# CITY COUNCIL AGENDA

Notice is hereby given that the Rockport City Council will hold a regular meeting on Tuesday, March 9 , 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/86345950120 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 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 23, 2021.

5. Deliberate and act on a Resolution of the City of Rockport, Texas, authorizing the Rockport Police Department to apply for and operate an Operation Stonegarden Grant Program (OPSG) administered by the Office of the Governor, Homeland Security grants division for Fiscal Year 2020; 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 1st quarter Report from University of Texas Marine Science Institute/Mission Aransas National Estuarine Research Reserve for Fiscal Year 2020-2021 Bay Education Center marketing expenditures.

7. 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 March 9 – April 27, 2021; establishing rules and regulations for the duration of the Disaster; and establishing an effective date.

8. Deliberate and act on request from Rockport Cultural Arts District for closure of Peter Street between Austin Street and Magnolia Street on Saturday, March 27, 2021 between the hours of 8:00 a.m. and 2:00 p.m. for a fundraising event for the Rockport Railroad Depot.

**Regular Agenda**

9. Deliberate and act on first reading of an Ordinance amending the Official Zoning Map as stipulated under Article 4.1 of the City of Rockport Zoning Ordinance Number 1027 by changing the zoning of land from R-1 (1st Single Family Dwelling District) for property located at 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; repealing all ordinances in conflict therewith; providing for severability; and providing an effective date.

10. Deliberate and act on first reading of an Ordinance amending the Official Zoning Map as stipulated under Article 4.1 of the City of Rockport Zoning Ordinance Number 1027 by changing the zoning of land from R-1 (1ST Single Family Dwelling District) for property located at 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; repealing all ordinances in conflict therewith; providing for severability; and providing an effective date.

11. Deliberate and act on second and final reading of an Ordinance amending the Official Zoning Map as stipulated under Article 4.1 of the City of Rockport Zoning Ordinance Number 1027 by changing the zoning of land from R-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.

12. Hear and deliberate on Texas Department of Agriculture Downtown Revitalization Program grant application.

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

14. 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.

15. 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, March 5, 2021, by 5:00 p.m. and on the City's website at www.cityofrockport.com. I further certify that the following News Media were properly notified of this meeting as stated above*: The Rockport Pilot* and *Corpus Christi Caller Times*.

Teresa Valdez, City Secretary

# CITY COUNCIL AGENDA
## Regular Meeting: Tuesday, March 9, 2021

**AGENDA ITEM:** 4

Deliberate and act on approval of Regular Meeting Minutes of February 23, 2021.

**SUBMITTED BY**: City Secretary Teresa Valdez

**APPROVED FOR AGENDA:** PKC

**BACKGROUND:** Please see the accompanying minutes of the Regular Meeting of February 23, 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 23, 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 23rd 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
Council Member Bob Cunningham, Ward 3
Council Member Andrea Hattman, Ward 4

**CITY COUNCIL MEMBER(S) ABSENT**

**PLANNING & ZONING COMMISSION MEMBERS PRESENT**
Warren Hassinger
Kim Hesley
G. Maynard Green
Ruth Davis

**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
Assistant to City Manager Kimberly Henry

**ELECTED OFFICIALS PRESENT**

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 23, 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 two Citizen Participation Form requests to speak under Citizens to be heard.

1) Kristie Rutledge, 1411 Dana Drive: Ms. Rutledge stated she had a 12 minute warning from the City that the water was going to be turned off last week during the winter storm. Ms. Rutledge asked if the City Manager, in his position on the TCAP Board, had information about the power being turned off. Ms. Rutledge voiced concerns and stated the City should take a serious look at all agreements.

2) Andrew Kane, 2106 Lakeview Drive: Mr. Kane stated last week was a tough week. Mr. Kane said he would like the City to consider changing the hours when water is made available; consider turning on earlier or off later so those who go to work during the day can shower and check for leaks in their homes. Mr. Kane suggested the City implement a plan for shelter services for citizens and not just City staff. Mr. Kane stated we should learn from the past to better prepare for the future.

## 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.** ***(Winter Storm Uri)***

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

Mayor Rios read the captions of the Ordinances in Items 9, 10 and 11.

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

**Public Hearings**

**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 6:43 p.m. on Tuesday, February 23, 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 6:43 p.m.

**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).**

Mayor Rios stated he had received one Citizen Participation form from Courtney Uhr, 491 Augusta Drive, for this Joint Public Hearing. Mayor Rios read the following statement from the Citizen Participation form and said Ms. Uhr had also sent copies of emails, various other information, and a letter she had submitted to Mike Donoho, Director of Public Works and Building Services: "Opposed to this proposed re-zoning and project. Please see previous letters and videos sent to city and newspaper in regards to this. The work that has already been done has been done in a sneaky and corrupt way."

Louis Oliver, 479 Augusta Drive, addressed the Council. Mr. Oliver stated the City Council should consider the necessary improvements to the infrastructure of 2165 because of the already increased traffic before any additional traffic is added to 2165. Mr. Oliver said the approval of this rezone request will add additional traffic and lower property values.

Council Member Hattman said there was a question from a resident who wants to know what the developer plans to use the property for; there is concern about the high-water table.

City Manager Kevin Carruth stated the business portion of the development will be addressed under the next Agenda item.

Mayor Rios stated the Planning and Zoning Commission will consider this item at their meeting on Monday, March 1, 2021, at 5:30 pm.

**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).**

Developer Engineer Paul Lippe stated he agrees with the statement made in the previous agenda item that the site is low. Mr. Lippe said the site will be brought up to grade.

City Manager Kevin Carruth stated that just like any other development they are required to submit engineered drainage plans.

Mayor Rios said this Agenda item is for zoning only, not development plans.

Council Member Cunningham asked if staff recommendations considered the traffic.

Mr. Carruth stated FM 2165 is a TxDOT road and TxDOT reviews and approves access to property.

Mayor Rios stated the Planning and Zoning Commission will consider this item at their meeting on Monday, March 1, 2021, at 5:30 pm.

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

At 6:53 p.m., the Rockport Planning & Zoning Commission adjourned.

**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.**

Mayor Rios stated Council Member Hattman had filed a Conflict of Interest Affidavit with the City Secretary and she will not be participating in discussion or voting on this item.

Brandi Karl, the applicants engineer, addressed the Council. Ms. Karl said the applicant did try to rezone the entire parcel to B-1 (General Business District) in late 2019 and early 2020 and after discussion with the City Council, the request was then changed to R-6 (Hotel/Motel District) and

approved. Ms. Karl stated since then the applicant has realized he needs warehouse office space and is requesting B-1 (General Business District).

Council Member Cunningham asked for clarification on the portion of property that would be rezoned to B-1 (General Business District).

Community Planner Amanda Torres explained it is only the frontage portion, the remainder of the property will continue to be zoned R-6 (Hotel/Motel District).

Ms. Karl stated the applicant want to develop a restaurant and a retail area with a pavilion, wedding chapel and walkability. Ms. Karl said a site plan has not yet been submitted and the applicant is still deciding what he wants to do.

Council Member Cunningham asked Ms. Torres if the Planning and Zoning Commission recommended approval.

Ms. Torres answered the Planning and Zoning Commission did recommend approval of the rezone request.

**MOTION:** Mayor Pro-Tem Villa moved to approve the first reading of an Ordinance amending the Official Zoning Map as stipulated under Article 4.1 of the City of Rockport Zoning Ordinance Number 1027 by changing the zoning of land from R-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. Council Member Saski seconded the motion. Motion carried unanimously.

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.**

Mayor Rios said there had been no changes in format or content since Council approved the first reading on February 9, 2021.

**MOTION:** Mayor Pro-Tem Villa moved to approve the second 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. Council Member Hattman seconded the motion. Motion carried unanimously.

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

Chief of Police Greg Stevens called the Council's attention to the 2020 Bias Based Profiling Report. Chief Stevens stated since the Rockport Police Department is a Best Practices Department we file a Bias Based Report in addition to a Racial Profiling Report. Chief Stevens briefly reviewed the Bias Based Profiling Report.

Council Member Cunningham stated so many people come into Rockport from other areas and asked if there is a means to break-out the stats for that.

Chief Stevens answered the Report does not do that, and it would be valuable to know that information.

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

Mayor Rios stated Winter Storm Uri put COVID-19 on a back burner for a short while. Mayor Rios said the City and County are still working on trying to get vaccines.

Council Member Hattman asked if there were any updates on the Sheriff's Detention Center being approved to give vaccinations.

Mayor Rios said he did not have any information on that. Mayor Rios said tomorrow there will be people receiving the second vaccination, but this is not open to the public.

Community Relations Director Vicki Pitluk stated there have been over 500,000 deaths in the United States and that is the reason for the flags being flown at half-staff. Ms. Pitluk said there have been 842 confirmed positive cases in Aransas County, 51 are active cases, 33 fatalities and 269 probable cases. Ms. Pitluk added that experts say the numbers are going to be low because of the winter storm.

Council Member Cunningham commended Aransas County Commissioner Wendy Laubach for the good information she posts about the availability of vaccinations in Beeville and Victoria.

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

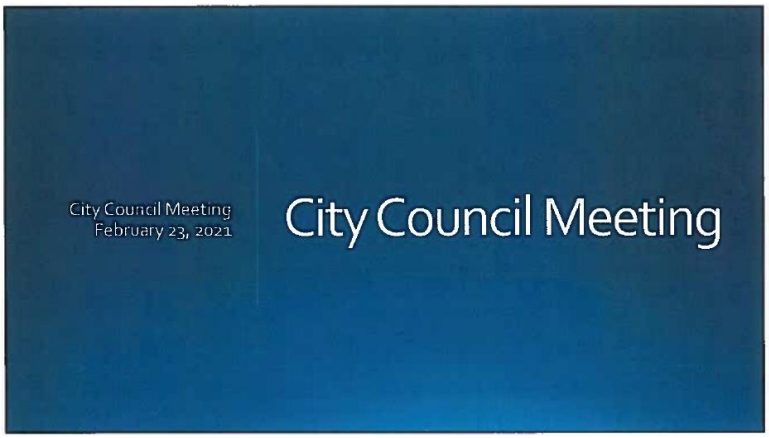
Mayor Rios said Winter Storm Uri is the eighth declared disaster for Rockport since 2017. Mayor Rios stated in many ways Hurricane Harvey hit Rockport and was over; this Winter storm affected power, water, food and fuel supply. Mayor Rios said the City is recovering fairly well. Mayor Rios stated there is chatter in Rockport comparing us to other communities in how we responded to this Winter storm. Mayor Rios explained we are not the same as the communities we are being

compared to; we are a community of second homes – over 800 in Key Allegro – and a lot of stilt and pier and beam homes whose owners were not here to wrap pipes so the ability to turn off 1000 garden hoses was lost and that left a lot of running water after the freeze. Mayor Rios stated the City was chasing leaks during the day which cannot be done at night and we did the best we could; at one point we were losing more water than we were receiving – Nueces County lost their pumps and the ability to pump from Choke Canyon. Mayor Rios declared we are back now and there is a delay in removing the boil water notice because we are in line for testing just like every other community sending water for testing. Mayor Rios informed everyone five members of the ERCOT Board have resigned and all last week he had been in contact with Senator Kolkhorst. Mayor Rios said it was a long week for staff with a lot of working hours; staff in ditches mucking out lift stations in the freezing cold and dirty conditions. Mayor Rios expressed he was happy staff could come back to the Service Center to clean up and then return to work. Mayor Rios said homeowner associations helped walked areas and identify leaks for City staff, and they offered to buy lunches for our teams. Mayor Rios stated he has received hundreds of emails from people understanding what the City was up against. Mayor Rios thanked employees for their hard work; they were here working and had their own problems at their homes. Mayor Rios declared he and his wife were personally going through the same problems as everyone else in the City. Mayor Rios thanked everyone who appreciates what the City does.

Mayor Pro-Tem Villa thanked the City of Portland for providing the water truck.

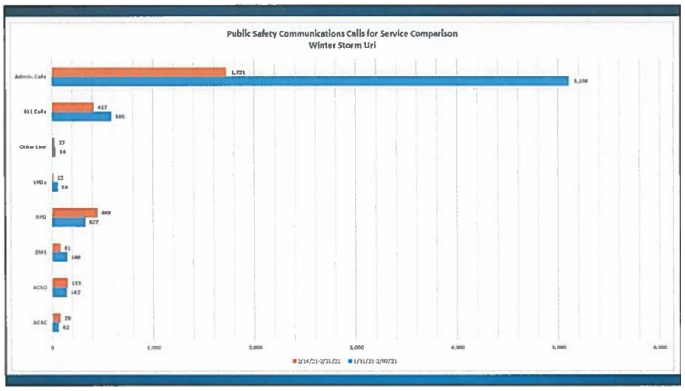
Mayor Rios said ironically water had been the subject of discussion at the last Mayor's group meeting and Portland had just purchased the water truck. Mayor Rios stated the City of Portland brought the water truck to Rockport on Sunday and 79 vehicles were given five gallons of water in a little of over four hours – probably 120 families – in the next round 70 vehicles were given water.

City Manager Kevin Carruth said he was having technical difficulties and could not get the Council and public to see the PowerPoint presentation on Winter Storm Uri and response efforts, he had prepared. (It has been inserted below.)



## Winter Storm Uri

- Utility Billing
  - 274 Phone calls in addition to calls to Public Safety Communications
  - 198 Turn offs
  - 42 Turn ons
- Police
  - 34 Welfare checks
  - 39 Alarm calls
  - 10 Motor vehicle crashes
  - Patrol & CID assisted with search for water leaks
  - Assisted several with transportation to shelters
- Public Safety Communications
  - Added 1,559 New CodeRED subscribers
  - 13 CodeRED messages Sent




## Winter Storm Uri

- Parks
  - Pool closed until further notice due to freeze damage
    - Contents & interior of Aquatic Center concession stand damaged from burst water pipe
    - Sand filter & other fittings & plumbing damaged
  - Water main at Memorial Park burst, affecting concession stand & all restrooms except the restrooms by the soccer field
  - Other minor waterline breaks have been repaired
  - Majority of landscaping at all city parks & on Austin Street have been lost
- Public Works
  - Water fill event utilized by 140 residents
  - 580 Calls for leaks/turn offs
  - 5 Water main breaks
  - 4 Sewer overflows (2 reported to TCEQ, 2 reported as unwitnessed)
  - Minimum TCEQ required water system pressure is 35PSI (Rockport's average daily pressure is 55PSI)

## Winter Storm Uri

- Public Works
  - **February 16, 8:00 p.m.** (approx.) – Pressure drops below 35 PSI & system shut down. Stage 4 drought emergency declared.
  - **February 17** – Water system is down all day
  - **February 18** – Boil water notice issued. Water turned on around 8:00 a.m. & remains on until around 3:30 p.m.
  - **February 19** – Water turned on around 8:00 a.m. & remains on until around 5:00 p.m.
  - **February 20** – Water turned on around 8:00 a.m. & remains on until around 6:30 p.m.
  - **February 21** – Water turned on around 8:00 a.m. System maintains pressure & is left on. Boil water notice remains.
  - **February 22** – System is maintaining pressure. Samples sent to lab for testing.
  - **February 23, 11:30 a.m.** – Lab samples pass & boil notice rescinded. Stage 4 reduced back to Stage 1

Mr. Carruth stated there have been 1559 new subscribers to Code Red.

Parks and Leisure Services Director Rick Martinez said his staff are trying to repair the ground at the fields for future use. Mr. Martinez stated the Little League tryouts are this weekend. Mr. Martinez said there were some issues at the pool and they are working on remedies for those issues.

Mayor Rios expressed this Winter storm was felt by everyone, while Hurricane Harvey affected only us. Mayor Rios said we could not go anywhere during the Winter storm and no one could help us.

Director of Public Works and Building Services Mike Donoho stated from an emergency management prospective and public works prospective, we were not prepared for a freeze event, but we handled it very well. Mr. Donoho said the City kept the water system going for as long as we could and the City's Public Works staff were not the only people working – Parks staff, Code Enforcement and EMS staff were looking for leaks and utility billing staff were taking telephone calls. Mr. Donoho expressed the City did a really good job with the water system and he has received a couple of emails about the times the water was turned on and then off and that is something that will be considered. Mr. Donoho declared City staff is part of the community and they do not focus on their families, they focus on the community – this is a team effort, and it is very hurtful when untruths are spread throughout the community.

Mayor Rios reminded everyone that 40% of the community was evacuated before Hurricane Harvey and there were fewer people to service and for this winter storm everyone was still here. Mayor Rios stated Mr. Carruth, Mayor Pro-Tem Villa and himself attended the Emergency Operations Center meetings everyday during the storm.

Council Member Saski thanked everyone for all the hard work and especially thanked the people that know how hard the City worked. Council Member Saski said he is proud to be in Rockport; people are out there caring and checking and not looking to trash and demean other people. Council Member Saski stated we lost power temporarily and the rest of the world went through way more and they do so everyday. Council Member Saski expressed God Bless You to all the people helping.

Council Member Hattman thanked Mr. Donoho for his explanation and she understands City staff worked really hard. Council Member Hattman said we can learn from this and can do better but everyone did a great job!

Council Member Cunningham gave credit to Council Member Hattman for passing along information on social media.

Mayor Pro-Tem Villa thanked the Fulton Fire Department for opening the shelter for people.

