CITY COUNCIL AGENDA

Notice is hereby given that the Rockport City Council will hold a regular meeting on Tuesday, April 13, 2021, at 6:30 p.m. The meeting will be held in person with social distancing guidelines and using the video conferencing application ZOOM. 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/83477278878 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 electronically submit a citizen participation form in order to register to speak by going to https://rockport.seamlessdocs.com/f/CouncilCitizenParticipation or scanning the QR code to the right, or if attending the meeting in person register at the meeting. 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. Proclamation: Fair Housing Month – April.

4. Citizens to be heard.
   At this time, comments limited to three (3) minutes will be taken from the audience from persons who have signed the speaker's card located on the table in the back of the Training Room of the Service Center and delivered to the City Secretary before the meeting begins, or written comments received by 4:00 p.m. on the day of the meeting, on any 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.

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

6. Deliberate and act on request from Rockport Center for the Arts for use of the festival site beginning June 21, 2021, through July 8, 2021, for the 52nd Annual Rockport Art Festival.

7. Deliberate and act on 2nd quarter Report from Rockport Center for the Arts for Fiscal Year 2020-2021 marketing expenditures.

8. Deliberate and act on request from Texas Maritime Museum for: 1) Closure of Chamber Street, from Loop 70 to Navigation Circle on Thursday, May 27, 2021, from 2:00 p.m. to 12:00 a.m., and on Saturday, May 29, 2021, from 8:00 a.m. to 12:00 a.m.; 2) Use of Festival Site for parking; and 3) Permission for beer and wine consumption on the grounds of the Texas Maritime Museum, for the 24th Annual Festival of Wines and Food.

9. Deliberate and act on a Resolution of the City of Rockport, Texas, finding that AEP Texas Inc.'s application to amend its distribution cost recovery factors to increase distribution rates within the City should be denied; authorizing participation with the cities served by AEP Texas; authorizing hiring of legal Counsel; finding that the City's reasonable rate case expenses shall be reimbursed by the Company; finding that the meeting at which this Resolution is passed is open to the public as required by law; requiring notice of this Resolution to the Company and legal counsel.

10. Deliberate and act on approval of an Interlocal Cooperation Agreement between Aransas County, Texas, the City of Rockport, and the Aransas County Navigation District for the Bay Shore Drive Resiliency Project and authorizing the Mayor to negotiate and execute all necessary documents.

11. Deliberate and act on a Resolution approving a License and Maintenance Agreement between the City of Rockport and the Aransas County Navigation District and authorizing the Mayor to negotiate and execute all necessary documents.

Public Hearings

12. Conduct a Joint Public Hearing with the Planning and Zoning Commission to consider a request to rezone property to B-1 (General Business), located at 3361 Loop 1781; also known as 1.628 acres out of 23.462 acres, out of the northerly portion of a 258.53 acre tract, lying West of Loop 1781 and South of Copano Ridge Road, South of and adjacent to Copano Campsite Subdivision, according to the plat recorded in Volume 2, Page 50, plat records of Aransas County, Texas, and being out of the westerly portion of the Old Modessett Ranch, Joseph Hollis Survey, A-76, City of Rockport, Aransas County, Texas; and 23.462 acres being the same tract described in a deed of record under Clerks File Number 369271, Official Public Records of Aransas County, Texas, to build a family-friendly restaurant with a bar and other entertainment amenities; currently zoned R-2 (2nd Single Family Dwelling District).

13. Conduct a Joint Public Hearing with the Planning and Zoning Commission to consider a request for a Planned Unit Development located at 417 South Fulton Beach Road; also known as 14.10 acres out of a portion of Block 1, a portion of Block 2, and all of Gibbs Street lying between Blocks 1 and 2, Gibbs Addition, City of Rockport, Aransas County, Texas; to develop

property as a high-density single family residential subdivision to be sold as a condo regime; currently zoned R-6 (Hotel/Motel District).

Regular Agenda

14. Deliberate and act on second and final reading of an Ordinance extending a moratorium, for 120 days, on the submission, acceptance, processing, and approval necessary for the creation of development plats, construction or facilities related to recreational vehicle (RV) parks for land within the City of Rockport; providing a savings clause; providing a severability clause; finding and determining that the meeting at which the Ordinance was passed was open to the public as required by law; and providing an effective date.

15. Hear and deliberate on draft amendments to Code of Ordinances Chapter 118 - Zoning concerning recreational vehicle parks.

16. Deliberate and act on a resolution determining that conditions exist within the Rockport Cultural Arts District/Heritage District of the City which are detrimental to the public health, safety, and welfare of the community and constitutes a blighted area.

17. Deliberate and act to authorize an interlocal agreement with the Coastal Bend Council of Governments to provide grant writing, administrative services and fiscal services for the Texas Department of Agriculture Downtown Revitalization Program and authorizing the Mayor to negotiate and execute all necessary documents.

18. Deliberate and act on a resolution authorizing the submission of a Texas Community Block Grant program application to the Texas Department of Agriculture for the Downtown Revitalization Program; and authorizing the Mayor of Rockport to act as the City's Executive Officer and Authorized Representative in all matters pertaining to the City's participation in the Texas Department of Agriculture Downtown Revitalization Program.

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

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

Executive Session

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

21. Section 551.071 – Consultations with Attorney seeking the advice of attorney about pending or contemplated litigation or a settlement offer; and on a matter in which the duty of the

attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter: Ameresco.

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.

22. 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, April 9, 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, April 13, 2021

AGENDA ITEM: 3

Proclamation: Fair Housing Month - April

SUBMITTED BY: City Secretary Teresa Valdez

APPROVED FOR AGENDA: PKC

BACKGROUND: GrantWorks, the City's grant administrator, is preparing the start-up documents required by the General Land Office to initiate Texas Community Block Grant Disaster Relief projects. As part of the grant requirements the City must perform an activity to promote fair housing each year the project is open. National Fair Housing Month is April of each year and this is a great time for outreach efforts. The accompanying flyer has been posted at the Rockport-Fulton Chamber of Commerce, U.S. Post Office, Public Safety Center, and Rockport Service Center.

Title VIII of the Civil Rights Act of 1968 (Fair Housing Act), as amended, prohibits discrimination in the sale, rental, and financing of dwellings, and in other housing-related transactions, because of race, color, religion, sex, familial status, national origin, and disability. It also requires that all federal programs relating to housing and urban development be administered in a manner that affirmatively furthers fair housing.

Please see the accompanying proclamation and handbook for more information.

FISCAL ANALYSIS: N/A

RECOMMENDATION: Not an action item.

PROCLAMATION

WHEREAS, Title VIII of the Civil Rights Act of 1968, as amended, prohibits discrimination in housing and declares it a national policy to provide, within constitutional limits, for fair housing in the United States; and

WHEREAS, The principle of Fair Housing is not only national law and national policy, but a fundamental human concept and entitlement for all Americans; and

WHEREAS, The National Fair Housing Law, during the month of April, provides an opportunity for all Americans to recognize that complete success in the goal of equal housing opportunity can only be accomplished with the help and cooperation of all Americans.

NOW, THEREFORE, WE, the City Council of the City of Rockport, do proclaim April as Fair Housing Month in City of Rockport and do hereby urge all the citizens of this locality to become aware of and support the Fair Housing law.

PASSED and **ADOPTED** by the City Council of the City of Rockport, Aransas County, State of Texas, on the 13th day of April 2021.

APPROVED:

_____
Patrick R. Rios, Mayor

ATTEST:

_____
Teresa Valdez, City Secretary

EQUAL HOUSING OPPORTUNITY

If you have a concern with how you have been treated and believe your fair housing rights have been violated, there is a local process for reporting your complaint.

Fair Housing – It's Your Right!

If you do not feel comfortable contacting the local office, both the Texas Workforce Commission Civil Rights Division (TWCCRD) and the United States Department of Housing and Urban Development (HUD) are available to help address problems regarding housing discrimination.

Contact information for State and Federal Agencies are listed below:

YOUR LOCAL CONTACT IS...

Subrecipient/Grantee Name:	**City of Rockport – Patrick R. Rios**
Title:	**City Mayor**
Phone Number:	**361-729-2213**
Address:	**2751 SH Bypass Rockport, Texas 78382**

How to File A Complaint

Complaints should be addressed to the local contact listed above. This person/position has been designated to coordinate Section 504 compliance efforts.

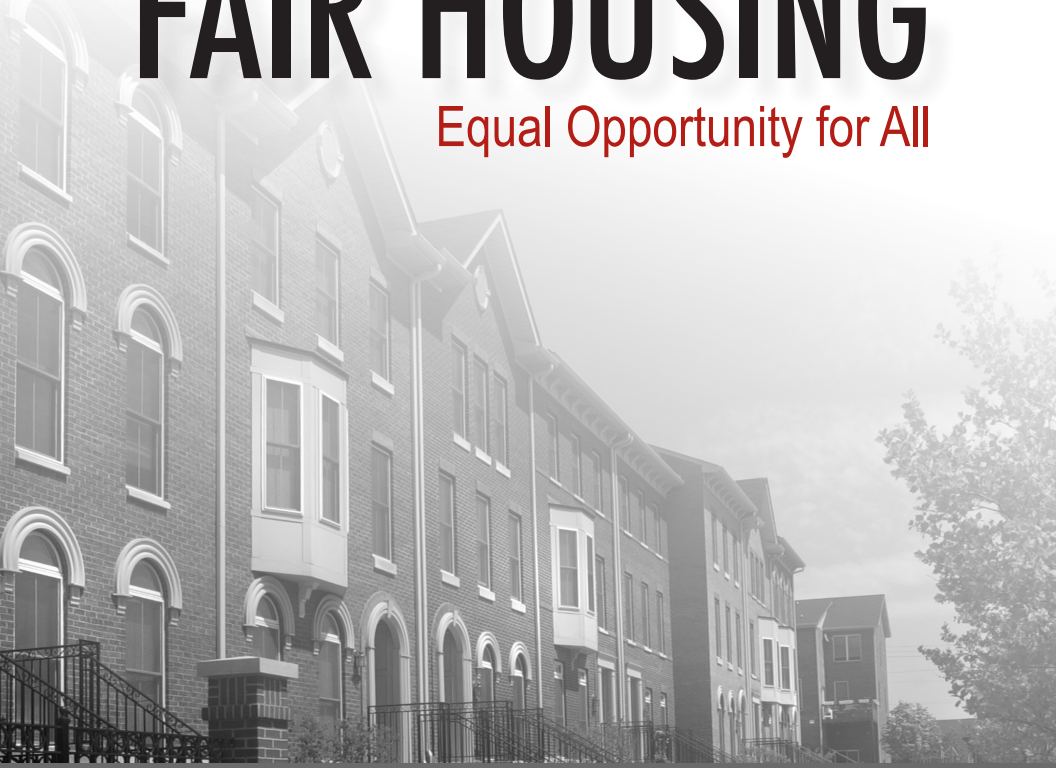
A complaint should be filed in writing or verbally, contain the full name and address of the person filing it, and briefly describe the alleged violation of the regulations.

STATE	FEDERAL
Texas Workforce Commission (TWC)	**US Department of Housing and Urban Development (HUD) Region VI**
In person or By Mail: Civil Rights Division 101 E 15th St Austin, TX 78778-0001	**In person or By Mail:** 801 Cherry Street, Unit #45 Suite 2500 Fort Worth, Texas 76102
By Phone: 1-888-452-4778	**By Phone:** 1-800-669-9777
By Email: HousingComplaint@twc.state.tx.us	**By Email:** ComplaintsOffice06@hud.gov
Website: www.texasworkforce.org/customers/cwp/civil-rights-discrimination.html	**Website:** www.hud.gov/fairhousing.gov



FAIR HOUSING

Equal Opportunity for All



U.S. Department of Housing and Urban Development
Office of Fair Housing and Equal Opportunity

Please visit our website: www.hud.gov/fairhousing

EQUAL HOUSING OPPORTUNITY



Fair Housing – Equal Opportunity for All

America, in every way, represents equality of opportunity for all persons. The rich diversity of its citizens and the spirit of unity that binds us all symbolize the principles of freedom and justice upon which this nation was founded. That is why it is extremely disturbing when new immigrants, minorities, families with children, and persons with disabilities are denied the housing of their choice because of illegal discrimination.

The Department of Housing and Urban Development (HUD) enforces the Fair Housing Act, which prohibits discrimination and the intimidation of people in their homes, apartment buildings, and condominium developments – in nearly all housing transactions, including the rental and sale of housing and the provision of mortgage loans.

Equal access to rental housing and homeownership opportunities is the cornerstone of this nation's federal housing policy. Housing providers who refuse to rent or sell homes to people based on race, color, national origin, religion, sex, familial status, or disability are violating federal law, and HUD will vigorously pursue enforcement actions against them.

Housing discrimination is not only illegal, it contradicts in every way the principles of freedom and opportunity we treasure as Americans. HUD is committed to ensuring that everyone is treated equally when searching for a place to call home.

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U.S. Department of Housing and Urban Development (HUD)
451 7th Street, S.W., Washington, D.C. 20410-2000



The Fair Housing Act

The Fair Housing Act prohibits discrimination in housing because of:

- Race or color
- National Origin
- Religion
- Sex
- Familial status (including children under the age of 18 living with parents or legal custodians; pregnant women and people securing custody of children under 18)
- Disability

What Housing is Covered?

The Fair Housing Act covers most housing. In some circumstances, the Act exempts owner-occupied buildings with no more than four units, single-family housing sold or rented without the use of a broker and housing operated by organizations and private clubs that limit occupancy to members.

What is Prohibited?

In the Sale and Rental of Housing: No one may take any of the following actions based on race, color, religion, sex, disability, familial status, or national origin:

- Refuse to rent or sell housing
- Refuse to negotiate for housing
- Make housing unavailable
- Otherwise deny a dwelling
- Set different terms, conditions or privileges for sale or rental of a dwelling
- Provide different housing services or facilities
- Falsely deny that housing is available for inspection, sale or rental



- For profit, persuade, or try to persuade homeowners to sell or rent dwellings by suggesting that people of a particular race, etc. have moved, or are about to move into the neighborhood (blockbusting) or
- Deny any person access to, membership or participation in, any organization, facility or service (such as a multiple listing service) related to the sale or rental of dwellings, or discriminate against any person in the terms or conditions of such access, membership or participation.

In Mortgage Lending: No one may take any of the following actions based on race, color, religion, sex, disability, familial status, or national origin:

- Refuse to make a mortgage loan
- Refuse to provide information regarding loans
- Impose different terms or conditions on a loan, such as different interest rates, points, or fees
- Discriminate in appraising property
- Refuse to purchase a loan or
- Set different terms or conditions for purchasing a loan.
- In addition, it is a violation of the Fair Housing Act to:
- Threaten, coerce, intimidate or interfere with anyone exercising a fair housing right or assisting others who exercise the right
- Make, print, or publish any statement, in connection with the sale or rental of a dwelling, which indicates a preference, limitation, or discrimination based on race, color, religion, sex, disability, familial status, or national origin. This prohibition against discriminatory advertising applies to single-family and owner-occupied housing that is otherwise exempt from the Fair Housing Act
- Refuse to provide homeowners insurance coverage for a dwelling because of the race, color, religion, sex, disability, familial status, or national origin of the owner and/or occupants of a dwelling
- Discriminate in the terms or conditions of homeowners insurance coverage because of the race, color, religion, sex, disability, familial status, or national origin of the owner and/or occupants of a dwelling



- Refuse to provide available information on the full range of homeowners insurance coverage options available because of the race, etc. of the owner and/or occupants of a dwelling
- Make print or publish any statement, in connection with the provision of homeowners insurance coverage, that indicates a preference, limitation or discrimination based on race, color, religion, sex, disability, familial status or national origin.

Additional Protection If You Have a Disability

If you or someone associated with you:

- Have a physical or mental disability (including hearing, mobility and visual impairments, cancer, chronic mental illness, HIV/AIDS, or mental retardation) that substantially limits one or more major life activities
- Have a record of such a disability or
- Are regarded as having such a disability, a housing provider may not:

  - Refuse to let you make reasonable modifications to your dwelling or common use areas, at your expense, if it may be necessary for you to fully use the housing. (Where reasonable, a landlord may permit changes only if you agree to restore the property to its original condition when you move.)
  - Refuse to make reasonable accommodations in rules, policies, practices or services if it may be necessary for you to use the housing on an equal basis with nondisabled persons.

Example: A building with a “no pets” policy must allow a visually impaired tenant to keep a guide dog.

Example: An apartment complex that offers tenants ample, unassigned parking must honor a request from a mobility-impaired tenant for a reserved space near her apartment if it may be necessary to assure that she can have access to her apartment.



However, the Fair Housing Act does not protect a person who is a direct threat to the health or safety of others or who currently uses illegal drugs.

Accessibility Requirements for New Multifamily Buildings: In buildings with four or more units that were first occupied after March 13, 1991, and that have an elevator:

- Public and common use areas must be accessible to persons with disabilities
- All doors and hallways must be wide enough for wheelchairs
- All units must have:
  - An accessible route into and through the unit
  - Accessible light switches, electrical outlets, thermostats and other environmental controls
  - Reinforced bathroom walls to allow later installation of grab bars and
  - Kitchens and bathrooms that can be used by people in wheelchairs.

If a building with four or more units has no elevator and was first occupied after March 13, 1991, these standards apply to ground floor units only.

These accessibility requirements for new multifamily buildings do not replace more stringent accessibility standards required under State or local law.



The Fair Housing Act makes it unlawful to discriminate against a person whose household includes one or more children who are under 18 years of age (familial status). Familial status protection covers households in which one or more minor children live with:

- A parent;
- A person who has legal custody (including guardianship) of a minor child or children; or
- The designee of a parent or legal custodian, with the written permission of the parent or legal custodian.

Familial status protection also extends to pregnant women and any person in the process of securing legal custody of a minor child (including adoptive or foster parents).

The "Housing for Older Persons" Exemption: The Fair Housing Act specifically exempts some senior housing facilities and communities from liability for familial status discrimination. Exempt senior housing facilities or communities can lawfully refuse to sell or rent dwellings to families with minor children. In order to qualify for the "housing for older persons" exemption, a facility or community must prove that its housing is:

- Provided under any State or Federal program that HUD has determined to be specifically designed and operated to assist elderly persons (as defined in the State or Federal program); or
- Intended for, and solely occupied by persons 62 years of age or older; or
- Intended and operated for occupancy by persons 55 years of age or older.

In order to qualify for the "55 or older" housing exemption, a facility or community must satisfy each of the following requirements:

- at least 80 percent of the units must have at least one occupant who is 55 years of age or older; and



- the facility or community must publish and adhere to policies and procedures that demonstrate the intent to operate as "55 or older" housing; and
- the facility or community must comply with HUD's regulatory requirements for age verification of residents.

The "housing for older persons" exemption does not protect senior housing facilities or communities from liability for housing discrimination based on race, color, religion, sex, disability, or national origin.

HUD is ready to help with any problem of housing discrimination. If you think your rights have been violated, you may file a complaint online, write a letter or telephone the HUD office nearest you. You have one year after the alleged discrimination occurred or ended to file a complaint with HUD, but you should file it as soon as possible.

If You Think your Rights Have Been Violated

What to Tell HUD:

- Your name and address
- The name and address of the person your complaint is against (the respondent)
- The address or other identification of the housing involved
- A short description of the alleged violation (the event that caused you to believe your rights were violated)
- The date(s) of the alleged violation.

Where to Write or Call: File a complaint online, send a letter to the HUD office nearest you, or if you wish, you may call that office directly. Persons who are deaf or hard of hearing and use a TTY, may call those offices through the toll-free Federal Information Relay Service at 1-800-877-8339.

For Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont:



BOSTON REGIONAL OFFICE
(Complaints_office_01@hud.gov)
U.S. Department of Housing and Urban Development
Thomas P. O'Neill Jr. Federal Building
10 Causeway Street, Room 321
Boston, MA 02222-1092
Telephone (617) 994-8300 or 1-800-827-5005
Fax (617) 565-7313 * TTY (617) 565-5453

For New Jersey, New York, Puerto Rico and the U.S. Virgin Islands:
NEW YORK REGIONAL OFFICE
(Complaints_office_02@hud.gov)
U.S. Department of Housing and Urban Development
26 Federal Plaza, Room 3532
New York, NY 10278-0068
Telephone (212) 542-7519 or 1-800-496-4294
*Fax (212) 264-9829 * TTY (212) 264-0927*

For Delaware, District of Columbia, Maryland, Pennsylvania, Virginia and West Virginia:
PHILADELPHIA REGIONAL OFFICE
(Complaints_office_03@hud.gov)
U.S. Department of Housing and Urban Development
The Wanamaker Building
100 Penn Square East
Philadelphia, PA 19107-9344
Telephone (215) 861-7646 or 1-888-799-2085
Fax (215) 656-3449 * TTY (215) 656-3450

For Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee:



ATLANTA REGIONAL OFFICE
(Complaints_office_04@hud.gov)
U.S. Department of Housing and Urban Development
Five Points Plaza
40 Marietta Street, 16th Floor
Atlanta, GA 30303-2808
Telephone (404) 331-5140 or 1-800-440-8091 x2493
Fax (404) 331-1021 * TTY (404) 730-2654

For Illinois, Indiana, Michigan, Minnesota, Ohio and Wisconsin:
CHICAGO REGIONAL OFFICE
(Complaints_office_05@hud.gov)
U.S. Department of Housing and Urban Development
Ralph H. Metcalfe Federal Building
77 West Jackson Boulevard, Room 2101
Chicago, IL 60604-3507
Telephone 1-800-765-9372
Fax (312) 886-2837 * TTY (312) 353-7143

For Arkansas, Louisiana, New Mexico, Oklahoma and Texas:
FORT WORTH REGIONAL OFFICE
(Complaints_office_06@hud.gov)
U.S. Department of Housing and Urban Development
801 Cherry Street
Suite 2500, Unit #45
Fort Worth, TX 76102-6803
Telephone (817) 978-5900 or 1-888-560-8913
Fax (817) 978-5876/5851 * TTY (817) 978-5595

For Iowa, Kansas, Missouri and Nebraska:
KANSAS CITY REGIONAL OFFICE



(Complaints_office_07@hud.gov)
U.S. Department of Housing and Urban Development
Gateway Tower II
400 State Avenue, Room 200, 4th Floor
Kansas City, KS 66101-2406
Telephone (913) 551-6958 or 1-800-743-5323
*Fax (913) 551-6856 * TTY (913) 551-6972*

For Colorado, Montana, North Dakota, South Dakota, Utah and Wyoming:
DENVER REGIONAL OFFICE
(Complaints_office_08@hud.gov)
U.S. Department of Housing and Urban Development
1670 Broadway
Denver, CO 80202-4801
Telephone (303) 672-5437 or 1-800-877-7353
Fax (303) 672-5026 * TTY (303) 672-5248

For Arizona, California, Hawaii and Nevada:
SAN FRANCISCO REGIONAL OFFICE
(Complaints_office_09@hud.gov)
U.S. Department of Housing and Urban Development
600 Harrison Street, Third Floor
San Francisco, CA 94107-1387
Telephone 1-800-347-3739
Fax (415) 489-6558 * TTY (415) 489-6564

For Alaska, Idaho, Oregon and Washington:
SEATTLE REGIONAL OFFICE
(Complaints_office_10@hud.gov)
U.S. Department of Housing and Urban Development
Seattle Federal Office Building
909 First Avenue, Room 205
Seattle, WA 98104-1000
Telephone (206) 220-5170 or 1-800-877-0246
Fax (206) 220-5447 * TTY (206) 220-5185



If after contacting the local office nearest you, you still have questions – you may contact HUD further at:

U.S. Department of Housing and Urban Development
Office of Fair Housing and Equal Opportunity
451 7th Street, S.W., Room 5204
Washington, DC 20410-2000
Telephone 1-800-669-9777
Fax (202) 708-1425 * TTY 1-800-927-9275
www.hud.gov/fairhousing

If You Are Disabled: HUD also provides:

- A TTY phone for the deaf/hard of hearing users (see above list for the nearest HUD office)
- Interpreters, Tapes and Braille materials
- Assistance in reading and completing forms

What Happens When You File A Complaint?

HUD will notify you in writing when your complaint is accepted for filing under the Fair Housing Act. HUD also will:

- Notify the alleged violator (respondent) of the filing of your complaint, and allow the respondent time to submit a written answer to the complaint.
- Investigate your complaint, and determine whether or not there is reasonable cause to believe that the respondent violated the Fair Housing Act.
- Notify you and the respondent if HUD cannot complete its investigation within 100 days of filing your complaint, and provide reason for the delay.

Fair Housing Act Conciliation: During the complaint investigation, HUD is required to offer you and the respondent the opportunity to voluntarily resolve your complaint with a Conciliation Agreement.



A Conciliation Agreement provides individual relief to you, and protects the public interest by deterring future discrimination by the respondent. Once you and the respondent sign a Conciliation Agreement, and HUD approves the Agreement, HUD will cease investigating your complaint. If you believe that the respondent has violated breached your Conciliation Agreement, you should promptly notify the HUD Office that investigated your complaint. If HUD determines that there is reasonable cause to believe that the respondent violated the Agreement, HUD will ask the U.S. Department of Justice to file suit against the respondent in Federal District Court to enforce the terms of the Agreement.

Complaint Referrals to State or Local Public Fair Housing Agencies:
If HUD has certified that your State or local public fair housing agency enforces a civil rights law or ordinance that provides rights, remedies and protections that are "substantially equivalent" to the Fair Housing Act, HUD must promptly refer your complaint to that agency for investigation, and must promptly notify you of the referral. The State or local agency will investigate your complaint under the "substantially equivalent" State or local civil rights law or ordinance. The State or local public fair housing agency must start investigating your complaint within 30 days of HUD's referral, or HUD may retrieve ("reactivate") the complaint for investigation under the Fair Housing Act.

What Happens If I'm Going to Lose My Housing Through Eviction or Sale?

If you need immediate help to stop or prevent a severe problem caused by a Fair Housing Act violation, HUD may be able to assist you as soon as you file a complaint. HUD may authorize the U.S. Department of Justice to file a Motion in Federal District Court for a Temporary Restraining Order (TRO) against the respondent, followed by a Preliminary Injunction pending the outcome of HUD's investigation. A Federal Judge may grant a TRO or a Preliminary Injunction against a respondent in cases where:



- Irreparable (irreversible) harm or injury to housing rights is likely to occur without HUD's intervention; and
- There is substantial evidence that the respondent has violated the Fair Housing Act.

Example: An owner agrees to sell a house, but, after discovering that the buyers are black, pulls the house off the market, then promptly lists it for sale again. The buyers file a discrimination complaint with HUD. HUD may authorize the U.S. Department of Justice to seek an injunction in Federal District Court to prevent the owner from selling the house to anyone else until HUD investigates the complaint.

What Happens After A Complaint Investigation?

Determination of Reasonable Cause, Charge of Discrimination, and Election: When your complaint investigation is complete, HUD will prepare a Final Investigative Report summarizing the evidence gathered during the investigation. If HUD determines that there is reasonable cause to believe that the respondent(s) discriminated against you, HUD will issue a Determination of Reasonable Cause and a Charge of Discrimination against the respondent(s). You and the respondent(s) have twenty (20) days after receiving notice of the Charge to decide whether to have your case heard by a HUD Administrative Law Judge (ALJ) or to have a civil trial in Federal District Court.

HUD Administrative Law Judge Hearing: If neither you nor the respondent elects to have a Federal civil trial before the 20-day Election Period expires, HUD will promptly schedule a Hearing for your case before a HUD ALJ. The ALJ Hearing will be conducted in the locality where the discrimination allegedly occurred. During the ALJ Hearing, you and the respondent(s) have the right to appear in person, to be represented by legal counsel, to present evidence, to cross-examine witnesses and to request subpoenas in aid of discovery of evidence. HUD attorneys will represent you during the ALJ Hearing at no cost to you; however, you may also



choose to intervene in the case and retain your own attorney. At the conclusion of the Hearing, the HUD ALJ will issue a Decision based on findings of fact and conclusions of law. If the HUD ALJ concludes that the respondent(s) violated the Fair Housing Act, the respondent(s) can be ordered to:

- Compensate you for actual damages, including out-of-pocket expenses and emotional distress damages
- Provide permanent injunctive relief.
- Provide appropriate equitable relief (for example, make the housing available to you).
- Pay your reasonable attorney's fees.
- Pay a civil penalty to HUD to vindicate the public interest. The maximum civil penalties are: $16,000, for a first violation of the Act; $37,500 if a previous violation has occurred within the preceding five-year period; and $65,000 if two or more previous violations have occurred within the preceding seven-year period.

Civil Trial in Federal District Court: If either you or the respondent elects to have a Federal civil trial for your complaint, HUD must refer your case to the U.S. Department of Justice for enforcement. The U.S. Department of Justice will file a civil lawsuit on your behalf in the U.S. District Court in the district in which the discrimination allegedly occurred. You also may choose to intervene in the case and retain your own attorney. Either you or the respondent may request a jury trial, and you each have the right to appear in person, to be represented by legal counsel, to present evidence, to cross-examine witnesses, and to request subpoenas in aid of discovery of evidence. If the Federal Court decides in your favor, a Judge or jury may order the respondent(s) to:

- Compensate you for actual damages, including out-of-pocket expenses and emotional distress damages
- Provide permanent injunctive relief.
- Provide appropriate equitable relief (for example, make the housing available to you).
- Pay your reasonable attorney's fees.
- Pay punitive damages to you.



Determination of No Reasonable Cause and Dismissal: If HUD finds that there is no reasonable cause to believe that the respondent(s) violated the Act, HUD will dismiss your complaint with a Determination of No Reasonable Cause. HUD will notify you and the respondent(s) of the dismissal by mail, and you may request a copy of the Final Investigative Report.

Reconsiderations of No Reasonable Cause Determinations: The Fair Housing Act provides no formal appeal process for complaints dismissed by HUD. However, if your complaint is dismissed with a Determination of No Reasonable Cause, you may submit a written request for a reconsideration review to: Director, FHEO Office of Enforcement, U.S. Department of Housing and Urban Development, 451 7th Street, SW, Room 5206, Washington, DC 20410-2000.

In Addition

You May File a Private Lawsuit: You may file a private civil lawsuit without first filing a complaint with HUD. You must file your lawsuit within two (2) years of the most recent date of alleged discriminatory action.

If you do file a complaint with HUD and even if HUD dismisses your complaint, the Fair Housing Act gives you the right to file a private civil lawsuit against the respondent(s) in Federal District Court. The time during which HUD was processing your complaint is not counted in the 2-year filing period. You must file your lawsuit at your own expense; however, if you cannot afford an attorney, the Court may appoint one for you.

Even if HUD is still processing your complaint, you may file a private civil lawsuit against the respondent, unless (1) you have already signed a HUD Conciliation Agreement to resolve your HUD complaint; or (2) a HUD Administrative Law Judge has commenced an Administrative Hearing for your complaint.



Other Tools to Combat Housing Discrimination:

- If there is noncompliance with the order of an Administrative Law Judge, HUD may seek temporary relief, enforcement of the order or a restraining order in a United States Court of Appeals.
- The Attorney General may file a suit in Federal District Court if there is reasonable cause to believe a pattern or practice of housing discrimination is occurring.

For Further Information

The purpose of this brochure is to summarize your right to fair housing. The Fair Housing Act and HUD's regulations contain more detail and technical information. If you need a copy of the law or regulations, contact the HUD Fair Housing Office nearest you. See the list of HUD Fair Housing Offices on pages 7-10.



CONNECT WITH HUD

Department of Housing and Urban Development
Room 5204
Washington, DC 20410-2000

02305

HUD-1686-1-FHEO
2011

Please visit our website: www.hud.gov/fairhousing

CITY COUNCIL AGENDA
Regular Meeting: Tuesday, April 13, 2021

AGENDA ITEM: 5

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

SUBMITTED BY: City Secretary Teresa Valdez

APPROVED FOR AGENDA: PKC

BACKGROUND: Please see the accompanying minutes of the Regular Meeting of March 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, March 23, 2021
Rockport Service Center, 3751 State Highway 35 Bypass
and
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 electronically submit a Citizen Participation Form in order to register to speak by going to https://rockport.seamlessdocs.com/f/CouncilCitizenParticipation or scanning the QR code provided on the Agenda, or if attending the meeting in person register at the meeting. 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 March 2021, the City Council of the City of Rockport, Aransas County, Texas, convened in Regular Session at 6:30 p.m., at the Training Room of the Rockport Service and 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 **CITY COUNCIL MEMBER(S) ABSENT**

Mayor Patrick R. Rios
Mayor Pro-Tem J.D. Villa, Ward 2
Council Member Michael Saski, Ward 1 – *Via:ZOOM*
Council Member Bob Cunningham, Ward 3
Council Member Andrea Hattman, Ward 4

STAFF MEMBERS PRESENT **ELECTED OFFICIALS 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
Parks & Leisure Services Director Rick Martinez
Chief of Police Greg Stevens
Information Technology Director Bob Argetsinger

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 6:34 p.m. on Tuesday, March 23, 2021, in the Training Room of the Rockport Service Center, 2751 State Highway 35 Bypass, Rockport, Texas, and via video conferencing application ZOOM.

2. Pledge of Allegiance.

Mayor Pro-Tem Villa led the Pledge of Allegiance to the U.S. flag.

3. Presentation: Texas Municipal League Institute Certified Municipal Official – Mayor Patrick R. Rios.

Mayor Pro-Tem Villa expressed he was honored to present the Certified Municipal Official certificate to Mayor Rios. Mayor Pro-Tem Villa explained the Texas Municipal League (TML) recognizes municipal elected officials participating in the Texas Municipal League Institute (TMLI) program who earned the appropriate number of continuing education units (CEUs) in the previous calendar year. Mayor Rios said TML presents the following awards:

- Certificate of Recognition – 42 CEUs
- Certificate of Achievement – 54 CEUs
- Certificate of Outstanding Accomplishment – 72 CEUs
- Certified Municipal Official – 72 CEUs including two hours of open government training (one hour of training on the Open Meetings Act and one hour on the Public Information Act).

