incident to arrest


SEARCHES BY RACE
Black: 4.10% of 122 Stops 5
Asian/Pacific Islander: 1.92% of 52 Stops 1
Alaskan native/American Indian: 0.00% of 6 Stops 0
Hispanic/Latino: 5.73% of 1048 Stops 60
White: 3.46% of 2514 Stops 87




A total of 131 individuals were arrested during motor vehicle stops made by Rockport police officers in 2020. The statute requires officers to report the reasons for arrests during motor vehicles as based on the one of the following four categories: violation of penal code, violation of traffic law, violation of city ordinance or outstanding warrant. These categories do not encompass the entire possible reasons for which a Texas Peace Officer might arrest a person during a motor vehicle stop, so the Rockport Police Department used the category of "violation of penal code" for any arrest other than one that narrowly fit the other three specific categories. Examples might include violations of the Texas Family Code, the Texas Health and Safety Code, the Texas Alcoholic Beverage Code, etc. The reasons for arrests made by Rockport police officers during motor vehicle stops during 2020 are shown in the following table, delineated by race or ethnicity.

| | White | Hispanic/ Latino | Black | Asian/ P. I. | Alaska/ Indian | Total |
|---|---|---|---|---|---|---|
| Penal Code | 77 | 37 | 2 | 0 | 0 | 116 |
| Traffic Law | 1 | 2 | 0 | 0 | 0 | 3 |
| City Ordinance | 2 | 0 | 0 | 1 | 0 | 3 |
| Outstand Warrant | 5 | 4 | 0 | 0 | 0 | 9 |

Rockport police officers reported using force during 3 motor vehicle stops in 2020, twice with white subjects and once with an Hispanic subject.

***ANALYSIS OF STATISTICAL INFORMATION FROM ROCKPORT POLICE DEPARTMENT REVEALS THAT THERE ARE NO METHODOLOGICALLY CONCLUSIVE INDICATIONS OF SYSTEMIC BIAS BASED PROFILING BY THE DEPARTMENT.***

## TCOLE Reporting Requirements

On February 5, 2021 the Rockport Police Department made its required electronic Racial Profiling Report to TCOLE on its website. A printout copy of that report is included with this report as Appendix C.

***THE ROCKPORT POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW CONCERNING THE REPORTING OF INFORMATION TO THE TEXAS COMMISSION ON LAW ENFORCEMENT (TCOLE).***

## Summary

The foregoing analysis shows that the Rockport Police Department is fully in compliance with all relevant Texas laws concerning bias-based profiling, including the existence of a formal policy prohibiting bias based profiling by its officers, officer training and educational programs, and a formalized complaint process along with required public education opportunities. Identified issues with the collection of data by Rockport police officers reported last year has been improved, and Rockport police officers continue to remain fully in compliance with the law and now have an enhanced process for reporting data resulting in a more accurate report for this year and going forward. Finally, internal records indicate that the department received no complaints regarding bias based profiling for the year 2020.

In addition to providing summary reports and analysis of the data collected by the Rockport Police Department in 2020, this report also included an extensive presentation of some of the limitations involved in the level of data collection currently required by law and the methodological problems associated with analyzing such data for the Rockport Police Department as well as police agencies across Texas. The Rockport Police Department should continue its educational and training efforts within the department on bias based profiling. Finally, the department should conduct periodic evaluations to assess patterns of officer decision-making on motor vehicle stops.

# Racial Profiling Statutes and Laws

Art. 3.05. RACIAL PROFILING. In this code, "racial profiling" means a law enforcement-initiated action based on an individual's race, ethnicity, or national origin rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 2, eff. Sept. 1, 2001.

Art. 2.131. RACIAL PROFILING PROHIBITED. A peace officer may not engage in racial profiling.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

Art. 2.132. LAW ENFORCEMENT POLICY ON RACIAL PROFILING.

(a) In this article:

(1) "Law enforcement agency" means an agency of the state, or of a county, municipality, or other political subdivision of the state, that employs peace officers who make motor vehicle stops in the routine performance of the officers' official duties.