Mayor Rios thanked the Lamar Fire Department and the Fulton Community Church for also opening shelters.

Keith Allen, 129 South Verne Street, addressed the Council. Mr. Allen advised everyone if they

have a generator to start it and make sure it is ready to go when you need it.

Council Member Cunningham asked if Mr. Donoho and his staff will be doing a debriefing and could the results of that be published in some way.

Mayor Rios stated there will be an after-action review.

**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; 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.

There were no reports from Council.

**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.**

At 7:53 p.m., Mayor Rios convened the Rockport City Council into an executive session pursuant to provisions of Chapter 551 of the Texas Government Code, in accordance with the authority contained in Section 551.074 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.**

At 8:21 p.m., Mayor Rios reconvened the Rockport City Council into open session pursuant to the provisions of Chapter 551 of the Texas Government Code to take any necessary actions related to

the executive sessions noted herein, or regular agenda items, noted above, and/or related items.

No action was taken.

**23. Adjournment.**

At 8:21 p.m., Council Member Hattman moved to adjourn. Motion was seconded by Council Member Saski. Motion carried unanimously.

**APPROVED:**

_____
Patrick R. Rios, Mayor

**ATTEST:**

_____
Teresa Valdez, City Secretary

# CITY COUNCIL AGENDA
## Regular Meeting: Tuesday, March 9, 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 an Operation Stonegarden Grant Program (OPSG) administered by the Office of the Governor, Homeland Security grants division for Fiscal Year 2020; 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 Operation Stonegarden Grant Program (OPSG) 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 grant will also pay for replacement of the existing patrol boat. The Department received and successfully implemented a similar grant for FY 2018 and FY 2019. A requirement of the grant is a resolution from the City authorizing the operation of the Operation Stonegarden Grant Program (OPSG) FY2020.

**FISCAL ANALYSIS:** OPSG 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 2020 Operation Stonegarden Grant Program administered by the Office of the Governor, as presented.

**RESOLUTION NO.**

**A RESOLUTION OF THE CITY OF ROCKPORT, TEXAS, AUTHORIZING THE ROCKPORT POLICE DEPARTMENT TO APPLY FOR AND OPERATE A OPERATION STONEGARDEN GRANT PROGRAM(OPSG) ADMINISTERED BY THE OFFICE OF THE GOVERNOR, HOMELAND SECURITY GRANTS DIVISION FOR FISCAL YEAR 2020; 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 objective of the Operation Stonegarden Grant Program (OPSG) 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. 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 Operation Stonegarden Grant 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 Operation Stonegarden Grant Program 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 in connection with this application and participation in the Operation Stonegarden Grant. 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 9th day of March 2021.

**CITY OF ROCKPORT, TEXAS**

_____

Patrick R. Rios, Mayor

**ATTEST:**

_____
Teresa Valdez, City Secretary

Print This Page

**Agency Name:** Rockport, City of
**Grant/App:** 3171906 **Start Date:** 3/1/2021 **End Date:** 2/28/2022

**Project Title:** Aransas-2020 OPSG
**Status:** Application Pending Submission

## Eligibility Information

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

**Application Eligibility Certify:**
Created on:2/10/2021 1:30:12 PM By:Heather Arrington

## Profile Information

**Applicant Agency Name:** Rockport, City of
**Project Title:** Aransas-2020 OPSG
**Division or Unit to Administer the Project:** City of Rockport Police Department
**Address Line 1:** 714 E Concho
**Address Line 2:**
**City/State/Zip:** Rockport Texas 78382-2530
**Start Date:** 3/1/2021
**End Date:** 2/28/2022

**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

### Overview

The purpose of the Homeland Security Grant Program (HSGP) is to support state and local efforts to prevent terrorism and other catastrophic events and to prepare the Nation for the threats and hazards that pose the greatest risk to the security of the United States. HSGP provides funding to implement investments that build, sustain, and deliver the 32 core capabilities essential to achieving the National Preparedness Goal (the Goal) of a secure and resilient Nation. The building, sustainment, and delivery of these core capabilities are not exclusive to any single level of government, organization, or community, but rather, require the combined effort of the whole community. HSGP supports core capabilities across the five mission areas of Prevention, Protection, Mitigation, Response, and Recovery based on allowable costs.

### Primary Mission and Purpose

**Operation Stonegarden (OPSG)**: Supports enhanced cooperation and coordination among Customs and Border Protection (CBP), United States Border Patrol (USBP), and local, Tribal, territorial, state, and Federal law enforcement agencies. The OPSG Program funds investments in joint efforts to secure the United States' borders along routes of ingress from international borders to include travel corridors in states bordering Mexico and Canada, as well as states and territories with international water borders.

### OPSG Objectives

OPSG is intended to support Border States in accomplishing the following objectives:

- Increase capability to prevent, protect against, and respond to border security issues.
- Increase coordination and collaboration among Federal, state, local, and Tribal law enforcement agencies.
- Continue the distinct capability enhancements required for border security and border protection.
- Provide intelligence based operations through USBP Sector Level experts to ensure safety and operational oversight of Federal, state, local, and Tribal enforcement agencies participating in OPSG operational activities.
- Support requests to the Governor to activate, deploy, or redeploy specialized National Guard Units/Packages and/or elements of state law enforcement to increase or augment specialized/technical law enforcement operational activities.
- Continue to increase operational, material and technological readiness of state, local, and Tribal law enforcement agencies.

### Eligibility Requirements

**National Incident Management System (NIMS) Implementation**
Grantees are required to implement NIMS. The NIMS uses a systematic approach to integrate the best existing processes and methods into a unified national framework for incident management across all homeland security activities including prevention, protection, response, mitigation, and recovery. Grantees must use standardized resource management concepts for resource typing, credentialing, and an inventory to facilitate the effective identification, dispatch, deployment, tracking and recovery of resources.

**Emergency Management Plans (Intermediate Level)**
Cities and counties must have a current emergency management plan or be a legally established member of an inter-jurisdictional emergency management program with a plan on file with the Texas Department of Public Safety, Texas Division of Emergency Management (TDEM). Plans must be maintained throughout the entire grant performance period and must be at least at the Intermediate Level. If you have questions concerning your Emergency Management Plan (preparedness) level, contact your Emergency Management Coordinator (EMC) or your regional Council of Governments (COG). For questions concerning plan deficiencies, contact TDEM at tdem.plans@tdem.texas.gov.

**Program Requirements**

**OPSG Operational Capability**
OPSG funds must be used to provide an enhanced law enforcement presence and to increase operational capabilities of Federal, state, local, and Tribal law enforcement, promoting a layered, coordinated approach to law enforcement within the Texas Border Region.

**Operational Overtime Costs**
OPSG funds should be used for operational overtime costs associated with law enforcement activities, in support of border law enforcement agencies for increased border security enhancement. Costs associated with overtime (OT) shall be reimbursed following the grantee's overtime policy and the requirements as stated below:

a. OT is time actually worked that exceeds the required number of hours during an employee's designated work period.

b. The OT rate will be no more than one-and-one-half (1.5) times the employee's regular pay rate.

c. Exempt salaried employees may not be reimbursed for overtime unless the grantee's overtime policy specifically allows for it.

d. HSGD will only reimburse the grantee for OT that does not exceed a total of 16-hours (regular + OT) worked during any 24-hour period.

**Integrated Planning Team**
OPSG uses an integrated approach to address transnational criminal activity. Federal, state, local, and Tribal partners are required to establish and maintain an OPSG Integrated Planning Team (IPT) with representation from all participating law enforcement agencies.

**Reporting Requirements**
Participation in OPSG requires accurate, consistent, and timely reporting of how funds are used and how operations have impacted border security. Each partner agency must identify a single point of contact to represent their agency as a member of the IPT and to coordinate submission of reports. Required reports include:

- **Daily Activity Report** - submit ongoing results and outputs from OPSG operations conducted. A monthly report detailing the daily activities must be submitted to the Border Patrol Sector by 10th day of the following month.
- **After Action Report** - articulates outcomes, outputs, and results for each OPSG operation conducted.

**Cybersecurity Self-Assessment**
Grantees are strongly encouraged to complete the Nationwide Cybersecurity Review (NCSR). The NCSR is a no-cost, anonymous, annual self-assessment designed to measure gaps and capabilities of state, local, tribal and territorial governments' cybersecurity programs. For more information about the NCSR, visit: https://www.cisecurity.org/ms-isac/services/ncsr/.

**Coordination**
All operational plans should be crafted in cooperation and coordination among Federal, state, local, and Tribal partners. All jurisdictions must coordinate with the USBP Sector Headquarters with geographic responsibility for the jurisdiction's location in developing and submitting an Operations Order to the Governor's Office, Homeland Security Grants Division.

After awards are announced, prospective recipients will re-scope the draft Operations Order and resubmit it as a final Operations Order based on actual dollar amounts awarded. Final Operations Orders will be approved by the appropriate Sector Headquarters and forwarded to Headquarters, Office of Border Patrol, Washington, D.C., before funding is released.

Recipients may not begin operations, obligate, or expend any funds until the final Operations Order has been approved by FEMA Grants Program Directorate and USBP Headquarters.

**Operational Cycle**
The overarching operational cycle involves three stages; application, concept of operations to formulate a Campaign Plan and one or more tactical operational periods, which are all developed by the IPT.

Application
Jurisdictions must develop their Operations Order in coordination with state and Federal law enforcement agencies, to include, but not limited to CBP/USBP. Operations Orders that are developed at the county level should be inclusive of city, county, Tribal, State, and other local law enforcement agencies that are eligible to participate in OPSG operational activities. Operations Order details should include the names of the agencies, points of contacts, and individual funding requests. The USBP sector office will forward the application to the Governor's Homeland Security Grants Division for final review before submission to DHS/FEMA.

Concept of Operations to Formulate a Campaign Plan
Participants receiving an award will create and submit an Operations Order that forms a campaign plan and captures the initial, generalized budgetary intent to their IPT. The campaign plan should articulate the participant agency's long-term border security objectives and goals designed to mitigate border security risk. The operations plan will project planned expenditures in the following categories: overtime, equipment, instruction, travel, maintenance, fuel, and administrative funds. Once the operations plan is approved, the area IPT will meet to initiate the last stage in the planning process.

Tactical Operations Plan
Once the participant is ready to conduct operations, the area IPT will begin planning tactical operations. Tactical operations will be conducted on a periodic basis and are composed of six critical elements:

1. A pre-planning meeting with the IPT
2. Specific beginning and end dates
3. Intelligence driven with a nexus to border security
4. Use of targeted enforcement techniques
5. Clearly stated objectives
6. After action meeting

**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).

**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 Hwy 35 in an effort to confuse, disrupt, arrest and prosecute offenders of illegal human trafficking, illegal narcotic smuggling, and other border related crimes that use Texas Highway 35 for these illegal operations. 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.

An identified list of threats and hazards of concern for our community include local concerns about increasing border-related crimes including home burglaries, human and drug smuggling and cross border violence from gangs and drug cartel.

**Existing Capability Levels :**

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

26 sworn peace officers and 18 marked, fully equipped police vehicles, 1 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).

As outline in the State Preparedness Report our department has a gap in the equipment and personnel categories. Manpower and a marine vessel that is fully equipped to patrol all of the local waterways are the capabilities that we currently lack. The grant will provide the department with the equipment and funds to pay officers to work in an overtime capacity. This will allow officers working the grant to focus on interdiction activities on the highways and provide a regional asset that can patrol all of the waterways in our coastal area.

**Impact Statement :**

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

This project will reduce the capability gap by providing equipment and funds to put officers on the streets, highways and waterways tasked with performing interdiction and surveillance activities. Waterway interdiction is limited currently to certain areas of the waterways accessible by the current marine vessel. The increased waterway patrol activities will make a specific impact on the community concerns and 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 neighboring counties and visitors to the State of Texas by providing an information sharing process that will aide in the disruption of 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 officers, it will be difficult for the department to maintain the capabilities to target human trafficking and narcotic smuggling. Officers while working regular duty will have other responsibilities that will prevent them from being able to focus on interdiction and surveillance activities.

## Project Activities Information

**HSGP Instructions for Project Activity Selection**

Homeland Security Grant Program (HSGP) applicants should only select one project activity. The eGrants system will allow multiple selections, but each HSGP subrecipient project must fit into one and only one of the Investment Categories that are listed as project activities under the "Activity List".

**Selected Project Activities:**

| ACTIVITY | PERCENTAGE: | DESCRIPTION |
|---|---|---|
| Border Security | 100.00 | Put officers on the streets, highways and waterways to perform interdiction and surveillance activities. The increased waterway patrol activities and continued highway interdiction will impact on and focus on curtailing human trafficking, narcotic smuggling and to prevent criminal and terrorist organizations from exploiting the borders of our state. |

## 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. | 5245 |
| 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 | 0 |

| | |
|---|---|
| (i.e. dispatchers or jailers) supporting the border initiative. | |
| 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. | 10 |
| 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 |
| | 0 |

| | |
|---|---|
| Number of forfeitures (cash and other assets) attributed to grant-funded officers supporting the border initiative. | |
| 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 going to 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?
_ 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

Enter the debarment justification:

**FFATA Certification**

**Certification of Recipient Highly Compensated Officers** – The Federal Funding Accountability and Transparency Act (FFATA) requires Prime Recipients (HSGD) 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?
_ 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?
**X** Yes
_ No

If you answered **YES** to the **FIRST** statement and **NO** to the **SECOND** statement, please provide the name and total compensation amount of each of the five most highly compensated officers (a.k.a. positions) within your agency for the current calendar year. If you answered NO to the first statement you are NOT required to provide the name and compensation amounts. NOTE: "Total compensation" means the complete pay package of each of the sub recipient's compensated officers, including all forms of money, benefits, services, and in-kind payments (see SEC Regulations: 17 CCR 229.402).
Position 1 - Name:
Position 1 - Total Compensation ($):
0
Position 2 - Name:
Position 2 - Total Compensation ($):
0
Position 3 - Name:
Position 3 - Total Compensation ($):
0
Position 4 - Name:
Position 4 - Total Compensation ($):
0
Position 5 - Name:
Position 5 - Total Compensation ($):
0

**Homeland Security Information**

**FUND SOURCE INFORMATION AND REQUIREMENTS**

**DHS Project Type:** Enhance capability to support international border and waterway security

**Capabilities**

**Core Capability:** Intelligence and Information Sharing

**Identify if this investment focuses on building new capabilities or sustaining existing capabilities. :** Existing Capabilities (Sustain)

**Are the assets or activities Deployable or Shareable:** Shareable

___ Check if this Investment requires new construction or renovation, retrofitting, or modification of existing structures

_X_ Check if these funds will support a project that was previously funded with HSGP funding

**Project Management Step Involved:**

Check the step that most closely resembles the phase of the project activities to be completed during the grant period.

**Step:** Execute

**Description:** The period within the project lifecycle during which the actual work of creating the project's deliverables is carried out.

**Process:** Involves directing, accomplishing, managing, and completing all phases and aspects of work for a given project.