Mayor Pro-Tem Villa stated Mayor Rios is one of 43 officials in the State that has received this certificate and Mayor Rios has received the Certified Municipal Official status for the sixth consecutive year.

Mayor Pro-Tem Villa presented Mayor Rios the certificate for Certified Municipal Official.

Mayor Rios received applause from the audience.

4. Citizens to be heard.

At this time, comments limited to three (3) minutes will be taken from the audience from persons who have signed the speaker's card located on the table in the back of the Training Room of the Serivce Center and delivered to the City Secretary before the meeting begins, or written comments received by 4:00 p.m. on the day of the meeting, on any 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.

There were no citizen comments.

Consent Agenda

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

5. **Deliberate and act on approval of Planning Workshop Meeting of March 2, 2021, and Regular Meeting Minutes of March 9, 2021.**

6. **Deliberate and act on request from Aransas County Sesquicentennial Committee for permission to hang street banners at 2402 Highway 35 North in front of Walmart and FM 3036 at Broadway.**

7. **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 March 23, 2021, – April 27, 2021; establishing rules and regulations for the duration of the disaster; restricting certain activities; and establishing penalties for violations.**

8. **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 March 23, 2021 – April 27, 2021; establishing rules and regulations for the duration of the disaster; restricting certain activities; and establishing penalties for violations.**

Mayor Rios read the captions of the Ordinances in Item 7 and 8.

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

Council Member Hattman noted a correction to the Minutes of March 2, 2021; two names of Council Members were incorrect on the list of "City Council Members Present"

MOTION: Mayor Pro-Tem Villa moved to approve the Consent Agenda, as presented, with the correction to the Minutes of March 2, 2021. Council Member Hattman seconded the motion. Motion carried unanimously.

Public Hearing

9. **Conduct a Public Hearing on the extension of a moratorium on the submission, acceptance, processing, and approval necessary for the creation of development plats, construction or facilities related to recreational vehicle parks for land within the City of Rockport.**

At 6:43 p.m., Mayor Rios opened the Public Hearing.

Jamise Fisher, 2121 FM 3036, addressed the Council. Ms. Fisher said she is the Assistant to the owner and developer of the Oasis Resort, formerly Easy Living. Ms. Fisher said the owner was

told two years ago that he could build an RV Park and he is still waiting; the old park was torn down. Ms. Fisher expressed the owner is pleased to be in the community and looks forward to providing a luxury RV park in Rockport.

At 6:46 p.m., Mayor Rios closed the Public Hearing.

Regular Agenda

10. Hear and deliberate and act to accept the annual reports from Fulton, Lamar, and Rockport Volunteer Fire Departments and authorize disbursement of funds from the Utility Bill Surcharge Fund in accordance with Code of Ordinances Article IV. "Surcharge Revenue Account."

Director of Finance Katie Griffin addressed the Council. Ms. Griffin stated the annual distribution of funds to the Fire Departments is slightly behind schedule. Ms. Griffin said the annual reports have been received and she explained the City disburses the funds as follows: Rockport Volunteer Fire Department – 77% which is $125,003.79; Fulton Volunteer Fire Department – 23% which is $37,338.80; and Lamar Volunteer Fire Department – 100% of natural gas utility accounts on the Lamar Peninsula which is $3,656.03.

MOTION: Council Member Hattman moved to accept the annual report from Lamar Volunteer Fire Department and the Rockport Volunteer Fire Department and authorize disbursement of funds from the Utility Bill Surcharge Fund in accordance with Code of Ordinances Article IV. "Surcharge Revenue Account" and deny disbursement to the Fulton Volunteer Fire Department until their Fiscal Year 2019-2020 report has been received. Mayor Pro-Tem Villa seconded the motion. Motion carried unanimously.

Ms. Griffin presented the checks to Lamar Fire Chief Carl Stubbs, Rockport Fire Chief Matthew Grimes and Fulton Fire Chief Rick McLester, Jr.

11. Deliberate and act on first reading of an Ordinance extending a moratorium, for 120 days, on the submission, acceptance, processing, and approval necessary for the creation of development plats, construction or facilities related to recreational vehicle (RV) parks for land within the City of Rockport; providing a savings clause; providing a severability clause; finding and determining that the meeting at which the Ordinance was passed was open to the public as required by law; and providing an effective date.

Community Planner Amanda Torres said the moratorium has been extended multiple times and staff and the consultant are close to having an RV park ordinance amendment. Ms. Torres stated the proposed amendment is not quite ready to be presented to the Council at a workshop.

Brief discussion was held among Council and Ms. Torres regarding the 120 days.

City Manager Kevin Carruth said if the amendment to the Ordinance is adopted before the 120 days, the Council can terminate the Moratorium.

MOTION: Council Member Hamman moved to approve the first reading of an Ordinance extending a moratorium, for 120 days, on the submission, acceptance, processing, and approval necessary for the creation of development plats, construction or facilities related to recreational vehicle (RV) parks for land within the City of Rockport; providing a savings clause; providing a severability clause; finding and determining that the meeting at which the Ordinance was passed was open to the public as required by law; and providing an effective date. Mayor Pro-Tem Villa seconded the motion. Motion carried unanimously.

12. **Deliberate and act on second and final reading of an Ordinance amending the Official Zoning Map as stipulated under Article 4.1 of the City of Rockport Zoning Ordinance Number 1027 by changing the zoning of land from R-1 (1st Single Family Dwelling District) for property located at 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.**

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

MOTION: Mayor Pro-Tem Villa moved to approve the second and final reading of an Ordinance amending the Official Zoning Map as stipulated under Article 4.1 of the City of Rockport Zoning Ordinance Number 1027 by changing the zoning of land from R-1 (1st Single Family Dwelling District) 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. Council Member Cunningham seconded the motion. Motion carried unanimously.

13. **Deliberate and act on second and final reading of an Ordinance amending the Official Zoning Map as stipulated under Article 4.1 of the City of Rockport Zoning Ordinance Number 1027 by changing the zoning of land from R-1 (1ST Single Family Dwelling District) for property located at 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.**

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

MOTION: Mayor Pro-Tem Villa moved to approve the second and final reading of an Ordinance amending the Official Zoning Map as stipulated under Article 4.1 of the City of Rockport Zoning Ordinance Number 1027 by changing the zoning of land from R-1 (1ST Single Family Dwelling District) 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. Council Member Cunningham seconded the motion. Motion carried unanimously.

14. Deliberate and act on authorization for the Mayor to sign the letter of support for the Little Bay Restoration Initiative.

Mayor Rios said this is a combined initiative that will be sent to the Texas General Land Office supporting the restoration effort for Little Bay.

Council Member Cunningham said the Aransas County Commissioners Court and the Aransas County Navigation District have signed the letter.

Mayor Rios said the Town of Fulton has also signed the letter. Mayor Rios stated if Council authorizes him to sign the letter, he will deliver the signed letter tomorrow.

MOTION: Council Member Hattman moved to authorize the Mayor to sign the letter of support for the Little Bay Restoration Initiative. Council Member Cunningham seconded the motion. Motion carried unanimously.

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

Assistant to the City Manager Kimberly Henry said there will be a walk-in vaccination tomorrow at the Fulton Convention Center from 8:00 a.m. until 5:00 p.m. and another on Thursday from 2:00 p.m. to 7:00 p.m.

Community Relations Director Vicki Pitluk stated on Monday it becomes effective that anyone 18 years of age and older are now eligible for the vaccine. Ms. Pitluk said children who are 16-17 years old can get the vaccine with parental approval.

Mayor Pro-Tem Villa said he appreciated everything that everyone is doing to get people vaccinated. Mayor Pro-Tem Villa expressed it is a lot of work.

Council Member Cunningham stated from a standpoint of economic impact, the traffic on streets showed Spring Break was still a big event.

Mayor Rios stated he thinks people are going to continue to travel by vehicle and not air.

16. Reports from Council.

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

Council Member Saski said it was important that people knew not to be afraid of long lines for vaccination; just go and get the vaccine. Council Member Saski said he hopes people come to Rockport to help industries and he hopes parents encourage their children to get jobs in the service industry in our town. Council Member Saski added it was exciting to see crowds at Market Days; everyone is ready to get outside but need to be safe.

Council Member Cunningham said the Texas General Land Office is sponsoring monthly virtual "lunch and learn" event for interest participants to learn more about the Clean Coast Texas initiative. Council Member Cunningham stated this was started last week and there is no area that does not have issues; Aransas County is one of the good ones. Council Member Cunningham stated he attended a candidate forum last week sponsored by the South Rockport Neighbors and there will be another forum sponsored by the Chamber of Commerce on April 6, 2021.

Mayor Pro-Tem Villa stated there is also a candidate forum scheduled for April 15, 2021.

Mayor Rios informed everyone that he, Mayor Pro-Tem Villa and City Manager Carruth attended the Coastal Bend Mayors Association meeting last week and it was a very informative meeting. Mayor Rios said issues that affect all the cities are discussed and one big topic is water supply; we all want to make sure we protect our source and it is affordable.

City Manager Kevin Carruth announced that tomorrow is the first day of Little League. Mr. Carruth stated park hours are going back to normal operating hours.

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:

17. Section 551.071 – Consultations with Attorney seeking the advice of attorney about pending or contemplated litigation or a settlement offer; and on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter: (A) Ameresco and (B) Gulf Shores Villa.

At 7:16 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 551.071 - Consultations with Attorney seeking the advice of attorney about pending or contemplated litigation or a settlement offer; and on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter: (A) Ameresco and (B) Gulf Shores Villa.

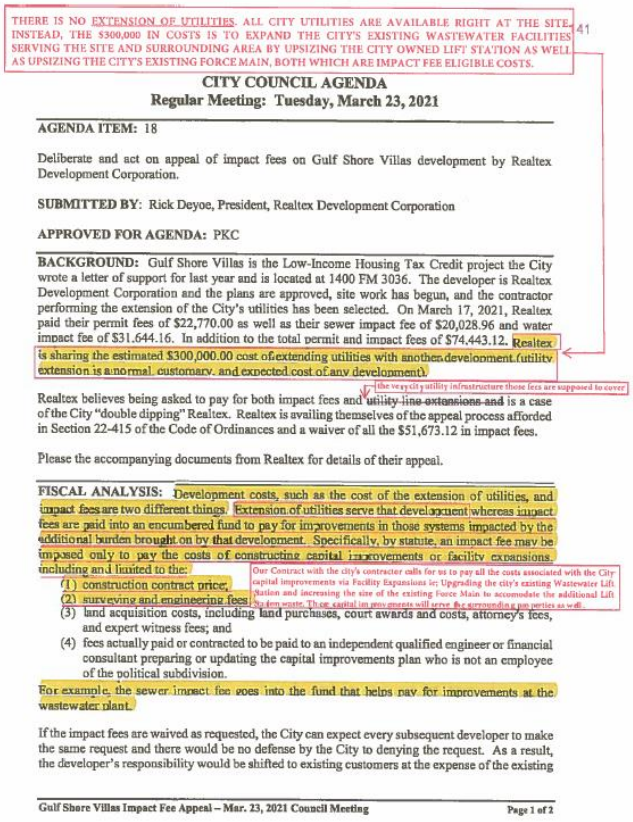
Open Session

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 8:14 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 session noted herein, or regular agenda items, noted above, and/or related items.

18. Deliberate and act on appeal of impact fees on Gulf Shore Villas development by Realtex Development Corporation.

Rick Deyoe, President of Realtex Development Corporation, 15129 Cane Harbor Boulevard, Corpus Christi, Texas, addressed the Council. Mr. Deyoe distributed a handout (below) to the Council.



THERE IS NO EXTENSION OF UTILITIES. ALL CITY UTILITIES ARE AVAILABLE RIGHT AT THE SITE. INSTEAD, THE $300,000 IN COSTS IS TO EXPAND THE CITY'S EXISTING WASTEWATER FACILITIES SERVING THE SITE AND SURROUNDING AREA BY UPSIZING THE CITY OWNED LIFT STATION AS WELL AS UPSIZING THE CITY'S EXISTING FORCE MAIN, BOTH WHICH ARE IMPACT FEE ELIGIBLE COSTS. 41

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

AGENDA ITEM: 18

Deliberate and act on appeal of impact fees on Gulf Shore Villas development by Realtex Development Corporation.

SUBMITTED BY: Rick Deyoe, President, Realtex Development Corporation

APPROVED FOR AGENDA: PKC

BACKGROUND: Gulf Shore Villas is the Low-Income Housing Tax Credit project the City wrote a letter of support for last year and is located at 1400 FM 3036. The developer is Realtex Development Corporation and the plans are approved, site work has begun, and the contractor performing the extension of the City's utilities has been selected. On March 17, 2021, Realtex paid their permit fees of $22,770.00 as well as their sewer impact fee of $20,028.96 and water impact fee of $31.644.16. In addition to the total permit and impact fees of $74,443.12, Realtex is sharing the estimated $300,000.00 cost of extending utilities with another development (utility extension is a normal, customary, and expected cost of any development).

the very city utility infrastructure those fees are supposed to cover

Realtex believes being asked to pay for both impact fees and utility line extensions and is a case of the City "double dipping" Realtex. Realtex is availing themselves of the appeal process afforded in Section 22-415 of the Code of Ordinances and a waiver of all the $51,673.12 in impact fees.

Please the accompanying documents from Realtex for details of their appeal.

FISCAL ANALYSIS: Development costs, such as the cost of the extension of utilities, and impact fees are two different things. Extension of utilities serve that development whereas impact fees are paid into an encumbered fund to pay for improvements in those systems impacted by the additional burden brought on by that development. Specifically, by statute, an impact fee may be imposed only to pay the costs of constructing capital improvements or facility expansions, including and limited to the:

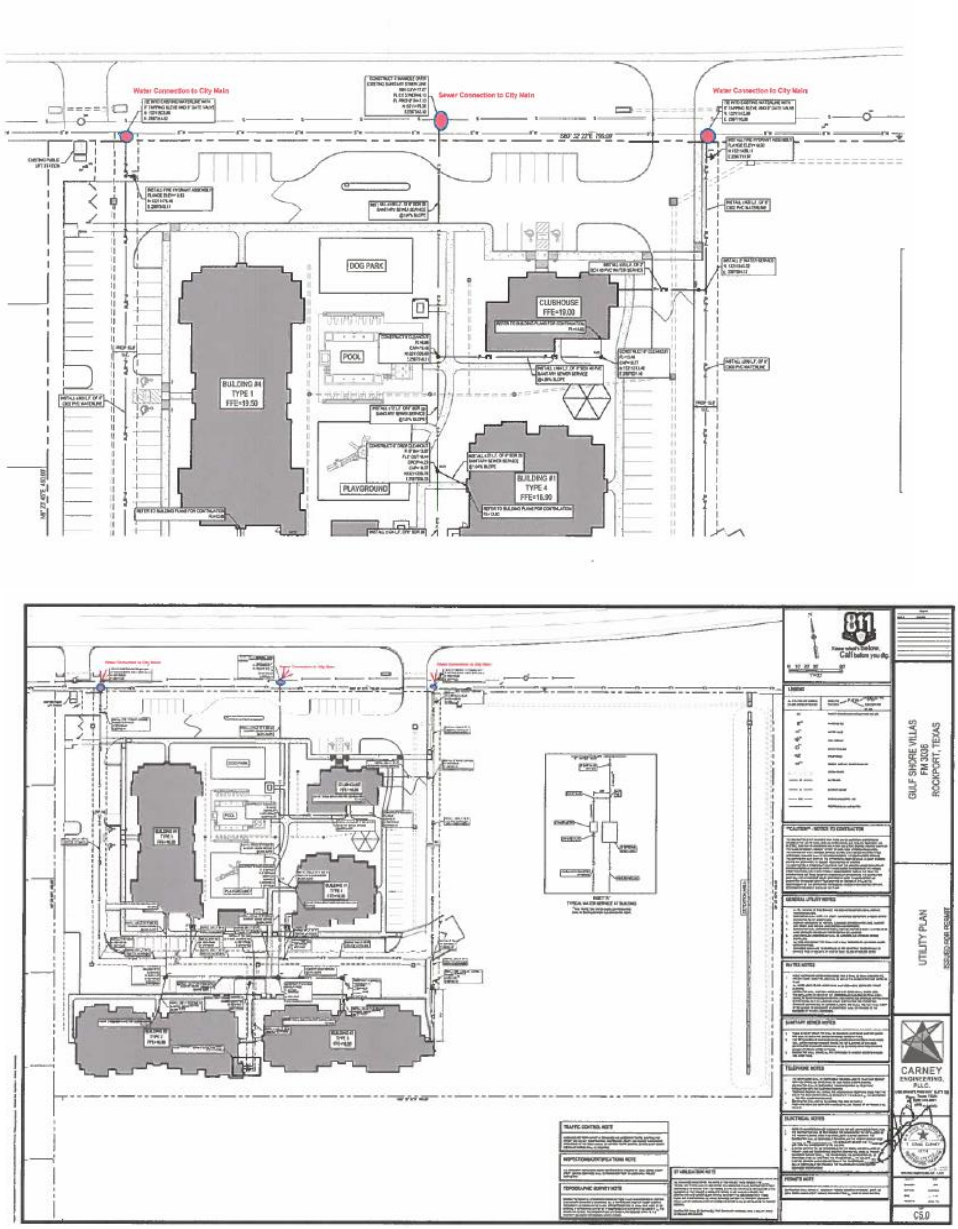
(1) construction contract price,
(2) surveying and engineering fees,
(3) land acquisition costs, including land purchases, court awards and costs, attorney's fees, and expert witness fees; and
(4) fees actually paid or contracted to be paid to an independent qualified engineer or financial consultant preparing or updating the capital improvements plan who is not an employee of the political subdivision.

Our Contract with the city's contracter calls for us to pay all the costs associated with the City capital improvements via Facility Expansions ie: Upgrading the city's existing Wastewater Lift Station and increasing the size of the existing Force Main to accomodate the additional Lift Sta dem senate. These capital im provements will serve the surroundin g gon perties as well.

For example, the sewer impact fee goes into the fund that helps pay for improvements at the wastewater plant.

If the impact fees are waived as requested, the City can expect every subsequent developer to make the same request and there would be no defense by the City to denying the request. As a result, the developer's responsibility would be shifted to existing customers at the expense of the existing

Gulf Shore Villas Impact Fee Appeal – Mar. 23, 2021 Council Meeting Page 1 of 2



Mr. Deyoe gave an update on the project. Mr. Deyoe stated their contractor of record could not get the numbers to work so they brought in another contractor and they are trying to figure out how to make the numbers work. Mr. Deyoe said this is an affordable housing development for which rent is based on income. Mr. Deyoe stated Realtex is requesting waiver of impact fees and he cited reasons for said request. Mr. Deyoe expressed Realtex believes being asked to pay for both impact fees and utility line extensions is a case of the City "double dipping" Realtex. Mr. Deyoe asked the Council to consider that this is an affordable housing development that cannot be hit with a lot of extra costs.

Mayor Rios stated Council met in Executive Session and there are other issues that need to be looked at and worked out. Mayor Rios asked Mr. Deyoe to contact Mike Donoho, Director of

Building and Development Services and he will explain to Mr. Deyoe what is necessary to move forward.

Mike Donoho, Director of Building and Development Services asked Mr. Deyoe to call him. Mr. Donoho said the City cannot waive impact fees.

Mr. Deyoe stated he knew for a fact that the City can waive impact fees.

Mayor Rios asked Mr. Deyoe to contact Mr. Donoho to discuss this so the project can move forward.

No action was taken by Council.

19. Adjournment.

At 8:32 p.m., Mayor Pro-Tem Villa moved to adjourn. Motion was seconded by Council Member Hattman. Motion carried unanimously.

APPROVED:

_____
Patrick R. Rios, Mayor

ATTEST:

_____
Teresa Valdez, City Secretary

CITY COUNCIL AGENDA
Regular Meeting: Tuesday, April 13, 2021

AGENDA ITEM: 6

Deliberate and act on request from Rockport Center for the Arts for use of the festival site beginning June 21, 2021 through July 8, 2021, for the 52nd Annual Rockport Art Festival.

SUBMITTED BY: Festival Chairperson Karen Ernst,

APPROVED FOR AGENDA: PKC

BACKGROUND: The City approves all use of the festival site pursuant to Aransas County Navigation District (ACND) Festival Site Policy. The Policy requires General Liability Insurance coverage naming the City of Rockport as additional insured and provision of proof of said coverage. The Certificate of Liability Insurance is to be provided prior to the event and the letter from Aransas County Navigation District approving use will be mailed to the City upon ACND approval.

Please see the accompanying March 23, 2021, letter from the Rockport Center for the Arts for more information.

FISCAL ANALYSIS: N/A

RECOMMENDATION: Staff recommends Council approve the request from Rockport Center for the Arts for use of the festival site June 21-July 8, 2021 for the 52nd Annual Rockport Art Festival, as presented.

ROCKPORT
CENTER
FOR THE ARTS

March 23, 2021

Kevin Carruth, City Manager
City of Rockport
2751 SH Bypass 35
Rockport, TX 78382

Dear Kevin:

Rockport Center for the Arts would like to secure the festival fairgrounds for the 52nd Annual Rockport Art Festival. The festival dates are July 2, 2021 for the annual Art Auction Gala and Patron Party; and Saturday July 3 and Sunday July 4, 2021, for the Art Festival. We would need access to the grounds for set-up starting on June 21 and a few days after the festival for breakdown no later than July 8.

During the events there will be sale and consumption of alcohol. The Art Center will procure the necessary licenses from TABC to abide by State laws. As we do every year, we will work with the City of Rockport Police Department to provide security services throughout the event.

The Gala and Patron Party hours will be from 6 pm to approximately 10 pm. The end is not a set time as it depends on the duration of the live auction. The Festival hours will be 9 am – 6 pm on Saturday and 9 am – 5 pm on Sunday. The event dates and times have been requested to be included in correspondence for TABC licensing purposes.

I thank you in advance for allowing me to serve our community by producing this significant event for Rockport-Fulton. If you would please let me know when this item is placed on the agenda, I would like to be present and available to answer any questions the council may have.

Sincerely,

Karen Ernst

Karen Ernst, Rockport Art Festival Chairman
Rockport Center for the Arts
638 E Market ST
Rockport, TX 78382
(361) 729-5519
karen@rockportartcenter.com

CITY COUNCIL AGENDA
Regular Meeting: Tuesday, April 13, 2021

AGENDA ITEM: 7

Deliberate and act on 2nd quarter Report from Rockport Center for the Arts for Fiscal Year 2020-2021 marketing expenditures.

SUBMITTED BY: City Secretary Teresa Valdez

APPROVED FOR AGENDA: PKC

BACKGROUND: The Rockport Center for the Arts has been allocated $125,000 in Fiscal Year 2020-2021 Hotel Occupancy Tax (HOT) funds. According to our agreement with Rockport Center for the Arts, fiscal quarterly reports are required to be submitted to the City Council for approval. See the accompanying 2nd Quarter HOT Expenditure Report for additional information.

FISCAL ANALYSIS: Charged to account 6602040. The budgeted amount is $125,000 and year to date expenses are $25,534.83.

RECOMMENDATION: Staff recommends Council approve the Rockport Center for the Arts Fiscal Year 2020-2021 Hotel Occupancy Tax funds 2nd quarter expenditures and authorization to disburse 2nd quarter funds in the amount of $31,250.00, as presented.

City of Rockport Hotel Occupancy Tax Report
FY2021 Detail of Marketing Expenditures per Quarter

Approved Budget Expense Category	Approved Budget Amount per Category	1st Quarter Oct-Dec 2020	2nd Quarter Jan-Mar 2021	3rd Quarter Apr-Jun 2021	4th Quarter Jul-Sep 2021	Total Expenditures by Line Item	Variance by Expense Category
Advertising	$ 30,000.00	$ 600.00	$ 1,474.20			$ 2,074.20	$ 27,925.80
Art Fair	$ 10,000.00	$ -	$ 1,375.00			$ 1,375.00	$ 8,625.00
Art Festival	$ 32,000.00	$ 1,100.00	$ -			$ 1,100.00	$ 30,900.00
Exhibitions	$ 30,000.00	$ 5,553.66	$ 3,141.29			$ 8,694.95	$ 21,305.05
Workshops & Classes	$ 13,000.00	$ 5,542.01	$ 2,563.67			$ 8,105.68	$ 4,894.32
Art Loop	$ 4,000.00	$ -	$ 3,500.00			$ 3,500.00	$ 500.00
Sculpture Garden	$ 6,000.00	$ 185.00	$ 500.00			$ 685.00	$ 5,315.00
Total Funds Used		$ 12,980.67	$ 12,554.16			$ 25,534.83	
Total Requested / Approved	$125,000.00	$ 31,250.00	$ 31,250.00			$ 62,500.00	
Quarterly Variance		$ 18,269.33	$ 18,695.84			$ 36,965.17	

ROCKPORT CENTER FOR THE ARTS

Hotel Occupancy Tax Grant Report for the City of Rockport
2nd Quarter 2021
January to March 2021

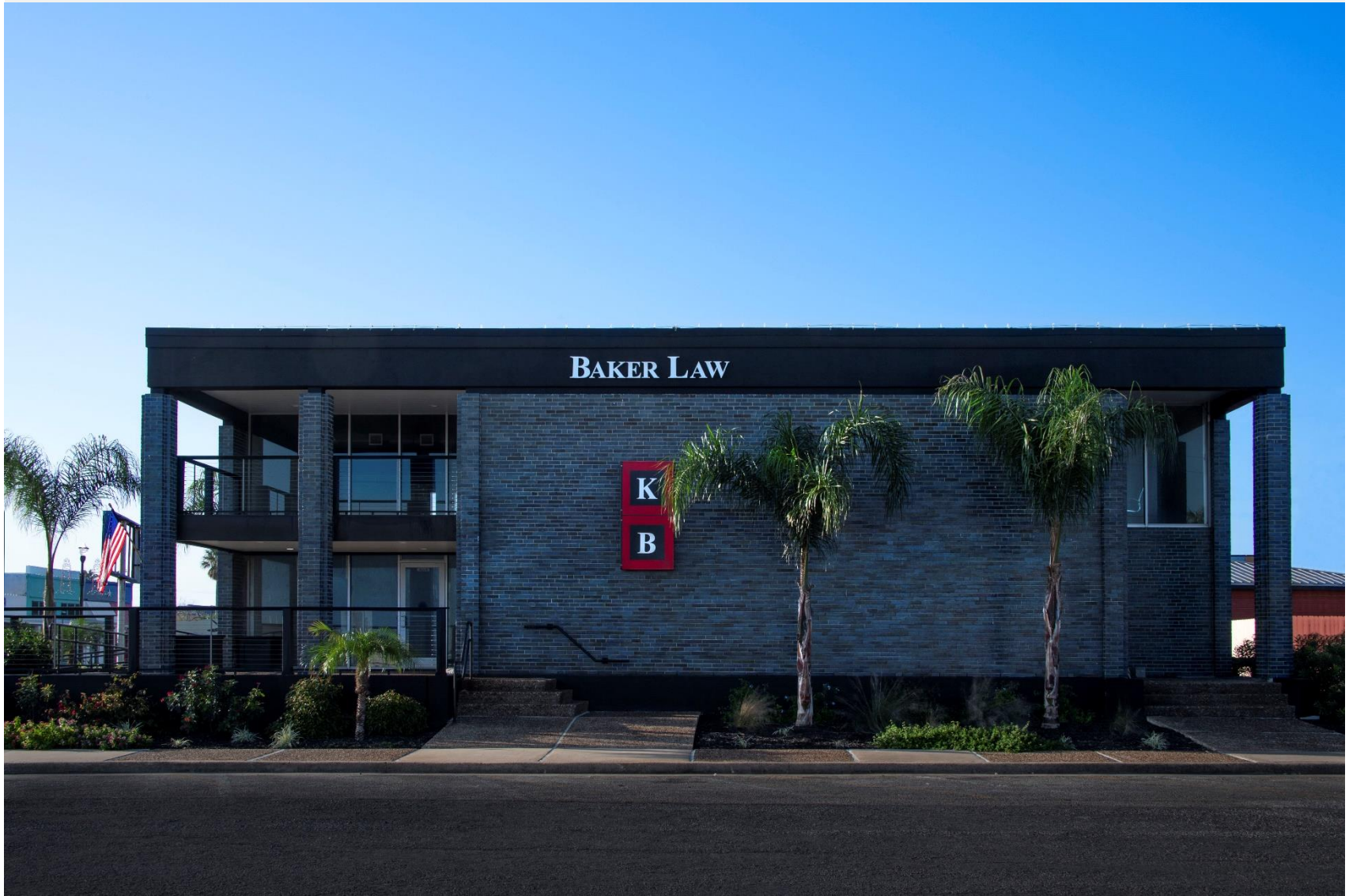
OUR MISSION

Rockport Center for the Arts' mission is to be the catalyst and epicenter for opportunities to explore the creative arts.

OUR SLOGAN

Explore. Discover. Express.

January 2021
On December 28, 2020 We Relocated Our Showroom
To The Baker Law Building 1st Floor
A Home for the Arts Until the New Rockport Center for the Arts is Built
401 S Austin St



Compelling Visual Arts Programming

Texas Commission on the Arts
Investing in a Creative Texas

Texas Commission on the Arts
State Cultural District

February 2021

Visual Arts Program: *The Many Shapes of Texas Clay*



March 2021

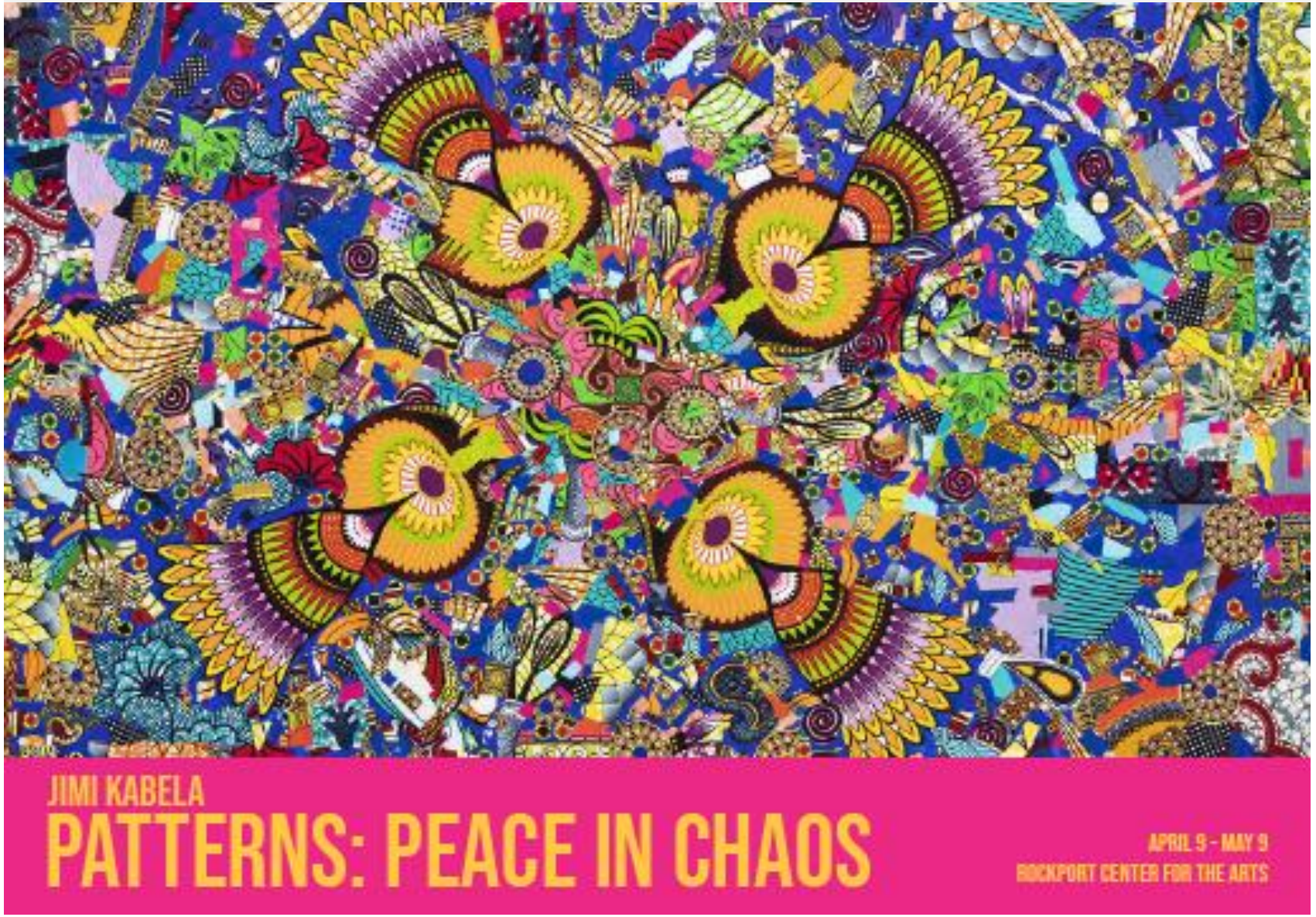
Visual Arts Program: *The Rising Eyes of Texas Show*



Coming Up!

April 2021

Visual Arts Program: Jimi Kabela's *Patterns: Peace in Chaos*



Coming Up!