(2) "Motor vehicle stop" means an occasion in which a peace officer stops a motor vehicle for an alleged violation of a law or ordinance.

(3) "Race or ethnicity" means the following categories:

(A) Alaska native or American Indian;

(B) Asian or Pacific Islander;

(C) black;

(D) white; and

(E) Hispanic or Latino.

(b) Each law enforcement agency in this state shall adopt a detailed written policy on racial profiling. The policy must:

(1) clearly define acts constituting racial profiling;

(2) strictly prohibit peace officers employed by the agency from engaging in racial profiling;

(3) implement a process by which an individual may file a complaint with the agency if the individual believes that a peace officer employed by the agency has engaged in racial profiling with respect to the individual;

(4) provide public education relating to the agency's compliment and complaint process, including providing the telephone number, mailing address, and e-mail address to make a compliment or complaint with respect to each ticket, citation, or warning issued by a peace officer;

(5) require appropriate corrective action to be taken against a peace officer employed by the agency who, after an investigation, is shown to have engaged in racial profiling in violation of the agency's policy adopted under this article;

(6) require collection of information relating to motor vehicle stops in which a ticket, citation, or warning is issued and to arrests made as a result of those stops, including information relating to:

(A) the race or ethnicity of the individual detained;

(B) whether a search was conducted and, if so, whether the individual detained consented to the search;

(C) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual;

(D) whether the peace officer used physical force that resulted in bodily injury, as that term is defined by Section 1.07, Penal Code, during the stop;

(E) the location of the stop; and

(F) the reason for the stop; and

(7) require the chief administrator of the agency, regardless of whether the administrator is elected, employed, or

appointed, to submit an annual report of the information collected under Subdivision (6) to:

(A) the Texas Commission on Law Enforcement; and

(B) the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.

(c) The data collected as a result of the reporting requirements of this article shall not constitute prima facie evidence of racial profiling.

(d) On adoption of a policy under Subsection (b), a law enforcement agency shall examine the feasibility of installing video camera and transmitter-activated equipment in each agency law enforcement motor vehicle regularly used to make motor vehicle stops and transmitter-activated equipment in each agency law enforcement motorcycle regularly used to make motor vehicle stops. The agency also shall examine the feasibility of equipping each peace officer who regularly detains or stops motor vehicles with a body worn camera, as that term is defined by Section 1701.651, Occupations Code. If a law enforcement agency installs video or audio equipment or equips peace officers with body worn cameras as provided by this subsection, the policy adopted by the agency under Subsection (b) must include standards for reviewing video and audio documentation.

(e) A report required under Subsection (b)(7) may not include identifying information about a peace officer who makes a motor vehicle stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the collection of information as required by a policy under Subsection (b)(6).

(f) On the commencement of an investigation by a law enforcement agency of a complaint described by Subsection (b)(3) in which a video or audio recording of the occurrence on which the complaint is based was made, the agency shall promptly provide a copy of the recording to the peace officer who is the subject of the complaint on written request by the officer.

(g) On a finding by the Texas Commission on Law Enforcement that the chief administrator of a law enforcement agency intentionally failed to submit a report required under Subsection (b)(7), the commission shall begin disciplinary procedures against the chief administrator.

(h) A law enforcement agency shall review the data collected under Subsection (b)(6) to identify any improvements the agency could make in its practices and policies regarding motor vehicle stops.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.
Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. 3389), Sec. 25, eff. September 1, 2009.

Acts 2013, 83rd Leg., R.S., Ch. 93 (S.B. 686), Sec. 2.05, eff. May 18, 2013.

Acts 2017, 85th Leg., R.S., Ch. 173 (H.B. 3051), Sec. 1, eff. September 1, 2017.

Acts 2017, 85th Leg., R.S., Ch. 950 (S.B. 1849), Sec. 5.01, eff. September 1, 2017.

Art. 2.133. REPORTS REQUIRED FOR MOTOR VEHICLE STOPS. (a) In this article, "race or ethnicity" has the meaning assigned by Article 2.132(a).