**Milestones**

**Milestone:** Begin Tactical Operation Activities; **Completion Date:** 03-31-2021
**Milestone:** Conclude Tactical Operation Activities; **Completion Date:** 02-28-2022
**Milestone:** Complete Final Progress Reports; **Completion Date:** 03-15-2022

**NIMS Resources**

___ Check if this project supports a NIMS typed resource

**Enter the name of the typed resources from the Resource Type Library Tool:**

**Enter the ID of the typed resources from the Resource Type Library Tool:**

## 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 | Operational Overtime for Law Enforcement (Organization) | Enhanced Border Security Operations - Overtime according to local OT policy - estimate of 5,245.33776 hours at an average OT rate, including fringe benefits, of $45.115/hr - up to a total of $236,643.65 (for approximately 26 officers). | $236,643.65 | $0.00 | $0.00 | $0.00 | $236,643.65 | 100 |
| | | | | | | | | |

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| Equipment | 17WC-00-BOAT Watercraft, CBRNE Prevention and Response | Item #4 17WC-00-BOAT 27FT Near Shore Response Vessel | $185,000.00 | $0.00 | $0.00 | $0.00 | $185,000.00 | 1 |
| Supplies and Direct Operating Expenses | Vehicle Operating Cost (e.g., fuel, lubricants, maintenance, storage) (Organization) | Rockport--Actual vehicle operating costs prorated for the hours deputies work on grant paid overtime for an estimated total of $9,397.51. | $9,397.51 | $0.00 | $0.00 | $0.00 | $9,397.51 | 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 | $185,000.00 | $0.00 | $0.00 | $0.00 | $185,000.00 |
| Personnel | $236,643.65 | $0.00 | $0.00 | $0.00 | $236,643.65 |
| Supplies and Direct Operating Expenses | $9,397.51 | $0.00 | $0.00 | $0.00 | $9,397.51 |

**Budget Grand Total Information:**

| OOG | CASH MATCH | IN-KIND MATCH | GPI | TOTAL |
|---|---|---|---|---|
| $431,041.16 | $0.00 | $0.00 | $0.00 | $431,041.16 |

## Condition Of Fundings Information

| Condition of Funding / Project Requirement | Date Created | Date Met | Hold Funds | Hold Line Item Funds |
|---|---|---|---|---|
| Costs for fuel (vehicle or boat) are allowable only for the hours officers are working on grant-paid overtime. Vehicle and boat maintenance costs must be prorated to show the use of vehicles/boats for regular law enforcement duties and the use of vehicles/boats while officers are working grant-paid overtime patrols. Only actual vehicle/boat expenses supported by invoiced gas, oil, and maintenance expenses may be reimbursed under this grant. Please retain all receipts and be prepared to make available upon request. | 2/10/2021 1:54:56 PM | | No | No |
| Operations Order Required: By participating in the OPSG, the state, local, and Tribal agencies agree to conduct operations designed to reduce border-security risk. Tactical operations will be conducted on a periodic basis meeting the criteria outlined below. Tactical operational periods are composed of six critical elements: 1) a pre-planning meeting with the IPT; 2) specified beginning and ending dates; 3) intelligence driven, with a nexus to border security; 4) use of targeted enforcement techniques; 5) clearly stated objectives; and 6) an after-action meeting. A campaign should involve several tactical operational periods. These periods require deliberate on-going planning to ensure command, staff, and unit activities synchronize to current and future operations. Please prepare and submit the next Operations Order. Fund holds on specific budget line items will be released as Operations Orders are approved. | 2/10/2021 1:55:19 PM | | No | No |
| Overtime: Grantees must upload a copy of the overtime policy approved by its governing board. This policy will be considered the official policy for grant purposes and must be used throughout the grant period. The policy must: 1) clearly describe how overtime will be calculated; 2) be consistent with the agency's overtime policy; and 3) treat grant-paid personnel the same as non-grant paid personnel. OOG will monitor overtime expenditures based on this policy. OOG will release the Condition of Funding once OOG approves the overtime policy. | 2/10/2021 1:55:33 PM | | Yes | No |
| Personnel Cap Waiver: Pending approval of the Personnel Cap Waiver by the FEMA Administrator, your jurisdiction is authorized to spend up to, but must not exceed, 50 percent of the Operation Stonegarden allocation issued by FEMA. Fund holds on specific budget line items will be released upon receipt of the FEMA Administrator's approval of the Operations Order. | 2/10/2021 1:55:50 PM | | No | No |
| PROHIBITION ON CERTAIN SERVICES OR EQUIPMENT: This grant includes line items that may contain services or equipment expressly prohibited under the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (FY 2019 NDAA), Pub. L. No. 115-232 (2018). This act prohibits the purchase of certain telecommunications and video surveillance services or equipment from specified entities. For more information on this prohibition please refer to Public Law No. 115-232 at https://www.congress.gov/bill/115th-congress/house-bill/5515/text?format=txt. | 2/10/2021 1:56:24 PM | | No | No |
| Resolution: Applications from nonprofit corporations, local units of governments, and other political subdivisions must submit a resolution electronically using the 'Upload' function in the eGrants system. The resolution must contain the following:<br>• Authorization by your governing body for the submission of the application to OOG that clearly identifies the name of the project for which funding is requested;<br>• A commitment to provide all applicable matching funds; | 2/10/2021 1:56:48 PM | | Yes | No |

| | | | | |
|---|---|---|---|---|
| • 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 OOG should the official change during the grant period.); and<br>• A written assurance that, in the event of loss or misuse of grant funds, the governing body will return all funds to OOG. | | | | |

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

# CITY COUNCIL AGENDA
## Regular Meeting: Tuesday, March 9, 2021

**AGENDA ITEM:** 6

Deliberate and act on 1st quarter report from the Texas Marine Science Institute/Mission Aransas National Estuarine Research Reserve for Fiscal Year 2020-2021 Bay Education marketing expenditures.

**SUBMITTED BY:** City Secretary Teresa Valdez

**APPROVED FOR AGENDA:** PKC

**BACKGROUND:** Texas Marine Science Institute/Mission Aransas National Estuarine Research Reserve has been allocated $15,000.00 in FY 2020-2021 Hotel Occupancy Tax (HOT) funds. According to our agreement with the NERR UTMSI, fiscal quarterly financial reports are required to be submitted to the City Council for approval. See the accompanying 1st quarter HOT expenditure report for additional information.

**FISCAL ANALYSIS:** Charged to account 6602003. The budgeted amount is $15,000.00 and YTD expenses are $6,002.15.

**STAFF RECOMMENDATION:** Staff recommends Council approve the NERR UTMSI Fiscal Year 2020-2021 Hotel Occupancy Tax funds 1st quarter expenditures and authorization to disburse 2nd quarter funds in the amount of $3,750.00, as presented.

MISSION ★ ARANSAS NATIONAL ESTUARINE RESEARCH RESERVE

February 20, 2021

Honorable Mayor Patrick Rios
Rockport, Texas

**RE: Bay Education Center Hotel Occupancy Tax Quarterly Report October to December 2020**

Dear Mayor Rios,

The Mission-Aransas National Estuarine Research Reserve (Reserve) at the University of Texas Marine Science Institute (UTMSI) would like to thank you and the City of Rockport for the support of the Bay Education Center (BEC) through the Hotel Occupancy Tax (HOT) in the amount of $15,000 for FY2020. The funds have been instrumental in keeping the Bay Education Center open to the public for free. The BEC opened in January 2020 to the public for the first time since Hurricane Harvey. **In accordance with Exhibit A on how HOT funds were spent, the funds allowed the BEC to pay for operational expenses that go towards program development and enhancements so that tourists receive free programming throughout the year. The following is Exhibit B of how the funds for FY2020 have been spent through the 1st quarter to December 2020 so that tourists have free admission to the BEC programming.**

Exhibit "B:

| HOT FUNDING EXPENSE REPORT FY 2019-2020 | | | | | | |
|---|---|---|---|---|---|---|
| **Description of Expense** | **Approved Budget** | **1st Quarter Expenses (Oct-Dec)** | **2nd Quarter Expenses (Jan-Mar)** | **3rd Quarter Expenses (Apr-Jun)** | **4th Quarter Expenses (Jul-Sep)** | **TOTAL** |
| Programmatic & Visitor Operations | | $6,002.15 | | | | $6,002.15 |
| **Total Requested** | $15,000.00 | $6,002.15 | $0.00 | $0.00 | $0.00 | $6,002.15 |

| **Description of Administrative Expenses** | **Current Fiscal Year Administrative Expenses Projection** | **Fiscal Year Administrative Actual Expenses** | **Percentage of Fiscal Year Projections** |
|---|---|---|---|
| Sally Palmer | $4,500 | $4,500 | 100% |
| Georgia Neblett | $1,000 | $1,000 | 100% |
| Sara Pelleteri | $62,547 | $15,222 | 20% |
| | | | |
| **TOTALS** | $68,047 | $20,722 | |

MISSION ⋆ ARANSAS NATIONAL ESTUARINE RESEARCH RESERVE

We want to thank you again for the continued support and look forward to serving the community again this year.

Sincerely,

Jace Tunnell
Reserve Director

Mission-Aransas National Estuarine Research Reserve
The University of Texas Marine Science Institute
750 Channel View Drive, Port Aransas, Texas 78373
361-749-3046 - www.MissionAransas.org

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

**AGENDA ITEM:** 7

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 March 9 – April 27, 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 by the City of Rockport.

The original Disaster Declaration expired on February 18, 2021, and the table below details the extensions of the declaration.

**Disaster Declaration Extensions**
**Original Declaration February 12, 2021 to February 18, 2021**

| Date of Extension | Period Covered by Extension | Extension No. | Ordinance No. |
|---|---|---|---|
| March 9, 2021 | February 19, 2021 – March 9, 2021 | #1 | No. 1830 |

The proposed Ordinance continues and renews the Disaster Declaration for the period of March 9 – April 27, 2021.

**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 March 23 – April 27, 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 MARCH 9 – APRIL 27, 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.

**WHEREAS,** Pursuant to §418.108(b) of the Government Code, Mayor Patrick R. Rios, on March 9, 2021, renewed and extended the local state of disaster and public health emergency for the period of February 19 – March 9, 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 March 9 –

April 27, 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 March 2021.

**CITY OF ROCKPORT, TEXAS**

_____
Patrick R. Rios, Mayor

ATTEST:

_____
Teresa Valdez, City Secretary

# CITY COUNCIL AGENDA
## Regular Meeting: Tuesday, March 9, 2021

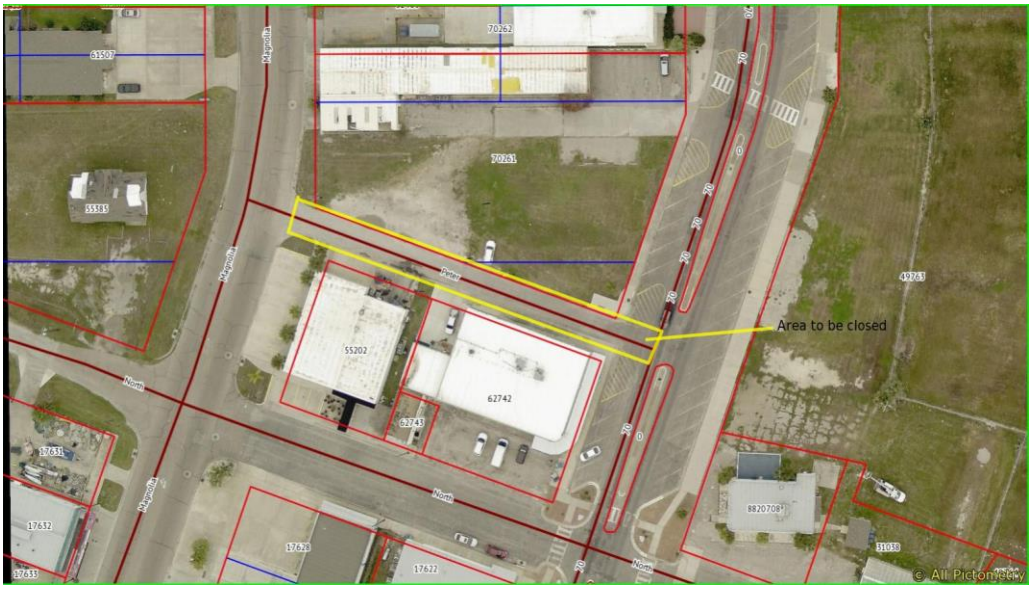
**AGENDA ITEM:** 8

Deliberate and act on request from Rockport Cultural Arts District for closure of Peter Street between Austin Street and Magnolia Street on Saturday, March 27, 2021 between the hours of 8:00 a.m. and 2:00 p.m. for a fundraising event for the Rockport Railroad Depot.

**SUBMITTED BY**: City Secretary Teresa Valdez

**APPROVED FOR AGENDA:** PKC

**BACKGROUND:** Please see the accompanying letter & map from Jennifer Day, Executive Director of the Rockport Cultural Arts District. Ms. Day stated the surrounding businesses agree to close the street and support the fundraising event. The Police Department has reviewed the request and has no objections.




**FISCAL ANALYSIS:** No direct cash expense anticipated; however, staff will track in-kind labor, materials, and equipment used in support of the event.

**RECOMMENDATION:** Staff recommends City Council approve the request for street closure, as presented.

ROCKPORT CULTURAL
ARTS DISTRICT
www.rockportculturalartsdistrict.com

March 4, 2021

Teresa Valdez, City Secretary
City of Rockport
2751 SH 35 Bypass
Rockport, TX 78382

Dear Ms. Valdez,

The Rockport Cultural Arts District (RCAD) respectfully requests the closure of Peter Street between Austin and Magnolia Streets in the Cultural Arts District Saturday, March 27, 2021, between the hours of 8am and 2pm.

RCAD is sponsoring a fundraising event for the Rockport Railroad Depot on the open land owned by Rockport Little Theatre (bordered by Austin, Peter, and Magnolia) in which over a dozen 1925 Model T vehicles will be on display. We anticipate a large pedestrian crowd and closing Peter street is being requested for safety reasons. This is also the morning the Stroll thru Rockport is planned in which RCAD is a sponsor.

The surrounding businesses, Goin Coastal, 495 Chesapeake Eats, and Rockport Little Theatre are all in agreement to close the street and support the fundraising event.

Please add to the March 9th City Council Agenda for approval.

Thank you,

Jennifer Day,
Executive Director

Cc: Kevin Carruth, City Manager
Greg Stevens, Police Chief
Mike Donoho, Public Works Director

# CITY COUNCIL AGENDA
# Regular Meeting: Tuesday, March 9, 2021

**AGENDA ITEM:** 9

Deliberate and act on first reading of an Ordinance amending the Official Zoning Map as stipulated under Article 4.1 of the City of Rockport Zoning Ordinance Number 1027 by changing the zoning of land from R-1 (1st Single Family Dwelling District) for property located at 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; 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 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. Twelve letters against the request have been received. A Joint Public Hearing was held on Tuesday, February 23. Two people spoke against the request and one resident had questions about the project. In total, only 8% of adjacent property owners have presented opposition to the project at this time, and therefore a super-majority vote from City Council would not be required to approve this.

Concerns from the public included concerns about increased traffic, infrastructure capacity, and illegal tree removal. The applicant said that he has been working with TxDOT and the City about the first two items and says that he followed the tree removal ordinance about the third item.

The Planning & Zoning Commission met on Monday, March 1, 2021, and voted to recommend approval.

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

**FISCAL ANALYSIS:** N/A

**RECOMMENDATION:** Staff concurs with the Planning & Zoning Commission's recommendation to approve the first reading of an Ordinance amending the Official Zoning Map as stipulated under Article 4.1 of the City of Rockport Zoning Ordinance Number 1027 by changing the zoning of land from R-1 (1st Single Family Dwelling District) for property located at 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; 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-1 (1ST SINGLE FAMILY DWELLING DISTRICT) FOR 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; 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 February 2, 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 February 5, 2021, notice was mailed to affected property owners within 200' of subject property; and

**WHEREAS,** on February 6, 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 23, 2021 at 6:30 p.m., the Rockport City Council and the Planning & Zoning Commission did hold a Joint Public Hearing; and

**WHEREAS,** on March 1, 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 1802 FM 2165 from R-1 (1st Single Family Dwelling District) to R-2 (2nd Single Family Dwelling District) to develop an over 55-years-of-age gated community.

**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 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, be changed from R-1 (1st Single Family Dwelling District) to R-2 (2nd Single Family Dwelling District).

**SECTION 2 - REPEALER**

Any previously adopted ordinances, and any subsequent amendments to them, which 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 9th day of March 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**
1802 FM 2165

**APPLICANT/PROPERTY OWNER**
Donnie Garcia

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

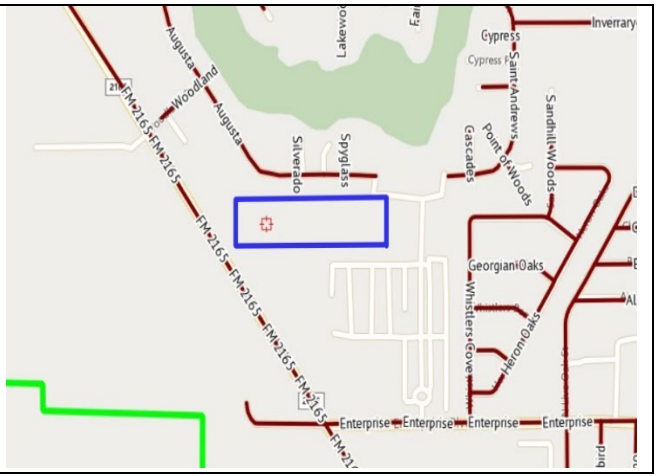
**P&Z DATE**
Monday, March 1, 2021

**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. Twelve letters against the request have been received. A Joint Public Hearing was held on Tuesday, February 23. Two people spoke against the request and one resident had questions about the project. In total, only 8% of adjacent property owners have presented opposition to the project at this time, and therefore a super-majority vote from City Council would not be required to approve this.