April 2021

Visual Arts Program: Richard W. James *Ref Yours*



Coming Up!
April 10, 2021 5-7 PM
Visual Arts Program:
The Rockport Art Loop Returns

The Austin Street corridor is home to many art galleries that showcase a wide variety of media. When you come to Rockport, see them all to get the full experience of the best Art Colony of the Gulf Coast.

#1 Coastal Modern
1012 E North St
catlinm3@gmail.com
www.3rdcoastmodern.com/

#2 Elisa Baker
1010 E Wharf St
elisa@elisabakerart.com
www.elisabakerart.com
www.facebook.com/elisabakerart

#3 John Martell Photography
302 S Austin St
donnagordon17@yahoo.com
www.johnmartellphotography.com
www.facebook.com/JohnMartellPhotography

#4 Rockport Center for the Arts
401 S Austin St, Ste B
elena@rockportartcenter.com
www.rockportartcenter.com
www.facebook.com/rockportartcenter

#5 Rockport Gallery
415 S Austin St #2
doglenn@yahoo.com
www.rockportgallery.com
www.facebook.com/rockportgallery

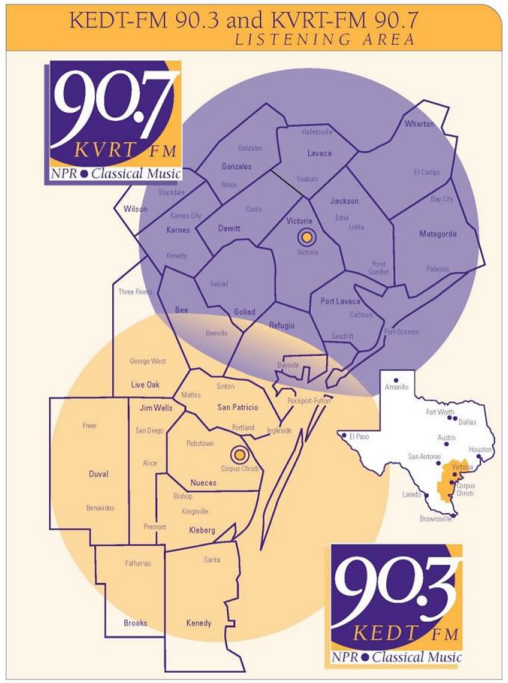
#6 Salt Flats Gallery
415 S Austin St #10
diane@dianeloyd.com
www.saltflatsphotography.com
www.facebook.com/DianeLoydPhotographyStudioAndGallery

#7 Stan Irwin Unique Clay Works
215 Water St
vtotten@gmail.com
www.stanirvin.com
www.facebook.com/stanirvinceramics

#8 The Gallery at Anita Diebel Studio
111 N Austin St
anitadiebelstudio@gmail.com
www.anitadiebel.com

#9 The Gallery at Latitude 28 02' Restaurant
105 N Austin St
latituderockport@gmail.com
www.latituderockport.com
www.facebook.com/Latitude-2802-Restaurant-Art-Gallery-191671097528405

#10 Wind Way Gallery
203 S Austin St
windwayart@gmail.com
www.windwaygallery.com
www.facebook.com/Wind-Way-Gallery-of-Rockport-Texas-150940794950957





Tourism Visitation Records

Rockport Center for the Arts
Highlights of Tourism Activities, Data Set
January - March 2021
Though not mandatory, zip codes are requested from every visitor.

Visitor Data - Rockport Center for the Arts	Jan-21	Feb-21	Mar-21	Quarterly Total
Total Attendance (n)	**330**	**719**	**712**	**1,761**
Visitor Data Distribution	**Jan-21**	**Feb-21**	**Mar-21**	**Notes**
Outside 75 Miles*	**21.00%**	**39.80%**	**59.00%**	**Significantly Down: 34, 23, 14 Points**
Local**	79.00%	60.20%	41.00%	
Total	**100.00%**	**100.00%**	**100.00%**	
***Highlights of Tourism > 75+ miles and major metropolitan areas in Texas**	**Jan-21**	**Feb-21**	**Mar-21**	
Austin	2.40%	3.25%	**8.30%**	**March: Up 2 Points**
Dallas / Ft. Worth	0.60%	3.25%	2.50%	**Down 1.6 Points**
Houston	2.70%	**5.60%**	7.60%	**Feb Top Market, Mar Up ½ Point**
San Antonio	**5.20%**	5.30%	**15.30%**	**Jan Mar Top Market, Down 3 Points**
Total major metro areas	**10.90%**	**17.40%**	**33.70%**	**Down: Jan 5, Feb 5, Mar 2 Points**
Tourism from outside the State of Texas	**5.50%**	**13.30%**	**13.50%**	
Rural tourism beyond 75 miles	**4.60%**	**9.10%**	**11.80%**	
Total tourism from beyond 75 miles	**21.00%**	**39.80%**	**59.00%**	
**** Local Visitors < 75 miles**	**Jan-21**	**Feb-21**	**Mar-21**	
Rockport / Fulton	71.20%	55.80%	34.00%	
Corpus Christi	3.60%	1.40%	2.80%	
Victoria	0.00%	0.90%	1.50%	**Victoria is a DMA Market of Interest**
Rural Areas	4.20%	2.10%	2.700%	
Total	**79.00%**	**60.20%**	**41.00%**	

Rockport Center for the Arts (Same Period 2020)
Visitation Raw Data (zip codes are requested from every visitor)

Visitor Data at Rockport Center for the Arts	Jan-20	Feb-20	Mar-20	Quarterly Total
Total Attendance (n)	692	1,847	983	3,522
Visitor Data Distribution	Jan-20	Feb-20	Mar-20	
Outside of 75 Miles*	55.10%	63.20%	73.30%	
Local**	44.90%	36.80%	26.70%	
Total	100.00%	100.00%	100.00%	
*Highlights of Tourism > 75+ miles and major metropolitan areas in Texas	Jan-20	Feb-20	Mar-20	
Austin	6.70%	5.10%	6.10%	
Dallas / Ft. Worth	1.50%	1.70%	4.10%	
Houston	4.80%	5.70%	7.20%	
San Antonio	2.80%	10.30%	18.20%	
Total major metro areas	15.80%	22.80%	35.60%	
Tourism from outside of Texas	32.40%	31.30%	22.30%	
Rural tourism beyond 75 miles	6.90%	9.10%	15.40%	
Total tourism from beyond 70 miles	55.10%	63.20%	73.30%	
** Local Visitors < 70 miles	Jan-20	Feb-20	Mar-20	
Rockport / Fulton	32.30%	25.10%	18.700%	
Corpus Christi	4.40%	5.80%	2.70%	
Victoria	1.30%	1.10%	0.70%	
Rural Areas	6.90%	4.80%	4.60%	
Total	44.90%	36.80%	26.70%	

Expenditures Against Budget

Rockport Center for the Arts

Actual Administrative Expenses vs. Annual Budget FY2021

		YTD Actual Jan 1 – Mar 16, 2021	Projected Annual 2021 Budget	$ Over/Under Budget	% of Annual 2021 Budget Projection
Expense					
	Internet Services	291.00	1,164.00	-873.00	25.0%
	Advertising & Promotion	1,270.00	3,500.00	-2,230.00	36.29%
	Awards, Honorariums & Gifts	700.00	1,000.00	-300.00	70.0%
	Bad Debt	45.00	0.00	0.00	~
	Bank Service Charges	662.59	2,500.00	-1,837.41	26.5%
	Conservation	0.00	0.00	0.00	~
	Contract services	0.00	0.00	0.00	~
	Credit Card Fees	631.95	4,000.00	-3,368.05	15.8%
	Depreciation Expense	1,626.00	0.00	0.00	~
	Dues and Subscriptions	2,243.38	5,600.00	-3,356.62	40.06%
	Food & Beverage	44.75	350.00	-305.25	12.79%
	Insurance	1,477.36	12,000.00	-10,522.64	12.31%
	Interest	1,282.00	0.00	0.00	~
	Licenses, Fees and Permits	0.00	100.00	-100.00	0.0%
	Maintenance & Repairs	51.99	2,000.00	-1,948.01	2.6%
	Marketing	35.00	3,000.00	-2,965.00	1.17%
	Miscellaneous Expense	-184.39	0.00	0.00	~
	Payroll Expenses	55,827.02	395,554.00	-339,726.98	14.11%
	Postage and Delivery	793.23	3,100.00	-2,306.77	25.59%
	Printing and Reproduction	686.67	1,500.00	-813.33	45.78%
	Professional Fees	5,682.50	26,350.00	-20,667.50	21.57%
	Rental	4,282.49	18,420.00	-14,137.51	23.25%
	Scholarships	0.00	0.00	0.00	~
	Security	126.00	504.00	-378.00	25.00%
	Staff Training & Development	0.00	0.00	0.00	~
	Supplies & Materials	1,250.57	6,000.00	-4,749.43	20.84%
	Taxes	4.91	100.00	-95.09	4.91%
	Telephone	120.00	492.00	-372.00	24.39%
	Transportation	220.00	1,200.00	-980.00	18.33%
	Travel	0.00	3,000.00	-3,000.00	0.0%
	Utilities	355.31	6,500.00	-6,144.69	5.47%
Total Expense		**79,525.33**	**497,934.00**	**-418,408.67**	**15.97%**

ROCKPORT CENTER FOR THE ARTS

Hotel Occupancy Tax Report for January to March 2021

Support through the HOT Grant allows the Art Center to develop, nurture and promote cultural programming that is a boon for tourism to the City of Rockport. Thank you for your continued support.

Luis Purón
Executive Director

CITY COUNCIL AGENDA
Regular Meeting: Tuesday, April 13, 2021

AGENDA ITEM: 8

Deliberate and act on request from Texas Maritime Museum for: 1) Closure of Chamber Street, from Loop 70 to Navigation Circle on Thursday, May 27, 2021, from 2:00 p.m. to 12:00 a.m., and on Saturday, May 29, 2021, from 8:00 a.m. to 12:00 a.m.; 2) Use of Festival Site for parking; and 3) Permission for beer and wine consumption on the grounds of the Texas Maritime Museum, for the 24th Annual Festival of Wines and Food.

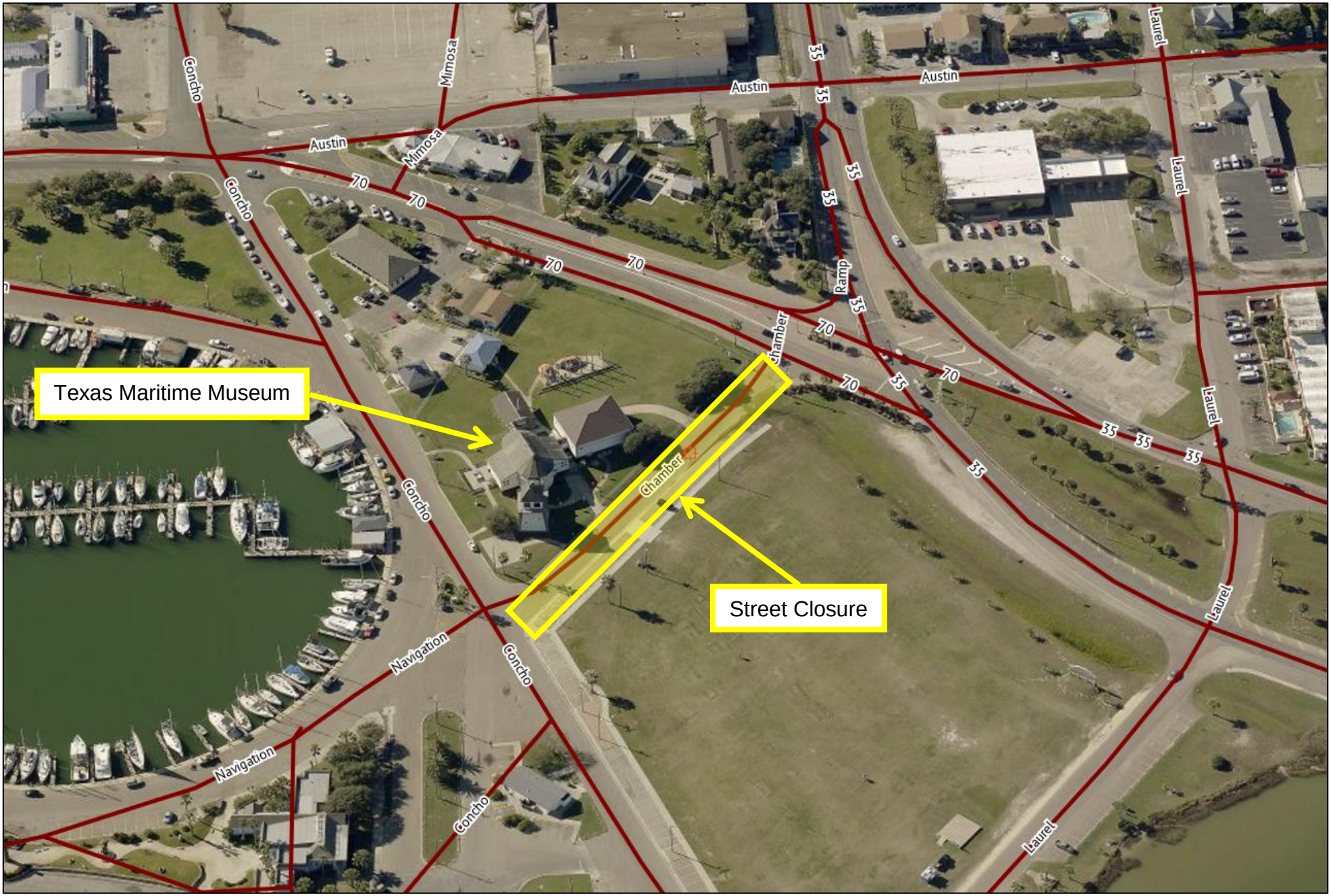
SUBMITTED BY: City Secretary Teresa Valdez

APPROVED FOR AGENDA: PKC

BACKGROUND: The Texas Maritime Museum is sponsoring their 24th Annual Festival of Wines and Food. See the accompanying letter requesting street closure, use of the Festival Site for parking, and permission for beer and wine consumption on the grounds of the Texas Maritime Museum. This request is like their requests last year.

FISCAL ANALYSIS: N/A

RECOMMENDATION: Staff recommends Council approve the request from Texas Maritime Museum for: 1) Closure of Chamber Street, from Loop 70 to Navigation Circle on Thursday, May 27, 2021, from 2:00 p.m. to 12:00 a.m., and on Saturday, May 29, 2021, from 8:00 a.m. to 12:00 a.m.; 2) Use of Festival Site for parking; and 3) Permission for beer and wine consumption on the grounds of the Texas Maritime Museum, for the 24th Annual Festival of Wines and Food, as presented.


Texas Maritime Museum
Street Closure
Austin
Mimosa
Concho
Navigation
Chamber
Ramp
Laurel
70
35

TEXAS MARITIME MUSEUM

1202 Navigation Circle · Rockport, Texas 78382 · (361) 729-1271 · E-mail:jparkoff@texasmaritimemuseum.org

2020-2021
Board of Trustees
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Rose Williams

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March 31, 2021

Rockport City Council
City of Rockport
2751 S. Hwy 35 Bypass
Rockport, TX 78382

Dear City Council Members:

It's that time of year again (2020 unfortunately excluded). The Texas Maritime Museum is ready to reopen our grounds for the 24th Annual Festival of Wines and Food.

We would like to request the closing of Chamber Street, from Loop 70 to Navigation Circle on the following dates:

1. Thursday, May 27, 2021 from 2:00 p.m. to 12:00 a.m. for the Patron Party

2. Saturday, May 29, 2021 from 8:00 a.m. to 12:00 a.m., for the above-mentioned event.

In addition to the street closing, we are requesting use of the Festival Site for parking the same days, as well as the **permission for beer and wine consumption on the grounds of the Texas Maritime Museum.**

If you should have any questions about this request, please contact the Texas Maritime Museum office.

Sincerely,

Justin Parkoff, PhD, RPA
Executive Director

CITY COUNCIL AGENDA
Regular Meeting: Tuesday, April 13, 2021

AGENDA ITEM: 9

Deliberate and act on a Resolution of the City of Rockport, Texas, finding that AEP Texas Inc.'s application to amend its distribution cost recovery factors to increase distribution rates within the City should be denied; authorizing participation with the cities served by AEP Texas; authorizing hiring of legal Counsel; finding that the City's reasonable rate case expenses shall be reimbursed by the Company; finding that the meeting at which this Resolution is passed is open to the public as required by law; requiring notice of this Resolution to the Company and legal counsel.

SUBMITTED BY: City Manager Kevin Carruth

APPROVED FOR AGENDA: PKC

BACKGROUND: On April 6, 2021, AEP Texas Inc. ("AEP Texas" or "Company") filed an application to Amend its Distribution Cost Recover Factors (DCRF) to increase distribution rates with each of the cities in their service area. In the filing, the Company asserts that it is seeking an increase in distribution revenues of approximately $54.56 million (an approximately $2.60 increase to the average residential customer's bill from the rates just approved in the Company's rate case).

The purpose of the Resolution is to deny the DCRF application proposed by AEP Texas. The Resolution:

1. Authorizes the City to participate with cities as a party in the Company's DCRF filing, PUC Docket No. 51984;
2. Authorizes the hiring of Lloyd Gosselink and consultants to review the filing, negotiate with the Company, and make recommendations to the City regarding reasonable rates. Additionally, it authorizes cities to direct any necessary administrative proceedings or court litigation associated with an appeal of this application filed with the PUC;
3. Finds that the Company's application is unreasonable and should be denied;
4. States that the Company's current rates shall not be changed;
5. The Company will reimburse cities for their reasonable rate case expenses. Legal counsel and consultants approved by cities will submit monthly invoices that will be forwarded to AEP for reimbursement;
6. Recites that the Resolution was passed at a meeting that was open to the public and that the consideration of the Resolution was property noticed;
7. Provides that AEP and counsel for cities will be notified of the City's action by sending a copy of the approved and signed Resolution to counsel.

The Public Utility Commission of Texas's rules allow cities 60 days to act on this application. The City must take final action by June 7, 2021. The City has routinely participated with other cities and denied AEP's applications in the past, always to the customer's benefit.

FISCAL ANALYSIS: By law, the City's reasonable rate case expenses must be reimbursed by AEP.

RECOMMENDATION: Staff recommends Council approve the Resolution finding that AEP's application to amend its distribution cost recovery factors to increase distribution rates within the City be denied, as presented.

RESOLUTION NO. 2021-__

A RESOLUTION OF THE CITY OF ROCKPORT, TEXAS FINDING THAT AEP TEXAS INC.'S APPLICATION TO AMEND ITS DISTRIBUTION COST RECOVERY FACTORS TO INCREASE DISTRIBUTION RATES WITHIN THE CITY SHOULD BE DENIED; AUTHORIZING PARTICIPATION WITH THE CITIES SERVED BY AEP TEXAS; AUTHORIZING HIRING OF LEGAL COUNSEL; FINDING THAT THE CITY'S REASONABLE RATE CASE EXPENSES SHALL BE REIMBURSED BY THE COMPANY; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL.

WHEREAS, the City of Rockport, Texas ("City") is an electric utility customer of AEP Texas Inc. ("AEP" or "Company"), and a regulatory authority with an interest in the rates and charges of AEP; and

WHEREAS, the City is a member of the Cities Served by AEP ("Cities"), a membership of similarly situated cities served by AEP that have joined together to efficiently and cost effectively review and respond to electric issues affecting rates charged in AEP's service area; and

WHEREAS, on or about April 6, 2021, AEP filed with the City an Application to Amend its Distribution Cost Recovery Factor ("DCRF"), PUC Docket No. 51984, seeking to increase electric distribution rates by approximately $54.56 million (an approximately $2.60 increase to the average residential customer's bill from the rates just approved in the Company's rate case); and

WHEREAS, all electric utility customers residing in the City will be impacted by this ratemaking proceeding if it is granted; and

WHEREAS, Cities are coordinating its review of AEP's DCRF filing with designated attorneys and consultants to resolve issues in the Company's application; and

WHEREAS, Cities members and attorneys recommend that members deny the DCRF.

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

Section 1. That the City is authorized to participate with Cities in PUC Docket No. 51984.

Section 2. That subject to the right to terminate employment at any time, the City of hereby authorizes the hiring of the law firm of Lloyd Gosselink and consultants to negotiate with the Company, make recommendations to the City regarding reasonable rates, and to direct any necessary administrative proceedings or court litigation associated with an appeal of this application filed with the PUC.

Section 3. That the rates proposed by AEP to be recovered through its DCRF charged to customers located within the City limits, are hereby found to be unreasonable and shall be denied.

Section 4. That the Company shall continue to charge its existing rates to customers within the City.

Section 5. That the City's reasonable rate case expenses shall be reimbursed in full by AEP within 30 days of presentation of an invoice to AEP.

Section 6. That it is hereby officially found and determined that the meeting at which this Resolution is passed is open to the public as required by law and the public notice of the time, place, and purpose of said meeting was given as required.

Section 7. That a copy of this Resolution shall be sent to Leila Melhem, American Electric Power Service Corporation, 400 West 15th Street, Suite 1520, Austin, Texas 78701 and to Thomas Brocato, General Counsel to the Cities, at Lloyd Gosselink Rochelle & Townsend, 816 Congress Ave., Suite 1900, Austin, Texas 78701.

PASSED AND APPROVED the 13th day of April 2021.

_____
Patrick R. Rios, Mayor

ATTEST:

_____
Teresa Valdez, City Secretary

CITY COUNCIL AGENDA
Regular Meeting: Tuesday, April 13, 2021

AGENDA ITEM: 10

Deliberate and act on approval of an Interlocal Cooperation Agreement between Aransas County, Texas, the City of Rockport, and the Aransas County Navigation District for the Bay Shore Drive Resiliency Project and authorizing the Mayor to negotiate and execute all necessary documents.

SUBMITTED BY: City Manager Kevin Carruth

APPROVED FOR AGENDA: PKC

BACKGROUND: The proposed interlocal agreement establishes the rights and responsibilities of Aransas County, Aransas County Navigation District (ACND), and the City for the Texas Commission on Environmental Quality grant project to make certain necessary repairs and improvements to the shoreline along the south portion of Bay Shore Drive, stabilize the shoreline, and provide protection for the roadway and property. The County is the fiscal agent for the grant and part of the work and improvements will be made on ACND submerged land. The City, through a separate license and maintenance agreement, will maintain the improvements. Please see the accompanying interlocal agreement for details.

FISCAL ANALYSIS: See the proposed license and maintenance agreement for the City's obligations.

RECOMMENDATION: Staff recommends approval of Interlocal Cooperation Agreement between Aransas County, Texas, the City of Rockport, and the Aransas County Navigation District for the Bay Shore Drive Resiliency Project and authorizing the Mayor to negotiate and execute all necessary documents, as presented.

INTERLOCAL COOPERATION AGREEMENT BETWEEN ARANSAS COUNTY, TEXAS, THE CITY OF ROCKPORT, AND THE ARANSAS COUNTY NAVIGATION DISTRICT FOR THE BAY SHORE DRIVE RESILIENCY PROJECT

This Interlocal Cooperation Agreement ("Agreement") is made and entered into as of the date last written below, pursuant to the Interlocal Cooperation Act, Chapter 791 of the Texas Government Code, by and between ARANSAS COUNTY, TEXAS, hereinafter referred to as the "COUNTY," and the CITY OF ROCKPORT, hereinafter referred to as the "CITY," and the ARANSAS COUNTY NAVIGATION DISTRICT, hereinafter referred to as the "DISTRICT," all of which are political subdivisions of the State of Texas, and who are sometimes referred to collectively herein as the "Parties."

W I T N E S S E T H :

WHEREAS, the Interlocal Cooperation Act, Chapter 791 of the Texas Government Code, as amended, ("TICA") authorizes units of local government to contract with one or more units of local government to perform government functions and services; and,

WHEREAS, the Parties endeavor to engage in activities and to complete projects that will benefit their citizens and seek grant funding when possible; and,

WHEREAS, the DISTRICT's purposes include to conserve, protect, and develop natural resources, including the navigation of inland and coastal waterways, the surface and submerged land deeded to it, and all other land and water resources acquired for the benefit of the citizens of the DISTRICT; and,

WHEREAS, the CITY maintains necessary infrastructure within its corporate limits, including certain roads and bridges; and,

WHEREAS, the COUNTY desires to assist the CITY and the DISTRICT with projects for shoreline resiliency and flood and drainage improvements; and,

WHEREAS, Bay Shore Drive is a public roadway located in, and under the maintenance responsibility of, the CITY and portions of Bay Shore Drive lie in proximity to the shore of Aransas Bay which makes it susceptible to damage from erosion or avulsion of the shoreline and from storm waters in Aransas Bay; and,

WHEREAS, the COUNTY has signed a Subgrant Reimbursement Contract, Contract No.587-20-10597, with the Texas Commission on Environmental Quality ("TCEQ") through its Restore Act Bucket I (the "Grant") and hopes to receive approximately $2.4 million in grant funding for final engineering and shoreline restoration along Bay Shore Drive in Rockport, Texas (the "Project") and. If the COUNTY is awarded the grant funds, it will be necessary that the Parties work cooperatively to ensure the completion of the Project; and

WHEREAS, COUNTY and CITY are parties to that certain Assignment Agreement signed by the COUNTY on May 11, 2020 and by the CITY on June 9, 2020, setting out their respective responsibilities in the Project.

NOW, THEREFORE, in consideration of the mutual promises, covenants, and conditions herein stated, and in consideration of the benefits that will accrue to the Parties, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

1. Purpose and Public Benefit.

   a. The purpose of this Agreement is for the Parties to establish the terms and conditions that will allow necessary repairs and improvements to the shoreline along Bay Shore Drive, to stabilize the nearby shoreline, and to provide protection for the public roadway and for property.

   b. The respective governing body of each party finds that this Agreement will be of benefit to the party and to the public; that each party has the legal authority to perform its duties hereunder; that the division of cost fairly compensates the performing party under this Agreement; and the performance of this Agreement is in the common interest of all parties.

2. Permission to Perform Work. The DISTRICT and the CITY hereby agree to allow COUNTY and its contractors, agents, and employees, to enter the property and areas within and adjacent to the Project area as necessary to complete the Project, under the terms of this Agreement.

3. Effective Date and Term:

   a. This Agreement shall be effective on the first date that it has been signed and dated by all Parties (the "Effective Date"), as shown by the dated signatures hereunder.

   b. This Agreement is for a term of years, in accordance with TICA Section 791.011. The term of this Agreement with regard to the COUNTY as a Party shall expire upon the earlier of 5 years from the effective date or the COUNTY's completion of its obligations as stated herein.

   c. All work and obligations contemplated herein shall be paid from current revenue of the Parties.

   d. The CITY's maintenance obligations hereunder are set forth in the *License and Maintenance Agreement* between the CITY and the DISTRICT.

4. Project Documents and Information:

   a. The COUNTY, as the recipient of grant funding, will administer the Project as explained in greater detail in the grant documents and in the Assignment Agreement. The COUNTY will provide the CITY and the DISTRICT with the grant documents, including plans, drawings, and other documents.

   b. Within fourteen (14) calendar days after the effective date of this Agreement, COUNTY shall deliver to each of the CITY and the DISTRICT a complete copy

of all studies, plans, drawings, grant applications, correspondence, and other documents related to the work proposed to be done under the Project; thereafter the COUNTY shall deliver copies of all additional such documents to the CITY and DISTRICT as and when the documents are created or received. All documents shall be delivered in a standard media and format reasonably accessible and readable by each Party.

c. The COUNTY and CITY each hereby assigns and licenses to the DISTRICT, and shall, without separate or further compensation from the DISTRICT, a non-exclusive right to use, for any purpose, all studies, test results, measurements, other data, designs, drawings, specifications, photographs, and other intellectual property, owned by or under the control of the assignor or licensor, related to any of the lands or waters of the DISTRICT or any structures, physical alteration, or other work intended to be or actually constructed or performed in connection with the Project or this Agreement.

5. COUNTY's Additional Rights and Duties:

a. Serve as the primary contact in all matters pertaining to the Grant and the official conduit for communication between the Parties and TCEQ and between the Parties and any contractors working on the Project;

b. Ensure state or federally mandate, or otherwise legally required signage, navigation markers, or other measures are in place to protect people and property from hazards, injuries, or damages during the Project;

c. Once construction work has commenced on any portion of a structure, physical alteration, or other work within or affecting any of the lands or waters of the DISTRICT under this Project, the COUNTY shall not abandon that work prior to completion and shall diligently pursue that portion of the work to completion, or shall remove the incomplete work, restore the land, and cure any damage, regardless of whether funds for that work are received from the Grant.

6. DISTRICT's Additional Rights and Duties:

a. Provide the COUNTY with all information in its possession reasonably required to fulfill the COUNTY's engineering, construction, management, or administrative obligations under the Grant;

b. Permit reasonable access to the Project as reasonably required for the Project or for the continuing obligations of the Parties under this Agreement; DISTRICT shall execute the *License and Maintenance Agreement* which shall grant to CITY a license to place and maintain the improvements to be constructed in the Project within the lands, submerged lands, and waters of the DISTRICT during the term of this Agreement;

c. Cooperate as needed to assist the COUNTY to obtain proper permitting for the Project, but DISTRICT shall not thereby be required to undertake any financial obligation or grant any greater rights in the DISTRICT's lands or waters than are expressly granted herein or in the *License and Maintenance Agreement*.

7. CITY's Additional Rights and Duties:

a. Provide the COUNTY with all information in its possession reasonably required to fulfill the COUNTY's engineering, construction, management, or administrative obligations under the Grant, and contemporaneously provide to the DOSTROCT a copy of all such information;

b. If requested by the DISTRICT at any time, the CITY will cooperate with the DISTRICT in obtaining a transfer of all relevant permits to the DISTRICT;

c. Perform timely all obligations under the Assignment Agreement;

d. Obtain the DISTRICT's approval of the design and specifications of all construction, maintenance, and other work to be performed on, within, or affecting any lands or waters owned by or under the control of the DISTRICT prior to performing any such work or letting any contracts for construction or performance of such work; deliver to the DISTRICT a complete copy of all studies, plans, drawings, grant applications, correspondence, and other documents related to the work proposed to be done, and a completion report and as-built plans promptly after completing the work; instruct its engineers, grant administrators, contractors, and other service providers to cooperate with, the DISTRICT in obtaining and interpreting all plans and other documents related to the work. All documents shall be delivered in a standard media and format reasonably accessible and readable by the DISTRICT;

d. Ensure state or federally mandate, or otherwise legally required signage, navigation markers, or other measures are in place to protect people and property from hazards, injuries, or damages during the Project;

e. Be responsible for all proportionate costs to correct, mitigate, or remediate physical, biological, or other environmental effects within the lands, submerged lands, or waters of the DISTRICT caused in whole or part by any structure, physical alteration, other work in the Project if a regulatory entity determines the Project to have been the direct source of the environmental impact. DISTRICT will not be financially responsible for any damages associated with this Project;

f. Maintain and use the Project improvements for the purposes for which they are intended.

8. Mutual Duty to Notify. Each Party will promptly notify and provide relevant information to the other Parties if it becomes aware of any hazardous or deteriorated condition of any of the

works constructed under the Project or of any other works performed under this Agreement. A failure to so notify or to receive such notification shall not be deemed a waiver or release of any party's maintenance and repair obligations under this Agreement or an estoppel of any party's rights hereunder.

9. No Change to Jurisdictional Boundaries or Control. No improvement, physical alteration, structure, or other work created or performed under or in relation to the Grant or this Agreement shall be held, or be asserted by any Party, to alter the legal boundaries or ownership or control of any of the lands or waters of any Party.

10. Indemnification and Hold Harmless. Each party shall, to the full extent allowable by law, defend, hold harmless, indemnify, and reimburse each of the other parties, and their respective officers, agents, employees, representatives, and contractors for or against all claims for personal injury, death, property damage, or environmental damage of or to any party, entity, property. or person, allegedly caused by the indemnifying party's performance of, or failure to perform, its obligations under this Agreement, or allegedly arising from or caused in whole or part by any condition, design, structure, physical alteration, improvement, hazard, work or other activity created, constructed, or done by it or any of its respective officers, employees, engineers, contractors, or others acting under or for it.

Nothing in this Agreement shall be construed to waive, partially or in full, any immunities the Parties may have under the Tort Claim Act or other laws.

11. No Warranties. The DISTRICT, makes no representations or warranties, and disclaims all warranties implied, to COUNTY, CITY, or any other person or entity, with regard to the title, condition or suitability of any property or any location for the structures or other work the COUNTY or CITY propose to build or perform under this Project or this Agreement.

12. DISTRICT Liability. By approving or failing to object to any design, construction, or other work, by permitting the placement of structures or other work, or by giving any advice or comments with regard to any aspect of the Project, the DISTRICT shall not be deemed or held to assume or have any responsibility or liability for the design, safety, soundness, quality, effectiveness, or any other aspect of the Project, or of structures, work, or other activities performed under the Grant or this Agreement.

13. Insurance. The COUNTY shall cause the DISTRICT and the CITY to be named as additional insureds under all policies of liability or contractor's general insurance, or policies carried by the COUNTY or required to be carried by any agent, engineer, or contractor, covering work or otherwise related to this Project or this Agreement. The CITY shall cause the DISTRICT and the COUNTY to be named as additional insureds under all policies of liability or contractor's general insurance, or policies carried by the CITY or required to be carried by any agent, engineer, or contractor, covering work or otherwise related to this Project or this Agreement. Acceptable proof of such insurance coverages shall be delivered to the DISTRICT and other parties before any work is performed under the Project.

14. No Third Party Beneficiaries. Nothing in this Agreement, expressed or implied, is

intended to confer upon any person or entity, other than the Parties hereto, any rights or remedies under the terms of this Agreement.