(b) A peace officer who stops a motor vehicle for an alleged violation of a law or ordinance shall report to the law enforcement agency that employs the officer information relating to the stop, including:

(1) a physical description of any person operating the motor vehicle who is detained as a result of the stop, including:

(A) the person's gender; and

(B) the person's race or ethnicity, as stated by the person or, if the person does not state the person's race or

ethnicity, as determined by the officer to the best of the officer's ability;

(2) the initial reason for the stop;

(3) whether the officer conducted a search as a result of the stop and, if so, whether the person detained consented to the search;

(4) whether any contraband or other evidence was discovered in the course of the search and a description of the contraband or evidence;

(5) the reason for the search, including whether:

(A) any contraband or other evidence was in plain view;

(B) any probable cause or reasonable suspicion existed to perform the search; or

(C) the search was performed as a result of the towing of the motor vehicle or the arrest of any person in the motor vehicle;

(6) whether the officer made an arrest as a result of the stop or the search, including a statement of whether the arrest was based on a violation of the Penal Code, a violation of a traffic law or ordinance, or an outstanding warrant and a statement of the offense charged;

(7) the street address or approximate location of the stop;

(8) whether the officer issued a verbal or written warning or a ticket or citation as a result of the stop; and

(9) whether the officer used physical force that resulted in bodily injury, as that term is defined by Section 1.07, Penal Code, during the stop.

(c) The chief administrator of a law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, is responsible for auditing reports under Subsection (b) to ensure that the race or ethnicity of the person operating the motor vehicle is being reported.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.
Amended by:
Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. 3389), Sec. 26, eff. September 1, 2009.
Acts 2017, 85th Leg., R.S., Ch. 950 (S.B. 1849), Sec. 5.02, eff. September 1, 2017.

Art. 2.134. COMPILATION AND ANALYSIS OF INFORMATION COLLECTED. (a) In this article:

(1) "Motor vehicle stop" has the meaning assigned by Article 2.132(a).

(2) "Race or ethnicity" has the meaning assigned by Article 2.132(a).

(b) A law enforcement agency shall compile and analyze the information contained in each report received by the agency under Article 2.133. Not later than March 1 of each year, each law enforcement agency shall submit a report containing the incident-based data compiled during the previous calendar year to the Texas Commission on Law Enforcement and, if the law enforcement agency is a local law enforcement agency, to the governing body of each county or municipality served by the agency.

(c) A report required under Subsection (b) must be submitted by the chief administrator of the law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, and must include:

(1) a comparative analysis of the information compiled under Article 2.133 to:

(A) evaluate and compare the number of motor vehicle stops, within the applicable jurisdiction, of persons who are recognized as racial or ethnic minorities and persons who are not recognized as racial or ethnic minorities;

(B) examine the disposition of motor vehicle stops made by officers employed by the agency, categorized

according to the race or ethnicity of the affected persons, as appropriate, including any searches resulting from stops within the applicable jurisdiction; and

(C) evaluate and compare the number of searches resulting from motor vehicle stops within the applicable jurisdiction and whether contraband or other evidence was discovered in the course of those searches; and

(2) information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.

(d) A report required under Subsection (b) may not include identifying information about a peace officer who makes a motor vehicle stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the reporting of information required under Article 2.133(b)(1).

(e) The Texas Commission on Law Enforcement, in accordance with Section 1701.162, Occupations Code, shall develop guidelines for compiling and reporting information as required by this article.

(f) The data collected as a result of the reporting requirements of this article shall not constitute prima facie evidence of racial profiling.

(g) On a finding by the Texas Commission on Law Enforcement that the chief administrator of a law enforcement agency intentionally failed to submit a report required under Subsection (b), the commission shall begin disciplinary procedures against the chief administrator.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. 3389), Sec. 27, eff. September 1, 2009.

Acts 2013, 83rd Leg., R.S., Ch. 93 (S.B. 686), Sec. 2.06, eff. May 18, 2013.

Acts 2017, 85th Leg., R.S., Ch. 950 (S.B. 1849), Sec. 5.03, eff. September 1, 2017.