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*

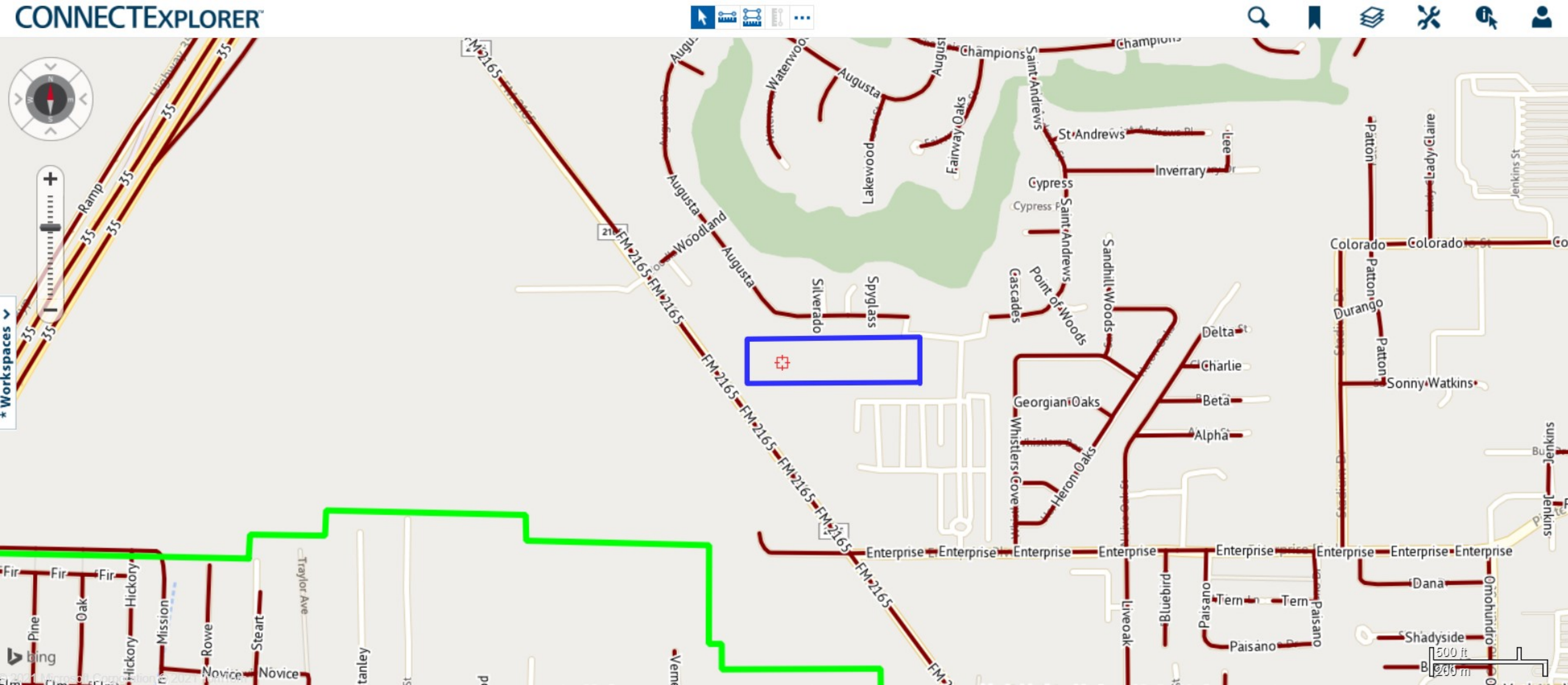
The property is not within the Special Flood Hazard Area. Commercial plans including parking, drainage, building design, etc. will need to conform to the approved zoning district, if zoning is approved.

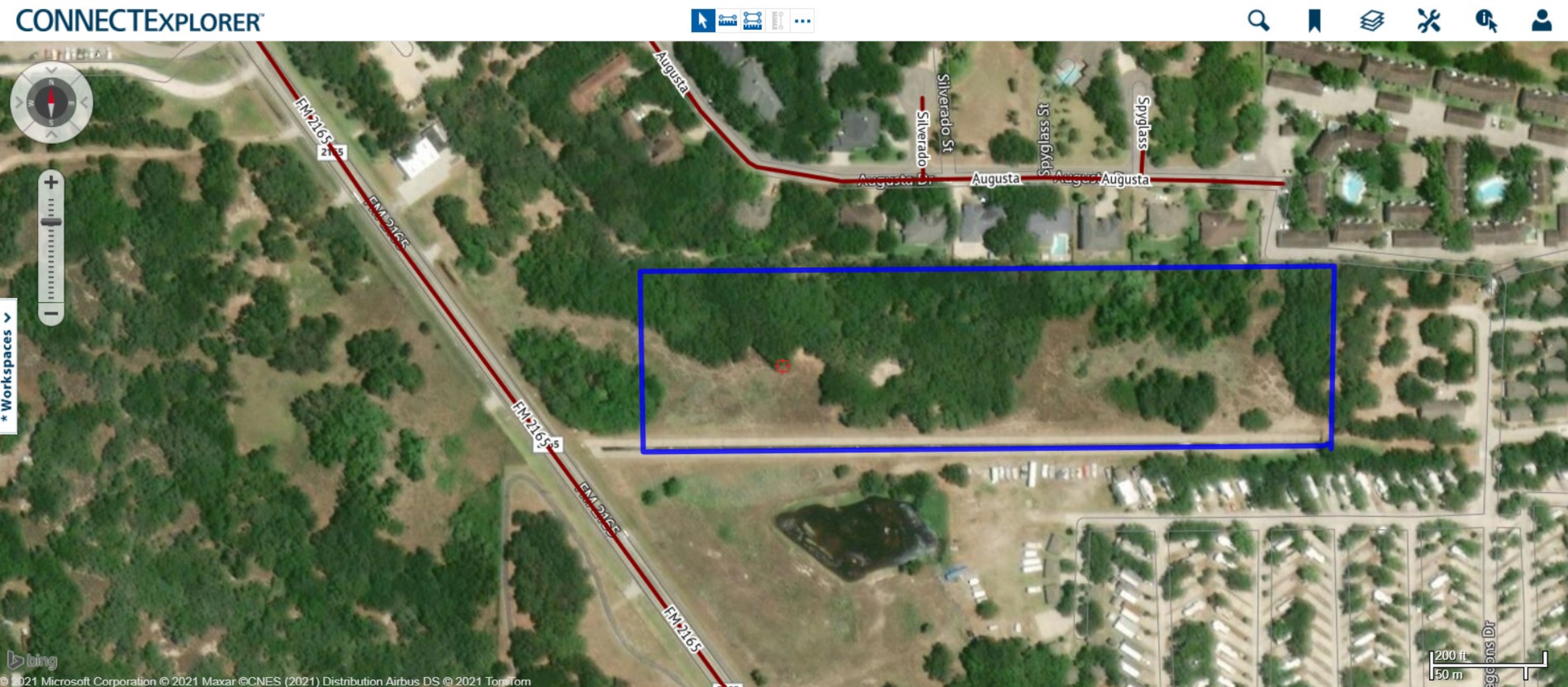
**ATTACHMENTS** (CIRCLE)

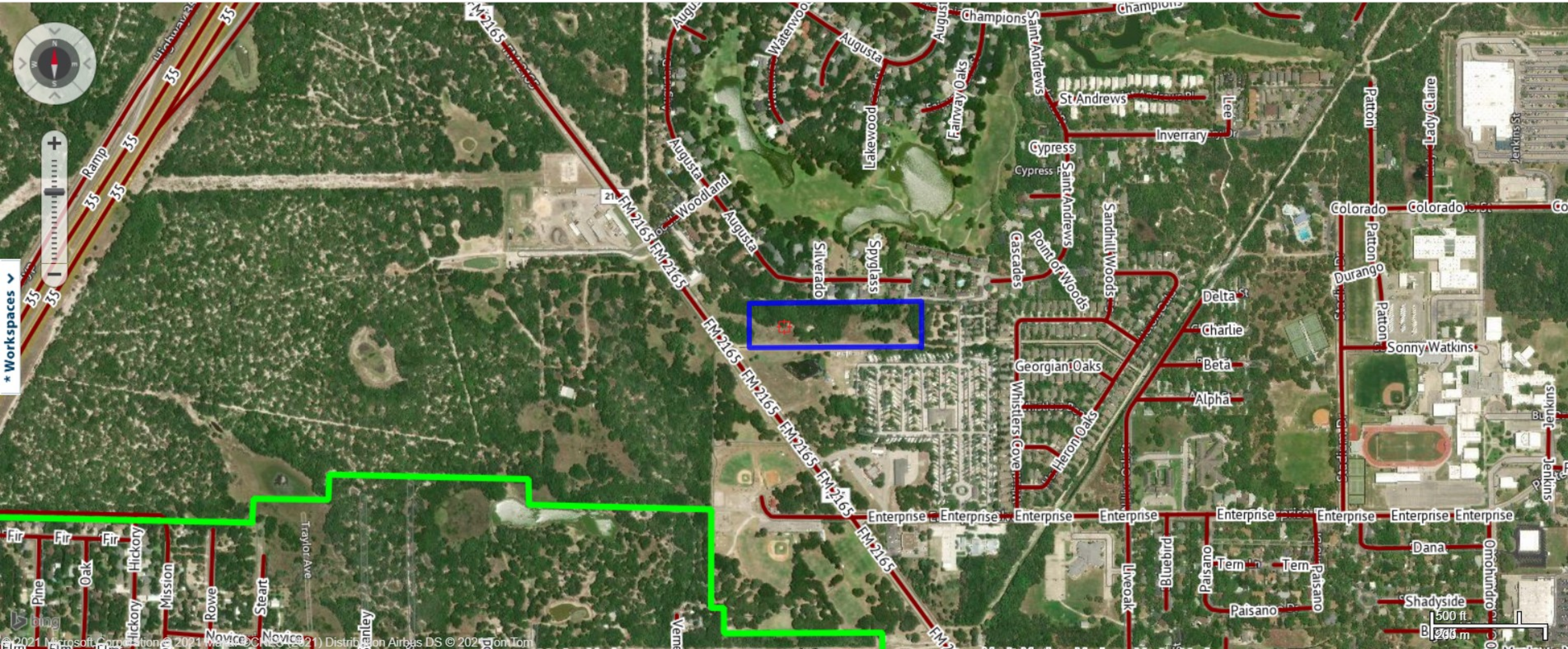
SUBMITTED PLANS | PUBLIC HEARING PETITION/ APPLICATION FORM | LEGAL NOTICE | LEGAL DESCRIPTION

PUBLIC COMMENTS | AGENCY COMMENTS | RESPONSE TO STANDARDS

**OTHER** (DESCRIBE)

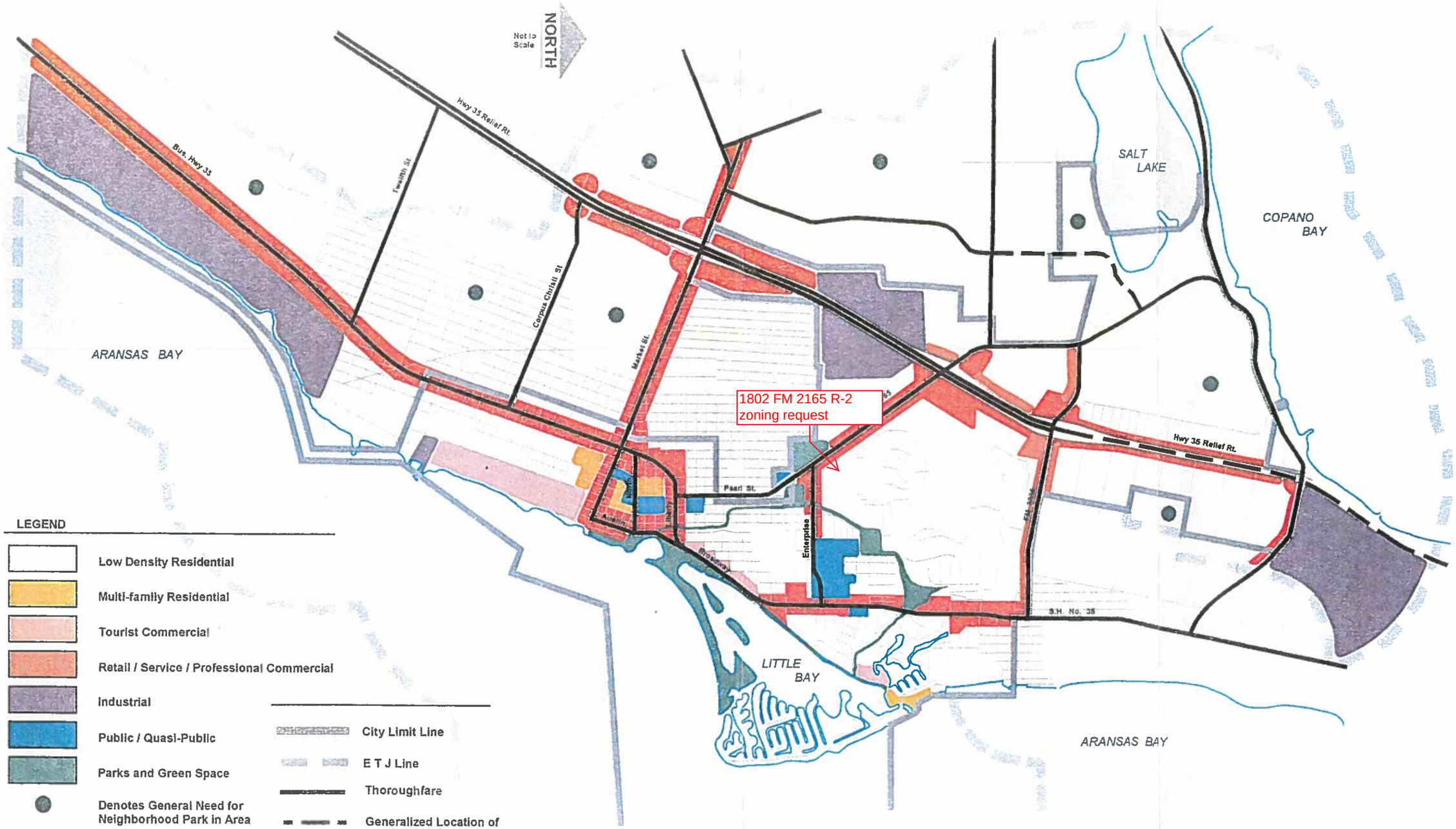

CONNECTEXPLORER
* Workspaces
FM 2165
Augusta
Woodland
Silverado
Spyglass
Cypress
Saint Andrews
St Andrews
Inverrary
Champions
Waterwood
Lakewood
Fairway Oaks
Cascades
Point of Woods
Sandhill Woods
Georgian Oaks
Whistlers Cove
Heron Oaks
Delta
Charlie
Beta
Alpha
Colorado
Durango
Patton
Sonny Watkins
Lady Claire
Jenkins St
Enterprise
Liveoak
Bluebird
Paisano
Tern
Dana
Shadyside
Omohundro
Jenkins
Fir
Pine
Oak
Hickory
Mission
Rowe
Steart
Novice
Traylor Ave
Stanley
Vermont
Ramp
35
500 ft
200 m
bing


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




© 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. 118-7. 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)

R-2

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;

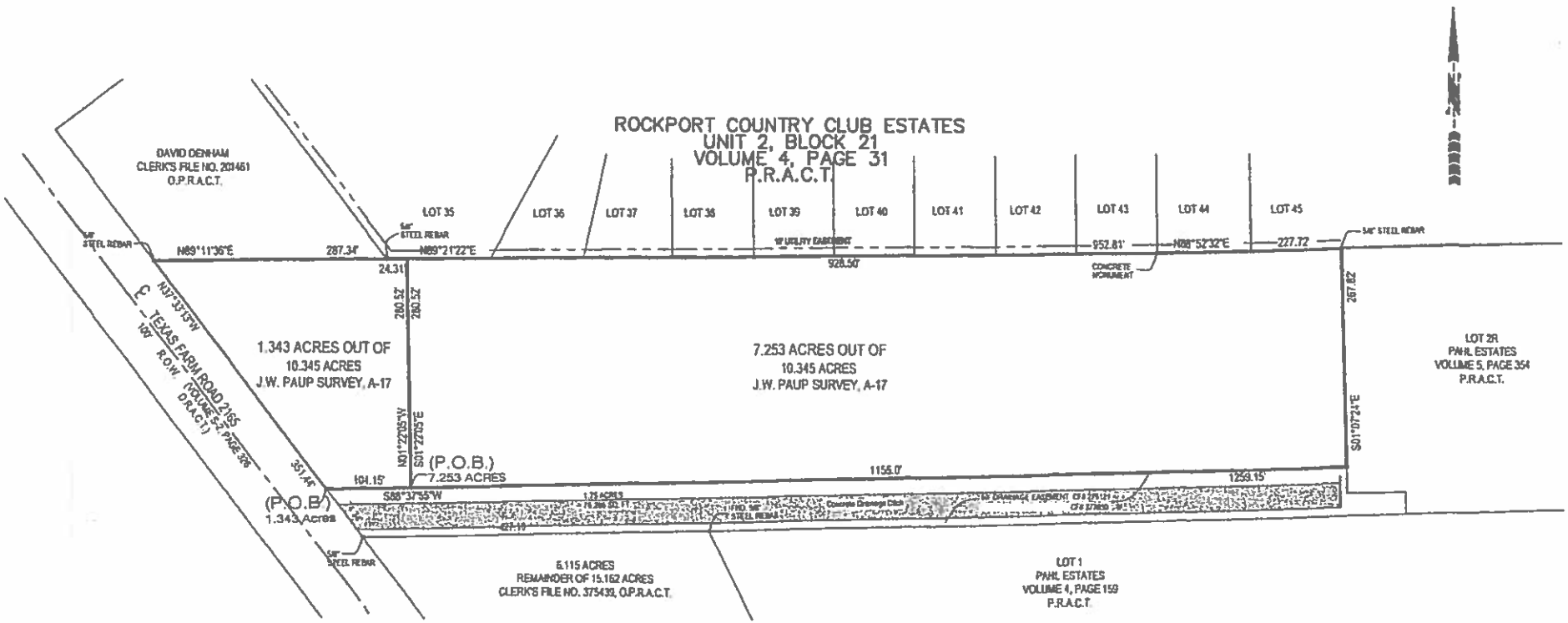
THENCE, North 88°52'32" East, continuing along and with the common boundary line of said 10.345 acre tract and said Block 21, a distance of 227.72 feet to a point for the Northeast corner of said 10.345 acre tract and being the NORTHEAST corner of this description;

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.