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

16. Integration and Amendments. This Agreement constitutes the entire agreement between the Parties and may not be amended, altered, modified, or changed in any way, except in writing that is signed by the Parties, which specifically references this Agreement. Any amendment to this Agreement shall be attached to this Agreement and all of the terms herein that are not specifically addressed in the amendment shall remain in full force and effect.

17. Dispute Resolution. If a dispute arises between the Parties arising from or relating to this Agreement, the following alternative dispute resolution procedure shall be used prior to any Party filing suit. A Party may initiate dispute resolution by delivering written notice to the other Parties, stating a description of the dispute; an initial meeting shall be held promptly thereafter among the Parties to attempt in good faith to negotiate a resolution of the dispute. If, within thirty (30) days after the initial meeting, the parties have not reached a written agreement resolving the dispute, any interested Party may require that the dispute be submitted to non-binding mediation, to be held within the boundaries of Aransas County before a mutually acceptable mediator. All Parties will participate in good faith. An initial notice of dispute may be amended or supplemented, and another Party may deliver a counter notice, prior to the conclusion of mediation. If the dispute is not resolved within one hundred and twenty (120) days after the initiating notice of dispute was delivered to all Parties, any Party may proceed to file suit on the disputes stated in the notices.

18. Interpretation of Law and Venue:

a. This Agreement shall be interpreted and enforced under the laws of the State of Texas. Mandatory venue of all causes of action and proceedings arising under or relating to this Agreement shall lie exclusively in a state court sitting in Aransas County.

b. Each party shall have the right to pursue any one or more remedies it may have at law or in equity for breach of this Agreement without being held to have elected any particular remedy to the exclusion of others.

19. Notices. Whenever a notice is required under the terms of this Agreement, delivery of such notice shall be deemed completed when it is actually delivered in hand, or by certified mail, return receipt requested, to the receiving party addressed to its authorized agent, at the address for service stated with its signature to this Agreement, or to such other address for service that the party may designate by notice from time to time. A notice may also be delivered by electronic transmission to the electronic address of the authorized agent by a means that creates proof of delivery. A notice delivered after regular office hours or on a weekend or State holiday will be

effective on the next day that is not a weekend or State holiday. As used in this section, "an authorized agent" means, for the COUNTY, the County Judge; for the CITY, the City Manager; and for the DISTRICT, the Harbor Master.

20. Status of Employees, Contractors, and Agents. No joint employment is created by this Agreement. The employees, contractors, and agents of the respective parties shall remain solely the employees, contractors, and agents of that respective party.

21. Severability. If any one or more of the sections, sentences, clauses, or parts of this Agreement be held invalid for any reason, the invalidity of such section, sentence, clause, or part shall not affect nor prejudice the applicability and validity of any other provision of this Agreement, but only if the intent and purpose of the Parties can thereby be preserved.

22. No Assignment. No Party shall have the right to assign this Agreement or any of the Party's rights, duties, or obligations under this Agreement without prior written, express approval of the other Parties.

23. Bargaining. The Parties have each had the opportunity to seek independent legal counsel before entering into this Agreement. The language of this Agreement shall be construed simply, according to its fair meaning, and not strictly for or against any party.

24. Counterparts. This Agreement may be executed in any number of counterparts and when each party has signed and delivered to the other at least one (1) such counterpart, each counterpart shall be deemed an original, and when taken together with other signed counterparts, shall constitute one (1) agreement; provided, however, this Agreement shall not be binding upon the Parties until signed by all Parties in one document or in counterparts.

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

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement the day and year last written below.

[Signature Pages Follow]

"COUNTY"
Aransas County, Texas

Address for Service: 2840 HWY 35N, Rockport, TX, 78382

By: _____
Judge C.H. "Burt" Mills, Jr., County Judge Date

COUNTY'S CERTIFICATE OF APPROVAL: I hereby certify that the foregoing Agreement was approved by the Aransas County Commissioners Court at a meeting duly noticed and held on the _____day of _____, 2021.

_____
Carrie Arrington, Aransas County Clerk

[Additional Signature Pages Follow]

"CITY"
City of Rockport, Texas

Address for Service: _____

By: _____
Patrick Rios, Mayor Date

CITY'S CERTIFICATE OF APPROVAL: I hereby certify that the foregoing Agreement was approved by the Rockport City Council at a meeting duly noticed and held on the _____day of _____, 2021.

_____
Teresa Valdez, City Secretary

[Additional Signature Page Follows]

"DISTRICT"
Aransas County Navigation District

Address for Service: _____

By: _____
Malcolm Dieckow, Chairman Date

DISTRICT'S CERTIFICATE OF APPROVAL: I hereby certify that the foregoing Agreement was approved by the Navigation and Canal Commission of the Aransas County Navigation District at a meeting duly noticed and held on the _____day of _____, 2021.

_____
Tommy Moore, Commission Secretary

CITY COUNCIL AGENDA
Regular Meeting: Tuesday, April 13, 2021

AGENDA ITEM: 11

Deliberate and act on a Resolution approving a License and Maintenance Agreement between the City of Rockport and the Aransas County Navigation District and authorizing the Mayor to negotiate and execute all necessary documents.

SUBMITTED BY: City Manager Kevin Carruth

APPROVED FOR AGENDA: PKC

BACKGROUND: The proposed agreement grants the City a 30-year license to install and maintain shoreline restoration and protection measures along a certain portion of Bay Shore Drive on Key Allegro Island. Please see the accompanying resolution and exhibit for more detail.

FISCAL ANALYSIS: There is no fee for the license.

RECOMMENDATION: Staff recommends approval of the Resolution approving a License and Maintenance Agreement between the City of Rockport and the Aransas County Navigation District and authorizing the Mayor to negotiate and execute all necessary documents, as presented.

RESOLUTION NO. 2021-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROCKPORT, TEXAS, APPROVING A LICENSE AND MAINTENANCE AGREEMENT BETWEEN THE CITY OF ROCKPORT AND THE ARANSAS COUNTY NAVIGATION DISTRICT AND AUTHORIZING THE MAYOR TO NEGOTIATE AND EXECUTE ALL NECESSARY DOCUMENTS

WHEREAS, the Aransas County Navigation District ("District") owns surface and submerged land located generally within Aransas Bay and in proximity to Bay Shore Drive; and

WHEREAS, the City of Rockport ("City") needs access to and use of a portion of the District's property for a shoreline restoration project funded in part by the Texas Commission on Environmental Quality through Aransas County; and

WHEREAS, City staff recommends that the City Council approve the License and Maintenance Agreement attached hereto as Exhibit A, and incorporated herein for all purposes; and

WHEREAS, the City has determined that it is in the best interest of the City to enter into the proposed License Agreement with the District.

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

Section 1. The License Agreement, a copy of which is attached hereto as Exhibit A, and incorporated herein for all purposes, having been reviewed by the City Council and found to be acceptable and in the best interest of the City and its citizens, is hereby approved.

Section 2. The Mayor is hereby authorized to execute the License Agreement for and on behalf of the City of Rockport, Texas. The Mayor, in consultation with the City Attorney, shall take such further action necessary to effectuate the purpose and intent of the foregoing Resolution.

Section 3. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as part of the judgment and finding of the City Council.

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

Section 5. It is officially found, determined, and declared the meeting at which this Resolution 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 Resolution, was given, as required by Chapter 551, Texas Government Code, as amended.

Section 6. This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

PASSED and **ADOPTED** the 13th day of April 2021.

CITY OF ROCKPORT, TEXAS

_____
Patrick R. Rios, Mayor

ATTEST:

_____
Teresa Valdez, City Secretary

LICENSE AND MAINTENANCE AGREEMENT

This License Agreement ("**Agreement**") is made as of the ___day of _____ 2021, by and between the City of Rockport, Texas, a body politic and corporate existing under the laws of the State of Texas, ("**City**" or "**Licensee**"), and the Aransas County Navigation District ("**Licensor**"), (collectively, the **"Parties"**).

BACKGROUND

WHEREAS, Licensor, as the fee owner, is responsible for the conservation, protection, and development of natural resources, including the navigation of inland and coastal waterways, the surface and submerged land deeded to it, including submerged land located generally within Aransas Bay in proximity to Bay Shore Drive; and,

WHEREAS, Licensee has a need to access and use a portion of the Parcel for a shoreline restoration project funded in part by the Texas Commission on Environmental Quality through Aransas County **(**the **"Project")** as set forth in the Interlocal Cooperation Agreement between Licensor, Licensee, and Aransas County attached hereto as **Exhibit "A"**; and,

WHEREAS, Licensee wishes to obtain a license agreement ("**License**") from Licensor for a portion or portions of the Parcel for the Project installation and maintenance and Licensor is willing to grant such License over an area more particularly shown on **Exhibit "B"** ("**License Area**") solely for the permitted use set forth in this Agreement; and,

WHEREAS, Licensee is authorized to enter into this Agreement pursuant to action taken by the City Council on April 13, 2021, (the "**Resolution**"), a copy of which is attached as **Exhibit "C"**; and,

WHEREAS, Licensor is authorized to enter this Agreement as the owner of record of the subject parcel as shown in **Exhibit "D."**

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Licensor and Licensee, intending to be legally bound, agree as follows:

Section 1. Incorporation of Recitals and Attachments.

The recitals above are hereby incorporated herein as if set forth in full. The attachments to this Agreement are deemed to be a part hereof.

Section 2. Grant of License.

(a) Licensor hereby grants to Licensee the License as follows:

(i) Location: Licensee is authorized to use the License Area, identified on **Exhibit "B"** for the purposes set forth herein.

(ii) Purpose: Licensee is authorized to use the License Area for the installation and maintenance of shoreline restoration and protection measures defined and described in the Project documents pursuant to the signed Subgrant Reimbursement Contract, Contract No.587-20-10597, with TCEQ through its Restore Act Bucket I grant program.

(iii) Duration. As provided in Section 3 below.

(b) Licensee shall reasonably restore the area upon the termination of the License.

(c) Licensee shall, at all times, coordinate with Licensor in a reasonable manner on all matters relating to the License.

Section 3. Term.

The term of the License shall be for a period of THIRTY (30) years (the "**Term**"). The inability or failure of the Licensee to appropriate maintenance funds or perform maintenance in any year or years shall have no bearing on whether this Agreement is still in effect.

Section 4. Consideration.

In consideration for the rights and privileges set forth in this Agreement, Licensee shall maintain the License Area and, upon the termination of the License, return the area to a condition reasonably similar to the condition of the area prior to the activities of Licensee.

Section 5. Condition of License Area.

Licensor makes no representation or warranty, express or implied, in fact or in law, as to (a) the title to the License Area, (b) any encumbrances, restrictions and conditions which may affect the License Area, (c) the nature, condition or usability of the License Area, including but not limited to the suitability of the License Area for Licensee's use. Licensee is relying on its own independent inspection of the License area in its acceptance of the License and its exercise of the rights granted under this

Agreement.

Section 6. Legal Interest in Property.

No legal interest, including title or leasehold, shall be deemed or construed to have been created or vested in Licensee by this Agreement. Licensee shall only have the rights specifically granted to it herein.

Section 7. Alterations.

No structures, improvements, renovations, alterations, additions, modifications and/or replacements thereof (collectively referred to herein as "**Alterations**") shall be affixed to or located on or about the License Area, except as described in the Project documents, without the prior written consent of Licensor. Notwithstanding the foregoing, Licensee may clear and level the License Area as needed to make the area suitable for the intended use.

Section 8. Maintenance and Repairs.

Licensee shall, at its sole cost and expense, maintain and repair the License Area and all structures, physical alterations, shoreline stabilizations, and other improvements created on or in the License Area by Licensee, and shall ensure that all state or federally mandated signage, navigation markers, or other hazard mitigation measures are property installed and maintained. Licensor shall have no responsibility whatsoever to maintain or repair the License Area during the term of the Agreement.

Section 9. Liens; Encumbrances.

Licensee shall keep the License Area and/or the real estate affected by such License free and clear of all liens, claims and encumbrances resulting or arising from rights given to Licensee under this Agreement, any work or act performed by, or materials furnished by Licensee or any party claiming by, through or under Licensee, or any party under Licensee's direction or in privity of contract with Licensee.

Section 10. No Consent.

Nothing contained in this Agreement shall be construed in any way as constituting the consent or request of Licensor, express or implied, to any contractor, subcontractor, laborer or materialman for the performance of any labor or the furnishing of any materials on, in and/or about the License Area, nor as giving the Licensee any right, power or authority to contract for or permit the rendering of any services or the furnishing of any materials that would give rise to the filing of any lien against the License Area.

Section 11. Insurance.

(a) For Licensee to occupy and work upon the License Area, Licensee must possess and maintain, at a minimum, the insurance in such limits as set forth below. Licensee, as a qualified self-insurer and instrumentality of the State of Texas, may self-insure the insurance required by this Agreement.

(1) Workers' Compensation and Employers' Liability.

(i) Workers' Compensation: Statutory Limits.

(ii) Employers' Liability: $100,000 Each Accident - Bodily Injury by Accident; $100,000 Each Employee - Bodily Injury by Disease; and $500,000 Policy Limit - Bodily Injury by Disease.

(2) General Liability Insurance.

(i) Limit of Liability: $1,000,000 per occurrence combined single limit or bodily injury (including death) and property damage liability; $1,000,000 advertising injury; $1,000,000 aggregate for products and completed operations.

(ii) Coverage: Premises operations; blanket contractual liability; personal injury liability; products and completed operations; independent contractors and employees as additional insureds; cross liability; broad form property damage (including completed operations).

(b) Prior to commencement of this Agreement, Licensee shall provide the Licensor evidence of insurance or self-insurance. During the Term of this Agreement, Licensee shall provide a demonstration of insurance or self-insurance meeting the foregoing requirements to the Licensor as reasonably required by the Licensor.

(c) Due to the length of the term, occasional adjustment of the minimum insurance requirements may be necessary during the term of this Agreement.

Section 12. Indemnification.

To the extent permitted by law, and without Licensee waiving any of its constitutional, statutory or common law immunities, as a body politic, Licensee hereby agrees to defend, indemnify, and hold harmless Licensor from all claims, demands, suits, actions, expenses, or liability of any kind or nature whatsoever, brought for or on account of injury to persons (including death) and damage to and loss of property which are caused by Licensee's use and occupancy of the License Area, and to the extent which

are due to any act, omission, neglect or misconduct of Licensee's officers, agents, employees, invitees, or patrons. It is specifically not intended, however, that Licensee either releases, indemnifies or holds Licensor harmless for damages or injuries to persons (including death) caused by or due to Licensor's own negligence or intentional conduct or otherwise caused by Licensor. Licensee shall also not be liable for indemnifying Licensor against claims by an employee, agent, worker or servant of Licensor, including claims for compensation or benefits payable to any extent by or for Licensor under any worker's or similar compensation acts applicable to Licensor or its agents, employees, contractors, successors or assigns.

Nothing contained in this Agreement shall be or be deemed to be a waiver of Licensee's immunities, limitations on damages, and defenses under the laws of the State of Texas.

Section 13. Survival.

Any and all agreements set forth in this Agreement which, by its or their nature, would reasonably be expected to be performed after the expiration or earlier termination of this Agreement shall survive and be enforceable after the expiration or earlier termination of this Agreement. Any and all liabilities, actual or contingent, which shall have arisen during the Term of this Agreement, shall survive any termination of this Agreement.

Section 14. Headings.

The headings in this Agreement are for convenience only and are not a part of this Agreement. The headings do not in any way define, limit, describe or amplify the provisions of this Agreement or the scope or intent thereof.

Section 15. Non-Waiver.

Nothing contained herein relating to the rights and obligations between the parties hereto shall be deemed to be a waiver of the rights, immunities, and limitations that the Licensee enjoys under the provisions of state law.

Section 16. No Construction Against Drafting Party.

No provision of this Agreement shall be construed against or interpreted to the disadvantage of either Licensor or Licensee by any court or other governmental or judicial authority by reason of such party having or being deemed to have drafted, structured or dictated such provision.

Section 17. Relationship.

Nothing in this Agreement shall be construed to render or constitute Licensor or

Licensee in any way or for any purpose to be a partner, joint venturer or associate in any relationship with the other party nor shall this Agreement be construed to authorize either Licensor or Licensee to act as agent for the other party except as expressly provided in this Agreement.

Section 18. Waiver.

The failure of either party to insist upon strict performance of any of the terms or provisions of this Agreement shall not be construed as a waiver or as a relinquishment for the future of such term, provision, option, right or remedy. No waiver by either party of any term or provision of this Agreement shall be deemed to have been made unless expressed in writing and signed by such party.

Section 19. Binding Effect.

This Agreement shall inure to the benefit of and be binding on the parties and their respective legal representatives, successors, successors-in-title and assigns.

Section 20. Amendments.

This Agreement and its provisions may be changed, waived, discharged or terminated only by an instrument in writing executed by both parties.

Section 21. Severability.

If any provision of this Agreement or the application of any provision to any person or circumstance is or becomes invalid or unenforceable to any extent, then the remainder of this Agreement and the application of such provisions to any other person or circumstances shall not be affected by such invalidity or unenforceability and shall be enforced to the greatest extent permitted by law.

Section 22. Counterparts.

This Agreement may be executed in any number of counterparts, each of which shall be deemed to be an original and all of which together shall comprise but a single document.

Section 23. Entire and Final Agreement.

This Agreement represents the entire agreement between Licensor and the Licensee as to the subject matter of this Agreement and there are no collateral or oral agreements or understandings. This Agreement shall not be modified in any manner except by an instrument in writing executed by Licensor and the Licensee.

Section 24. Limitation of Rights.

Nothing contained in this Agreement is intended, nor shall be construed, to create any rights in the general public or in any parties other than those parties specifically designated in this Agreement.

Section 25. Governing Law.

This Agreement shall be governed by and construed according to the laws of the State of Texas, and enforced only in state courts located in Aransas County.

Section 26. Dispute Resolution.

If a dispute arises between the Parties arising from or relating to this Agreement, the following alternative dispute resolution procedure shall be used prior to any Party filing suit. A Party may initiate dispute resolution by delivering written notice to the other Parties, stating a description of the dispute; an initial meeting shall be held promptly thereafter among the Parties to attempt in good faith to negotiate a resolution of the dispute. If, within thirty (30) days after the initial meeting, the parties have not reached a written agreement resolving the dispute, any interested Party may require that the dispute be submitted to non-binding mediation, to be held within the boundaries of Aransas County before a mutually acceptable mediator. All Parties will participate in good faith. An initial notice of dispute may be amended or supplemented, and another Party may deliver a counter notice, prior to the conclusion of mediation. If the dispute is not resolved within one hundred and twenty (120) days after the initiating notice of dispute was delivered to all Parties, any Party may proceed to file suit on the disputes stated in the notices.

Section 27. Notice.

Whenever a notice is required under the terms of this Agreement, delivery of such notice shall be deemed completed when it is actually delivered in hand, or by certified mail, return receipt requested, to the receiving party addressed to its authorized agent, at the address for service stated with its signature to this Agreement, or to such other address for service that the party may designate by notice from time to time. A notice may also be delivered by electronic transmission to the electronic address of the authorized agent by a means that creates proof of delivery. A notice delivered after regular office hours or on a weekend or State holiday will be effective on the next day that is not a weekend or State holiday. As used in this section, “an authorized agent” means, for the Licensee, the Mayor, City Secretary, or City Manager; and for the Licensor, the Commission Chairman, Vice-Chairman, or Harbor Master..

IN WITNESS WHEREOF, the parties hereto have duly executed and delivered this Agreement on the date first written above.

"LICENSEE"
City of Rockport, Texas

Address for Service: 2751 SH 35 Bypass, Rockport, TX 78382

By: _____
Patrick R. Rios, Mayor Date

CITY'S CERTIFICATE OF APPROVAL: I hereby certify that the foregoing Agreement was approved by the Rockport City Council at a meeting duly noticed and held on the 13th day of April, 2021.

_____
Teresa Valdez, City Secretary

[Additional Signature Page Follows]

"LICENSOR"
Aransas County Navigation District

Address for Service: _____

By: _____
Malcolm Dieckow, Chairman Date

DISTRICT'S CERTIFICATE OF APPROVAL: I hereby certify that the foregoing Agreement was approved by the Navigation and Canal Commission of the Aransas County Navigation District at a meeting duly noticed and held on the _____day of _____, 2021.

_____
Tommy Moore, Commission Secretary

CITY COUNCIL AGENDA
Regular Meeting: Tuesday, April 13, 2021

AGENDA ITEM: 12

Conduct a Joint Public Hearing with the Planning & Zoning Commission to consider a request to rezone property to B-1 (General Business), located at 3361 Loop 1781; also known as 1.628 acres out of 23.462 acres, out of the northerly portion of a 258.53 acre tract, lying West of Loop 1781 and South of Copano Ridge Road, South of and adjacent to Copano Campsite Subdivision, according to the plat recorded in Volume 2, Page 50, plat records of Aransas County, Texas, and being out of the westerly portion of the Old Modessett Ranch, Joseph Hollis Survey, A-76, City of Rockport, Aransas County, Texas; said 23.462 acres being the same tract described in a deed of record under Clerks File Number 369271, Official Public Records of Aransas County, Texas, to build a family-friendly restaurant with a bar and other entertainment amenities; currently zoned R-2 (2nd Single Family Dwelling District).

SUBMITTED BY: Community Planner Amanda Torres

APPROVED FOR AGENDA: PKC

BACKGROUND: Developer Bradley Blanton has submitted an application seeking a request to rezone property located at 3361 Loop 1781; also known as 1.628 acres out of 23.462 acres, out of the northerly portion of a 258.53 acre tract, lying West of Loop 1781 and South of Copano Ridge Road, South of and adjacent to Copano Campsite Subdivision, according to the plat recorded in Volume 2, Page 50, plat records of Aransas County, Texas, and being out of the westerly portion of the Old Modessett Ranch, Joseph Hollis Survey, A-76, City of Rockport, Aransas County, Texas; said 23.462 acres being the same tract described in a deed of record under Clerks File Number 369271, Official Public Records of Aransas County, Texas, to B-1 (General Business District) to build a family-friendly restaurant with a bar and other entertainment amenities, currently zoned R-2 (2nd Single Family Dwelling District).

A public notice regarding this item was published in *The Rockport Pilot* in the Saturday, March 27, 2021, edition and mailed out to forty-five property owners within a 200-foot radius of the property. No letters for and thirteen letters against the request have been received.

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

FISCAL ANALYSIS: N/A

RECOMMENDATION: No action required. Public hearing only.

STAFF REPORT

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

PROPERTY ADDRESS/LOCATION
3361 Loop 1781

APPLICANT/PROPERTY OWNER
Bradley Blanton/J.S.A. Engineering

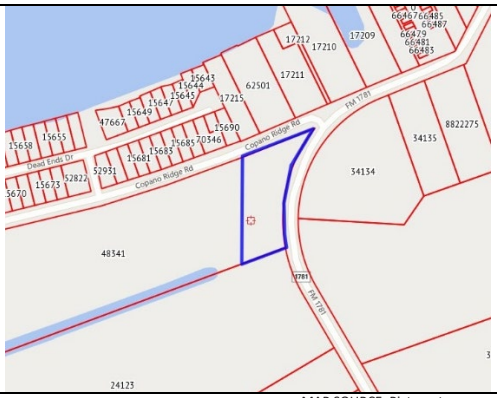
PUBLIC HEARING DATE
Tuesday, April 13, 2021

P&Z DATE
Monday, April 19, 2021

CITY COUNCIL DATE(S)
1st Reading - Tuesday, April 27, 2021
2nd Reading – Tuesday, May 11, 2021

BRIEF SUMMARY OF REQUEST
Developer Bradley Blanton has submitted an application seeking a request to rezone property located at 3361 Loop 1781; also known as 1.628 acres out of 23.462 acres, out of the northerly portion of a 258.53 acre tract, lying West of Loop 1781 and South of Copano Ridge Road, South of and adjacent to Copano Campsite Subdivision, according to the plat recorded in Volume 2, Page 50, plat records of Aransas County, Texas, and being out of the westerly portion of the Old Modessett Ranch, Joseph Hollis Survey, A-76, City of Rockport, Aransas County, Texas; said 23.462 acres being the same tract described in a deed of record under Clerks File Number 369271, Official Public Records of Aransas County, Texas, to B-1 (General Business District) to build a family-friendly restaurant with a bar and other entertainment amenities, currently zoned R-2 (2nd 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-2 2nd Single Family Dwelling District	Undeveloped	**North:** Outside city limits, single-family homes **South**: R-1 1st Single-Family Dwelling, undeveloped **East:** R-1 1st Single-Family Dwelling, single-family homes **West:** R-1 1st Single-Family Dwelling, undeveloped, single-family homes	Developer currently working on water/sewer/drainage improvements.	1.628 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 2008 Future Land Use Map indicated this area 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

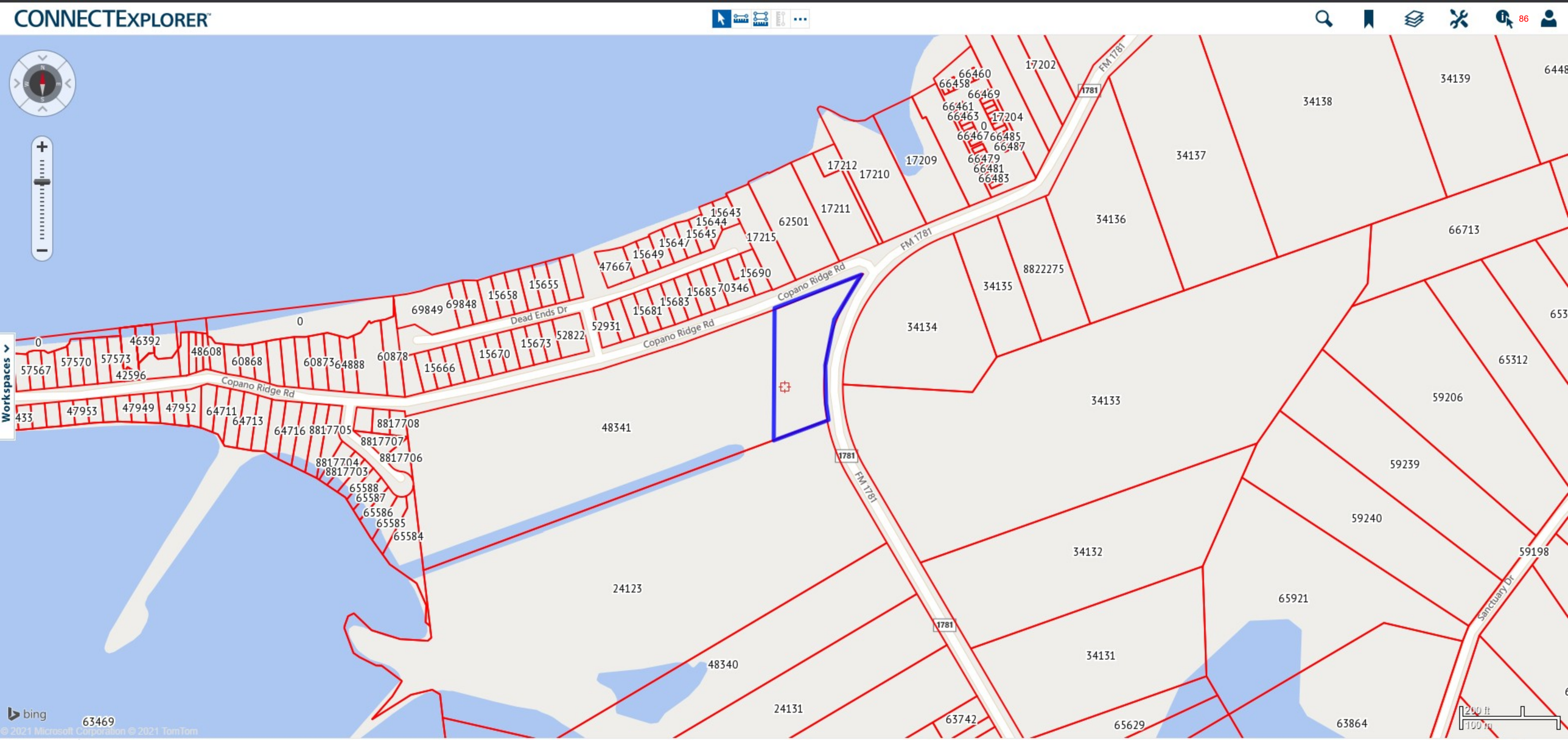
The property is partially within the Special Flood Hazard Area. Commercial plans including parking, drainage, building design, etc. will need to conform to the approved zoning district, if zoning is approved.

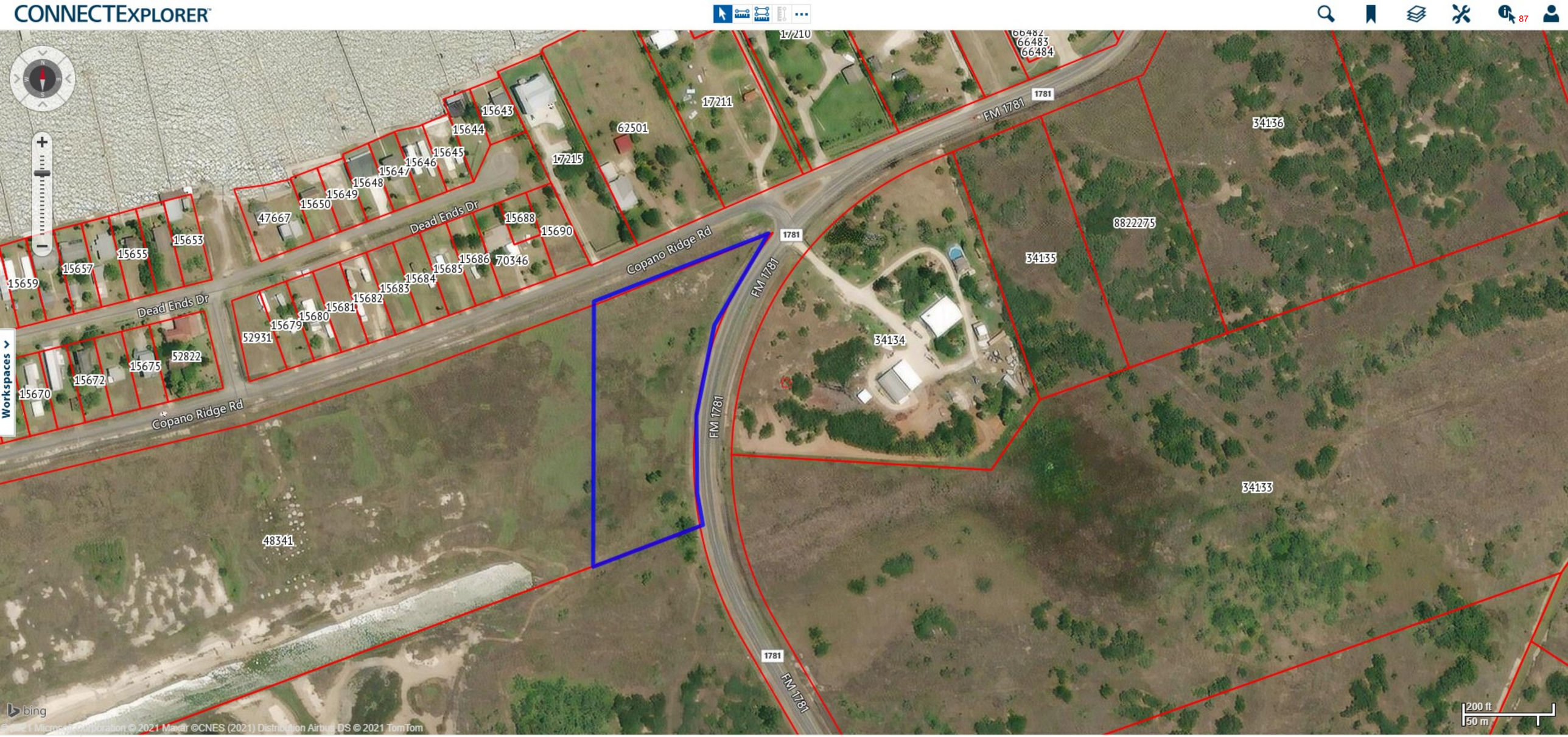
ATTACHMENTS (CIRCLE)

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

PUBLIC COMMENTS | AGENCY COMMENTS | RESPONSE TO STANDARDS

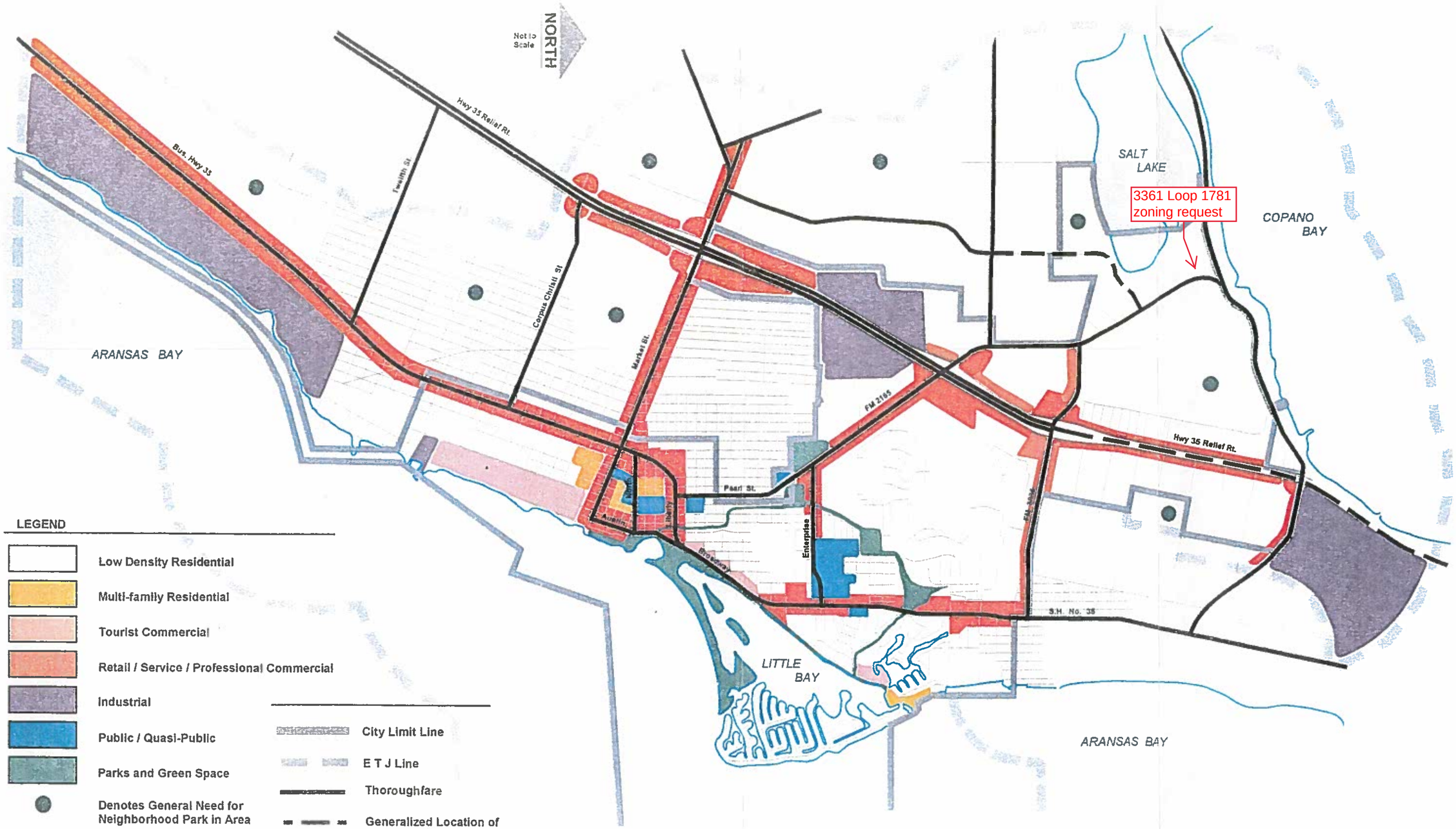
OTHER (DESCRIBE)


CONNECTEXPLORER
Workspaces
Copano Ridge Rd
Dead Ends Dr
FM 1781
1781
Sanctuary Dr
0
46392
57567
57570
57573
42596
48608
60868
60873
64888
60878
69849
69848
15658
15655
15666
15670
15673
52822
52931
15643
15644
15645
15647
15649
47667
17215
62501
17212
17210
17211
17209
17202
66460
66458
66469
66461
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17204
66467
66485
66487
66479
66481
66483
15690
15685
15683
15681
70346
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34137
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34135
34134
34133
34132
34131
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59239
59240
59198
65921
65629
63864
63742
48341
24123
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24131
63469
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47953
47949
47952
64711
64713
64716
8817705
8817708
8817707
8817706
8817704
8817703
65588
65587
65586
65585
65584
200 ft
100 m
bing
© 2021 Microsoft Corporation © 2021 TomTom
map: Road
Dates: Latest


CONNECTEXPLORER
87
Workspaces
17210
66482
66483
66484
17211
62501
15643
15644
15645
15646
15647
15648
15649
15650
47667
17215
Dead Ends Dr
15688
15690
15686
70346
15685
15684
15683
15682
15681
15680
15679
52931
Copano Ridge Rd
1781
FM 1781
34136
8822275
34135
34134
34133
15653
15655
15657
15659
15675
52822
15672
15670
48341
200 ft
50 m
bing
© 2021 Microsoft Corporation © 2021 Maxar ©CNES (2021) Distribution Airbus DS © 2021 TomTom
map: Aerial
Dates: Latest


CONNECTEXPLORER
88
Workspaces
0
69849
69848
15659
15657
15655
15653
47667
15650
15648
15646
15644
17215
62501
17211
17212
17210
17209
17207
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66460
66469
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66486
66480
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17202
17201
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59774
17194
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34137
34136
34135
8822275
34134
34133
34132
34131
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60873
64888
60877
60878
15664
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15675
52822
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70346
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64713
64715
65582
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8817704
8817706
8817703
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65587
65586
65585
65584
48341
24123
63469
48340
24131
24130
48339
63742
63740
63741
65620
34131
200 ft
50 m
© 2021 Eagleview

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



LEGEND

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

MPRG inc.
Municipal Planning Resources Group, Inc.