# Rockport POLICE DEPARTMENT

**Policy T2.2 Bias Based Policing**

**Effective Date:** 4/24/2019 | **Replaces:** T2.2 (2/2/15)

**Approved:** _____ Chief of Police

**Reference: TBP** 2.01

## I. POLICY

The Rockport Police Department is committed to a respect for constitutional rights of all people in the performance of our duties. Our success is based on the respect we show to the people with whom we come in contact and the respect they demonstrate toward law enforcement. To meet this goal, we shall exercise our sworn duties, responsibilities, and obligations in a manner that does not discriminate on the basis of race, sex gender, national origin, ethnicity, age, or religion. All people carry biases: in law enforcement, however, the failure to control our biases can lead to improper arrests, searches, and detentions, resulting in our failure to accomplish the mission of our department. Actions guided by bias destroy the trust and respect essential for our mission to succeed. Respect for diversity and equitable enforcement of the law are essential to our mission.

All enforcement actions, particularly stops of individuals (for traffic and other purposes), investigative detentions, arrests, searches and seizures of persons or property, shall be based on the standards of reasonable suspicion or probable cause as required by the Fourth Amendment to the U. S. Constitution and statutory authority. In all enforcement decisions, officers shall be able to articulate specific facts, circumstances, and conclusions which support probable cause or reasonable suspicion for arrests, searches, seizures, and stops of individuals. Officers shall not stop, detain, arrest, search, or attempt to search anyone based solely upon the person's race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group affiliation. Officers shall base all such actions on a reasonable suspicion that the person or an occupant of a vehicle committed or is committing an identifiable criminal offense.

Nothing in this order limits non-enforcement contacts between officers and the public.

## IL PURPOSE

The purpose of this policy is to provide general guidance on reducing the presence of bias in law enforcement actions, to identify key contexts in which bias may influence these actions and emphasize the importance of the constitutional guidelines within which we operate.

## III. DEFINITIONS

Most of the following terms appear in this order. In any case, these terms appear in the larger public discourse about alleged biased enforcement behavior and in other orders. These definitions are intended to facilitate on-going discussion and analysis of our enforcement practices.

A. Bias: Prejudice or partiality which may be based on preconceived ideas, a person's upbringing, culture, experience, or education.

B. Biased policing: Stopping, detaining, searching, or attempting to search, or using force against a person based upon his or her race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group affiliation, or for any other reason without reasonable suspicion or probable cause.

C. Ethnicity: A cluster of characteristics which may include race but also cultural characteristics or traits which are shared by a group with a common experience or history (ex. Hispanic).

D. Gender: Unlike sex, a psychological classification based on cultural characteristics or traits.

E. Probable Cause: Facts or apparent facts and circumstances within an officer's knowledge and of which the officer had reasonable, trustworthy information to lead a reasonable person to believe that an offense has been or is being committed, and that the suspect has committed it.

F. Race: A category of people of a particular descent, including Caucasian, African, Asian, or Native American descent. As distinct from ethnicity, race only refers to physical characteristics sufficiently distinctive to group people under a classification.

G. Racial profiling: A law-enforcement initiated actions based on an individual's race, ethnicity, or nation origin rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity.

H. Reasonable suspicion: Articulable, objective facts which lead an experienced officer to suspect that a person has committed, is committing, or may be about to commit a crime. A well-founded suspicion is based on the totality of the circumstances and does not exist unless it can be articulated. Reasonable suspicion supports a stop of a person. Courts require that stops based on reasonable suspicion be "objectively reasonable".

I. Sex: A biological classification, male or female, based on physical and genetic characteristics.

J. Stop: The detention of a subject for a brief period of time, based on reasonable suspicion. A stop is an investigative detention.