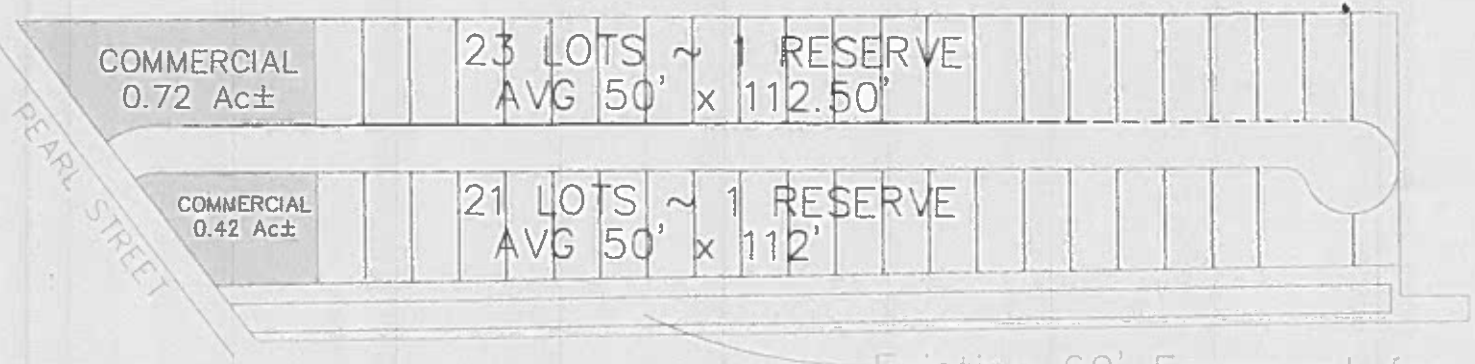
SEE ACCOMPANYING EXHIBIT
FILENAME: 210113BB2

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 |




0 60 120 180 240

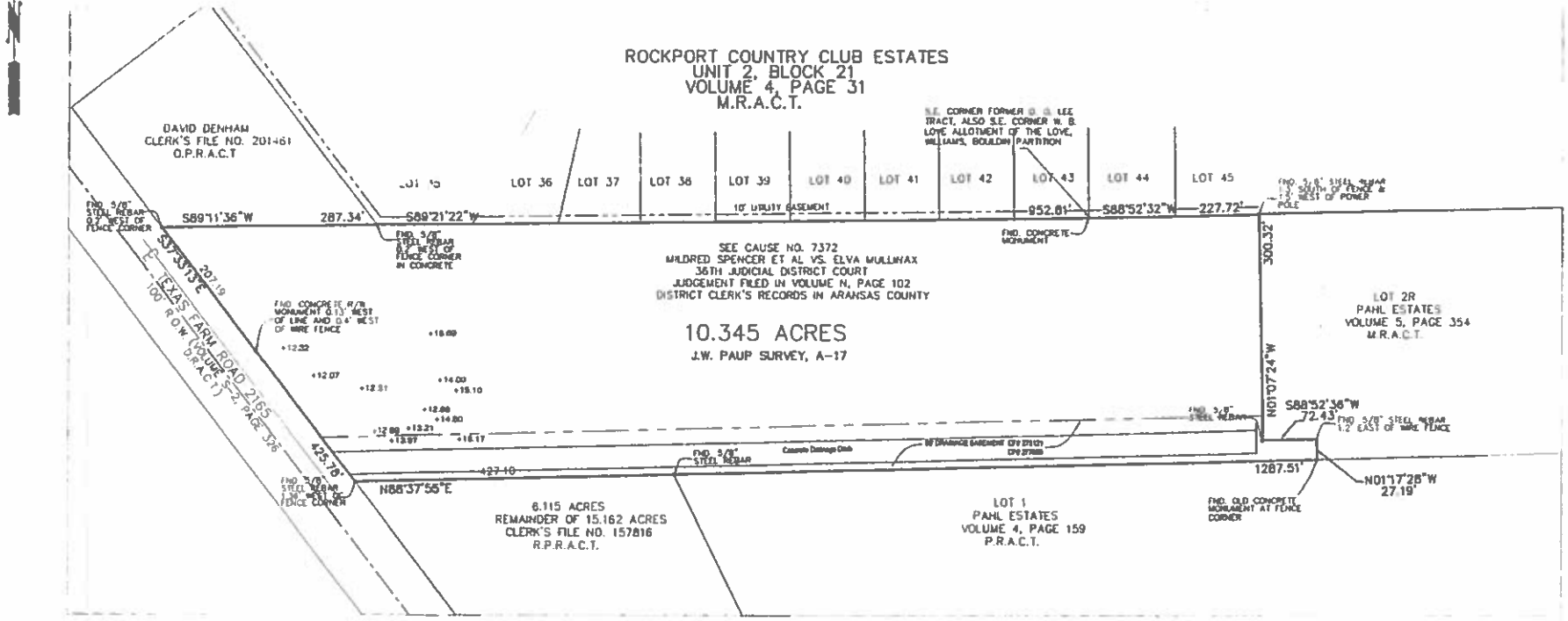
Existing 60' Easement for drainage. Land to be dedicated to City of Rockport on plat

LAND PLAN # 8

CONSULTING ENGINEERS

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: 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 | Acreage |
|---|---|---|---|---|
| 28629 | EDWARD L SAMPLE ETUX MISCHELLE Y | 1853 FM 2165 | P O BOX 6278 | 2.7455 |
| 28628 | SCHINDLER LORETTA J | 1821 FM 2165 | 107 SANTA FE DRIVE | 2.744 |
| 54417 | GREEN WING INVESTMENTS LLC | 1702 FM 2165 | 1702 FM 2165 | 6.115 |
| 54416 | J & S LAGOONS RV LLC | 600 ENTERPRISE BLVD | 401 OAKWOOD ST | 20 |
| 70723 | J & S LAGOONS RV LLC | 1540 COTTAGE LOOP DR | 401 OAKWOOD ST | 3.847 |
| 55376 | MCCANN PAUL ETUX COOK-MCCANN TOLLY M | 302 ST ANDRWS APT h-103 | 302 SAINT ANDREWS ST # 103 H | 0 |
| 31649 | KEVIN AND JOANNE FERRALL | 501 SPYGLASS | 501 SPYGLASS | 0.2514 |
| 60305 | THEODORE C HILTON | 504 SPYGLASS | P O BOX 1542 | 0.9858 |
| 51968 | KEVIN & JOANNE FERRALL | 503 SPYGLASS | 505 SPYGLASS | 0.2571 |
| 31643 | Equity Trust Custodian FBO C Michael Couvillion IRA | 601 SILVERADO | 605 SILVERADO ST | 0.2763 |
| 31642 | Equity Trust Custodian FBO C Michael Couvillion IRA | 603 SILVERADO | 605 SILVERADO ST | 0.2571 |
| 31638 | DANIEL & MELANIE WINKLES | 602 SILVERADO | 602 SILVERADO ST | 0.2703 |
| 31639 | MARK & ANGELA HAGEN | 604 SILVERADO | 604 SILVERADO ST | 0.2571 |
| 52355 | CHARLES & MARGARET GOOLSBEE | 478 AUGUSTA DR | 478 AUGUSTA DR | 0.3385 |
| 31543 | BELVINA KITTLE ETAL | 477 AUGUSTA DR | 477 AUGUSTA DR | 0.4684 |
| 31542 | BELVINA KITTLE ETAL | 475 AUGUSTA DR | 477 AUGUSTA DR | 0.4684 |
| 31541 | Corp of the Presiding Bishop Church of Jesus Christ | 111 WOODLAND DR | TAX ADM DIV 546-3173 50 E N TEMPLE FLOOR 22 | 3.5087 |
| 30375 | DAVID I DENHAM | 1842 FM 2165 | 420 OLYMPIC DR | 1.51 |
| 57516 | LOUIS & ERIN OLVER | 479 AUGUSTA DR | 479 AUGUSTA DR | 0.8954 |
| 31546 | ROOFUS LLC | 483 AUGUSTA DR | P O BOX 1658 | 0.5208 |
| 31547 | ALBERTA GODINICH JR | 485 AUGUSTA DR | P O BOX 1658 | 0.3103 |
| 31548 | ROOFUS LLC | 487 AUGUSTA DR | P O BOX 1658 | 0.2735 |
| 31549 | RICHARD FLINN | 489 AUGUSTA DR | P O BOX 1882 | 0.2755 |
| 31550 | COURTNEY & JOHN UHR | 491 AUGUSTA DR | 491 AUGUSTA DR | 0.2755 |
| 31551 | RICHARD & LAWANA JACKSON TRUSTEES | 493 AUGUSTA DR | 493 AUGUSTA DR | 0.2755 |
| 31552 | HELEN G GOLDATE | 495 AUGUSTA DR | 495 AUGUSTA DR | 0.2755 |
| 31553 | SAMUEL C MOSS | 497 AUGUSTA DR | 1024 N MCCAPBELL ST | 0.2755 |
| 31554 | CHRISTIAN & MARIE SALAS | 499 AUGUSTA DR | 499 AUGUSTA DR | 0.2755 |
| 31555 | GEORGE & TRUDY CUSACK TRUSTEES | 501 AUGUSTA DR | HC 66 BOX 530 | 0.2882 |

| | |
|---|---|
| **TOTAL ACREAGE OF ADJACENT PROPERTY:** | 48.2418 |
| **TOTAL ACREAGE OF PROPERTY OWNERS IN OPPOSITION:** | 4.0388 |
| **PERCENTAGE OF ACREAGE OF PROPERTY OWNERS IN OPPOSITION:** | 8% |
| Does not require super-majority vote | |

# JOINT PUBLIC HEARING
Rockport City Council and
Planning & Zoning Commission

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**CITY OF ROCKPORT, TEXAS**
/s/ Teresa Valdez, City Secretary

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Printed Name: Louis & Erin Oliver
Address: 479 Augusta Drive City/State: Rockport, TX

( ) IN FAVOR (X) IN OPPOSITION Phone: 512-589-1247

REASON:
- disrupts character of neighborhood
- 2165 cannot support so many additional homesites without massive infrastructure changes

Signature

*See map on reverse side.*

# JOINT PUBLIC HEARING
Rockport City Council and
Planning & Zoning Commission

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Printed Name: Helen G Goldate
Address: 495 August Ln City/State: Rpt, TX.

( ) IN FAVOR (X) IN OPPOSITION Phone: 361-790-9738

REASON: Leave trees, birds & privacy
1. No privacy fence
2. 55+ living on major Rd
Don't want homes in backyard.
Too many homes on small area

Helen G Goldate
Signature

*See map on reverse side.*

SAND MAILED IN ITS ENTIRETY TO THE BUILDING & DEVELOPMENT SERVICES DEPARTMENT, 2751 STATE HIGHWAY 35 BYPASS, ROCKPORT, TX 78382. ANY INFORMATION PROVIDED BELOW BECOMES PUBLIC RECORD.

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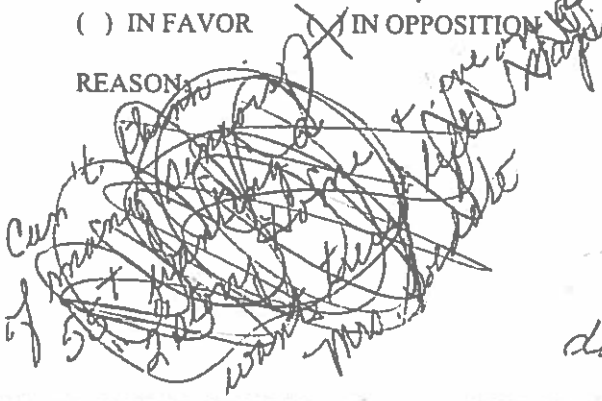
Printed Name: Helen G. Goldate
Address: 495 Augusta Dr City/State: Rpt. TX

( ) IN FAVOR (X) IN OPPOSITION Phone:

REASON: See attached

Helen G Goldate
Signature

*See map on reverse side.*



don't want house almost in my yard

CITY of ROCKPORT TEXAS

City of Rockport
Building & Development Department
2751 S.H. 35 Bypass
Rockport, TX 78382

9000 0569 2858

HELEN G GOLDATE
495 AUGUSTA DR
ROCKPORT, TX 78382-6950

SITUS ADDRESS: 495 AUGUSTA DR

SAN ANTONIO TX 782
02 FEB 2021
PM

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Planning & Zoning Commission

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Printed Name: Albert A. Godinich, Jr
Address: 485 Augusta Dr. City/State: Rockport, TX 78382

( ) IN FAVOR (X) IN OPPOSITION Phone: 361-463-6954

REASON: I Enjoy the Wildlife

Signature

*See map on reverse side.*

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Rockport City Council and
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Printed Name: Roofus LLC
Address: 487 Augusta Dr. City/State: Rockport, TX. 78382

( ) IN FAVOR (X) IN OPPOSITION Phone: 361-463-6954

REASON: I enjoy the wildlife

Signature

*See map on reverse side.*

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Rockport City Council and
Planning & Zoning Commission

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Printed Name: ReoRey LLC
Address: 483 Augusta Dr. City/State: Rockport, TX 78382

( ) IN FAVOR (X) IN OPPOSITION Phone: 361-463-6954

REASON: I enjoy the wild life

Signature

*See map on reverse side.*

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Printed Name: Albert A Godinich Jr
Address: 485 Augusta Dr. City/State: Rockport, TX 78382

( ) IN FAVOR (X) IN OPPOSITION Phone: 361-463-6954

REASON: I enjoy the wildlife

Signature

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CITY of ROCKPORT, TEXAS

# JOINT PUBLIC HEARING
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Printed Name: JOHN P. WALLACE City/State: ROCKPORT, TX.
Address: 489 AUGUSTA DR. Phone: 832 349 0367

( ) IN FAVOR (X) IN OPPOSITION

REASON:

Signature

*See map on reverse side.*

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Printed Name: LAWANA JACKSON
Address: 493 AUGUSTA City/State: ROCKPORT, TX 78382

( ) IN FAVOR (X) IN OPPOSITION Phone: 361-463-1937

REASON:
TOO MANY HOUSES ON
VERY LITTLE LAND.
DON'T CUT
THE TREES.!!

Lawana Jackson
Signature

*See map on reverse side.*

**From:** Teresa Valdez
**To:** Amanda Torres; Pat Rios
**Subject:** FW: Construction on Pearl St behind Augusta Dr
**Date:** Tuesday, February 23, 2021 4:25:20 PM
**Attachments:** Video.mov

---

Teresa Valdez, TRMC, CMC, MMC
City Secretary
City of Rockport
361-729-2213 ext 225
Fax: 361-790-5966

Please note that any correspondence, such as email or letters, sent to City staff or City officials may become a public record and made available for public/media review.

ATTENTION PUBLIC OFFICIALS
A "Reply to All" of this email could lead to violations of the Texas Open Meetings Act. Please reply only to the sender.

---

**From:** Courtney Casey Uhr <courtneyuhr@gmail.com>
**Sent:** Tuesday, February 23, 2021 4:24 PM
**To:** Teresa Valdez <tvaldez@cityofrockport.com>
**Subject:** Fwd: Construction on Pearl St behind Augusta Dr

**WARNING: This email is from an external source. Do not click links or open attachments without positive sender verification of purpose. Never enter Username, Password or sensitive information on linked pages from this email. If you are unsure about the message, please forward to itstaff@cityofrockport.com for assistance.**

---

Respectfully,

Courtney Casey Uhr

Begin forwarded message:

> **From:** Courtney Casey Uhr <courtneyuhr@gmail.com>
> **Date:** January 16, 2021 at 1:26:58 PM CST
> **To:** mdonoho@cityofrockport.com
> **Cc:** Courtney Uhr <courtneyuhr@gmail.com>
> **Subject: Re: Construction on Pearl St behind Augusta Dr**
>
> Here is another one..

Respectfully,

Courtney Casey Uhr

> On Jan 16, 2021, at 1:25 PM, Courtney Casey Uhr <courtneyuhr@gmail.com> wrote:
>
> I have called your office multiple times and left a voicemail with no response .
>
> I have had this going on for a week. I work from home and as you can see the noise is absolutely ridiculous from 7AM to at least 7 PM everyday.
>
> They have bumped into my fence multiple times, they are tearing down trees as you can see in my video .
>
> I just got a notice on Friday that they are clearing the underbrush for a planned new residential community they are building .
>
> I'm furious about my fence , about the late notice , and then tearing down trees without a permit.
>
> Please let me know what their permit # is, something needs to be done to control the noise . My whole house shakes on 491 Augusta Drive . I'm not able to make one phone call .
>
> <Video.mov>
>
> Respectfully,
>
> Courtney Casey Uhr
>
> 512-434-9733

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Printed Name: BELVINA KITTLE
Address: 475 AUGUSTA DR City/State: ROCKPORT TX

( ) IN FAVOR (X) IN OPPOSITION Phone: 361-729-6890

REASON:

Belvina Kittle
Signature

*See map on reverse side.*

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Printed Name: BELVINA KITTLE
Address: 475 AUGUSTA DR City/State: ROCKPORT TX

( ) IN FAVOR ( ) IN OPPOSITION Phone: 361-729-6890

REASON:

Belvina Kittle
Signature

*See map on reverse side.*

# ZONING CASE: 1802 FM 2165 (R-2)
# JOINT PUBLIC HEARING SUMMARY
# FEBRUARY 23, 2021

1. **Courtney Uhr, 491 Augusta**: Mayor Rios read her comment that the work already done on the property has been sneaky and corrupt. She submitted copies of letters submitted in January about brush clearing being done and trees being cut down without a permit.
2. **Louis Oliver, 479 Augusta**: Mr. Oliver said he was concerned about the infrastructure capacity on FM 2165 given the amount of residential subdivisions coming online in that area. He also commented to consider the necessary improvements to accommodate increased traffic onto FM 2165.
3. **Andrea Hattman**: Ms. Hattman spoke on behalf of a resident, asking if the land would be used as a business and how the contractor planned to deal with the elevation difference from the road to the property, as well as the high water table.