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

Article I. Zoning Ordinance*

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

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

1. Restaurants, cafes, food catering services.

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

3. Service stations, car washes, laundromats.

4. Malls, shopping centers, retail stores.

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

6. Grocery stores, convenience stores, markets.

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

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

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

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

11. Storage buildings, auto storage yards.

12. Animal hospitals, boarding kennels and grooming shops.

13. Mortuaries and funeral homes.

14. Agricultural services, greenhouses and landscaping services.

15. Outdoor welding, fabricating operations, by CUP.

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

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

18. Adult entertainment, by CUP.

15.2 *Area and Yard Regulations*.

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

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

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

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

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

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

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

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

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 3361 LOOP 1781, ROCKPORT, TEXAS

C. CURRENT ZONING OF PROPERTY: R-2

D. PRESENT USE OF PROPERTY: Newly Constructed Subdivision

E. ZONING DISTRICT REQUESTED: B-1

F. CONDITIONAL USE REQUESTED: _____

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

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

H. NAME OF PROPOSED DEVELOPMENT (if applicable) Sunset Shores Subdivision

I. TOTAL ACREAGE OR SQ. FT. OF SITE(S): 1.628 Acres out of the 23.462 acres proposed as Sunset Shores Subdivision

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

The developer would like to build a family-friendly restaurant with bar, with entertainment areas such as sand volleyball courts, cornhole courts, a swimming pool, and a small stage.

K. OWNER'S NAME: (Please print) Bradley Blanton, SOTE, LLC

ADDRESS: 529 Oliver Road

CITY, STATE, ZIP CODE: Victoria, TX 77904

PHONE NO 361-649-8328

L. REPRESENTATIVE: (If Other Than Owner) Brandi Karl / J. Schwarz & Assoc

ADDRESS: 411 S. Pearl St.

CITY, STATE, ZIP CODE: Rockport, TX 78382

PHONE NO 361-774-4534

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

YES X NO _____

M. FILING FEE:

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

(Make check payable to the City of Rockport)

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

Signed: Brandi Karl
(Owner or Representative)

(FOR CITY USE)

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

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

If rejected, reasons why: _____

Receipt No. _____

EXHIBIT "A"

MARCH 19, 2021

BEING THE DESCRIPTION OF 1.628 ACRES OF LAND OUT OF 23.462 ACRES OF LAND OUT OF THE NORTHERLY PORTION OF A 258.53 ACRE TRACT, LYING WEST OF LOOP 1781 AND SOUTH OF COPANO RIDGE ROAD, SOUTH OF AND ADJACENT TO COPANO CAMPSITE SUBDIVISION, ACCORDING TO THE PLAT RECORDED IN VOLUME 2, PAGE 50, PLAT RECORDS OF ARANSAS COUNTY, TEXAS, AND BEING OUT OF THE WESTERLY PORTION OF THE OLD MODESSETT RANCH, JOSEPH HOLLIS SURVEY, A-76, CITY OF ROCKPORT, ARANSAS COUNTY, TEXAS, AND SAID 23.462 ACRES BEING THE SAME TRACT DESCRIBED IN A DEED OF RECORD UNDER CLERKS FILE NUMBER 369271, OFFICIAL PUBLIC RECORDS OF ARANSAS COUNTY, TEXAS, WITH SAID 1.628 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGIN, at a 5/8" steel rebar found at the point of intersection of the South R.O.W. line of Copano Ridge Road, and the Westerly R.O.W. line of Loop 1781, and being the Northeast corner of said 23.462 acre tract, and being the NORTHEAST corner and PLACE OF BEGINNING of this survey;

THENCE, along and with the Westerly R.O.W. line of Loop 1781, along a circular curve to the left with a central angle of 30°23'40", a radius of 756.35 feet, a chord of 396.54 feet, a tangent of 205.46 feet, for an arc length of 401.23 feet to a 5/8" steel rebar set in the North R.O.W. line of Proposed Tiki Drive, and being the SOUTHEAST corner of this survey;

THENCE, North 86°26'22" West, crossing said 23.462 acre tract, along and with the North R.O.W. line of Proposed Tiki Drive, a distance of 39.05 feet to a 5/8" steel rebar set at the point of curvature of a circular curve to the left with a central angle of 20°04'25",a radius of 400.0 feet, a tangent of 70.80 feet, a chord of 139.42 feet, and an arc length of 140.14 feet to a 5/8" steel rebar set at the point of tangency and being an INTERIOR corner of this survey;

THENCE, South 73°29'09" West, along and with the North R.O.W. line of Proposed Tiki Drive, a distance of 4.89 feet to a 5/8" steel rebar set for the SOUTHWEST corner of this survey;

THENCE, North 16°30'51" West, crossing said 23.462 acre tract, a distance of 218.78 feet to a 5/8" steel rebar set in the South R.O.W. line of Copano Ridge Road, and being the NORTHWEST corner of this survey;

THENCE, North 69°03'21" East, along and with the South R.O.W. line of Copano Ridge Road, a distance of 54.84 feet to a 5/8" steel rebar found for an angle point and INTERIOR corner of this survey;

THENCE, North 67°00'51" East, along and with the South R.O.W. line of Copano Ridge Road, a distance of 381.54 feet to the PLACE OF BEGINNING of this survey, and containing 1.628 acres or 70,895 square feet of land, more or less.

Unless this Field Note description, including preamble, seal and signature, appears in its entirety, in its original form, surveyor assumes no responsibility or liability for its accuracy.

J.L. BRUNDRETT, JR., R. P. L. S.
Reg. No. 2133

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

SEE ACCOMPANYING FIELD NOTES EXHIBIT "B"
FILENAME: 210319BB1

210319BB1FN

LEGAL DESCRIPTION

EXHIBIT "B"

1.628 ACRES OF LAND

OUT OF 23.462 ACRES OF LAND OUT OF THE NORTHERLY PORTION OF A 258.53 ACRE TRACT, LYING WEST OF LOOP 1781 AND SOUTH OF COPANO RIDGE ROAD, SOUTH OF AND ADJACENT TO COPANO CAMPSITE SUBDIVISION, ACCORDING TO THE PLAT RECORDED IN VOLUME 2, PAGE 50, PLAT RECORDS OF ARANSAS COUNTY, TEXAS, AND BEING OUT OF THE WESTERLY PORTION OF THE OLD MODESSETT RANCH, JOSEPH HOLLIS SURVEY, A-76, CITY OF ROCKPORT, ARANSAS COUNTY, TEXAS, AND SAID 23.462 ACRES OF LAND BEING DESCRIBED IN A DEED OF RECORD UNDER CLERKS FILE NUMBER 369271, OFFICIAL PUBLIC RECORDS OF ARANSAS COUNTY, TEXAS.

PREPARED FOR:
BRADLEY BLANTON
C/O BRANDI KARL

DATE: *MARCH 19, 2021* FILE NAME: *210319BB1*

SCALE: *1" = 60'* REVISED DATE: _____

THIS IS TO CERTIFY THAT I HAVE CONSULTED THE FEDERAL FLOOD HAZARD MAP DATED *2-17-16*, AND FOUND THAT THE PROPERTY DESCRIBED HEREIN IS *X* (OR) IS NOT *X* LOCATED IN A "SPECIAL FLOOD HAZARD AREA". ZONE *"X" & AE*, BASE ELEVATION *N/A & 7'*, PANEL NO. *0230G*, COMMUNITY NO. *485504*
THIS INFORMATION IS BASED ON SCALING THE LOCATION OF THIS SURVEY ON THE FEMA MAP AND IS INTENDED TO BE USED TO DETERMINE INSURANCE RATES ONLY, AND NOT TO IDENTIFY SPECIFIC FLOODING CONDITIONS.

PLAT BEARING USED FOR DIRECTIONAL CONTROL UNLESS OTHERWISE SHOWN.

SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS OR OWNERSHIP OF TITLE EVIDENCE. SURVEYOR DID NOT REVIEW EXCEPTIONS IN SCHEDULE "B" OF THE TITLE COMMITMENT TO DETERMINE WHETHER THEY DO OR DO NOT AFFECT SUBJECT PROPERTY.

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

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

I, J.L. Brundrett, Jr., A Registered Professional Land Surveyor In the State of Texas, do hereby certify to the named recipients that this plat drawing correctly reflects the results of an on the ground survey conducted by me or under my supervision on the foregoing property and that there are no visible easements, intrusions, or protrusions (except as shown hereon).

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

J.L. BRUNDRETT, JR., R.P.L.S. REG. NO. 2133
TBPELS FIRM NO. 10004800

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

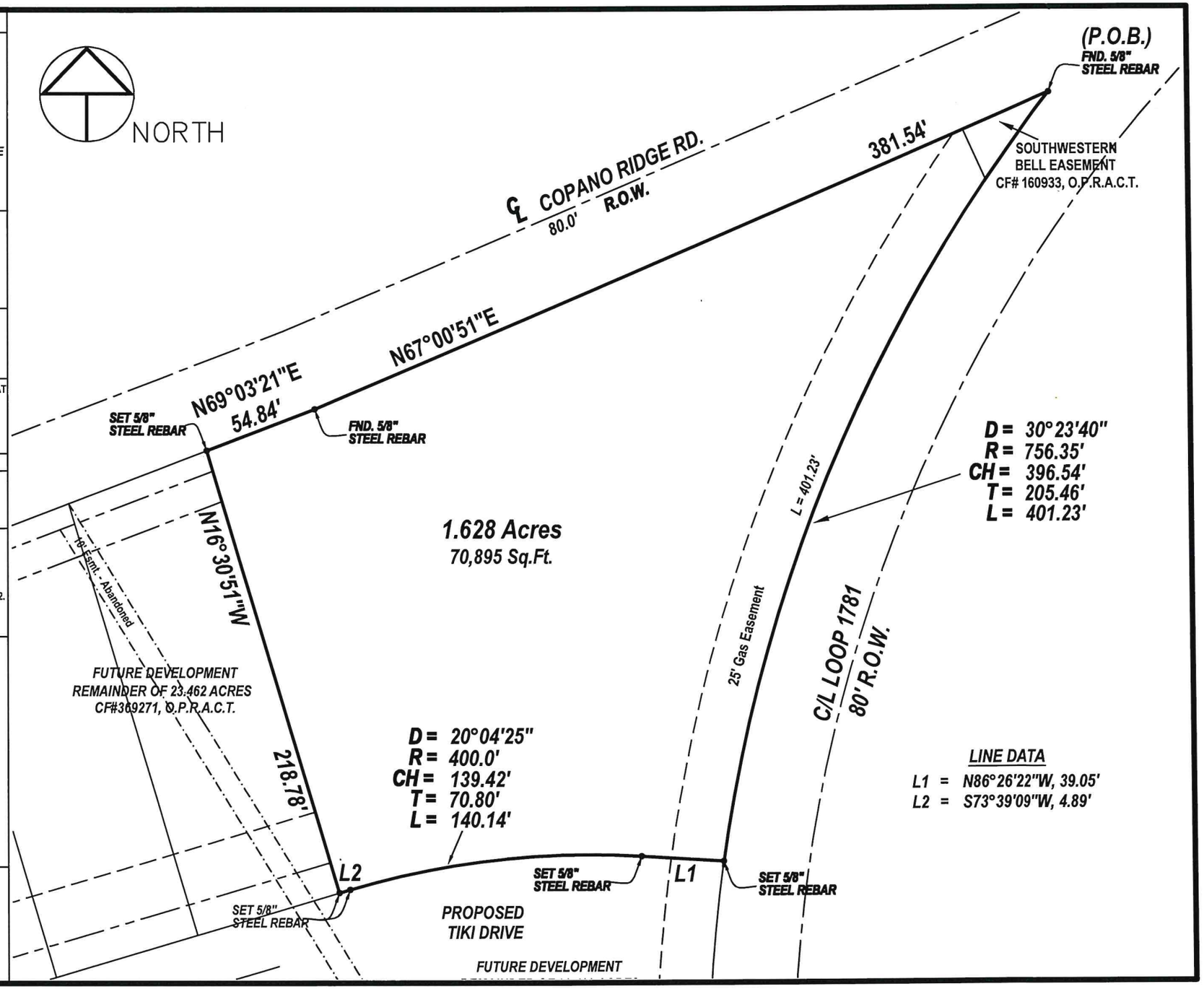


EXHIBIT "A"

MARCH 19, 2021

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FILENAME: 210319BB1

210319BB1FN

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PREPARED FOR:
BRADLEY BLANTON
C/O BRANDI KARL

DATE: *MARCH 19, 2021* FILE NAME: *210319BB1*

SCALE: *1" = 60'* REVISED DATE:

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THIS INFORMATION IS BASED ON SCALING THE LOCATION OF THIS SURVEY ON THE FEMA MAP AND IS INTENDED TO BE USED TO DETERMINE INSURANCE RATES ONLY, AND NOT TO IDENTIFY SPECIFIC FLOODING CONDITIONS.

PLAT BEARING USED FOR DIRECTIONAL CONTROL UNLESS OTHERWISE SHOWN.

SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS OR OWNERSHIP OF TITLE EVIDENCE. SURVEYOR DID NOT REVIEW EXCEPTIONS IN SCHEDULE "B" OF THE TITLE COMMITMENT TO DETERMINE WHETHER THEY DO OR DO NOT AFFECT SUBJECT PROPERTY.

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

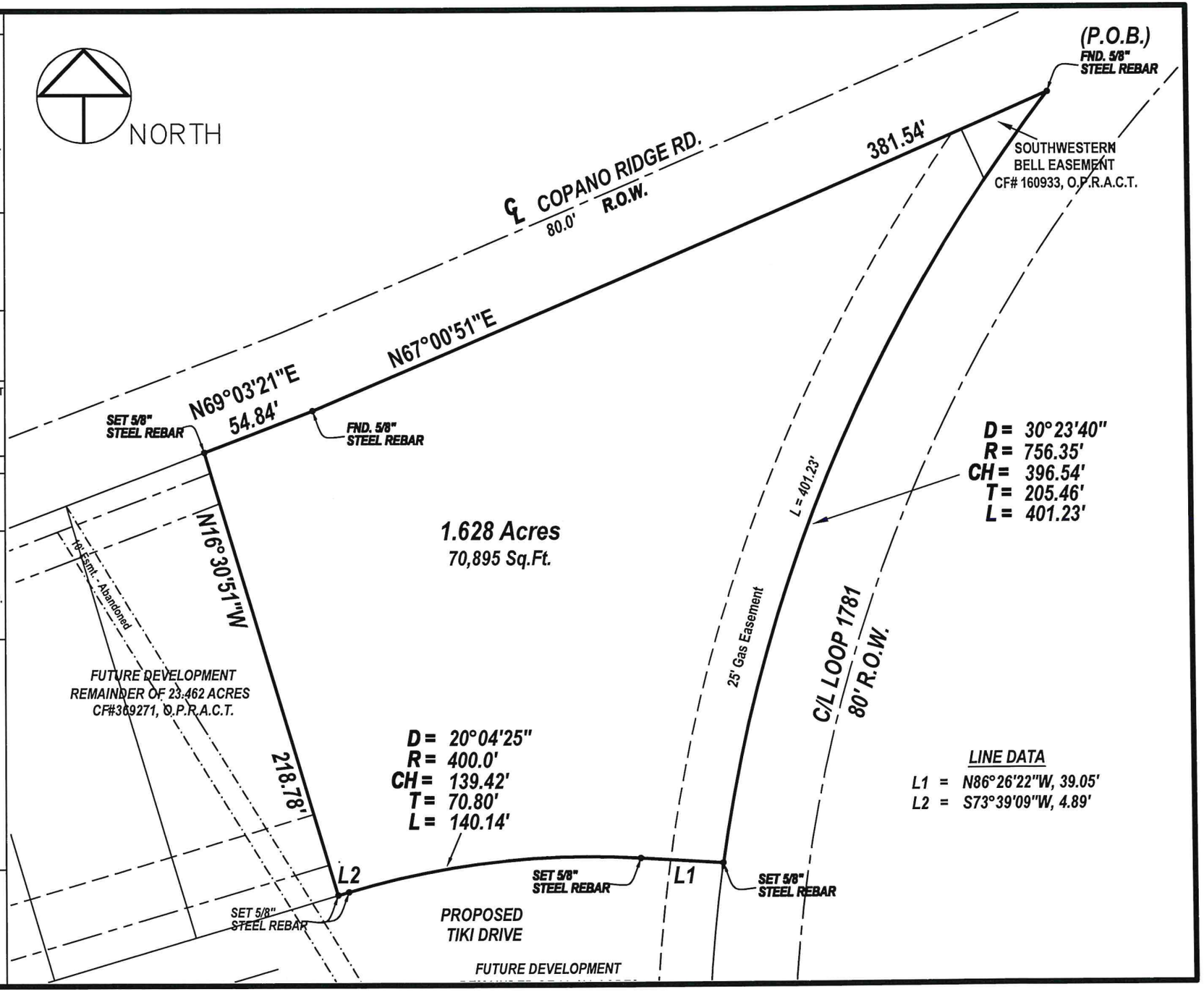
THIS ORIGINAL WORK IS PROTECTED UNDER COPYRIGHT LAWS, TITLE 17, UNITED STATES CODE SECTIONS 101 & 102. ALL VIOLATORS WILL BE PROSECUTED TO THE FULLEST EXTENT OF THE LAW.

I, J.L. Brundrett, Jr., A Registered Professional Land Surveyor In the State of Texas, do hereby certify to the named recipients that this plat drawing correctly reflects the results of an on the ground survey conducted by me or under my supervision on the foregoing property and that there are no visible easements, intrusions, or protrusions (except as shown hereon).

J.L. BRUNDRETT, JR., R.P.L.S. REG. NO. 2133
TBPELS FIRM NO. 10004800

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

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

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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 22nd day of March 2021, 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, March 27, 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
17210	Helen Jean Nelson	3401 Loop 1781	PO Box 134	Pettus	Tx	78146
17212	James D Jr & Robbie Ward	4-R Copano Ridge Rd	361 Copano Ridge Rd	Rockport	Tx	78382
17211	James Dr Jr & Robbie Ward	4 Copano Ridge Rd	361 Copano Ridge Rd	Rockport	Tx	78382
62501	Gary & Michael Coffen	8 Copano Ridge Rd	8 Copano Ridge Rd	Rockport	Tx	78382
17215	Brenda & Johnny Rodriguez	10 Copano Ridge Rd	26343 Monring Cypress Ln	Cypress	Tx	77433
15690	Arnold & Jane Sivek	12 Copano Ridge Rd	785 Mary Blvd	New Braunfels	Tx	78130
15688	Arnold & Jane Sivek	105 Dead Ends Dr	785 Mary Blvd	New Braunfels	Tx	78130
70346	Linda & Emil Ploch	16 Copano Ridge Rd	16 Copano Ridge Rd	Rockport	Tx	78382
15686	Linda & Emil Ploch	18 Copano Ridge Rd	16 Copano Ridge Rd	Rockport	Tx	78382
15685	Roger & Jeanne Borlinghaus	120 Copano Ridge Rd	101 N Sierra Woods Dr	Rockport	Tx	78382
15684	Felicia & Jeffery Saenz	22 Copano Ridge Rd	3135 Sable Crk	San Antonio	Tx	78259
15683	Cary & Kelle Buresh	24 Copano Ridge Rd	8539 Santa Clara Dr	Dallas	Tx	75218
15682	Arnold & Jane Sivek	26 Copano Ridge Rd	785 Mary Blvd	New Braunfels	Tx	78130
15681	David Tyner	28 Copano Ridge Rd	1323 Water St	Rockport	Tx	78382
15680	Henri & Pauline Knipper	30 Copano Ridge Rd	710 E 8th St	Georgetown	Tx	78626
15679	Robert Eller	32 Copano Ridge Rd	1020 Desert Rose Cv	Kyle	Tx	78640
52931	Cary & Kelle Buresh	34 Copano Ridge Rd	8539 Santa Clara Dr	Dallas	Tx	75218
52822	Magda Augustine	101 Copano Parkway	101 Copano Parkway	Rockport	Tx	78382
15675	Glenn & Jeannine Pytlik	209 Dead Ends Dr	209 Dead Ends Dr	Rockport	Tx	78382
15673	Wayne & Zarchary Granata	213 R Dead Ends Dr	619 W Petaluma Blvd	San Antonio	Tx	78221
15672	Karl & Sharon Mihalski	217 Dead Ends Dr	2245 Pecan Orchard Rd	League City	Tx	77573
15671	Henry & Joyce Manger	221 Dead Ends Dr	1309 E Street	Floreville	Tx	78114
15670	Kenneth & Jenine Ortega	225 Dead Ends Dr	319 Killarney Dr	San Antonio	Tx	78223
15669	Michael & Sandy Lee	229 Dead Ends Dr	1018 Clydeville	San Antonio	Tx	78216
15668	Duane & Paula Lyssy	52 Copano Ridge Rd	PO Box 473	Falls City	Tx	78113
15667	Carol Stumpf	54 Copano Ridge Rd	54 Copano Ridge Rd	Rockport	Tx	78382
15666	Michael & Debra Roland	56 Copano Ridge Rd	2581 Canyon Hts	Spring Branch	Tx	78070
15665	Michael Curry	58 Copana Ridge Rd	PO Box 695	Ingleside	Tx	78362
15664	Dain Waters	60 Copano Ridge Rd	116 Barbie Ct	Lakeway	Tx	78734
60878	Chad Stinson & Kelly Hirsch	62-A Copano Ridge Rd	PO Box 2561	Rockport	Tx	78382
60877	Roxann Day	64-A Copano Ridge Rd	PO Box 2510	Rockport	Tx	78382
8817708	Inc Cschuco	41 Copano Ridge Rd	13703 Pebble Oak Dr	San Antonio	Tx	78231

8817709	Inc Cschuco	43 Copano Ridge Rd	13703 Pebble Oak Dr	San Antonio	Tx	78231
8817710	Twala Eller & Keith Redburn	45 Copano Ridge Rd	902 W. Stayton Ave	Victoria	Tx	77901
8817707	KT Kat Mar LLC	104 Linda Ln	PO Box 1204	Rockport	Tx	78381
8817706	Melissa Pittman	106 Linda Ln	PO Box 552	Rockport	Tx	78381
65584	Chad & Kelly Stinson Wayne & Celesta Kir	119 Linda Ln	PO Box 2561	Rockport	Tx	78381
65585	Melissa Myers	117 Linda Ln	PO Box 552	Rockport	Tx	78381
65586	Melissa Myers	115 Linda Ln	PO Box 552	Rockport	Tx	78381
65587	Melissa Pittman	113 Linda Ln	PO Box 552	Rockport	Tx	78381
65588	Melissa Pittman	111 Linda Ln	PO Box 552	Rockport	Tx	78381
65589	Karen Bordovsky	109 Linda Ln	135 Evening View Pt	Ingram	Tx	78025
8817703	Kristen Young	107 Linda Ln	6330 Waltway Dr	Houston	Tx	77008
34134	Jefrey Steckler	3352 Loop 1781	3352 FM 1781	Rockport	Tx	78382
34133	Capital Fagan INC	3282 Loop 1781	PO Box 366698	Bonita Spring	FL	34136

CITY of ROCKPORT, TEXAS

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SCAN ME

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SCAN ME

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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: Roxann Day
Address: 64A Copano Ridge Rd. City/State: Rockport, TX
( ) IN FAVOR (X) IN OPPOSITION Phone: 512/423-3344
REASON: NOT the highest and best use for this property! Stay residential!

Roxann Day
Signature

See map on reverse side.

Citizen Participation Form

Rockport City Council

Citizens are encouraged to watch City Council meetings online rather than in person due to concerns related to the spread of COVID-19. Citizens wishing to address the City Council may submit comments on any topic or agenda item electronically by utilizing this Citizen Participation Form. All form must be received by 4:00 p.m. on the date of the meeting and will be provided for the record.

Date of meeting: April 13, 2021

First Name: Sharon

Last Name: Mihalski

Address: 217 Dead Ends Dr

City: Rockport

State: TX

Zip: 78382

If you wish to be contacted please provide the following:

Phone Number:

Email Address: smihalski@comcast.net

Company/Organization represented, if any:

Residence:
- (●) Inside City Limits
- ( ) Outside City Limits

Speaker Status:
- ( ) Speaker
- (●) Non-Speaker

Type of Participation:
- ( ) Citizens to be heard
- (●) Specific Agenda Item

Representing Applicant?
- ( ) Yes
- ( ) No

Agenda Item to be addressed: Rezone of 3361 Loop 1781 to B-1 General

(If not speaking under Citizens to be heard.)

If Applicable
- ( ) In Support
- (●) In Opposition

Statement to be read into record:

The area around this address is a quiet and peaceful area but that is close enough to businesses and restaurants in the main Rockport area. The negative change that would result to the intersection of Copano Ridge Road and Loop 1781 as well as the noise that inevitably surrounds a restaurant/bar would be detrimental to that area. The existing homes in the area as well as the new homes planned in the property of 3361 Loop 1781 want to enjoy the quiet bay / fishing atmosphere that this community has always enjoyed. For those of us that want to maintain the quiet integrity of this area of Rockport, I hope that the City Council votes in opposition of this zoning request.

(Statements are limited to 2,000 Characters.)

Receive an email copy of this form.

Email Address:

smihalski@comcast.net

This field is not part of the form submission.

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Printed Name: Glenn & Jeannine Rytlik

Address: 209 Dead Ends Drive City/State: Rockport, Texas 78382

( ) IN FAVOR (X) IN OPPOSITION Phone: 203-214-3347

REASON: We do not want the zoning to be changed to a business zone

Jeannine Rytlik

Signature

See map on reverse side.

CITY of ROCKPORT, TEXAS

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Printed Name: Jeffrey Steckler
Address: 3352 Loop 1781 City/State: Rockport, Tx 78382

( ) IN FAVOR (X) IN OPPOSITION Phone: 361-319-0465

REASON: I have lived on my property for 20 years. I Did not move here to live across from a bar with live music. This site is also on a curve. People Drive through our fence all the time.

Signature

See map on reverse side.

CITY of ROCKPORT, TEXAS

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Printed Name: Robert L. Eller
Address: 32 Copano Ridge Rd City/State: Rockport, Texas

( ) IN FAVOR (X) IN OPPOSITION Phone: 512. 825-9847

REASON: This area is already a high traffic area with no enforcement. Area has a lot of visitors with kids running around. All we need is someone drinking too much and killing one of the kids. Don't say it will not happen, you read it in the news all the time. There are more suitable places in town for a venue like this. Not a neighborhood with one way in and one way out.

Robert Eller
Signature

See map on reverse side.

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Printed Name: Wayne M. Kirkpatrick.
Address: 119 Linda Lane City/State: Rockport, TX

( ) IN FAVOR (X) IN OPPOSITION Phone: 918.724.5662

REASON:

Signature

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Printed Name: GARY COFFEN MICHAEL COFFEN
Address: 3 COPANO RIDGE ROAD City/State: ROCKPORT TX 78382

( ) IN FAVOR (X) IN OPPOSITION Phone: 361.376.0366

REASON:

* SEE ATTACHED

Signature

See map on reverse side.

Attachment for Joint Public Hearing Form – Meeting April 13, 2021 – 6:30pm

March 31, 2021

Attn: Building Department – City of Rockport, Texas – Planning and Zoning Commission

From: Gary Coffen / Michael Coffen – 8 Copano Ridge Road, Rockport, Texas 78382

Re: Proposed Change of Zoning Request – Corner Loop 1781 and Copano Ridge Road

Dear Panning and Zoning Commission and fellow Citizens of Rockport, Texas:

Please consider this letter our official notice of opposition regarding the request for a zoning change for the property (1.628 acres out of 23.462 acres) located at the corner of Loop 1781 and Copano Ridge Road.

Our residence is located at 8 Copano Ridge Road. We watched from start to finish the subdivision development that is now occupying the 23.462 acres. The request for the zoning change is for a 1.628-acre breakout that will be utilized by a "Family-Friendly Restaurant with a Bar and Other Entertainment Amenities". In looking at the survey for the individual lots on the 23.462 acres, the survey stops short of the corner of Loop 1781 and Copano Ridge Road. This leads us to believe this is where the "Family Friendly Restaurant/Bar/Entertainment Amenities" will be located. It was not designated as such on the official City Notice so we have no way to be sure but simple speculation and survey markers lead us to this conclusion. Our residence Front Door will be almost exactly 200 feet from the start of this "Family Friendly Restaurant/Bar/Entertainment Amenities" facility. The fact that the developer put in the request for a "Family Friendly Restaurant /Bar/Entertainment Amenities leaves the door open for future interpretation of a Bar serving Bar Cuisine and the "Family Friendly" part gets left behind. There is no such thing as a Family Friendly Bar.