## IV. PROCEDURES

A. General responsibilities

1. Officers are prohibited from engaging in bias-based profiling or stopping, detaining, searching, arresting, or taking any enforcement action including seizure or forfeiture activities, against any person based solely on the person's race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group affiliation. These characteristics, however, may form part of reasonable suspicion or probable cause when officers are seeking a suspect with one or more of these attributes. (TBP: 2.01)

2. Reasonable suspicion or probable cause shall form the basis for any enforcement actions or decisions. Individuals shall only be subjected to stops, seizures, or detention upon reasonable suspicion that they have committed, are committing, or are about to commit an offense. Officers shall document the elements of reasonable suspicion and probable cause in appropriate reports.

3. Officers shall observe all constitutional safeguards and shall respect the constitutional rights of all persons.

   a. As traffic stops furnish a primary source of bias-related complaints, officers shall have a firm understanding of the warrantless searches allowed by law, particularly the use of consent.

   b. Officers shall not use the refusal or lack of cooperation to justify a search of the person or vehicle or a prolonged detention once reasonable suspicion has been dispelled.

4. All personnel shall treat everyone with the same courtesy and respect that they would have others observe to department personnel.

   a. All personnel shall courteously accept, document, and forward to the Chief of Police any complaints made by an individual against the department. Further, officers shall provide information on the complaints process and shall give copies of "How to Make a Complaint" when appropriate.

5. When feasible, personnel shall offer explanations of the reasons for enforcement actions or other decisions that bear on the individual's well-being unless the explanation would undermine an investigation or jeopardize an officer's safety.

6. When feasible, all personnel shall identify themselves by name. When a person requests the information, personnel shall give them their departmental identification number, name of the immediate supervisor, or any other reasonable information.

7. All personnel are accountable for their actions. Personnel shall justify their actions when required by appropriate authority.

B. Supervisor responsibilities

1. Supervisors shall be held accountable for the observance of constitutional safeguards during the performance of their duties. Supervisors shall identify and correct instances of bias in the work of their subordinates.

2. Supervisors shall use the disciplinary mechanisms of the department to ensure compliance with this order and the constitutional requirements of law enforcement.

3. Supervisors shall be mindful that in accounting for the actions and performance of subordinates, supervisors are instrumental to maintaining community trust in law enforcement. Supervisors shall continually reinforce the ethic of impartial enforcement of the laws, and shall ensure that personnel, by their actions, maintain the community's trust in law enforcement.

4. Supervisors are reminded that biased enforcement of the law results not only in mistrust of law enforcement but increases safety risks to personnel. Lack of control over bias also unnecessarily exposes the department to liability consequences. Supervisors shall be held accountable for repeated instances of biased enforcement of their subordinates.

5. Supervisors shall ensure that all enforcement actions are duly documented per departmental policy. Supervisors shall ensure that all reports show adequate documentation of reasonable suspicion and probable cause, if applicable.

6. Supervisors shall facilitate the filing of any complaints about law enforcement service.

7. Supervisors will randomly review at least three videos per officer (either body camera and/or in-car camera) per quarter. For this policy a "quarter" is defined as a 3-month period. Supervisors are not required to watch video of an entire shift; however, reviewing the footage of an incident in a manner intended to gain an understanding of that officer's performance and adherence to policy and law is required. Supervisors will document the random review of video on the Officer Quarterly Video Review Log and any violations of policy or law will be addressed using existing internal affairs policy. (TBP: 2.01)

8. Section 7 above applies only to first-line uniformed officers and their immediate supervisors. In the absence of a first-line supervisor this responsibility will move to the next supervisor in the patrol division's chain of command.

C. Disciplinary consequences

Actions prohibited by this order shall be cause for disciplinary action, up to and including dismissal.

D. Training (TBP: 2.01)

Officers shall complete training required by state law regarding bias-based profiling.

## V. COMPLAINTS

A. The department shall publish "How to Make a Complaint" packets and make them available at the Aransas County Public Safety Center and Rockport City Hall. The department's complaint process and its bias based profiling policy will be posted on the department's website. Whenever possible, the media will be used to inform the public of the department's policy and complaint process.