# CITY COUNCIL AGENDA
## Regular Meeting: Tuesday, March 9, 2021

**AGENDA ITEM:** 10

Deliberate and act on first reading of an Ordinance amending the Official Zoning Map as stipulated under Article 4.1 of the City of Rockport Zoning Ordinance Number 1027 by changing the zoning of land from R-1 (1ST Single Family Dwelling District) for property located at 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; 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 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. Four letters against the request have been received. A Joint Public Hearing was held on Tuesday, February 23. The applicant's engineer was the only speaker for that item, providing clarification on a question received about elevation of the property. In total, only 4% of adjacent property owners have presented opposition to the project at this time, and therefore a super-majority vote from City Council would not be required to approve this.

Concerns from the public included concerns about increased traffic, infrastructure capacity, and illegal tree removal. The applicant said that he has been working with TxDOT and the City about the first two items and says that he followed the tree removal ordinance about the third item.

The Planning & Zoning Commission met on Monday, March 1, and had a lengthy discussion with the applicant about their desired land uses in what they are calling a "buffer zone" between FM 2165 and the residential part of the development. The applicant described putting office space in this area and after some deliberation, Planning & Zoning Commission arrived at the suggestion that this get zoned to R-7 (Residential and Office District) instead. The commission recommend a change of zoning to R-7 (Residential and Office District) to the City Council rather than B-1 (General Business) as originally requested by the applicant.

Please see the accompanying zoning change request application and Sections 118-14 and 118-15 of Code of Ordinances for detail information.

**FISCAL ANALYSIS:** N/A

**RECOMMENDATION:** Staff concurs with the Planning & Zoning Commission's recommendation to approve the first reading of an Ordinance amending the Official Zoning Map as stipulated under Article 4.1 of the City of Rockport Zoning Ordinance Number 1027 by changing the zoning of land from R-1 (1$^{ST}$ Single Family Dwelling District) for 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 R-7 (Residential and Office District) to serve as a buffer between housing development, known as Pearl Street Square; 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-1 (1ST SINGLE FAMILY DWELLING DISTRICT) FOR 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; 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 February 2, 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 February 5, 2021, notice was mailed to affected property owners within 200' of subject property; and

**WHEREAS,** on February 6, 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 23, 2021, at 6:30 p.m., the Rockport City Council and the Planning & Zoning Commission did hold a Joint Public Hearing; and

**WHEREAS,** on March 1, 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 1802 FM 2165 from R-1 (1st Single Family Dwelling District) to R-7 (Residential & Office District) to serve as a buffer between housing development, known as Pearl Street Square.

**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 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, be changed from R-1 (1st Single Family Dwelling District) to B-1 (General Business District).

**SECTION 2 - REPEALER**

Any previously adopted ordinances, and any subsequent amendments to them, which 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 9th day of March 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

**ORDINANCE NO. ____**

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**APPROVED** on first reading the 9th day of March 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**
1802 FM 2165

**APPLICANT/PROPERTY OWNER**
Donnie Garcia

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

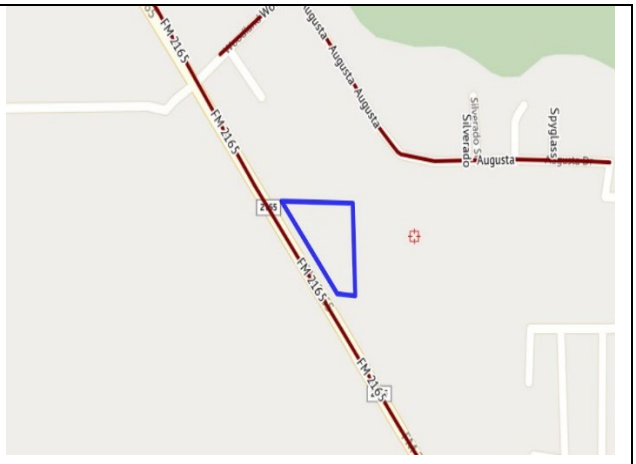
**P&Z DATE**
Monday, March 1, 2021

**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*

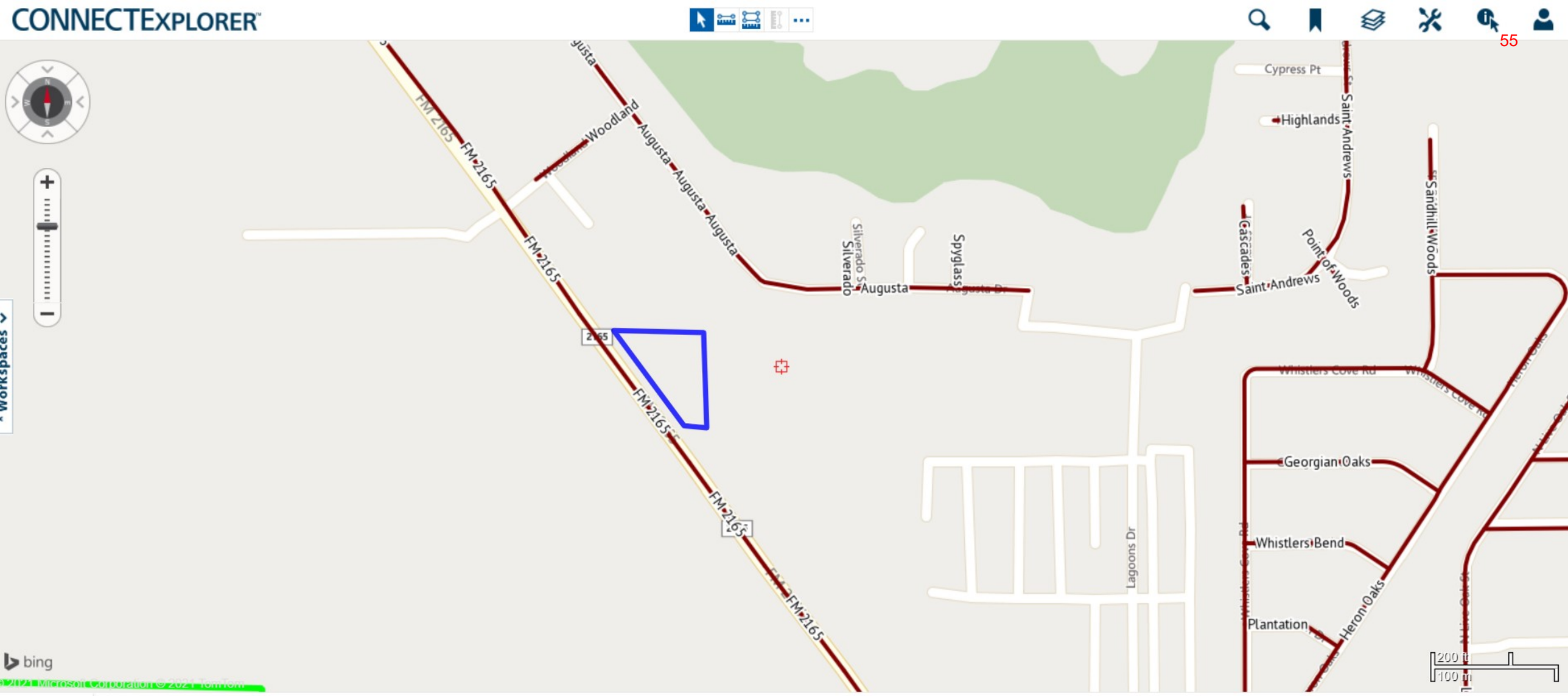
The property is not within the Special Flood Hazard Area. Commercial plans including parking, drainage, building design, etc. will need to conform to the approved zoning district, if zoning is approved.

**ATTACHMENTS** (CIRCLE)

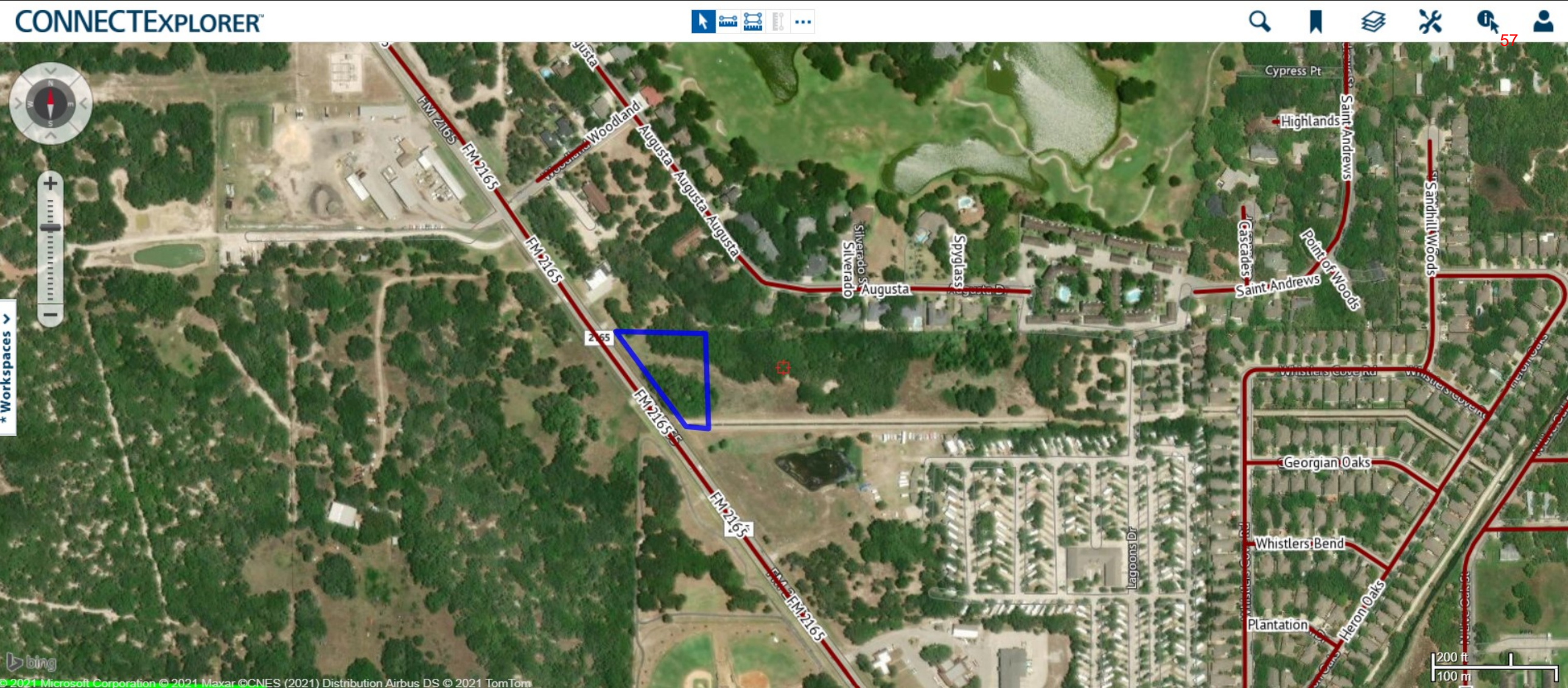
SUBMITTED PLANS | PUBLIC HEARING PETITION/ APPLICATION FORM | LEGAL NOTICE | LEGAL DESCRIPTION

PUBLIC COMMENTS | AGENCY COMMENTS | RESPONSE TO STANDARDS

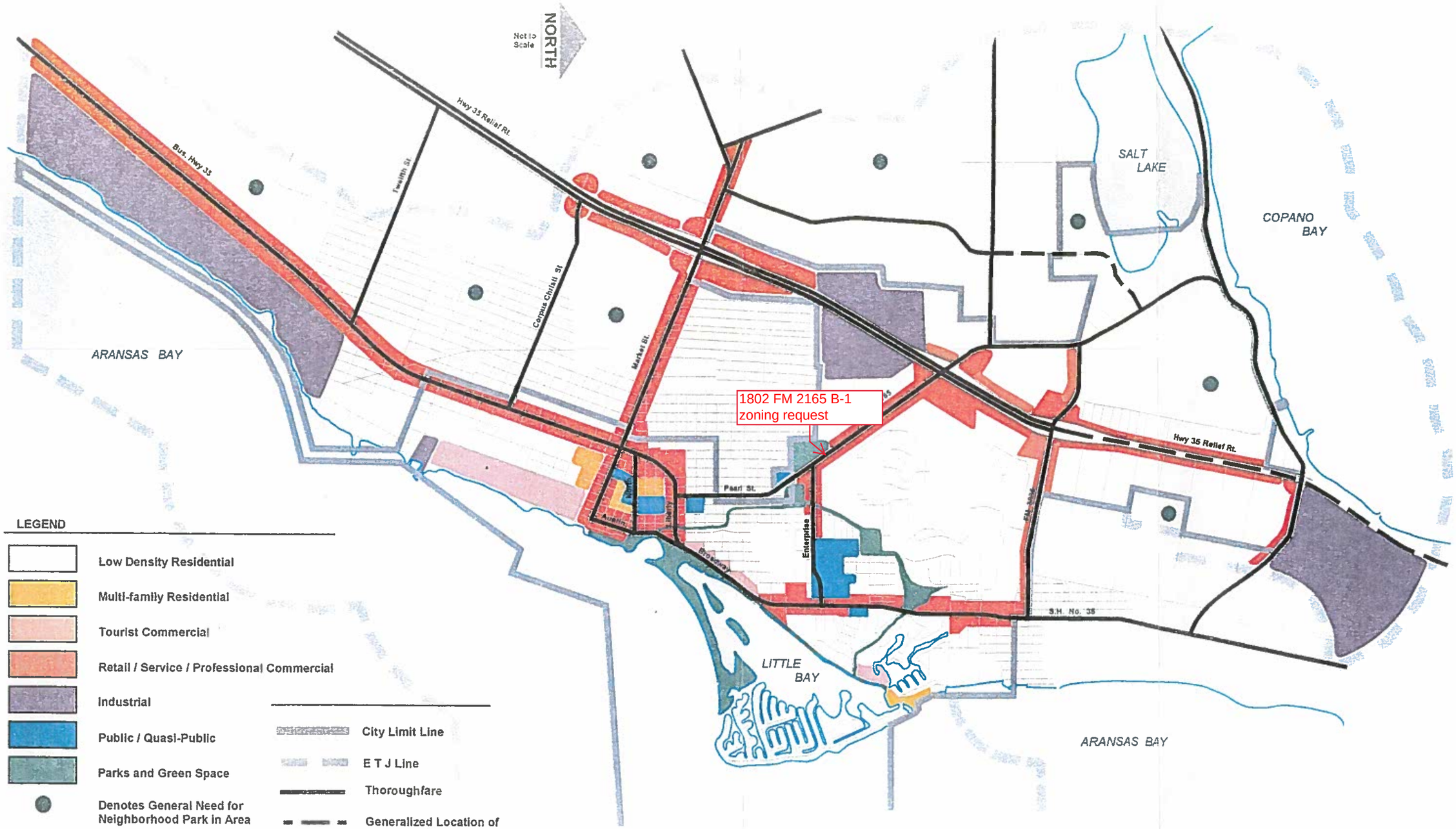
**OTHER** (DESCRIBE)


CONNECTEXPLORER
55
Cypress Pt
Highlands
Saint Andrews
Sandhill Woods
Woodland
Augusta
Augusta
Augusta
Silverado
Spyglass
Augusta Dr
Cascades
Saint Andrews
Point of Woods
FM 2165
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
56
FM 2165
Augusta
Silverado St
Spyglass
Augusta
200 ft
50 m
* Workspaces
© 2021 Microsoft Corporation © 2021 Maxar ©CNES (2021) Distribution Airbus DS © 2021 TomTom


CONNECTEXPLORER
57
Cypress Pt
Highlands
Saint Andrews
Sandhill Woods
Point of Woods
Cascades
Saint Andrews
Woodland
Augusta
Augusta
Augusta
Silverado
Silverado
Augusta
Spyglass
Augusta Dr
FM 2165
FM 2165
FM 2165
FM 2165
FM 2165
FM 2165
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. 118-14. R-7 Residential and Office District.**

14.1 *Use Regulations*. The purpose of this district is to provide an area where professional offices and office buildings may locate and be compatible with dwellings or structures located within or adjacent to the district. Land and premises may be used for:

1. Uses listed for an R-6 district.

2. Office buildings provided the following conditions are met:

   a. No building may be constructed or altered to produce a store front, show window or display window.

   b. No storage or merchandise in the building or on the premises.

   c. No machinery or equipment, other than that customarily found in professional or business offices, used or stored in the building or on the premises.

3. Financial Institutions.

4. Studios (provided conditions in item 2 are met).

5. Penal institutions and detention centers, by CUP.

6. Clinics or hospitals.

7. Radio, television or communications tower (transmitting dish antenna), by CUP. Federal Communications Commission (FCC) and Federal Aviation Administration (FAA) requirements are satisfied. Refer to Article 24 [section 118-24] for Special Conditions.

14.2 *Area and Yard Regulations*.

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

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

14.2.3 *Area of the Building*. The minimum living area of the dwelling shall be five hundred (500) square feet. See [section 118-20] Table 20.