Our major concerns other than our front door will be 200 feet from a fully functioning Bar, are as follows:

1. The infrastructure of the intersection of Loop 1701 and Copano Ridge Road is already stretched with the continuous overbuilding on Copano Ridge Road. We have witnessed several accidents and many more "close calls" at this intersection. It will only get worse with the addition of the many houses coming from just this neighborhood alone, much less a "Family Friendly Restaurant/Bar/Entertainment Amenities".
2. What exactly are Entertainment Amenities? With our residence 200 feet away, Bar/Entertainment Amenities can only end in Noise complaints for outside entertainment as it will eventually evolve into. It has happened all over Rockport with the start of a simple sandwich shop to a full-on Bar/Entertainment Amenities. Once the zoning change is made, there is no going back.
3. Our property consists of right at 2 acres. We finally completed upgrades after 3 years since the Hurricane demolished our previous residence located on the same 2 acres. The cost has been several hundred thousand dollars in rebuilding and renovations to the land itself in addition to the new home. We purposely had the architect lay the house out on a North/South pattern which allows the prevailing South Wind to blow through the property and allow us to occasionally open windows to allow the breeze inside. With a fully functioning "Family Restaurant/Bar" 200 feet from our door, we will now be able to allow the waft of unattended dumpsters from both holiday weekends as well as weekdays and weekends.
4. A Fully functioning "Family Restaurant/Bar" will require a commercial lighting package for the outside parking. This lighting will again be 200 feet from our front door resulting in a guaranteed nuisance.
5. Our property was purchased in 1992. We are full time residents fully contributing to the economy of Rockport and Aransas County. Our contributions have not only been the regular support of local business but through a 5-figure tax payment that has never been delinquent.

Please take all of our above concerns serious when it comes time to make your decision and we hope you will be able to see this project from our point of view.

Respectfully Submitted,

Gary Coffen

Michael Coffen

8 Copano Ridge Road – Rockport, Texas 78382

JOINT PUBLIC HEARING
Rockport City Council and
Planning & Zoning Commission

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SCAN ME

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SCAN ME

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

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Printed Name: KARL & SHARON MIHALSKI
Address: 217 DEAD ENDS DR. City/State: ROCKPORT TX

( ) IN FAVOR (X) IN OPPOSITION Phone: 281.853.4132

REASON: WISH FOR THIS AREA TO REMAIN 100% RESIDENTIAL. THIS AREA OF ROCKPORT IS QUIET. THERE IS NO NEED FOR A RESTAURANT IN THIS AREA.

Signature

See map on reverse side.

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Printed Name: Melissa Pittman
Address: 111 Linda Lane City/State: Rockport, TX

( ) IN FAVOR (✓) IN OPPOSITION Phone: 361-463-1786

REASON: Very large area zoned business

Melissa S Pittman
Signature

See map on reverse side.

CITY of ROCKPORT, TEXAS

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Rockport City Council and
Planning & Zoning Commission

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Printed Name: Melissa Pittman
Address: 117 Linda Lane City/State: Rockport Tx

( ) IN FAVOR (✓) IN OPPOSITION Phone: 361-463-1786

REASON:
Too close to a residential area

Melissa Pittman
Signature

See map on reverse side.

CITY of ROCKPORT, TEXAS

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Printed Name: Melissa Pittman
Address: 106 Linda Lane City/State: Rockport TX

( ) IN FAVOR (✓) IN OPPOSITION Phone: 361-463-1786

REASON:
Very large area rezoned to Business

Melissa L Pittman
Signature

See map on reverse side.

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Printed Name: Melissa Pittman
Address: 115 Linda Lane City/State: Rockport TX

( ) IN FAVOR (✓) IN OPPOSITION Phone: 361-463-1786

REASON:
Bar too close to housing neighborhood

Melissa Pittman
Signature

See map on reverse side.

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Printed Name: Melissa Pittman
Address: 113 Linda Lane City/State: Rockport TX

( ) IN FAVOR (✓) IN OPPOSITION Phone: 361-463-1786

REASON:
Do not want businesses that serve alcohol close to houses

Melissa Pittman
Signature

See map on reverse side.

CITY COUNCIL AGENDA
Regular Meeting: Tuesday, April 13, 2021

AGENDA ITEM: 13

Conduct a Joint Public Hearing with the Planning & Zoning Commission to consider a request for a Planned Unit Development located at 417 South Fulton Beach Road; also known as 14.10 acres out of a portion of Block 1, a portion of Block 2, and all of Gibbs Street lying between Blocks 1 and 2, Gibbs Addition, City of Rockport, Aransas County, Texas; to develop property as a high-density single family residential subdivision to be sold as a condo regime; currently zoned R-6 (Hotel/Motel District).

SUBMITTED BY: Community Planner Amanda Torres

APPROVED FOR AGENDA: PKC

BACKGROUND: Developer Gary Sweetman has submitted an application seeking a request for a Planned Unit Development located at 417 South Fulton Beach Road; also known as 14.10 acres out of a portion of Block 1, a portion of Block 2, and all of Gibbs Street lying between Blocks 1 and 2, Gibbs Addition, City of Rockport, Aransas County, Texas, to develop property as a high-density single family residential subdivision to be sold as a condo regime; currently zoned R-6 (Hotel/Motel District).

A public notice regarding this item was published in *The Rockport Pilot* in the Saturday, March 27, 2021, edition and mailed out to nineteen property owners within a 200-foot radius of the property. Three letters against the request have been received.

Please see the accompanying zoning change request application and Section 118-19 of Code of Ordinances for detail information.

FISCAL ANALYSIS: N/A

RECOMMENDATION: No action required. Public hearing only.

STAFF REPORT

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

PROPERTY ADDRESS/LOCATION
3361 Loop 1781

APPLICANT/PROPERTY OWNER
Gary Sweetman/J.S.A. Engineering

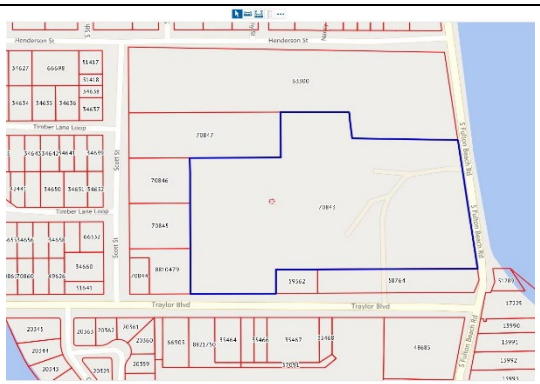
PUBLIC HEARING DATE
Tuesday, April 13, 2021

P&Z DATE
Monday, April 19, 2021

CITY COUNCIL DATE(S)
1st Reading - Tuesday, April 27, 2021
2nd Reading – Tuesday, May 11, 2021

BRIEF SUMMARY OF REQUEST
Developer Gary Sweetman has submitted an application seeking a request for a Planned Unit Development located at 417 South Fulton Beach Road; also known as 14.10 acres out of a portion of Block 1, a portion of Block 2, and all of Gibbs Street lying between Blocks 1 and 2, Gibbs Addition, City of Rockport, Aransas County, Texas, to develop property as a high-density single family residential subdivision to be sold as a condo regime; currently zoned R-6 (Hotel/Motel District).

A public notice regarding this item was published in The Rockport Pilot in the Saturday, March 27, 2021 edition and mailed out to nineteen property owners within a 200-foot radius of the property. No letters for and three letters 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 District	Undeveloped	**North:** R-2 2nd Single Family Dwelling, single-family home compound **South**: R-6 Hotel/Motel/R-1 1st Single Family Dwelling/B-1 General Business, single-family homes, RV Park **East:** Fulton Beach Road **West:** R-6 Hotel/Motel, single-family homes	Water/sewer/drainage improvements will be needed	14.10 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 indicated on the PUD concept plan if approved.

The 2008 Future Land Use Map indicated this area 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

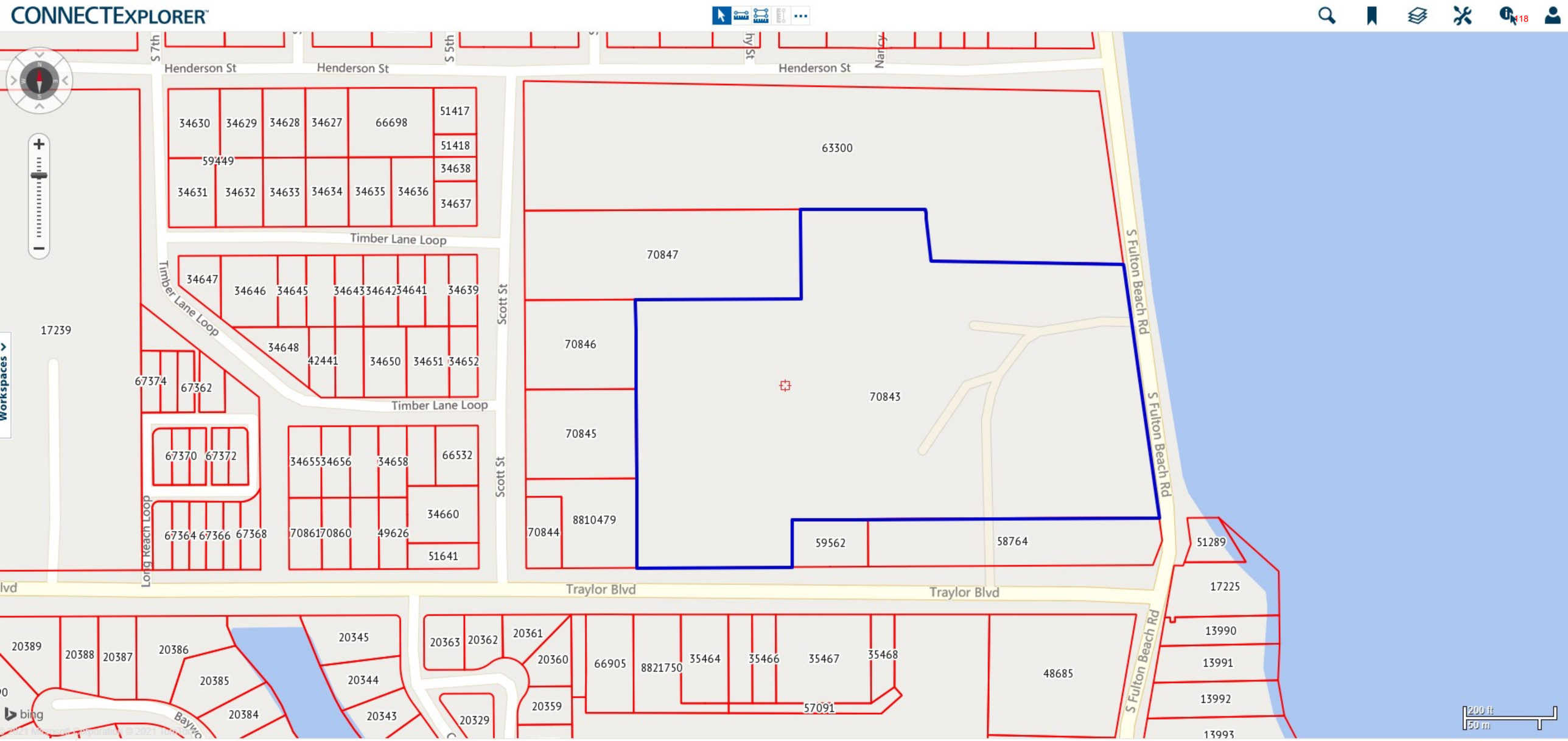
The property is partially within the Special Flood Hazard Area. Commercial plans including parking, drainage, building design, etc. will need to conform to the approved zoning district, if zoning is approved.

ATTACHMENTS (CIRCLE)

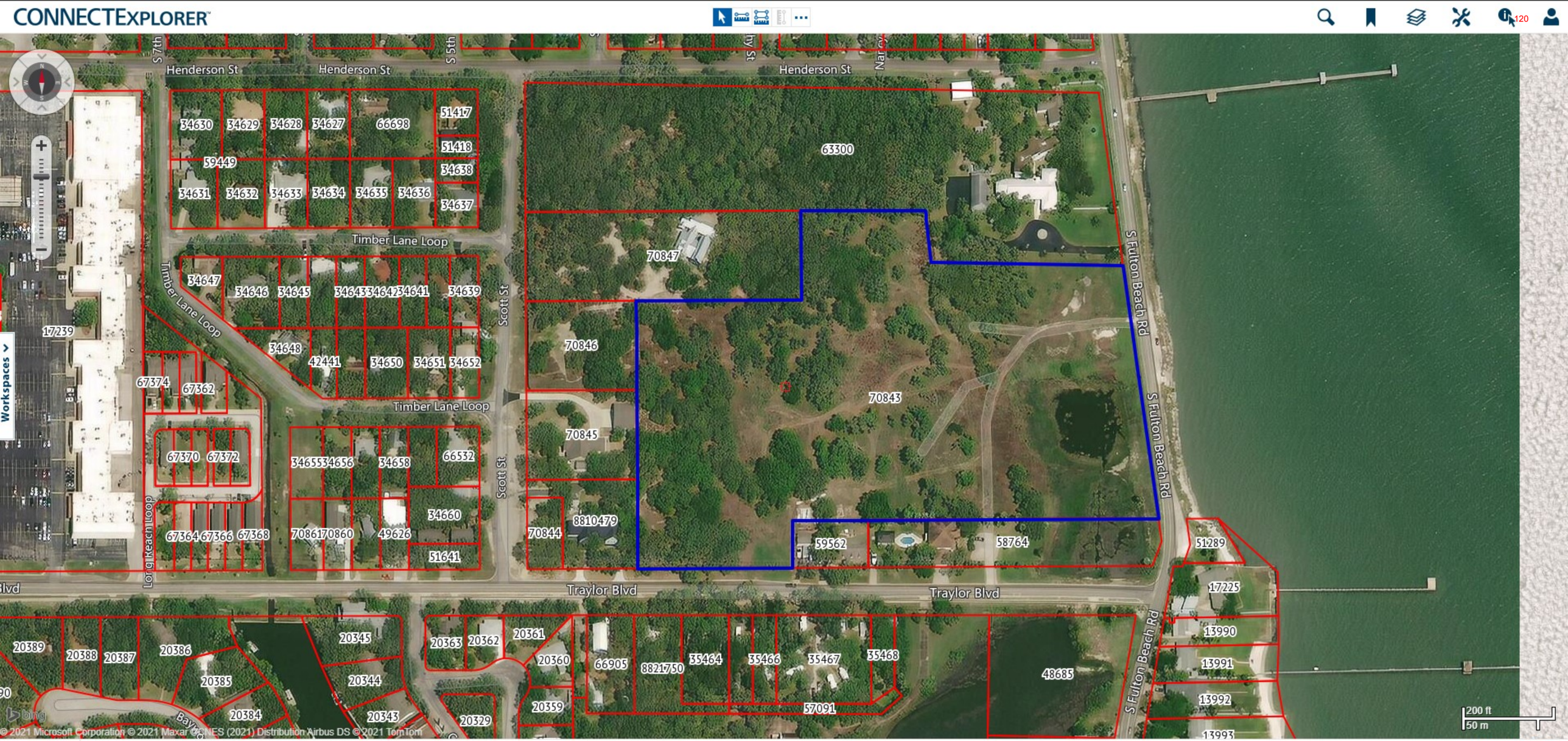
SUBMITTED PLANS | PUBLIC HEARING PETITION/ APPLICATION FORM | LEGAL NOTICE | LEGAL DESCRIPTION

PUBLIC COMMENTS | AGENCY COMMENTS | RESPONSE TO STANDARDS

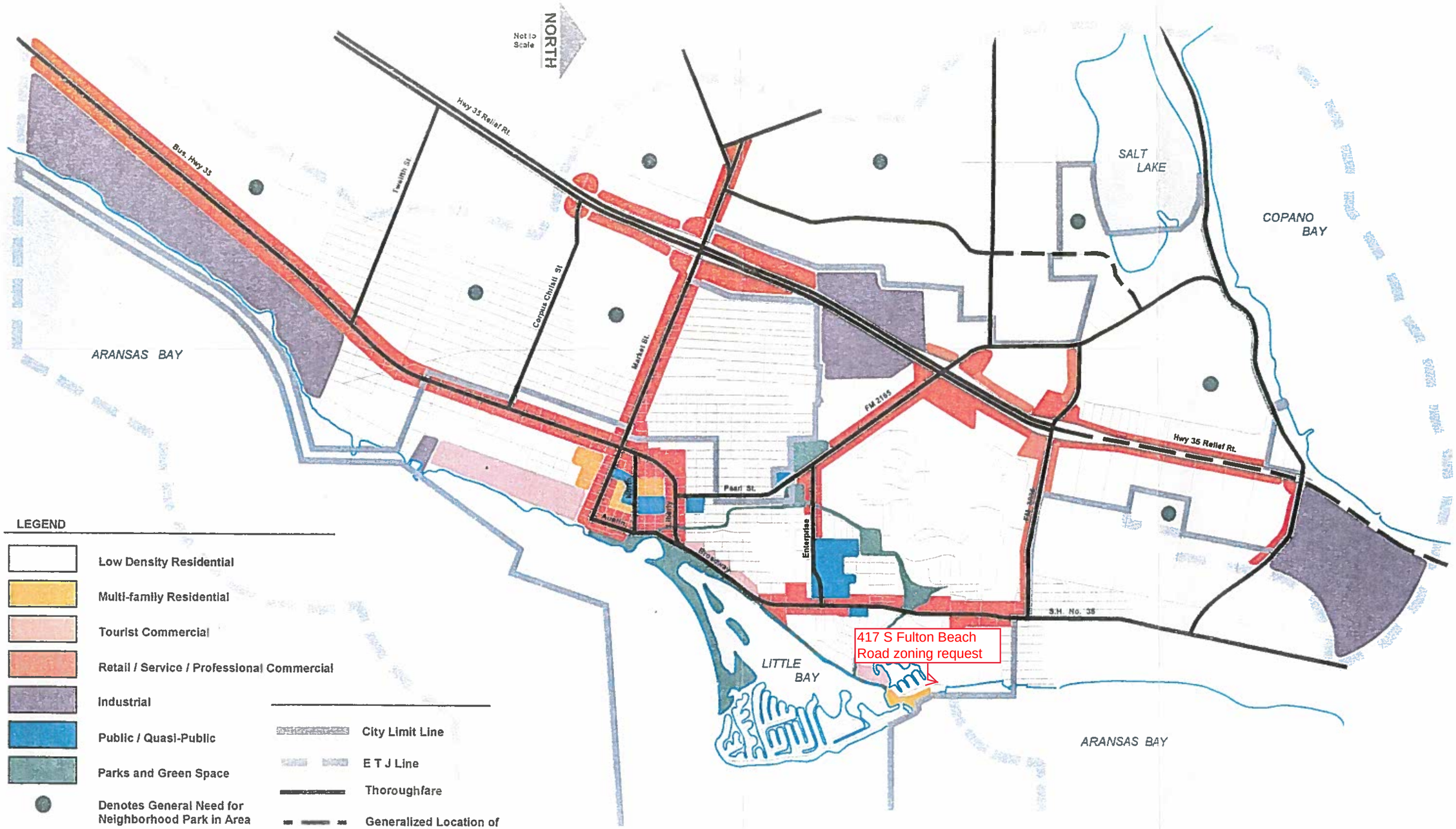
OTHER (DESCRIBE)


CONNECTEXPLORER
Henderson St
Henderson St
Henderson St
S 7th
S 5th
Nancy St
34630
34629
34628
34627
66698
51417
51418
34638
34637
59449
34631
34632
34633
34634
34635
34636
Timber Lane Loop
34647
34646
34645
34643
34642
34641
34639
34648
42441
34650
34651
34652
Timber Lane Loop
67374
67362
17239
Workspaces
67370
67372
34656
34658
66532
34660
51641
67364
67366
67368
70861
70860
49626
Long Reach Loop
Scott St
Scott St
63300
70847
70846
70843
70845
70844
8810479
59562
58764
S Fulton Beach Rd
S Fulton Beach Rd
51289
17225
13990
13991
13992
13993
Traylor Blvd
Traylor Blvd
20389
20388
20387
20386
20385
20384
20345
20344
20343
20329
20363
20362
20361
20360
20359
66905
8821750
35464
35466
35467
35468
57091
48685
S Fulton Beach Rd
bing
200 ft
50 m
map: Road
Dates: Latest


Henderson St
63300
70847
70846
70845
70844
8810479
70843
59562
58764
51289
17225
S Fulton Beach Rd
S Fulton Beach Rd
Scott St
Scott St
Traylor Blvd
Traylor Blvd


CONNECTEXPLORER
Henderson St
Henderson St
Henderson St
S 7th
S 5th
Timber Lane Loop
Timber Lane Loop
Timber Lane Loop
Scott St
Scott St
Long Beach Loop
S Fulton Beach Rd
S Fulton Beach Rd
S Fulton Beach Rd
Traylor Blvd
Traylor Blvd
Workspaces
34630
34629
34628
34627
66698
51417
51418
59449
34638
34631
34632
34633
34634
34635
34636
34637
63300
70847
34647
34646
34645
34643
34642
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34639
17239
70846
34648
42441
34650
34651
34652
67374
67362
70843
70845
67370
67372
34655
34656
34658
66532
34660
8810479
67364
67366
67368
70861
70860
49626
70844
59562
58764
51641
51289
17225
13990
13991
13992
13993
20389
20388
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20344
20343
20363
20362
20361
20360
20359
20329
66905
8821750
35464
35466
35467
35468
57091
48685
200 ft
50 m
© 2021 Microsoft Corporation © 2021 Maxar ©CNES (2021) Distribution Airbus DS © 2021 TomTom
map: Aerial
Dates: Latest

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. 118-19. Planned Unit Development District (PUD).

19.1 *Purpose*. The purpose of a Planned Unit Development Overlay District (PUD) is to accommodate unified designs of residential, commercial, office, professional services, retail and institutional uses and facilities or combinations thereof, in accordance with an approved development plan.

19.2 *Intent*. A PUD Overlay District is intended to permit flexibility and encourage a more creative, efficient and aesthetically desirable design and placement of buildings, open spaces, circulation patterns and parking facilities in order to best utilize special site features of topography, size or shape. The PUD concept is not intended to be solely or merely a method of avoiding area restrictions required in other straight zoned districts.

19.3 *Design*. A PUD Overlay District is designed as an overlay zone to an existing and compatible zoning district, which in itself will support such planned development. No such PUD shall be granted unless such development will meet the use limitations of the zoning district in which it is located and meet the density and other limitations of such districts, except as such requirements may be lawfully modified as provided by this code (refer to Conditional Use Permit regulations for land uses). Compliance with the regulations of this article in no way excuses the developer from the applicable requirements of a subdivision ordinance, except as modifications thereof are specifically authorized in the approval of the application for the PUD.

Exceptions:

1. Where a site is situated in more than one use district, the permitted uses applicable to such property in one district may be extended into the adjacent use district without requiring a Conditional Use Permit.

2. The use of HUD-Code manufactured housing is permitted within a PUD district provided such housing meets the requirements established by the Texas Dept. of Licensing and Regulation, Manufactured Housing Division.

19.4 *Application*. The owner of any tract of land may apply for and request a PUD. A proposed site plan shall be submitted indicating density of residential, commercial and/or industrial areas, along with the location of all proposed streets, alleys, protective screening and open spaces. It is the intent of this section that site and building plans for a PUD shall be prepared by a designer or team of designers having professional competence in urban planning as proposed in the application.

19.5 *Review by Administrative Official*. After determining that the application is complete, the administrative official shall contact the chairman of the Planning and Zoning Commission. The chairman shall then schedule a joint public hearing with both the Planning and Zoning Commission and City Council in accordance with Article 26 of the Rockport Zoning Code [section 118-26 of this chapter].

19.6 *Joint Public Hearing*. After appropriate notice is given, a joint public hearing with the Planning and Zoning Commission and City Council on each request for a PUD shall be heard. During the joint public hearing pertinent comments by the applicant(s), city staff and public testimony given shall be considered. After the close of the joint public hearing, the Planning and Zoning Commission shall deliberate the PUD application at its own scheduled meeting.

19.7 *Review and Action by the Planning and Zoning Commission*. At a scheduled meeting, the Planning and Zoning Commission shall consider the application, any pertinent comments by the applicant(s), city staff, other relevant support materials and after reviewing the site plan in accordance with the criteria listed in this section and reviewing all pertinent information, the Commission shall

recommend that the City Council rezone to PUD, subject to approval of the submitted site plan; recommend that the City Council rezone to PUD, subject to modifications to the submitted site plan; or recommend that the City Council deny the request.

19.8 *Review and Action by City Council*. At a scheduled meeting, the City Council shall consider the recommendations from the Planning and Zoning Commission regarding each PUD application. The City Council shall further discuss any pertinent comments by the applicant(s), city staff, and after reviewing the site plan in accordance with the criteria listed in this section and reviewing all pertinent information, shall rezone to PUD, subject to the submitted site plan; rezone to PUD, subject to modifications to the submitted site plan; or deny the request. In granting such PUD, the City Council may impose or amend all conditions recommended by the Planning and Zoning Commission. The Council may attach such conditions to a PUD approval as are necessary to prevent or minimize adverse effects on other property in the neighborhood, including, but not limited to: limitations on size, bulk and location, provision of adequate ingress and egress, duration of use approval, and hours of operation of the planned unit development.

19.9 *Amendment*. A planned unit development granted under these provisions shall be considered as an amendment to this Ordinance as applicable to such property.

19.10 *PUD Concept Plan.* After approval of a PUD by the City Council, the Planning and Zoning Commission is hereby authorized to accept a PUD site plan as a concept plan required by the City's Platting and Subdivision Regulations, if required. A final PUD plat will be handled as would any final plat. At time of submittal of a final plat, the developer shall also submit a Home Owners Association Declaration, or a Condominium Regime Declaration, or both, as the case may be, to city staff for review. Only after staff is satisfied with subject documents will the final plat be submitted to the Planning and Zoning Commission for final action.

19.11 *Expiration of Approval.* A PUD Overlay District zoning designation and its required development site plan shall expire one (1) year after such PUD zoning is approved by City Council unless a final plat for at least one section or phase of the PUD is approved by the Planning and Zoning Commission. Upon such expiration, the zoning of the entire PUD-zoned tract shall revert to the original zoning that preceded the approval of the PUD.

19.12 *Site Plan Modifications*. In no case shall an approved PUD site plan be amended nor is the area of the total PUD changed or modified once a portion has been constructed without first resubmitting the changes as a new application for site plan approval, as appropriate.

19.13 *General Criteria*. A PUD concept plan shall be approved only if all the following general criteria are met.

1. The proposal is consistent with the City's Comprehensive Plan.

2. No PUD shall have area less than five (5) acres. Reductions may be approved by the City Council, with recommendations by the Planning and Zoning Commission, but no less than two and one-half (2.5) acres.

3. The PUD is necessary to address a unique situation or represents a substantial benefit to the City, compared to what could have been accomplished through application of the otherwise applicable zoning district standards.

4. The proposed plan mitigates any potential significant adverse impacts to the maximum practical extent.

5. The height of buildings in PUD districts shall conform to this document as prescribed within each zoning district. However, the height of buildings in an approved PUD Overlay District within

the Rockport Heritage District, shall be no higher than seventy-four (74) feet as measured from grade plane to the average height of the highest roof surface (reference International Building Code for definitions of grade plane and building height).

6. The arrangement of structures and open spaces within the development site shall be as necessary to ensure that adjacent properties will not be adversely affected and that the development is planned as an attractive and functional asset for the community.

7. Streets, drainage and utility systems within a PUD Overlay District shall be designed to accommodate the overall demand of the PUD. Off-site streets, drainage and utility systems associated (connected) with a PUD district shall be up-graded, if needed, to accommodate the overall impact of the PUD. Such systems, both within and outside a PUD district, shall meet minimum requirements as set out in the City of Rockport Design Standards and the Master Drainage Plan.

8. The size, location, design and nature of signs, if any, and the design, intensity and direction of area lighting or floodlighting, if any, shall comply with the requirements of the City's Sign Ordinance and the City's Lighting Ordinance.

9. Provision shall be made for ownership and maintenance of common open space through protective covenants running with the land, deed or trust, or other similar mechanism; or may be dedicated to the public as a park.

19.14 *Residential PUD Density and Design Criteria*. In addition to the above specific density and design criteria, a residential PUD shall comply with all of the following:

1. The minimum lot size, lot widths and yard areas shall be established by the Planning and Zoning Commission in accordance with best planning practices.

2. Detached residential density shall not exceed 12 units per acre. Attached residential density shall not exceed 28 units per acre.

3. If mixed use, residential uses shall comprise 80 percent or more of the gross area of a mixed use development, with the remaining 20 percent or less being used for nonresidential uses, unless recommended otherwise by the Planning and Zoning Commission and accepted by the City Council.

19.15 *Legislative Approvals*. The legislative body, as part of the approval of a PUD, shall be permitted to require an applicant to make reasonable contributions to include, but not limited to, the following or to any combination of the following:

1. Dedication of land for public park purposes.

2. Dedication of land for public school purposes.

3. Dedication of land for public road right-of-way purposes and for public drainage systems.

4. Construction of, or addition to, roads serving the proposed project when such construction or addition is reasonably related to the traffic to be generated.

5. Installation of required traffic safety devices.

6. Preservation of areas containing significant natural, environmental, historic, archeological or similar resources.

19.16 Upon approval of a PUD, construction shall proceed only in accordance with the plans and specifications so approved and in conformity with any conditions attached by the jurisdiction.

19.17 The code official shall not issue any permit for any proposed building, structure or use within the project unless such building, structure or use is in accordance with the approved development plan and with any conditions imposed in conjunction with its approval.

(Ord. No. 1027, art. 19, 4-9-96; Ord. No. 1615, § 1, 9-24-13)

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 [X]

B. ADDRESS AND LOCATION OF PROPERTY 417 S. Fulton Beach Road, Rockport

C. CURRENT ZONING OF PROPERTY: R-6

D. PRESENT USE OF PROPERTY: Undeveloped

E. ZONING DISTRICT REQUESTED: PUD

F. CONDITIONAL USE REQUESTED: PUD

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

- Lot or Tract 14.1 Acres out of Blocks 1 & 2, Gibbs Addition Block _____
- Tract _____ of the _____ Survey as per metes and bounds (field notes attached)
- If other, attach copy of survey or legal description from the Records of Aransas County or Appraisal District.

H. NAME OF PROPOSED DEVELOPMENT (if applicable) Fulton Shores

I. TOTAL ACREAGE OR SQ. FT. OF SITE(S): 14.1 Acres

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

Owner requests a PUD to allow for flexibility in design of the overall project. The proposed houses and cottages will be single-family residential. A PUD report is attached to this application outlining the specifics of lot sizes, building setbacks, etc.

K. OWNER'S NAME: (Please print) Gary Sweetman

ADDRESS: 226 Augusta Drive

CITY, STATE, ZIP CODE: Portland, TX 78374

PHONE NO 361-994-1123 gary.sman61@gmail.com

L. REPRESENTATIVE: (If Other Than Owner) Brandi B. Karl, P.E.

ADDRESS: J. Schwarz & Associates, 411 S. Pearl St

CITY, STATE, ZIP CODE: Rockport, TX 78382

PHONE NO 361-774-4534 brandi@jsatx.com

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	X	$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: Brandi Karl
(Owner or Representative)

(FOR CITY USE)

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

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

If rejected, reasons why: _____

Receipt No. _____

INSTRUCTIONS
CITY OF ROCKPORT

1. Complete the application form and return it to the Building & Development Department, 275 S.H. 35 Bypass, Rockport, TX with the required filling fee.

2. Official notice of a public hearing to consider the request will be posted on the City Hall bulletin board and published in the official city newspaper at least 15 days prior to the hearing. The owner/applicant and any representative will be notified of the hearing date by mail.

3. The public hearing will be held jointly before the Planning & Zoning Commission & City Council. After which the Planning & Zoning Commission will hold a separate meeting at a posted time and place.

4. Recommendations for the Planning & Zoning Commission will be submitted to the City Council. The City Council will make final determination at their next available meeting.

5. We suggest that the applicant or a representative be present at the public hearings, at the Planning & Zoning meeting and at the City Council meeting to answer any questions that might arise.

EVENT CALENDAR
RE-ZONING – CONDITIONAL USE – PUD
(Refer to City of Rockport Zoning Ordinance for specific details)

WEEK 1
Submit application of Re-zoning, Conditional Permit or PUD (Planned Unit Development).

Submit survey with legal description, if required.

Submit request for street/alley closures, if any.

WEEK 2

WEEK 3
Joint Public Hearing with City Council* and Planning and Zoning Commission.

Public Hearing on street/alley closured, if any.

WEEK 4
Planning and Zoning Commission Meeting (no public hearing).

WEEK 5
City Council* receives report from Planning and Zoning Commission; possible first reading of Ordinance to Re-zone.

City Council* takes action on request for road closures, if any.

WEEK 6

WEEK 7
City Council* meeting; possible second (and final) reading of ordinance to rezone.

If re-zoning and road closures granted, submit request to plat or re-plat property to the Planning and Zoning Commission (generally, one meeting, no public hearing required, except for true re-plat – then 15 day advertisement for public hearing).

Submit tree plan (tree survey or site plan with trees is okay) to Tree Committee (one meeting, no public hearing required).

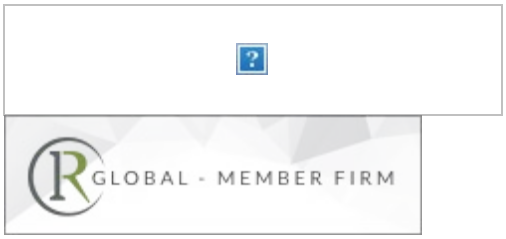
After approval received for re-zoning, road closures re-plat and tree plan- REQUEST BUILDING PERMIT. Approximately two weeks for review of construction plans, drainage, utilities, etc. before Building Permit issued (longer if tree plan is submitted with application for building permit).