B. Complaints alleging incidents of bias based profiling will be fully investigated as described under Policy 2.4.

C. Complainants will be notified of the results of the investigation when such investigation is completed.

## VI. RECORD KEEPING

A. The department will maintain all required records on traffic stops where a citation is issued or where an arrest is made subsequent to a traffic stop pursuant to state law.

B. The information collected above will be reported to the city council annually.

C. The information will also be reported to TCOLE in the required format.

# Racial Profiling Report | Full

Rockport Police Department
Bias Based Profiling Report
Appendix C

Agency Name: ROCKPORT POLICE DEPT.
Reporting Date: 02/05/2021
TCOLE Agency Number: 007203

Chief Administrator: GREGORY W. STEVENS

Agency Contact Information:
Phone: (361) 790-1100
Email: gstevens@cityofrockport.com

Mailing Address:
714 EAST CONCHO
ROCKPORT, TX 78382

This Agency filed a full report

ROCKPORT POLICE DEPT. has adopted a detailed written policy on racial profiling. Our policy:

1) clearly defines acts constituting racial profiling;

2) strictly prohibits peace officers employed by the ROCKPORT POLICE DEPT. from engaging in racial profiling;

3) implements a process by which an individual may file a complaint with the ROCKPORT POLICE DEPT. if the individual believes that a peace officer employed by the ROCKPORT POLICE DEPT. has engaged in racial profiling with respect to the individual;

4) provides public education relating to the agency's complaint process;

5) requires appropriate corrective action to be taken against a peace officer employed by the ROCKPORT POLICE DEPT. who, after an investigation, is shown to have engaged in racial profiling in violation of the ROCKPORT POLICE DEPT. policy;

6) requires collection of information relating to motor vehicle stops in which a warning or citation is issued and to arrests made as a result of those stops, including information relating to:
a. the race or ethnicity of the individual detained;
b. whether a search was conducted and, if so, whether the individual detained consented to the search;
c. whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual;
d. whether the peace officer used physical force that resulted in bodily injury during the stop;
e. the location of the stop;
f. the reason for the stop.

7) requires the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit an annual report of the information collected under Subdivision (6) to:
a. the Commission on Law Enforcement; and
b. the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.

The ROCKPORT POLICE DEPT. has satisfied the statutory data audit requirements as prescribed in Article 2.133(c),

Code of Criminal Procedure during the reporting period.

Executed by: MEREDITH N. YARNALL
Administrative Coordinator

Date: 02/05/2021

# Total stops: 3742

| | |
|---|---|
| **Street address or approximate location of the stop** | |
| **City street** | 3219 |
| **US highway** | 4 |
| **County road** | 9 |
| **State highway** | 482 |
| **Private property or other** | 34 |
| **Was race or ethnicity known prior to stop?** | |
| **Yes** | 25 |
| **No** | 3717 |
| **Race / Ethnicity** | |
| **Alaska Native / American Indian** | 6 |
| **Asian / Pacific Islander** | 52 |
| **Black** | 122 |
| **White** | 2514 |
| **Hispanic / Latino** | 1048 |
| **Gender** | |
| **Female** | **1230** |
| **Alaska Native / American Indian** | 1 |
| **Asian / Pacific Islander** | 12 |
| **Black** | 32 |
| **White** | 883 |
| **Hispanic / Latino** | 302 |
| **Male** | **2512** |
| **Alaska Native / American Indian** | 5 |
| **Asian / Pacific Islander** | 40 |
| **Black** | 88 |
| **White** | 1628 |
| **Hispanic / Latino** | 751 |
| **Reason for stop?** | |
| **Violation of law** | **264** |
| **Alaska Native / American Indian** | 0 |
| **Asian / Pacific Islander** | 1 |
| **Black** | 10 |
| **White** | 186 |

| | |
|---|---|
| Hispanic / Latino | 67 |
| Preexisting knowledge | **25** |
| Alaska Native / American Indian | 0 |
| Asian / Pacific Islander | 0 |
| Black | 2 |
| White | 13 |
| Hispanic / Latino | 10 |
| Moving traffic violation | **1307** |
| Alaska Native / American Indian | 3 |
| Asian / Pacific Islander | 15 |
| Black | 39 |
| White | 863 |
| Hispanic / Latino | 387 |
| Vehicle traffic violation | **2146** |
| Alaska Native / American Indian | 3 |
| Asian / Pacific Islander | 36 |
| Black | 68 |
| White | 1450 |
| Hispanic / Latino | 589 |