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

14.3 *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].

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

14.5 *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. 14, 4-9-96)

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 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;

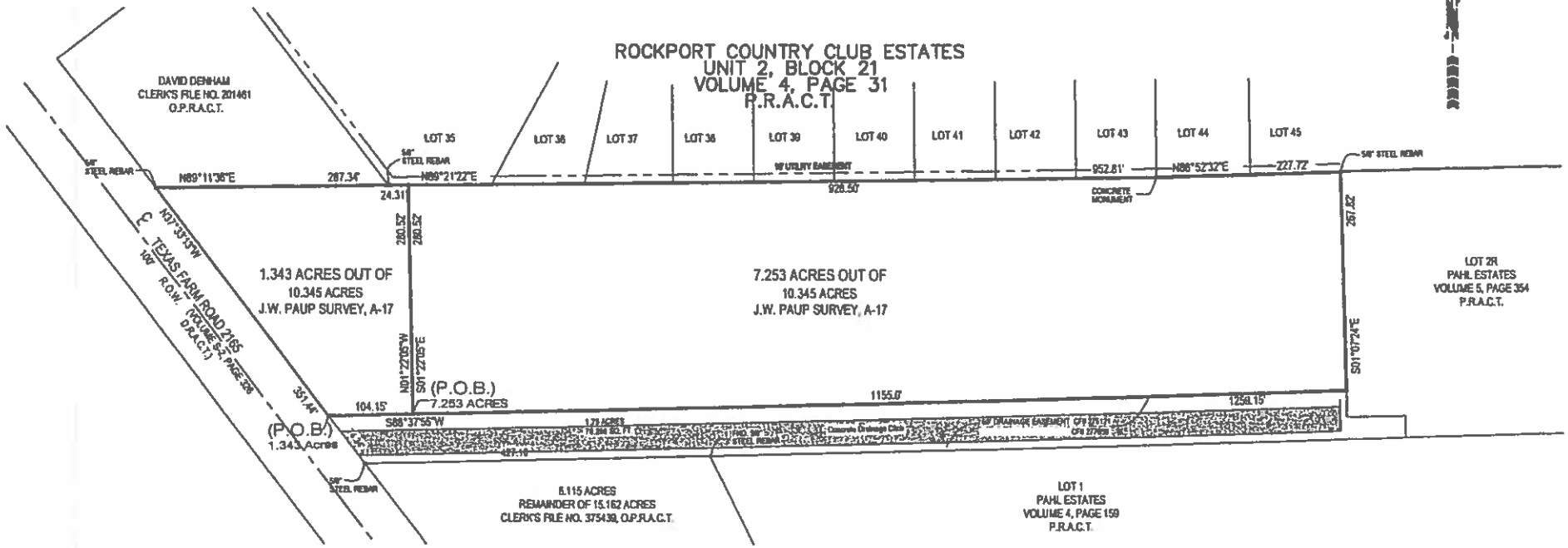
THENCE, North 89°21'22" East, along and with the common boundary line of said 10.345 acre tract, and said Block 21, a distance of 24.31 feet to a point for the NORTHEAST corner of this description;

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.

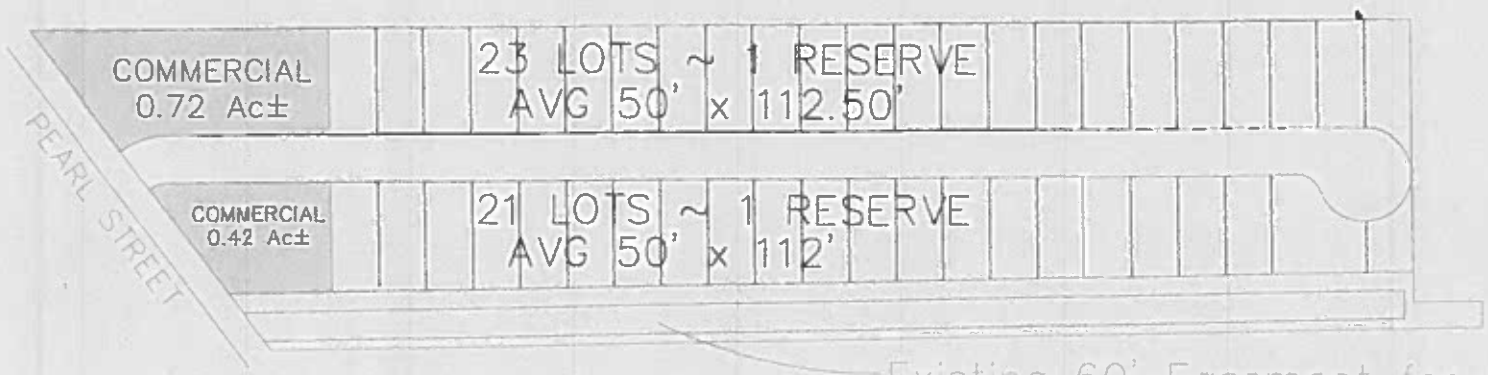
SEE ACCOMPANYING EXHIBIT
FILENAME: 210113BB2

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. |
| FIRM NAME AND ADDRESS | Scale: 1' = 150' JANUARY 13, 2021 |
| Griffith & Brundrett Surveying & Engineering PLLC<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 |



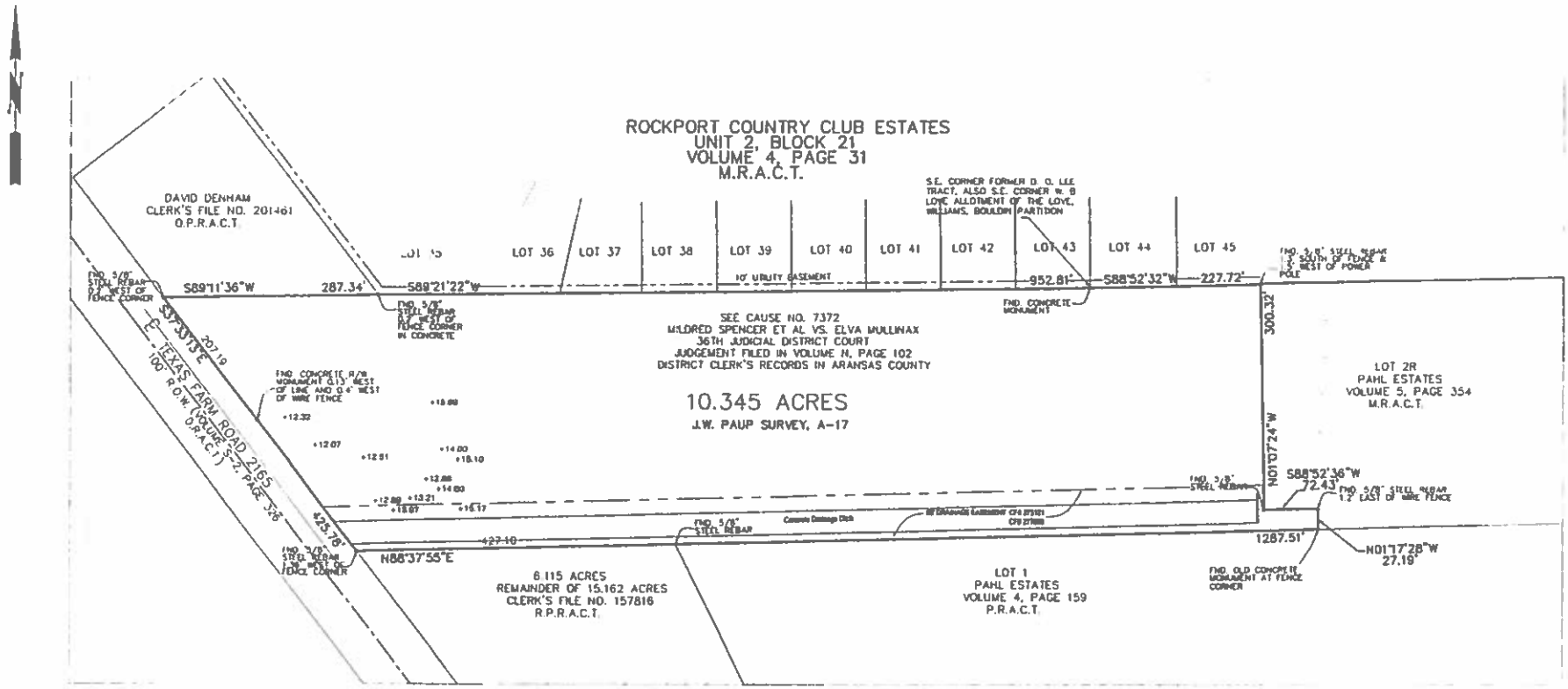

Existing 60' Easement for drainage. Land to be dedicated to City of Rockport on plat

LAND PLAN # 8

CONSULTING ENGINEERS

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: 12120884
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 | Acreage |
|---|---|---|---|---|---|---|---|
| 28629 | EDWARD L SAMPLE ETUX MISCHELLE | 1853 FM 2165 | P O BOX 6278 | CORPUS CHRISTI | TX | 78466-6278 | 2.7455 |
| 28628 | SCHINDLER LORETTA J | 1821 FM 2165 | 107 SANTA FE DRIVE | ROCKPORT | TX | 78382-6855 | 2.744 |
| 54417 | GREEN WING INVESTMENTS LLC | 1702 FM 2165 | 1702 FM 2165 | THREE RIVERS | TX | 78071-1518 | 6.115 |
| 30375 | DAVID I DENHAM | 1842 FM 2165 | 420 OLYMPIC DR | ROCKPORT | TX | 78382-6834 | 1.51 |
| 57516 | LOUIS & ERIN OLVER | 479 AUGUSTA DR | 479 AUGUSTA DR | ROCKPORT | TX | 78382-6950 | 0.8954 |
| 31546 | ROOFUS LLC | 483 AUGUSTA DR | P O BOX 1658 | FULTON | TX | 78358-1658 | 0.5208 |
| 31547 | ALBERT GODINICH JR | 485 AUGUSTA DR | P O BOX 1658 | FULTON | TX | 78358-1658 | 0.3103 |
| 30360 | CITY OF ROCKPORT | 1601 FM 2165 | 2751 SH 35 BYPASS | ROCKPORT | TX | 78382-5710 | 31.835 |

| | |
|---|---|
| **TOTAL ACREAGE OF ADJACENT PROPERTY:** | 46.676 |
| **TOTAL ACREAGE OF PROPERTY OWNERS IN OPPOSITION:** | 1.7265 |
| **PERCENTAGE OF ACREAGE OF PROPERTY OWNERS IN OPPOSITION:** | 4% |
| Does not require super-majority vote | |

# JOINT PUBLIC HEARING
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**CITY OF ROCKPORT, TEXAS**
/s/ Teresa Valdez, City Secretary

TO BE ON RECORD, THIS FORM MUST BE FILLED OUT, SIGNED BY THE CURRENT PROPERTY OWNER(S) AND MAILED IN ITS ENTIRETY TO THE BUILDING & DEVELOPMENT SERVICES DEPARTMENT, 2751 STATE HIGHWAY 35 BYPASS, ROCKPORT, TX 78382. ANY INFORMATION PROVIDED BELOW BECOMES PUBLIC RECORD.

NOTE: In accordance with the Open Meetings Act and Public Information Act, no discussion shall be held by a member or members of this Commission, either at home or office, or in person, by telephone call or by letter.

Printed Name: ReoRey LLC
Address: 483 Augusta Dr. City/State: Rockport, TX 78382

( ) IN FAVOR (X) IN OPPOSITION Phone: 361-463-6954

REASON: I enjoy the wild life

Signature

*See map on reverse side.*

# JOINT PUBLIC HEARING
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Printed Name: Albert A Godinich Jr
Address: 485 Augusta Dr. City/State: Rockport, TX 78382

( ) IN FAVOR (X) IN OPPOSITION Phone: 361-463-6954

REASON: I enjoy the wildlife

Signature

*See map on reverse side.*

# JOINT PUBLIC HEARING
Rockport City Council and
Planning & Zoning Commission

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Printed Name: Louis ~~Andrew~~ & Erin Oliver
Address: 479 Augusta Drive City/State: Rockport, TX

( ) IN FAVOR (✓) IN OPPOSITION Phone: 512-589-1247

REASON:

- disrupts character of neighborhood
- 2165 cannot support so many additional homesites without massive infrastructure changes → or commercial traffic

Signature

*See map on reverse side.*

# 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 Single Family Dwelling District), currently zoned R-1 (1st Single 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.

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**CITY OF ROCKPORT, TEXAS**
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Printed Name: Louis & Erin Oliver
Address: 479 Augusta Drive City/State: Rockport, TX

( ) IN FAVOR (X) IN OPPOSITION Phone: 512-589-1247

REASON:
- disrupts character of neighborhood
- 2165 cannot support so many additional homesites without massive infrastructure changes

Signature

*See map on reverse side.*

**From:** Teresa Valdez
**To:** Amanda Torres; Pat Rios
**Subject:** FW: Construction on Pearl St behind Augusta Dr
**Date:** Tuesday, February 23, 2021 4:25:20 PM
**Attachments:** Video.mov

---

Teresa Valdez, TRMC, CMC, MMC
City Secretary
City of Rockport
361-729-2213 ext 225
Fax: 361-790-5966

Please note that any correspondence, such as email or letters, sent to City staff or City officials may become a public record and made available for public/media review.

ATTENTION PUBLIC OFFICIALS
A "Reply to All" of this email could lead to violations of the Texas Open Meetings Act. Please reply only to the sender.

---

**From:** Courtney Casey Uhr <courtneyuhr@gmail.com>
**Sent:** Tuesday, February 23, 2021 4:24 PM
**To:** Teresa Valdez <tvaldez@cityofrockport.com>
**Subject:** Fwd: Construction on Pearl St behind Augusta Dr

**WARNING: This email is from an external source. Do not click links or open attachments without positive sender verification of purpose. Never enter Username, Password or sensitive information on linked pages from this email. If you are unsure about the message, please forward to itstaff@cityofrockport.com for assistance.**

---

Respectfully,

Courtney Casey Uhr

Begin forwarded message:

> **From:** Courtney Casey Uhr <courtneyuhr@gmail.com>
> **Date:** January 16, 2021 at 1:26:58 PM CST
> **To:** mdonoho@cityofrockport.com
> **Cc:** Courtney Uhr <courtneyuhr@gmail.com>
> **Subject: Re: Construction on Pearl St behind Augusta Dr**
>
> Here is another one..

Respectfully,

Courtney Casey Uhr

> On Jan 16, 2021, at 1:25 PM, Courtney Casey Uhr <courtneyuhr@gmail.com> wrote:
>
> I have called your office multiple times and left a voicemail with no response .
>
> I have had this going on for a week. I work from home and as you can see the noise is absolutely ridiculous from 7AM to at least 7 PM everyday.
>
> They have bumped into my fence multiple times, they are tearing down trees as you can see in my video .
>
> I just got a notice on Friday that they are clearing the underbrush for a planned new residential community they are building .
>
> I'm furious about my fence , about the late notice , and then tearing down trees without a permit.
>
> Please let me know what their permit # is, something needs to be done to control the noise . My whole house shakes on 491 Augusta Drive . I'm not able to make one phone call .
>
> <Video.mov>
>
> Respectfully,
>
> Courtney Casey Uhr
>
> 512-434-9733

# ZONING CASE: 1802 FM 2165 (B-1)
# JOINT PUBLIC HEARING SUMMARY
# FEBRUARY 23, 2021

1. **Paul Lippke (applicant's engineer):** Mr. Lippke addressed the question posed by Ms. Hattman and agreed on the elevation difference. He said the intention was to fill the property to bring it up to grade.