From: David Rae
To: Amanda Torres; Janae Evans
Subject: RE: 417 S. Fulton Beach Rd, Rockport TX
Date: Tuesday, March 2, 2021 8:38:33 AM
Attachments: image002.png

Amanda

The owner consents to the Buyer's application. Can you please copy us on all correspondence. Thank you very much for your help.

David Rae | Partner
Crady Jewett McCulley & Houren LLP
P: 713.739.7007 **F:** 713.739.8403
drae@cjmhlaw.com | www.cjmhlaw.com
2727 Allen Pkwy, Suite 1700, Houston, Texas 77019-2125



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From: Amanda Torres <Communityplanner@cityofrockport.com>
Sent: Tuesday, March 2, 2021 8:08 AM
To: Janae Evans <janae@evtex.com>
Cc: David Rae <Drae@cjmhlaw.com>
Subject: Re: 417 S. Fulton Beach Rd, Rockport TX

You would not be obligated to take on the PUD project and if the project has not started within a year, the PUD zoning would go away.

Hope that addresses your question. Thanks -

Amanda Torres, CFM
Community Planner
City of Rockport, TX
2751 SH 35 Bypass

Rockport, Texas 78382
361 -790-1125 (Office)
Please note that any correspondence, such as e-mail 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 e-mail could lead to violations of the Texas Open Meetings Act. Please reply only to the sender.

Get Outlook for iOS

From: Janae Evans <janae@evtex.com>
Sent: Monday, March 1, 2021 4:52:31 PM
To: Amanda Torres <Communityplanner@cityofrockport.com>
Cc: David Rae <Drae@cjmhlaw.com>
Subject: FW: 417 S. Fulton Beach Rd, Rockport TX

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.

Hi Amanda,
I am following up to our Friday discussion pertaining to the above-referenced property. Seller's attorney (representing Rock-N-Riviera I, Ltd) is copied on this email and he would like some clarification please. We understand the need for seller authorization prior to giving the green light to Copano Shores/(Fulton Shores, LLC), with regard to their proposed submittal of PUD request. However, per the email below, seller just wants to know if anything becomes binding on them as a result of the request, in the event buyer does not complete the purchase of the property. Can you please shed light?
Thank you very much,
JE

Texas law requires all license holders to provide the Information About Brokerage Services form to prospective clients.
Information About Brokerage Services http://evtex.com/docs/TREC-Evtex.pdf

Janae Evans
Evtex Companies
Commercial Real Estate
1806 Harbor Dr
Rockport TX 78382
361-790-6030
janae@evtex.com



From: David Rae <Drae@cjmhlaw.com>
Sent: Monday, March 1, 2021 4:22 PM
To: Janae Evans <janae@evtex.com>
Subject: RE: 417 S. Fulton Beach Rd, Rockport TX

Janae

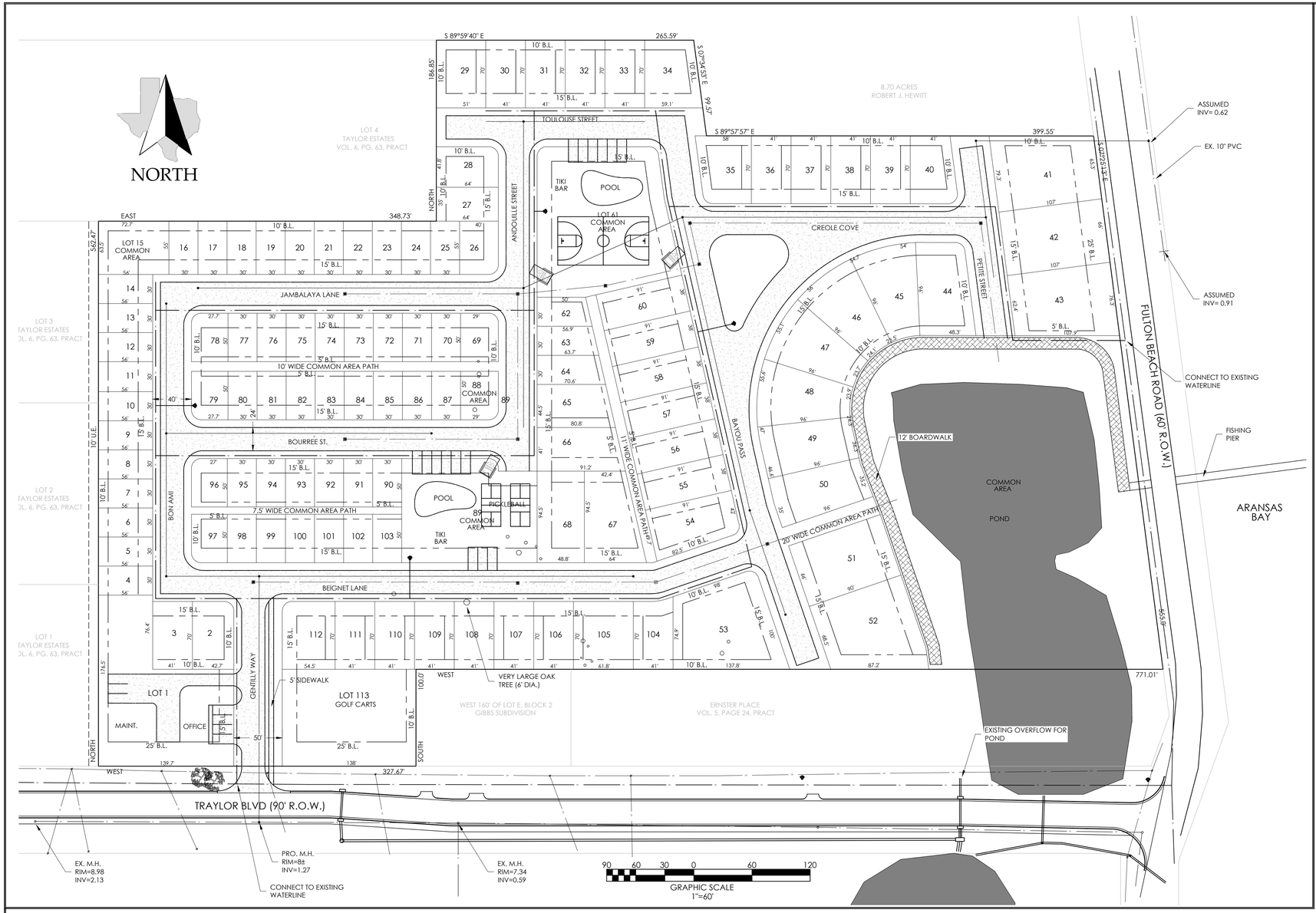
My apologies on my delayed response. We have no objection to the buyer submission of the PUD request so long as it is not binding unless the Buyer purchases the property. My concern is that if the Buyer does not end up purchasing the Property I do not want the Seller to be bound by this submittal as we have not been involved in the process.

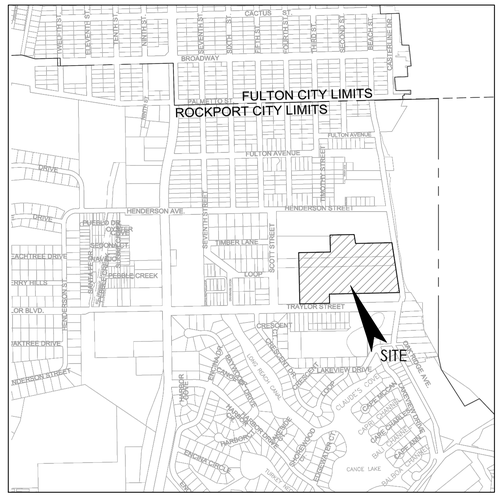
From: Janae Evans <janae@evtex.com>
Sent: Monday, March 1, 2021 3:12 PM
To: David Rae <Drae@cjmhlaw.com>
Subject: FW: 417 S. Fulton Beach Rd, Rockport TX

Hi David,
Just following up to make sure you received the email below, thanks!
JE

From: Janae Evans
Sent: Friday, February 26, 2021 3:07 PM
To: David Rae <Drae@cjmhlaw.com>
Cc: Robert Taylor <rtaylor@rgtaylorlaw.com>; Phil Ernster <philernster@gmail.com>
Subject: FW: 417 S. Fulton Beach Rd, Rockport TX

[EXTERNAL EMAIL] Be careful with links or attachments.





LOCATION MAP

N.T.S.

LOT SCHEDULE:
(6) THREE-STORY HOMES
(16) VILLAGE-WALK STYLE HOMES
(25) 28' x 45' HOMES
(60) 20' x 30' COTTAGES
(107) TOTAL RES. LOTS = DENSITY 7.64 LOTS/AC

NOTES:
1. STREETS WILL BE PRIVATE ROADWAYS WITH PUBLIC UTILITY EASEMENTS.
2. SIDE YARDS WILL BE 5' UNLESS SHOWN OTHERWISE.
3. ALL PARKING IS OFF OF THE STREET WITH A MINIMUM OF TWO SPACES PER RESIDENCE IN FRONT OF THE HOUSE.
4. LOT 113 IS DESIGNATED FOR A GOLF CART RENTAL SHOP.

CONCEPT PLAN

FULTON SHORES, PUD

LEGAL DESCRIPTION

14.10 ACRES OUT OF A PORTION OF BLOCK 1, A PORTION OF BLOCK 2, AND ALL OF GIBBS STREET, LYING BETWEEN BLOCKS 1 AND 2, CLOSED AND ABANDONED BY ORDER OF THE COMMISSIONER'S COURT OF ARANSAS COUNTY, TEXAS, 2/18/39 AND RECORDED IN VOL. 8, PG 187, MINUTES OF THE COMMISSIONERS COURT, ALL BEING IN GIBBS ADDITION IN THE CITY OF ROCKPORT, ARANSAS COUNTY, TEXAS, AS RECORDED IN VOL. 1, PG 64, PLAT RECORDS OF ARANSAS COUNTY, TEXAS.

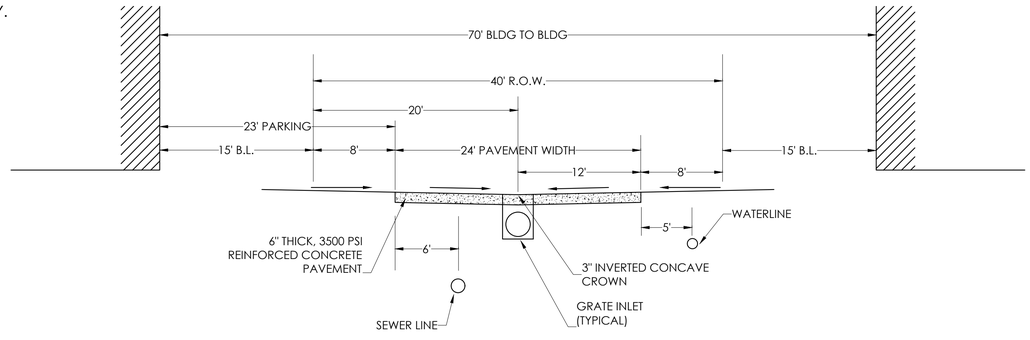
CONCEPTUAL PLAN IS FOR PRELIMINARY REVIEW AND APPROVAL ONLY. PLAN IS NOT AUTHORIZED TO BE RECORDED IN THE PLAT RECORDS OF ARANSAS COUNTY.

SURVEY
BASED ON SURVEY BY AMAYA SURVEYING CO., LLC
DATED NOVEMBER 21, 2018

FLOOD DATA:
This is to certify that I have consulted the Federal Flood Hazard Map dated 2-17-16 , and found that the property described herein is ____ (or) is not X located in a "Special Flood Hazard Area." Flood Zone " AE/X " , Base Elevation 7/N/A Panel No. 48007/C0245G, Community No. 485504 .

ZONING
CURRENT ZONING IS R-6
REQUESTING PUD ZONING

PROPERTY ADDRESS
417 S. FULTON BEACH ROAD, ROCKPORT, TX



TYPICAL 24' PRIVATE CONCRETE ROAD

N.T.S.

STATE OF TEXAS
BRANDI B. KARL
87646
LICENSED
PROFESSIONAL ENGINEER

Digitally signed by
Brandi B. Karl, P.E.
Date: March 18, 2021

REVISION	DATE

OWNER:
GARY SWEETMAN
226 AUGUSTA
PORTLAND, TX 78374
(361) 994-1123
gary.sman61@gmail.com

ENGINEER:
J. SCHWARZ & ASSOC., INC.
BRANDI B. KARL, P.E.
P.O. BOX 60733
CORPUS CHRISTI, TX 78466
(361) 774-4534

SURVEYOR:
GRIFFITH & BRUNDRETT
SURVEYING & ENGINEERING
411 S. PEARL ST
ROCKPORT, TX 78382
(361) 729-6479

J. SCHWARZ & ASSOCIATES, INC.
Professional Engineering Solutions

CONCEPT PLAN

FULTON SHORES, P.U.D.

GARY SWEETMAN

DATE	FILE NAME	REVISION NUMBER	SHEET NUMBER
3/18/2021	fulton shores.dwg	X	001
JOB NUMBER	ENGINEER	SCALE	OF 001
X	F-8138	1"=60'	

PLANNED UNIT DEVELOPMENT REPORT
FULTON SHORES, P.U.D.

This document shall accompany the Concept Plan (Preliminary Plat) dated March 18, 2021 and titled "Fulton Shores, P.U.D.".

OVERVIEW

The developer, Gary Sweetman, is proposing a single-family residential subdivision with various sizes of cottages and homes on various sized lots. The homes will all be constructed by the developer to ensure architectural consistency and the lots and homes will be sold as spec homes. The property is a 14.10-acre tract at the intersection of Traylor Boulevard and Fulton Beach Road, as shown on the attached 2018 survey by Amaya Surveying. There are a total of 107 residential lots for a density of 7.64 units/acre. Section 19.14.2 states that detached residential density shall not exceed 12 units/acre.

COMMON AREAS

The development has five common area lots which will be amenity areas for all homeowners to use. The largest common area is a natural wetlands pond next to Fulton Beach Road that will be excavated deeper to accommodate fishing and be accessible to the residents by a constructed boardwalk around the perimeter. The boardwalk will also lead to a fishing pier across Fulton Beach Road in Aransas Bay. An HOA will be established to operate and maintain the common areas within the development.

STREETS

The streets will be private 24'-wide reinforced concrete streets, with an inverted crown and underground storm sewer along the center. The proposed street right-of-way is 40' wide and will also be a utility easement for the public sewer and waterlines within the r.o.w.

PARKING

There is a minimum of two parking spaces for each home in the driveway between the pavement and front building line. No on-street parking will be allowed. There is overflow parking at the amenities areas, as shown.

DRAINAGE

The topography of the site averages around elevation 6.0 ranging from about 8.1 along the west side to the wetlands pond along the east side with a waters edge of about 1.5. All of the runoff from the development will be discharged to the wetlands pond, which has an existing overflow to the large salt water lake on the south side of Traylor, which has an overflow across Fulton Beach Road to Aransas Bay. Sheet D4 of the Drainage Master Plan indicates that the

entire property should outfall to the existing pond, as is proposed. Although detention would not be required in this location next to the outfall, the excavation of the existing pond will provide onsite detention and stormwater quality. Sheet D4 is attached for reference.

UTILITIES

The development will connect to the City of Rockport utilities and have individual water meters set for each lot. Sanitary sewer will be connected at two locations with the west side of the property served from the existing gravity line in Traylor and the east side of the property connected to the existing gravity line in Fulton Beach Road. The potable waterlines will be connected in two locations, as well, on Traylor and on Fulton Beach Road. There are 4 fire hydrants proposed within the subdivision for fire protection in compliance with the City design standards.

ZONING

The property is currently zoned R-6 and the developer is requesting a PUD Zoning, to allow for a more unified residential development, in accordance with Section 118-19. The comparisons between the standard R-6 and the proposed PUD are as follows:

	R-6	Fulton Shores PUD
Lot Area Minimum (sf)	2200	1500
Lot Width Minimum (ft)	50	30
Front Yard Setback Min	25	15
Rear Yard Setback Min	20	10*
Side Yard Setback Min	5	5
Side Yard Interior Min	15	10
Living Area (sf)	500	600
Maximum Height	45	45

* 5' rear on cottage lots that have a common area pathway behind them

TREES

The tree survey is attached to this report and overlayed over the development plan. This development will follow the requirements of Chapter 106 – Vegetation with regards to any brush clearing and tree removal on the site. There are a significant number of trees that were damaged by Hurricane Harvey that will need to be removed. Any tree that is not within the street pavement and house footprint that can be saved, will be left in place. There were numerous changes to the layout made in order to save larger trees and large groups of trees. Those changes are as follows:

- Initially, Andouille Street went straight through to Beignet Lane, which would have caused the removal of a large mott of live oak trees. One block of street was removed and the amenities area was moved and reconfigured so all of the trees could remain in the common area.

- There is a large mott of live oak trees on Lot 105. We eliminated two lots and widened Lot 105 significantly so that the large trees could be saved.
- Common Area Lot 15 was created to save the live oak trees in the corner of the tract.
- Lot 53 was enlarged to allow for a creative house plan to save the large live oaks on that lot.
- There is a very large live oak tree in front of Lot 108. The home on this particular lot will need to be designed in order to save this tree, or the lot may end up being another common area / park space.

WETLANDS

The National Wetlands Inventory identifies the low area adjacent to Fulton Beach Road as a "freshwater emergent wetland" and a smaller "freshwater pond" internally. The developer has not completed a wetlands delineation for the USACE at this initial stage; however, the assumed wetlands area has been totally avoided in the proposed land plan.

FEMA FLOOD ZONE

According to the FEMA map dated 2/17/16, Panel C0245G, Community number 485504, the majority of the site is located in Zone X, which is outside of the FEMA Special Flood Zone area. The most easterly part of the property is located in Zone AE with a base flood elevation of +7. All homes constructed in Zone AE shall be built to a minimum finish floor elevation of +8.5, in compliance with the City of Rockport's 18" rule for structures in the special flood hazard area.

Signed:
J. Schwarz & Associates, Inc.

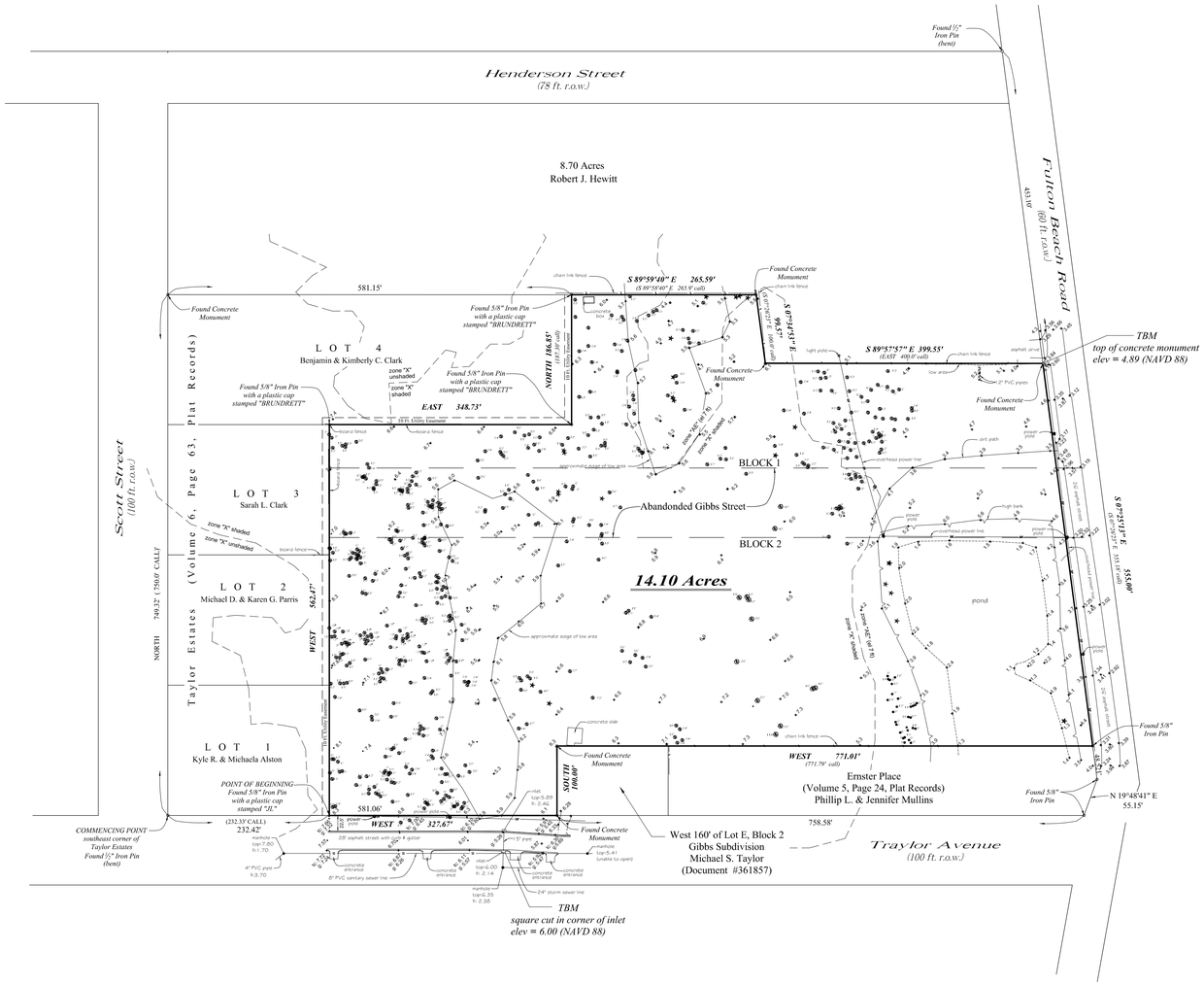
Brandi B. Karl, P.E.
Project Engineer

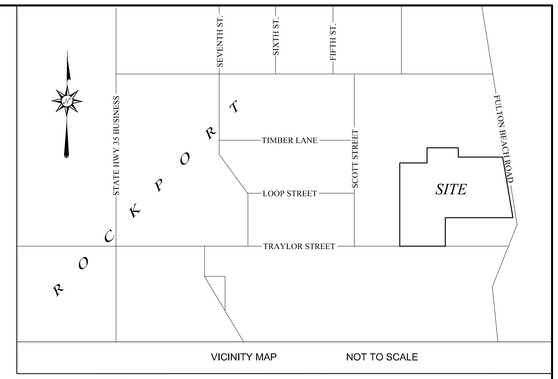


3-19-24

Bearings are based on the north r.o.w. line of Traylor Street

Scale: 1" = 100'





LEGEND

PALM

36" LIVE OAK with trunk diameter

REFERENCE:
Partition of 21.389 Acres of a portion of Block 1, all of Block 2, Gibbs Addition and all of Gibbs Street between Blocks 1 and 2 as recorded in Volume 3, Page 25 of the Aransas County Plat Records

NOTES:
1) Elevations are based on NGS Benchmark 877 4770 Tidal 11 located on the west side of Austin Street approximately 270 feet south of Cornwall Street in the City of Rockport; elevation = 5.30 (NAVD 88)
2) This tract is zoned "R-6" Hotel/Motel District per zoning map of the City of Rockport.
3) This tract lies in zones "AE" (base flood elevation 7) and "X" shaded (0.2% annual chance flood hazard) per N.F.I.P. Flood Insurance Rate Map No. 48007C0245G of community no. 485504, effective December 17, 2016.

Easements and Restrictions of record per Schedule B of the Commitment for Title Insurance issued by Westcor Land Title Insurance Company (GF No. T-112111)

item 10-3) Easement and Right of Way from TRINITY PORTLAND CEMENT COMPANY to CENTRAL POWER AND LIGHT COMPANY dated August 17, 1939 recorded in Volume U-2, Page 210, Deed Records, Aransas County, Texas.
item 10-4) A 20 foot (20') ingress and egress easement located along the East boundary line of Tract "J" of the Gibbs Addition, more fully described in deed recorded in Volume 126, Page 186, Deed Records of Aransas County, Texas.

NOTE:
This plat of survey is accompanied by a narrative metes and bounds description of the 14.10 Acre Tract depicted hereon.

TO: Naples Investment Company, III, LLC
Westcor Land Title Insurance Company

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Survey, jointly established and adopted by ALTA and NSPS and includes items 1, 3, 4, 7(a), 8, 9, 11, and 13, and 14 of Table A thereof. The fieldwork was completed on November 16, 2018.

Date of plat or map: November 21, 2018

Lorenzo Amaya
Registered Professional Land Surveyor No. 4834

STATE OF TEXAS
REGISTERED
LORENZO AMAYA
4834
PROFESSIONAL
LAND SURVEYOR

Survey of

Being 14.10 Acres out a portion of Block No. One (1), a portion of Block No. Two (2) and all of Gibbs Street, lying between Blocks One (1) and Two (2), closed and abandoned by order of the Commissioners Court of Aransas County, Texas February 18, 1939 and recorded in Volume 8, Page 187, Minutes of the Commissioners Court all being in Gibbs Addition in the City of Rockport, Aransas County, Texas as recorded in Volume 1, Page 64, Plat Records of Aransas County, Texas and being the same tract of land conveyed from C.P. Ernster, Jr. to Rock-N-Riviera I, Ltd. by General Warranty Deed dated January 24, 2006 and recorded under Document #280161 of the Aransas County Clerk's Records

Surveyed for:

Naples Investment Company III, LLC

Job No. 1896

Amaya Surveying Co., LLC
TBPLS Firm No. 10071700
905 E. Los Ebanos Blvd. Suite C
Brownsville, TX 78520
office: 956-550-0177 ***lamaya@rgv.rr.com***

Amaya Surveying Co., LLC
905 E. Los Ebanos Blvd., Suite C
Brownsville, TX 78520
office: 956-550-0177
lamaya@rgv.rr.com

Naples Investment Company III, LLC
14.10 Acres

November 21, 2018
Job No. 1896

Metes and Bounds Description

Being 14.10 Acres out a portion of Block No. One (1), a portion of Block No. Two (2) and all of Gibbs Street, lying between Blocks One (1) and Two (2), closed and abandoned by order of the Commissioners Court of Aransas County, Texas February 18, 1939 and recorded in Volume 8, Page 187, Minutes of the Commissioners Court all being in Gibbs Addition in the City of Rockport, Aransas County, Texas as recorded in Volume 1, Page 64, Plat Records of Aransas County, Texas and being the same tract of land conveyed from C.P. Ernster, Jr. to Rock-N-Riviera I, Ltd. by General Warranty Deed dated January 24, 2006 and recorded under Document #280161 of the Aransas County Clerk's Records; said 14.10 Acre Tract being more particularly located and described as follows:

COMMENCING at a ½" iron pin found at the intersection of the east right-of-way line of Scott Street (100 ft. r.o.w.) with the north right-of-way line of Traylor Avenue (100 ft. r.o.w.) for the southwest corner of Taylor Estates as recorded in Volume 6, Page 63 of the Aransas County Plat Records; THENCE, along the north right-of-way line of Traylor Street and the south line of said Taylor Estates, EAST a distance of 232.42 feet (232.33' call) to a 5/8 inch iron pin with a plastic cap stamped "JL" found for the southeast corner of said Taylor Estates and for the southwest corner and POINT OF BEGINNING of this 14.10 Acre Tract;

THENCE, along the east line of said Taylor Estates, NORTH a distance of 562.47 feet to a 5/8 inch iron pin with a plastic cap stamped "BRUNDRETT" found on the south line of Lot 4, Taylor Estates for the northeast corner of Lot 3, Taylor Estates and for a corner of this tract;

THENCE, along the south line of said Lot 4, EAST a distance of 348.73 feet to a 5/8 inch iron pin with a plastic cap stamped "BRUNDRETT" found for the southeast corner of said Lot 4 and for the northwest corner of this tract;

THENCE, along the east line of said Lot 4, NORTH a distance of 186.85 feet (187.30' call) to a 5/8 inch iron pin with a plastic cap stamped "BRUNDRETT" found for the northeast corner of said Taylor Estates and for a corner of this tract;

THENCE, S 89°59'40" E a distance of 265.59 feet (S 89°58'40" E 265.9' call) to a concrete monument found for a corner of this tract;

Amaya Surveying Co., LLC
905 E. Los Ebanos Blvd., Suite C
Brownsville, TX 78520
office: 956-550-0177
lamaya@rgv.rr.com

Naples Investment Company III, LLC
14.10 Acres
Job No. 1896

THENCE, S 07°34'53" E a distance of 99.57 feet (S 07°26'23" E 100.0' call) to a concrete monument found for a corner of this tract;

THENCE, S 89°57'57" E a distance of 399.55 feet (EAST 400.0' call) to a concrete monument found on the west right-of-way line of Fulton Beach Road (60 ft. r.o.w.) for the northeast corner of this tract;

THENCE, along the west right-of-way line of Fulton Beach Road, S 07°25'13" E a distance of 555.00 (S 07°26'23" E 555.18 feet to a 5/8 inch iron pin found for the northeast corner of Ernster Place as recorded in Volume 5, Page 24 of the Aransas County Plat Records and for the southeast corner of this tract;

THENCE, along the north line of said Ernster Place and a westerly extension thereof, WEST a distance of 771.01 feet (771.79' call) to a concrete monument found for the northwest corner Lot "E", Block 2 of the Partition of Gibbs Addition as recorded in Volume 3, Page 25 of the Aransas County Plat Records and for a corner of this tract;

THENCE, along the west line of said Lot "E", SOUTH a distance of 100.00 feet to a concrete monument found on the north right-of-way line of Traylor Street for the southwest corner of said Lot "E" and for a corner of this tract;

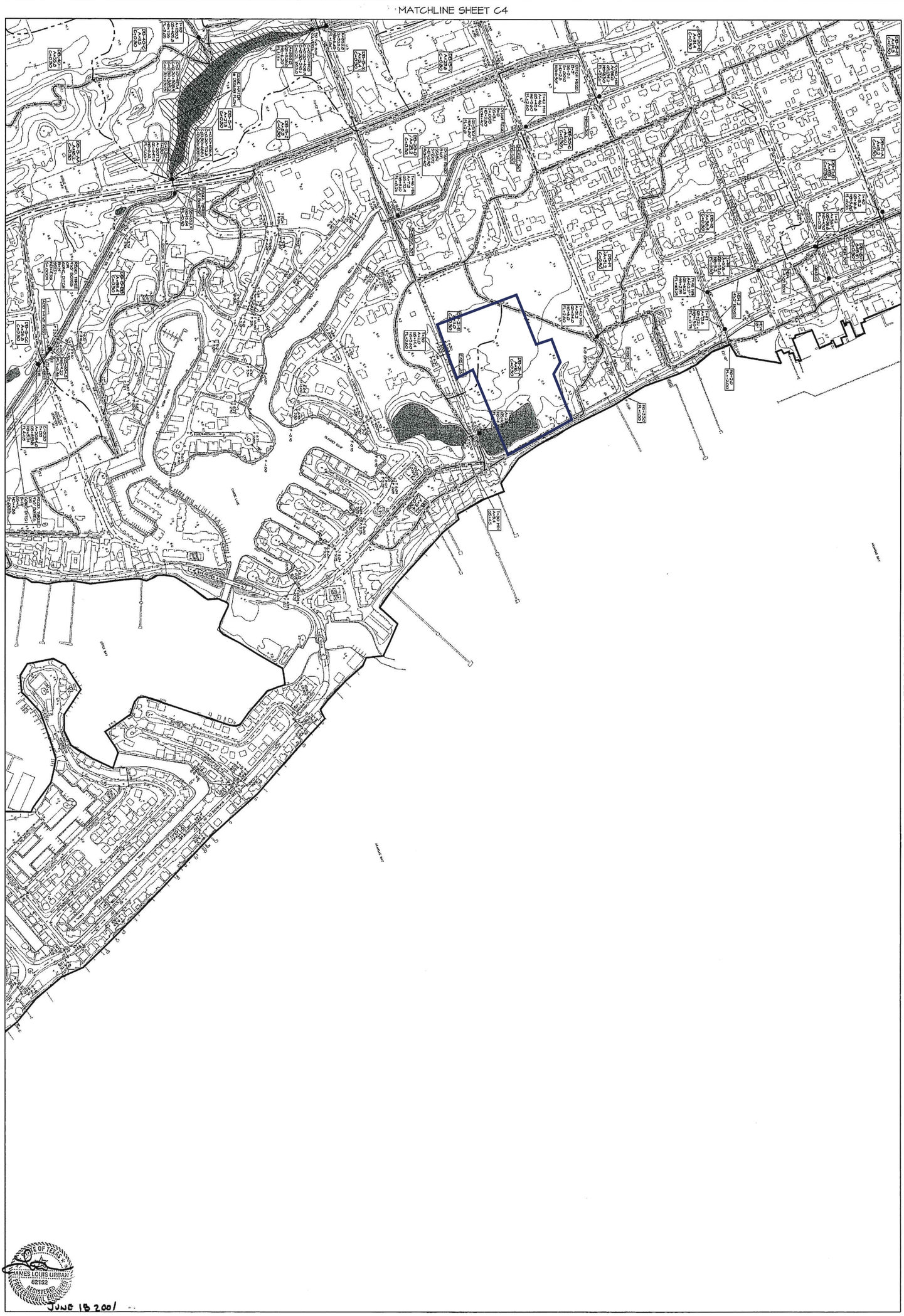
THENCE, along the north right-of-way line of Traylor Street, WEST a distance of 327.67 feet to the POINT OF BEGINNING.

Containing 14.10 Acres of land, more or less.
This metes and bounds description is accompanied by a plat of survey depicting the 14.10 Acre Tract described herein.