**Was a search conducted?**

| | |
|---|---|
| Yes | **153** |
| Alaska Native / American Indian | 0 |
| Asian / Pacific Islander | 1 |
| Black | 5 |
| White | 87 |
| Hispanic / Latino | 60 |
| No | **3589** |
| Alaska Native / American Indian | 6 |
| Asian / Pacific Islander | 51 |
| Black | 117 |
| White | 2427 |
| Hispanic / Latino | 988 |

**Reason for Search?**

| | |
|---|---|
| Consent | **42** |
| Alaska Native / American Indian | 0 |
| Asian / Pacific Islander | 1 |
| Black | 2 |
| White | 24 |

| | |
|---|---|
| Hispanic / Latino | 15 |
| **Contraband** | **8** |
| Alaska Native / American Indian | 0 |
| Asian / Pacific Islander | 0 |
| Black | 1 |
| White | 5 |
| Hispanic / Latino | 2 |
| **Probable** | **38** |
| Alaska Native / American Indian | 0 |
| Asian / Pacific Islander | 0 |
| Black | 3 |
| White | 21 |
| Hispanic / Latino | 14 |
| **Inventory** | **0** |
| Alaska Native / American Indian | 0 |
| Asian / Pacific Islander | 0 |
| Black | 0 |
| White | 0 |
| Hispanic / Latino | 0 |
| **Incident to arrest** | **65** |
| Alaska Native / American Indian | 0 |
| Asian / Pacific Islander | 0 |
| Black | 1 |
| White | 37 |
| Hispanic / Latino | 27 |

**Was Contraband discovered?**

| | | Did the finding result in arrest? (total should equal previous column) | |
|---|---|---|---|
| **Yes** | **38** | | |
| Alaska Native / American Indian | 0 | Yes 0 | No 0 |
| Asian / Pacific Islander | 1 | Yes 0 | No 1 |
| Black | 1 | Yes 0 | No 1 |
| White | 21 | Yes 6 | No 15 |
| Hispanic / Latino | 15 | Yes 1 | No 14 |
| **No** | **114** | | |
| Alaska Native / American Indian | 0 | | |
| Asian / Pacific Islander | 0 | | |
| Black | 4 | | |
| White | 65 | | |
| Hispanic / Latino | 45 | | |

| | |
|---|---|
| **Description of contraband** | |
| **Drugs** | **38** |
| **Alaska Native / American Indian** | 0 |
| **Asian / Pacific Islander** | 1 |
| **Black** | 1 |
| **White** | 21 |
| **Hispanic / Latino** | 15 |
| **Weapons** | **0** |
| **Alaska Native / American Indian** | 0 |
| **Asian / Pacific Islander** | 0 |
| **Black** | 0 |
| **White** | 0 |
| **Hispanic / Latino** | 0 |
| **Currency** | **1** |
| **Alaska Native / American Indian** | 0 |
| **Asian / Pacific Islander** | 0 |
| **Black** | 0 |
| **White** | 0 |
| **Hispanic / Latino** | 1 |
| **Alcohol** | **0** |
| **Alaska Native / American Indian** | 0 |
| **Asian / Pacific Islander** | 0 |
| **Black** | 0 |
| **White** | 0 |
| **Hispanic / Latino** | 0 |
| **Stolen property** | **0** |
| **Alaska Native / American Indian** | 0 |
| **Asian / Pacific Islander** | 0 |
| **Black** | 0 |
| **White** | 0 |
| **Hispanic / Latino** | 0 |
| **Other** | **0** |
| **Alaska Native / American Indian** | 0 |
| **Asian / Pacific Islander** | 0 |
| **Black** | 0 |
| **White** | 0 |
| **Hispanic / Latino** | 0 |
| **Result of the stop** | |
| **Verbal warning** | **25** |