# CITY COUNCIL AGENDA
## Regular Meeting: Tuesday, March 9, 2021

**AGENDA ITEM:** 11

Deliberate and act on second and final reading of an Ordinance amending the Official Zoning Map as stipulated under Article 4.1 of the City of Rockport Zoning Ordinance Number 1027 by changing the zoning of land from R-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 have 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 concurs with the Planning & Zoning Commission's recommendation to approve on second and final reading 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

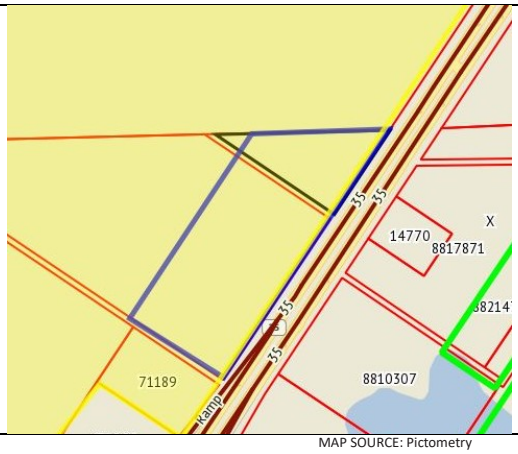
**PUBLIC HEARING DATE**
Tuesday, February 9, 2021

**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.

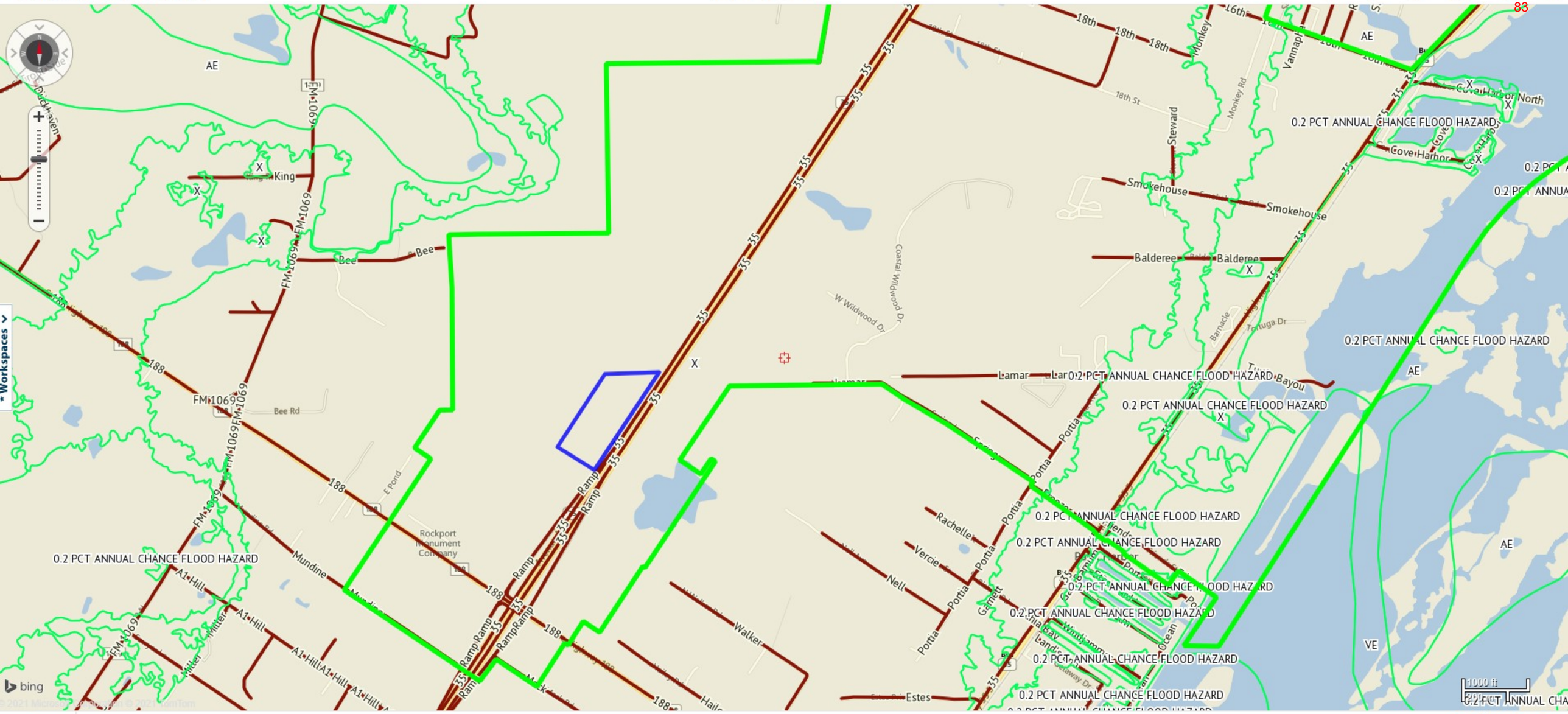
The property in question was annexed by the City of Rockport in 2016. Because this property was incorporated into the city as part of an annexation, this and surrounding properties were designated as R-1 (1st Single Family Dwelling District) in accordance to the City's zoning policy for newly annexed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

**ATTACHMENTS** (CIRCLE)

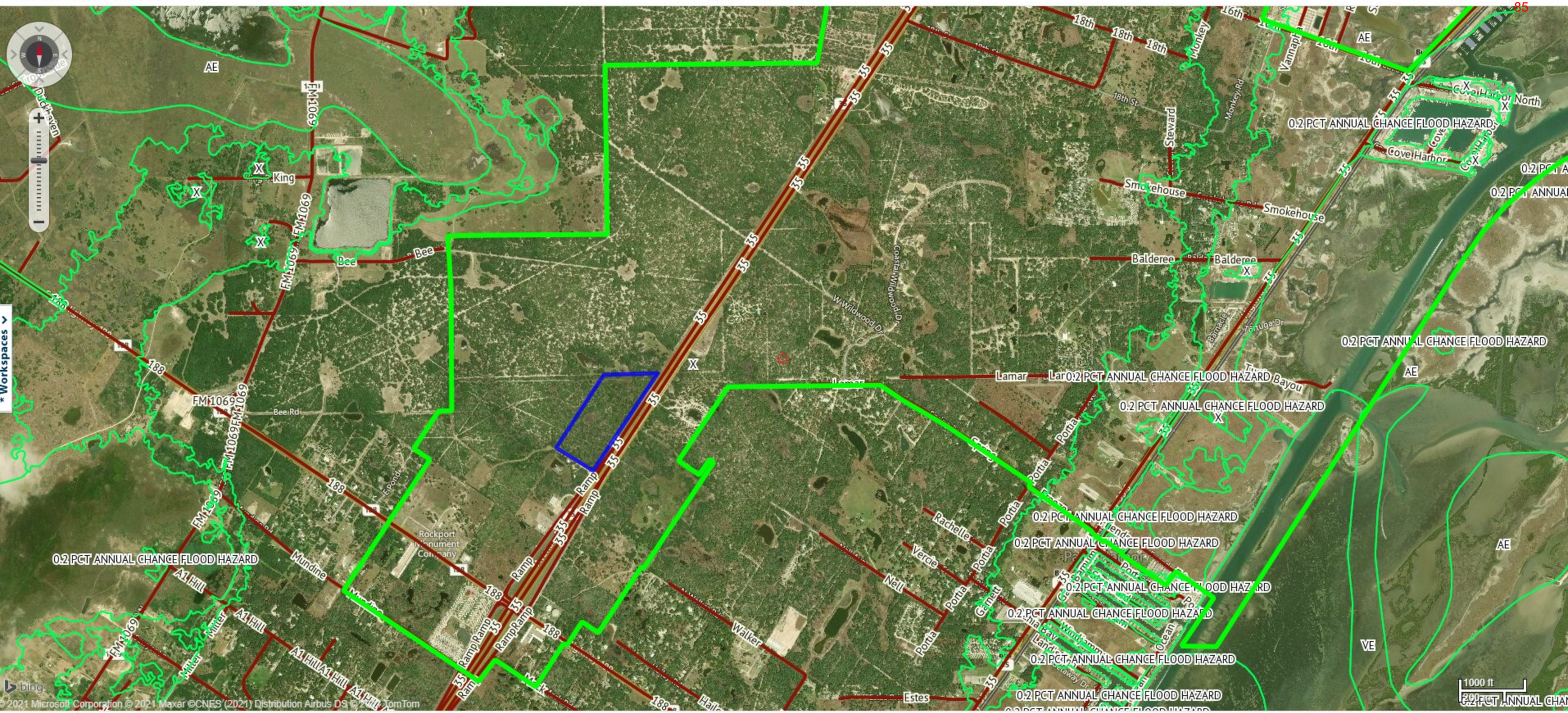
SUBMITTED PLANS | PUBLIC HEARING PETITION/ APPLICATION FORM | LEGAL NOTICE | LEGAL DESCRIPTION

PUBLIC COMMENTS | AGENCY COMMENTS | RESPONSE TO STANDARDS

**OTHER** (DESCRIBE)

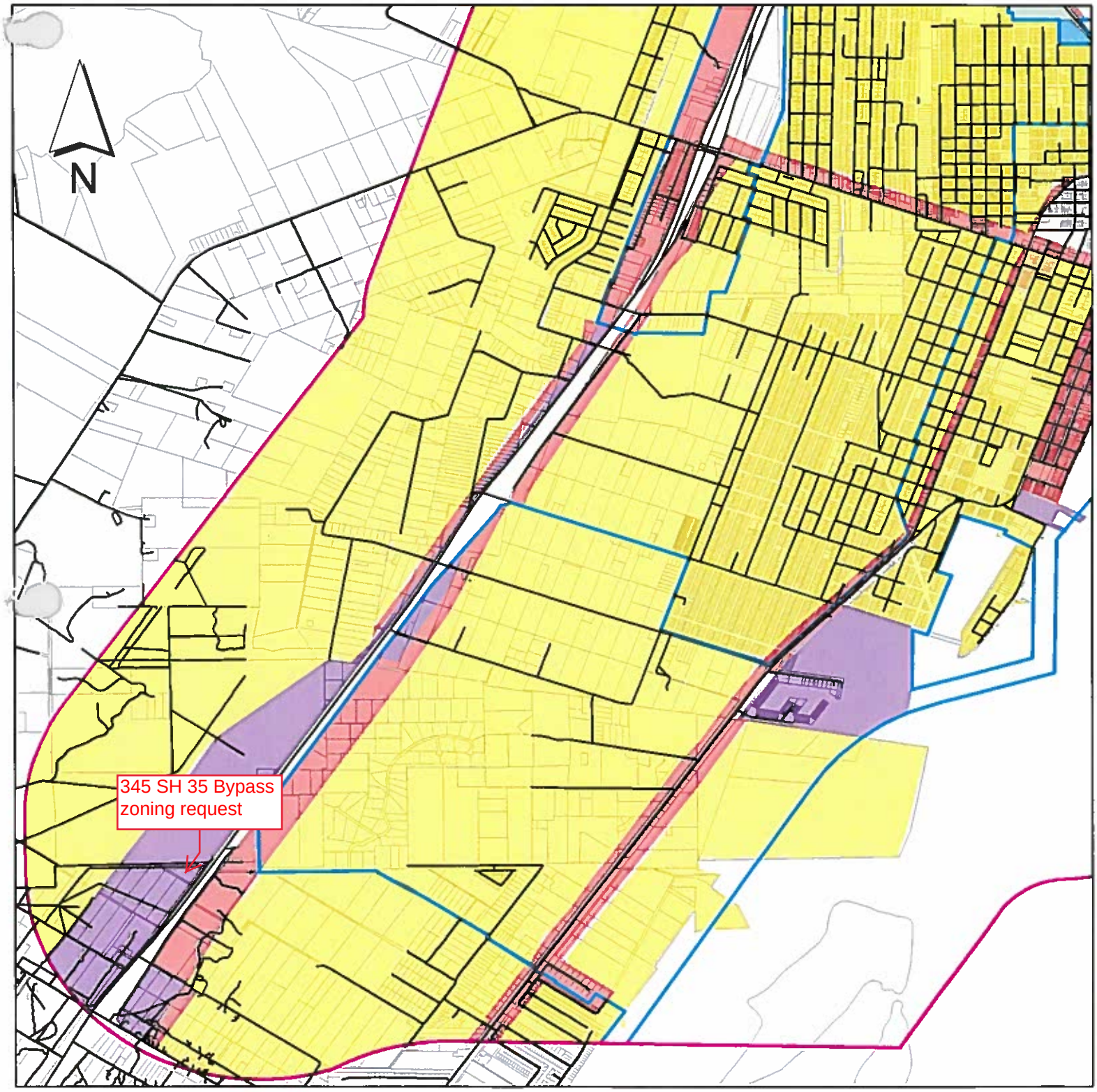

AE
0.2 PCT ANNUAL CHANCE FLOOD HAZARD
VE
FM 1069
188
Bee Rd
Rockport Monument Company
Mundine
A1 Hill
Miller
Walker
Nell
Portia
Rachelle
Vercie
Garnett
Estes
Lamar
Bayou
Smokehouse
Balderee
Steward
Monkey
18th
Cove Harbor North
Cove Harbor
Coastal Wildwood Dr
W Wildwood Dr
Tortuga Dr
Barnacle
Ocean
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King
Bee
X


FM1069
Bee
Bee Rd
35
Ramp
Rockport Monument Company
W Wildwood Dr
Lamar
Nell Ave
500 ft
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# 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, 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 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;

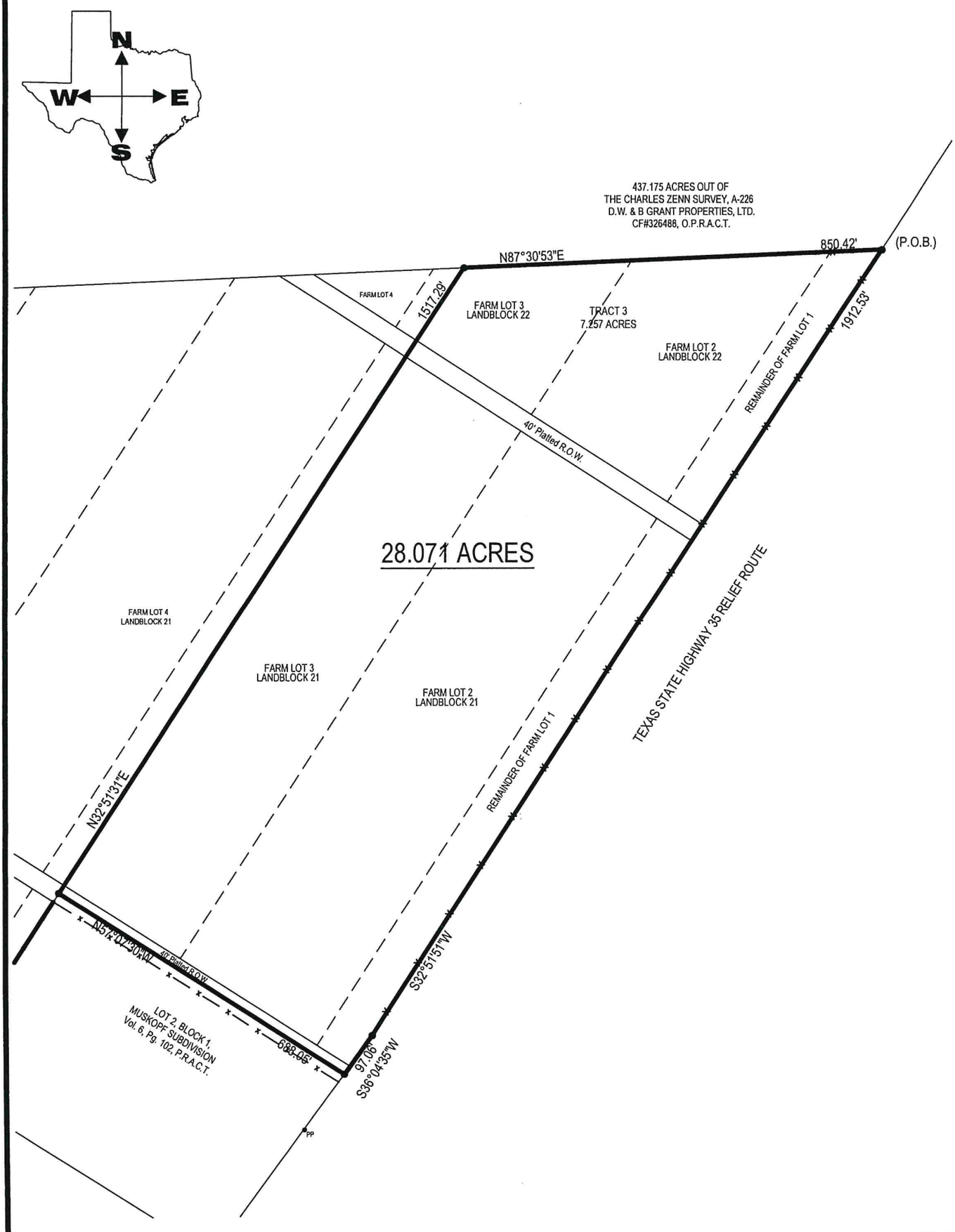
THENCE, North 57°07'30" West, along and with the centerline of said 40.0 foot wide, platted, unimproved roadway, a distance of 688.05 feet to a point for the SOUTHWEST corner of this description;

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, March 9, 2021

**AGENDA ITEM:** 12

Hear and deliberate on Texas Department of Agriculture Downtown Revitalization Program grant application.

**SUBMITTED BY**: City Manager Kevin Carruth

**APPROVED FOR AGENDA:** PKC

**BACKGROUND:** The Rockport Cultural Arts District has been working for several months with the Coastal Bend COG and Kim Foutz on a $350,000 grant application to the Texas Department of Agriculture's Downtown Revitalization Program. This is the same scope of work for the same program the City applied for two years ago and was initially awarded funds for but was later withdrawn because a link to the City's audit did not work. Specifically, the project would provide streetlighting, pathways, and sidewalks along Magnolia Street and cross streets connecting Magnolia to Austin and Live Oak Streets. The scope of work will augment the Cultural Arts/Heritage District improvements underway by the Downtown Anchor Project, Rockport Center for the Arts, Klein's Café, the Rockport Depot and improve pedestrian accessibility and safety.

The application is due May 3, 2021. A final application and resolution of support will be brought to City Council for approval if Council commits to matching funds at the March 9 meeting.

**FISCAL ANALYSIS:** Because the grant is so competitive, it is imperative that the City maximize the points available through matching funds. The maximum points available for matching funds is 15 for a 15% match ($52,500). This expense would not begin until FY 2021-2022 and probably would not end until FY 2022-2023. Council must commit to the match now without knowledge of the revenues and expenses of the next two budget years.

**RECOMMENDATION:** Staff recommends Council approve preparation of a grant application, including matching funds of 15 percent, for the 2021 Texas Department of Agriculture Downtown Revitalization Program, as presented.