| | |
|---|---|
| Alaska Native / American Indian | 0 |
| Asian / Pacific Islander | 2 |
| Black | 3 |
| White | 12 |
| Hispanic / Latino | 8 |
| **Written warning** | **2846** |
| Alaska Native / American Indian | 5 |
| Asian / Pacific Islander | 45 |
| Black | 77 |
| White | 1992 |
| Hispanic / Latino | 727 |
| **Citation** | **732** |
| Alaska Native / American Indian | 1 |
| Asian / Pacific Islander | 5 |
| Black | 40 |
| White | 414 |
| Hispanic / Latino | 272 |
| **Written warning and arrest** | **16** |
| Alaska Native / American Indian | 0 |
| Asian / Pacific Islander | 0 |
| Black | 0 |
| White | 9 |
| Hispanic / Latino | 7 |
| **Citation and arrest** | **81** |
| Alaska Native / American Indian | 0 |
| Asian / Pacific Islander | 0 |
| Black | 1 |
| White | 57 |
| Hispanic / Latino | 23 |
| **Arrest** | **34** |
| Alaska Native / American Indian | 0 |
| Asian / Pacific Islander | 0 |
| Black | 0 |
| White | 24 |
| Hispanic / Latino | 10 |

| | |
|---|---|
| **Arrest based on** | |
| **Violation of Penal Code** | **116** |
| Alaska Native / American Indian | 0 |
| Asian / Pacific Islander | 0 |

| | |
|---|---|
| Black | 2 |
| White | 77 |
| Hispanic / Latino | 37 |
| **Violation of Traffic Law** | **3** |
| Alaska Native / American Indian | 0 |
| Asian / Pacific Islander | 0 |
| Black | 0 |
| White | 1 |
| Hispanic / Latino | 2 |
| **Violation of City Ordinance** | **3** |
| Alaska Native / American Indian | 0 |
| Asian / Pacific Islander | 1 |
| Black | 0 |
| White | 2 |
| Hispanic / Latino | 0 |
| **Outstanding Warrant** | **9** |
| Alaska Native / American Indian | 0 |
| Asian / Pacific Islander | 0 |
| Black | 0 |
| White | 5 |
| Hispanic / Latino | 4 |

**Was physical force resulting in bodily injury used during stop?**

| | |
|---|---|
| **Yes** | **3** |
| Alaska Native / American Indian | 0 |
| Asian / Pacific Islander | 0 |
| Black | 0 |
| White | 2 |
| Hispanic / Latino | 1 |
| **No** | **3739** |
| Alaska Native / American Indian | 6 |
| Asian / Pacific Islander | 52 |
| Black | 122 |
| White | 2512 |
| Hispanic / Latino | 1047 |

**Number of complaints of racial profiling**

| | |
|---|---|
| **Total** | **0** |
| **Resulted in disciplinary action** | **0** |
| **Did not result in disciplinary action** | **0** |

Submitted electronically to the

# The Texas Commission on Law Enforcement

# CITY COUNCIL AGENDA
## Regular Meeting: February 23, 2021

**AGENDA ITEM:** 19

Hear and deliberate on status of COVID-19 and response efforts.

**SUBMITTED BY**: City Manager Kevin Carruth

**APPROVED FOR AGENDA:** PKC

**BACKGROUND:** Staff and Council will discuss recent activities and developments in the COVID-19 pandemic.

**FISCAL ANALYSIS:** N/A

**RECOMMENDATION:** Not an action item.

# CITY COUNCIL AGENDA
## Regular Meeting: February 23, 2021

**AGENDA ITEM:** 20

Hear and deliberate on status of Winter Storm Uri and response efforts.

**SUBMITTED BY**: City Manager Kevin Carruth

**APPROVED FOR AGENDA:** PKC

**BACKGROUND:** Staff and Council will discuss recent activities and developments related to Winter Storm Uri.

**FISCAL ANALYSIS:** N/A

**RECOMMENDATION:** Not an action item.