Lorenzo Amaya
Registered Professional Land Surveyor No. 4834



C:\DWGS\APL\01560\A001\MASTER PLANS\D4.dwg Wed May 30 15:49:48 2001 APL



© 2000 by Urban Engineering

URBAN ENGINEERING
CORPUS CHRISTI, TEXAS
2725 SWANTNER P.O.BOX 6355, CORPUS CHRISTI, TX.78466-6355,
(361)854-3101 FAX (361)854-6001

A10	B10	C10	D10						
A9	B9	C9	D9						
A8	B8	C8	D8						
A7	B7	C7	D7						
A6	B6	C6	D6						
A5	B5	C5	D5						
A4	B4	C4	D4						
A3	B3	C3	D3						
A2	B2	C2	D2						
A1	B1	C1	D1						

CITY OF ROCKPORT

DRAINAGE MASTER PLAN

ROCKPORT, TEXAS

LEGEND

- MINOR DRAINAGE BASIN BOUNDARY
- MAJOR DRAINAGE BASIN BOUNDARY
- DRAINAGE PATTERN
- NEW/PROPOSED DRAINAGE DITCH
- FLOW DIRECTION
- EX. CULVERT
- EX. STORM SEWER INLET
- PROP. STORM SEWER INLET
- EX. MANHOLE
- PROP. MANHOLE
- EDGE OF WATER
- CONTOUR & LABEL
- BENCH MARK
- PERIL-MAR CONTROL POINT
- DIRT TRAIL OR ROAD
- INTERMEDIATE CONTOUR
- FENCE

TC	TIME OF CONCENTRATION (MINUTES)
A	CUMULATIVE AREA (ACRES)
Q	25 YR FREQUENCY RUNOFF (CFS)
Q25	25 YR FREQUENCY RUNOFF (CFS)
HG	HYDRAULIC GRADIENT
FL	FLOW LINE
B	BOTTOM WIDTH OF DITCH (FEET)
SS	SIDE SLOPE
WD	WATER DEPTH
S	DITCH SLOPE
ROW	RIGHT OF WAY

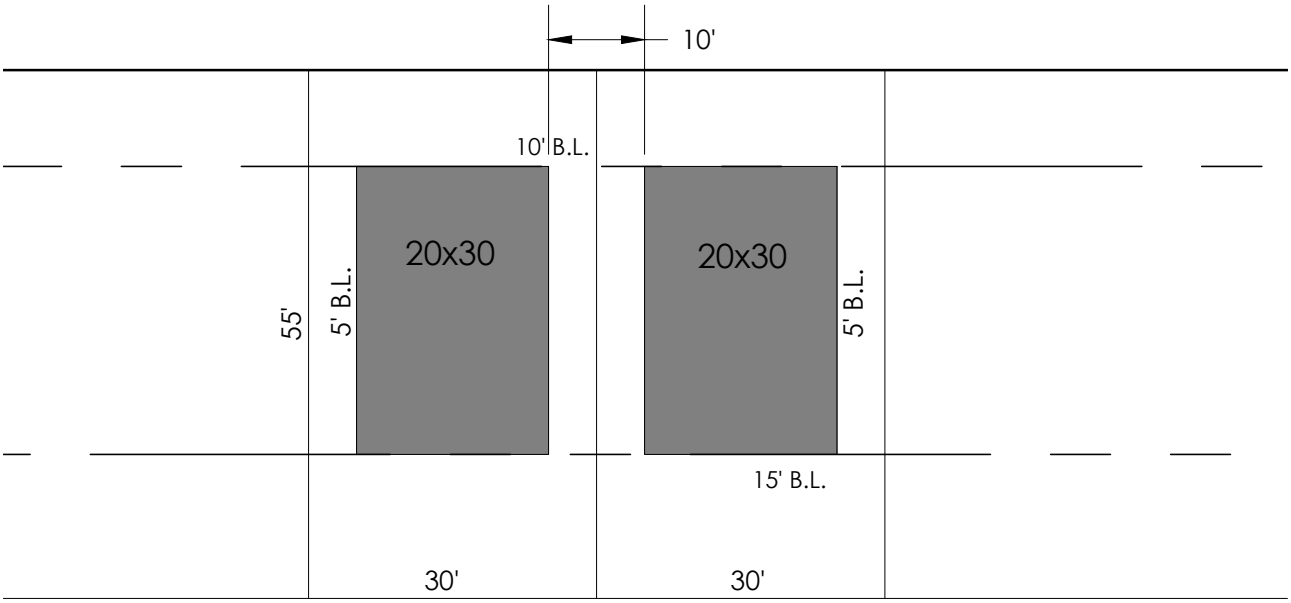
GI	GRATE INLET
SI	S' SLOT INLET
CI	CURB INLET
CI-1	CURB INLET SAG WELL
F=0.0	EXIST. FLOWLINE OF PIPE OR INLET
T=0.0	EXIST. TOP OF INLET
1-36"	QUANTITY AND SIZE OF EXIST. CULVERT
HG=0.0.0	WATER SURFACE ELEVATION
0.0.0	SPOT ELEVATION

JOB NO. 01560.A0.01
C:\01560\A001\D4.DWG (APL)

SHEET D4

JAMES LOUIS URBAN
82182
REGISTERED PROFESSIONAL ENGINEER
STATE OF TEXAS
JUNE 18 2001

01560.A0.01
D4.01



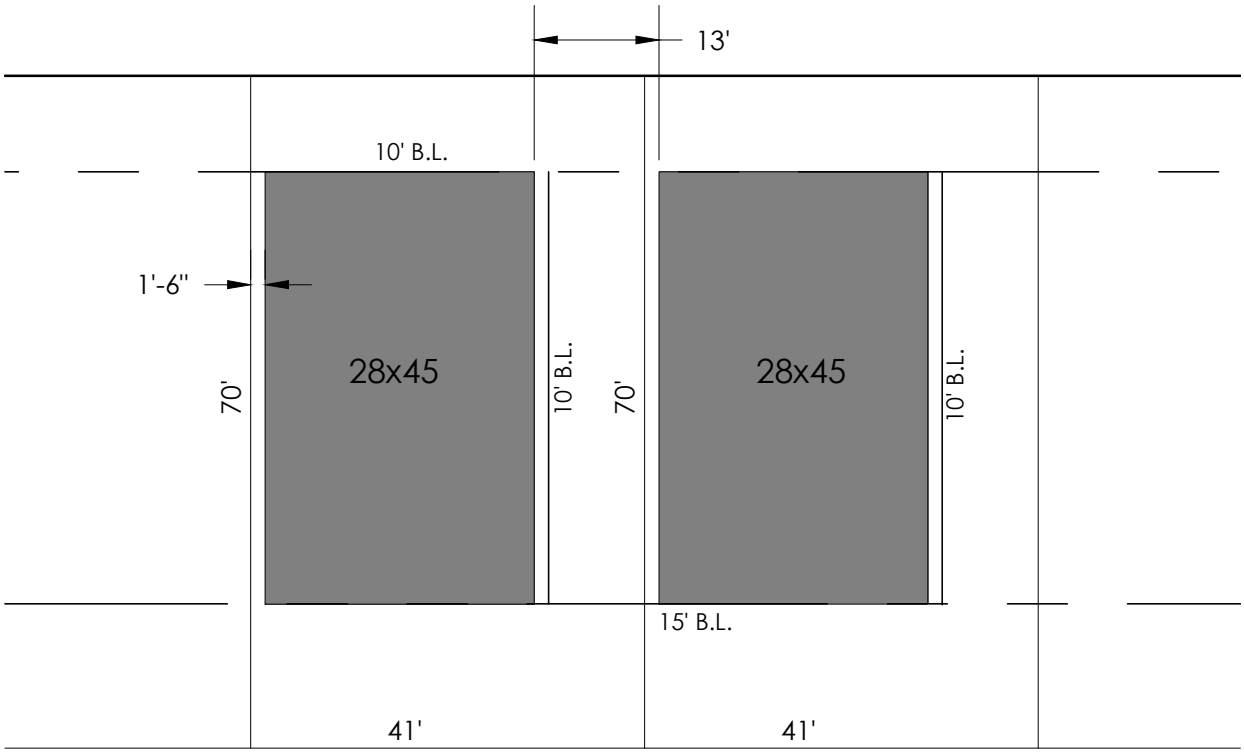
TYPICAL 20x30 COTTAGES

J. SCHWARZ & ASSOCIATES, INC.
Professional Engineering Solutions

TYPICAL LOT DIMENSIONS

FULTON SHORES
GARY SWEETMAN

REVISION	DATE



ROAD

TYPICAL 28x45 HOMES

J. SCHWARZ & ASSOCIATES, INC.

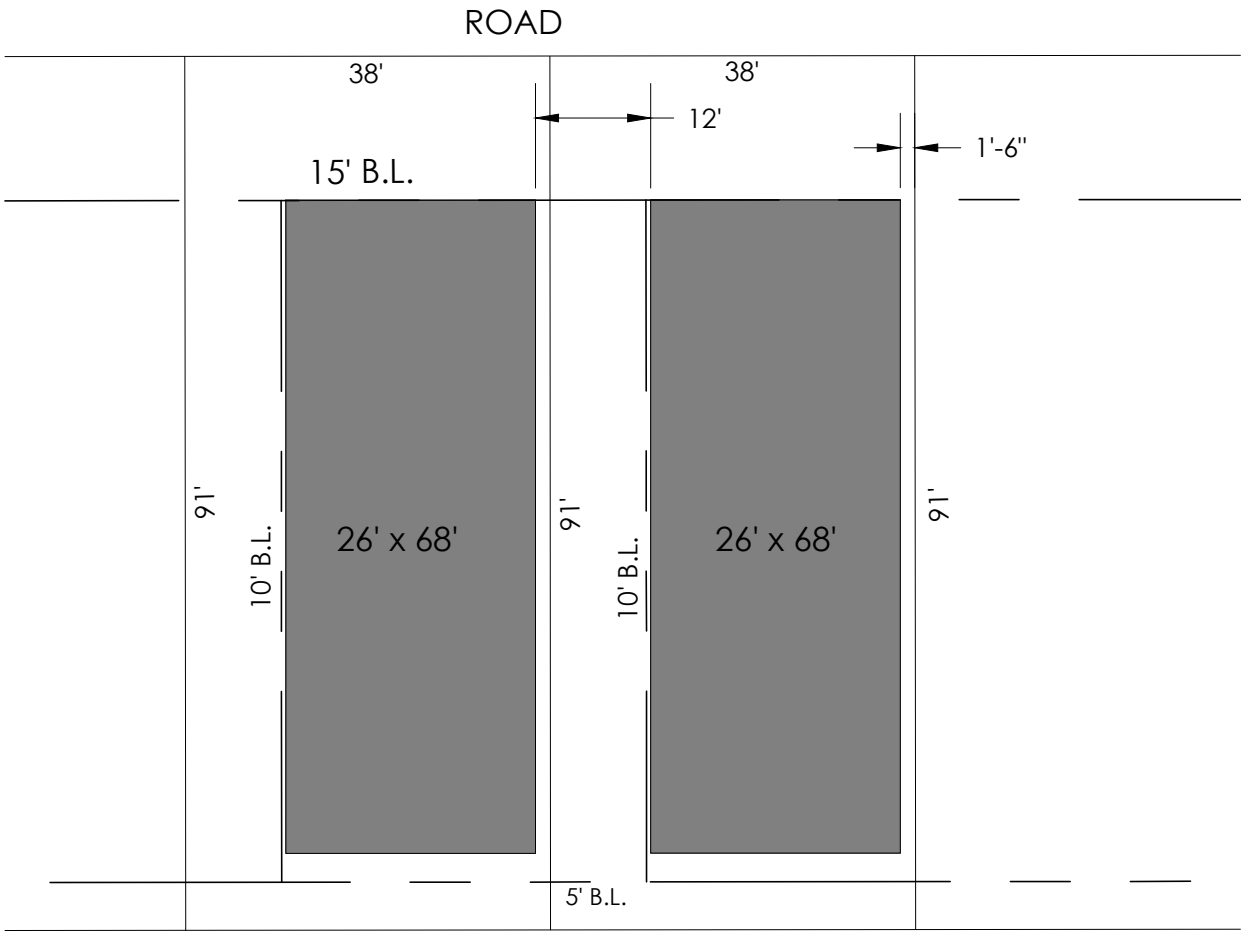
Professional Engineering Solutions

TYPICAL LOT DIMENSIONS

REVISION	DATE

FULTON SHORES

GARY SWEETMAN



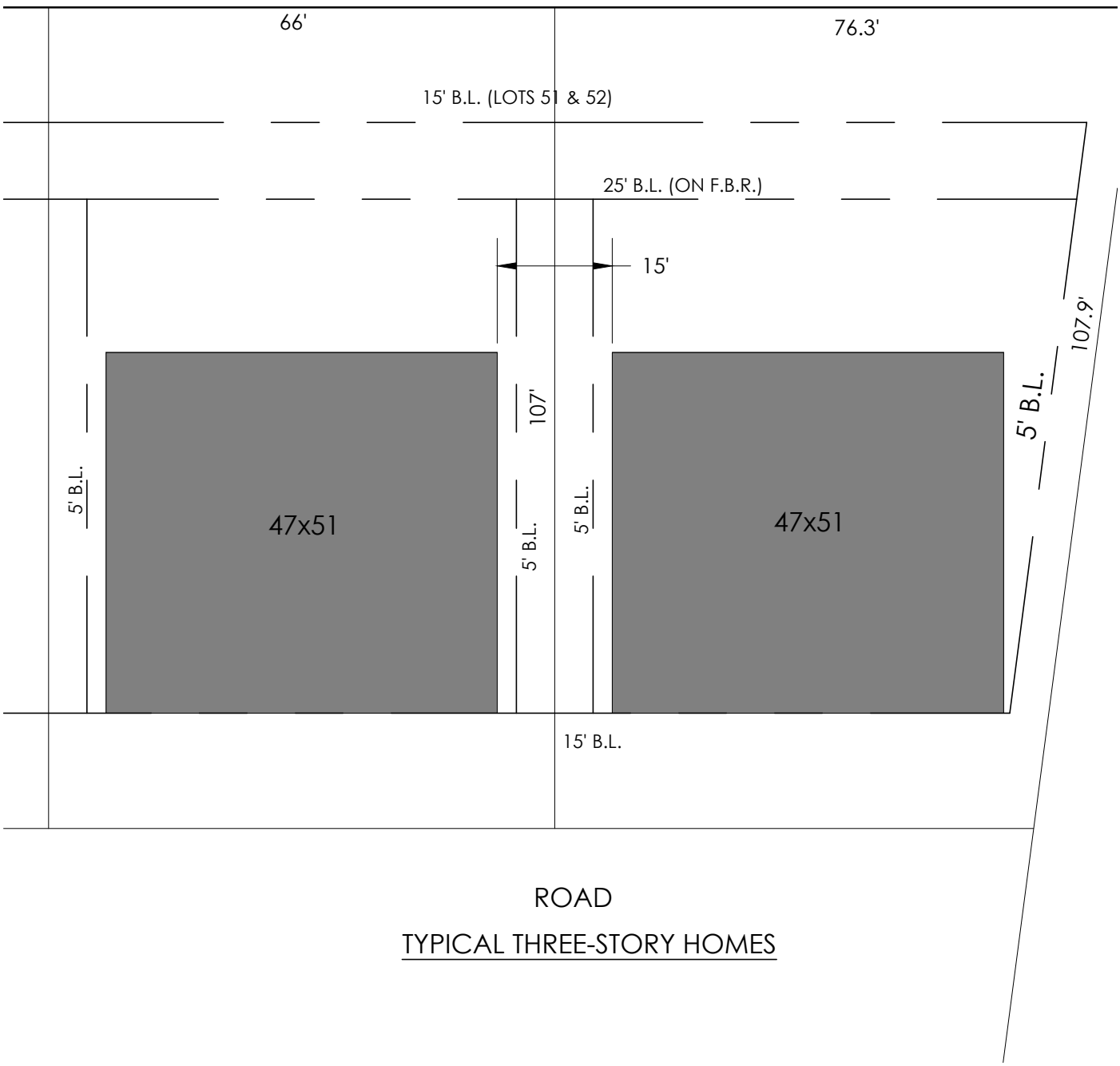
TYPICAL VILLAGE WALK STYLE HOMES

J. SCHWARZ & ASSOCIATES, INC.
Professional Engineering Solutions

TYPICAL LOT DIMENSIONS

FULTON SHORES
GARY SWEETMAN

REVISION	DATE



ROAD

TYPICAL THREE-STORY HOMES

J. SCHWARZ & ASSOCIATES, INC.

Professional Engineering Solutions

TYPICAL LOT DIMENSIONS

FULTON SHORES

GARY SWEETMAN

REVISION	DATE

MATCH LINE SHEET B5

MATCH LINE SHEET C6

MATCH LINE SHEET A6

MATCH LINE SHEET B7

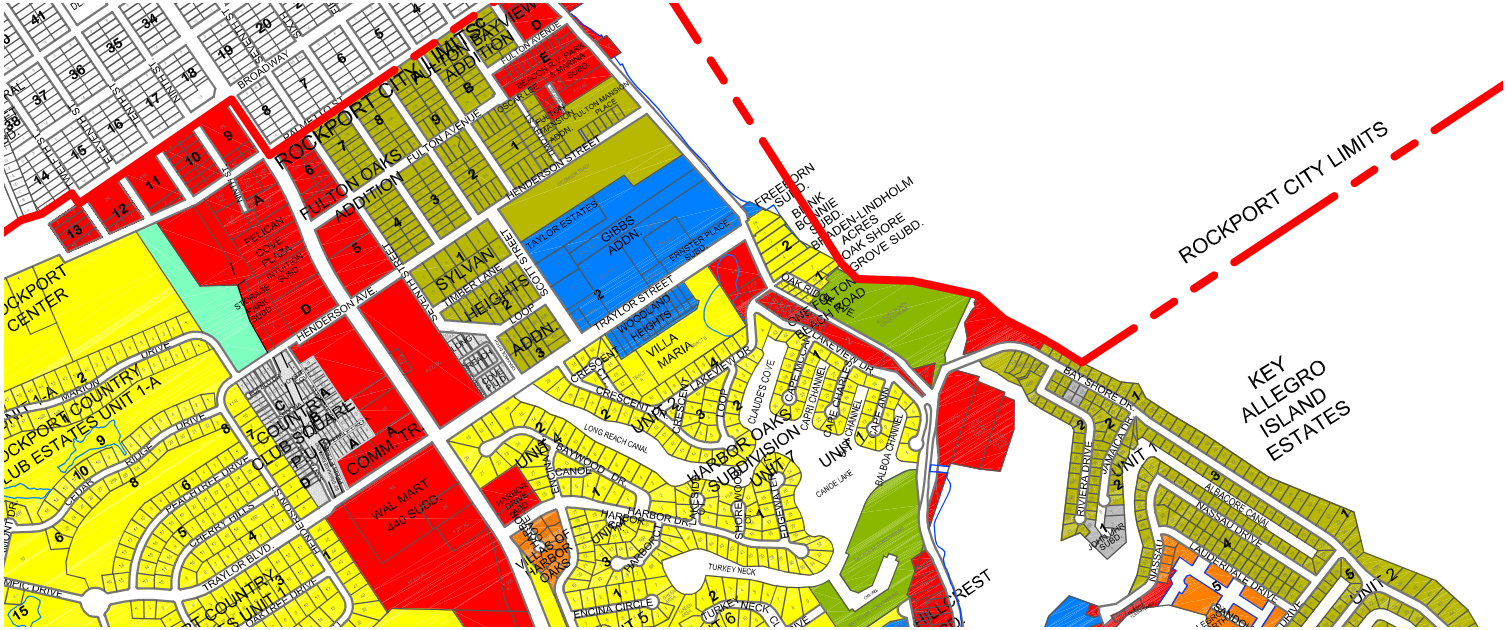
L.S. WATER TOWER LIFT STATION

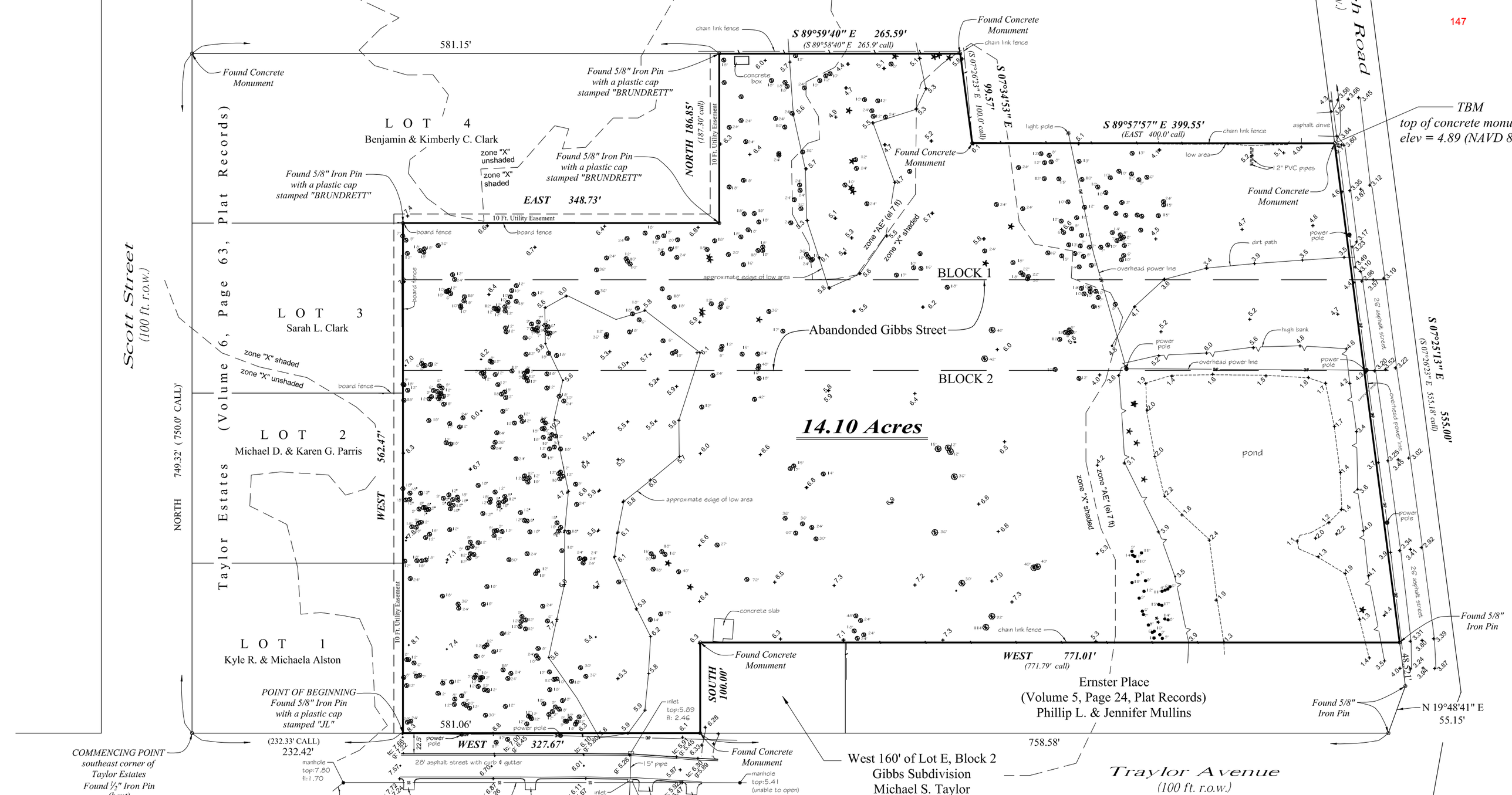
ELEVATED STORAGE CAPACITY 400,000 GALLONS

L.S.

L.S.

L.S.


ROCKPORT CITY LIMITS
ROCKPORT CITY LIMITS
KEY ALLEGRO ISLAND ESTATES
ROCKPORT CENTER
ROCKPORT COUNTRY CLUB ESTATES UNIT 1-A
FULTON OAKS ADDITION
FULTON BAYVIEW ADDITION
SYLVAN HEIGHTS ADDN.
GIBBS ADDN.
TAYLOR ESTATES
WOODLAND HEIGHTS
VILLA MARIA
HARBOR OAKS SUBDIVISION
WAL MART 440 SUBD.
COMM. TR.
PUB.
HENDERSON AVE.
HENDERSON STREET
FULTON AVENUE
TAYLOR BLVD
BROADWAY
BAY SHORE DR.
RIVIERA DRIVE
LAUDERDALE DRIVE
NASSAU DRIVE
ALBACORE CANAL
LONG REACH CANAL
CANDLE LAKE
CAPRI CHANNEL
RALBOA CHANNEL
TURKEY NECK
ENCINA CIRCLE
HILLCREST


Scott Street
(100 ft. r.o.w.)
Taylor Estates
(Volume 6, Page 63, Plat Records)
NORTH 749.32' (750.0' CALL)
581.15'
Found Concrete Monument
Found 5/8" Iron Pin with a plastic cap stamped "BRUNDRETT"
LOT 4
Benjamin & Kimberly C. Clark
NORTH 186.85'
(187.30' call)
10 Ft. Utility Easement
zone "X" unshaded
zone "X" shaded
EAST 348.73'
LOT 3
Sarah L. Clark
LOT 2
Michael D. & Karen G. Parris
LOT 1
Kyle R. & Michaela Alston
WEST 562.47'
board fence
chain link fence
S 89°59'40" E 265.59'
(S 89°58'40" E 265.9' call)
S 07°34'53" E
99.57'
(S 07°26'23" E 100.0' call)
S 89°57'57" E 399.55'
(EAST 400.0' call)
BLOCK 1
BLOCK 2
Abandonded Gibbs Street
approximate edge of low area
14.10 Acres
zone "AE" (el 7 ft)
zone "X" shaded
concrete box
light pole
low area
12" PVC pipes
dirt path
power pole
overhead power line
high bank
asphalt drive
26' asphalt street
pond
concrete slab
inlet
top:5.89
fl: 2.46
manhole
top:7.80
fl:1.70
manhole
top:5.41
(unable to open)
15" pipe
28' asphalt street with curb & gutter
power pole
SOUTH 100.00'
WEST 771.01'
(771.79' call)
S 07°25'13" E
(S 07°26'23" E 555.18' call)
555.00'
Found 5/8" Iron Pin
N 19°48'41" E
55.15'
48.21'
581.06'
758.58'
(232.33' CALL)
232.42'
WEST 327.67'
POINT OF BEGINNING
Found 5/8" Iron Pin
with a plastic cap
stamped "JL"
COMMENCING POINT
southeast corner of
Taylor Estates
Found ½" Iron Pin
Ernster Place
(Volume 5, Page 24, Plat Records)
Phillip L. & Jennifer Mullins
West 160' of Lot E, Block 2
Gibbs Subdivision
Michael S. Taylor
Traylor Avenue
(100 ft. r.o.w.)
TBM
top of concrete monu
elev = 4.89 (NAVD 8

tional Wetlands Inventory
ace waters and wetlands

ABOUT | GET DATA | PRINT | FIND

BASEMAPS >

MAP LAYERS >

apping Areas

e

urce Type

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ge Year

terest

ged Lands

tland Data

Measure

LEGEND

Wetlands

- Estuarine and Marine Deepwater
- Estuarine and Marine W
- Freshwater Emergent W
- Freshwater Forested/Sh Wetland
- Freshwater Pond
- Lake
- Other
- Riverine

Riparian

- Forested/Shrub
- Herbaceous

1:4,514
28.053 | -97.032

PUBHx

U.S. Fish and Wildlife Service, National Standards and Support Team, wetlands_team@fws.gov | Esri, HERE



PIN
Approximate location based on user input and does not represent an authoritative property location

MAP PANELS
Selected FloodMap Boundary
Digital Data Available
No Digital Data Available
Unmapped
NO SCREEN Area of Minimal Flood Hazard Zone X

SPECIAL FLOOD HAZARD AREAS
Without Base Flood Elevation (BFE) Zone A, V, A99
With BFE or Depth
Regulatory Floodway Zone AE, AO, AH, VE, AR
0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
Future Conditions 1% Annual Chance Flood Hazard Zone X
Area with Reduced Flood Risk due to

OTHER FEATURES
20.2 Cross Sections with 1% Annual Chance
17.5 Water Surface Elevation
Coastal Transect
Base Flood Elevation Line (BFE)
Limit of Study
Jurisdiction Boundary
Coastal Transect Baseline
Profile Baseline
Hydrographic Feature

GENERAL
Channel, Culvert, or Storm Sewer

URBAN ENGINEERING

Job No. 1560.C1.00

April 6, 2021

TRANSMITTED VIA EMAIL

Ms. Amanda Torres, CFM
Asst. Director of Building & Development
City of Rockport
2965 HWY 35 N
Rockport, Texas 78382

Subject: Fulton Shores PUD – Preliminary Concept Plan Review

Dear Ms. Torres,

As requested, we have reviewed the preliminary Concept Plan which was submitted as support documentation for a rezoning request from R-6 to P.U.D. on a 14.10-acre site proposed as the Fulton Shores P.U.D. Our review is for compliance with City Zoning standards and is based on the Zoning and Land Development Application, Concept Plan, and Planned Unit Development Report provided to us by the City staff.

The Application form does not indicate that this submittal is also intended to represent a Preliminary Plat but the applicant's representative has stated that the intent is for this Concept Plan to represent both the Preliminary Plat and the PUD Zoning Application. While we recommend and encourage 2 separate documents for the PUD Zoning and for the Preliminary Plat, Section 90-7 (Planned unit developments) authorizes the Planning and Zoning Commission "to accept a PUD concept as a preliminary plat so long as all construction requirements of this platting chapter are met." Considering that, we have also reviewed this submittal against the requirements for a Preliminary Plat, and those comments are noted separately from the PUD Zoning comments. Any Application forms and related fees for a Preliminary Plat submittal would need to be addressed.

Project Name:	Fulton Shores P.U.D. (14.10 Acres)
Applicant:	Gary Sweetman
Representative:	Brandi Karl, P.E. / J. Schwartz & Assoc.

Based on the preliminary information provided to date we have the following comments and questions, and do not recommend approval until these items are addressed:

CHAPTER 118 ZONING

118-19 Planned Unit Development:

- 19.2 - What are the reasons and basis for the modifications requested for the PUD Overlay District?
- 19.3 - The existing site is zoned R-6 Hotel/Motel. Need a comparison/confirmation that the proposed PUD Overlay meets the limitations of the R-6 and indicate the specific modifications that are requested to be authorized. See additional comments below.
- 19.4 - In addition to the overall density that has been provided, please provide the approximate % density of residential and % density of commercial areas.
- 19.4 - Provide the location of protective screening (assuming there will be perimeter fences).
- 19.13.3 – Please indicate why the PUD is necessary to address a unique situation or substantial benefit to the City.
- 19.13.4 - How are significant adverse impacts (ie sub-min. requirements) being mitigated?
- 19.13.5 - The application Report lists a maximum height of 45'. Does this apply to buildings on ALL lots? If not, what are the height limitations for buildings on each lot type?
- 19.13.6 - What is proposed to ensure that adjacent properties will not be adversely affected by the requested 10' rear setbacks along the perimeter of the development?
- 19.13.7 - Confirm that Lots 41-43 and 52 will have adequate fire protection.
- 19.13.7 - Confirm that the existing overflow configuration and size and the proposed pond retention are adequate to handle the demand for the PUD runoff.
- 19.13.8 - Provide information on any proposed signs and/or lighting to comply with the City's Sign Ordinance and Lighting Ordinance.
- 19.14.3 - Provide the % of residential use and % of non-residential use areas.

118-20 District area, yard and height regulations:

- It appears that the majority of the proposed PUD will be single family residential, with reduced setbacks. The Zoning table on page 2 of the Report lists criteria for R-6 (Hotel/Motel) vs. the Fulton Shores PUD. It appears that the majority of the development use and configuration will most similarly represent single family residential, near zero lot line (R-2B). Recommend that a column be included for comparison to the R-2B criteria in addition to the R-6. For example (see next page):

SECT. 118-20 ZONING - TABLE 20 COMPARISION OF EXIST. ZONING, SIM. ZONING, PUD APPLICATION							
	EXIST. ZONING HOTEL/MOTEL	ZERO LOT LINE SINGLE FAM.	RE-ZONING APPLICATION	RE-ZONING APPLICATION BREAKDOWN			
AREAS & DENSITIES	R-6	R-2B	FULTON SHORES PUD	20x30 COTTAGES (60)	28X45 HOMES (25)	26X68 VILLAGE WALK HOMES (16)	47X51 3-STORY HOMES (6)
LOT AREA MIN. - PER LOT (SF)	5000	5000	1500	1650	2870	3458	7062
LOT AREA MIN. - PER DWELLING UNIT	2200 *	5000	1500	1650	2870	3458	7062
LOT WIDTH MIN. (FT)	50	50	30	30	41	38	66
YARD MIN. - FRONT	25	25	15	15	15	15	15
YARD MIN. - REAR	20	20	10 ***	10	10	5	15
YARD MIN. - SIDE INTERIOR ****	5	5	5	5	*1.5?*	*1.5?*	5
YARD MIN. - SIDE EXTERIOR ****	15	15	10	5	*1.5?*	*1.5?*	5
LIVING AREA (SF)	500 **	600	600	600	1260	1768	2397
HEIGHT, MAX (FT)	45	35	45	45	45	45	45
* If single family dwelling							
** None if Hotel / Motel							
*** 5' rear on cottage lots w/ 10' common area pathway behind them							
****							
20.2.7 On corner lots in the R Districts there shall be a side yard along the side street of such lot of fifteen (15) feet, except that on separate lots less than seventy-five (75) feet in width, only twenty percent (20%) of the width of the lot need be provided for such side yard.							
20.3.2 For all R-Districts, a seven and one-half (7.5) foot minimum interior side yard shall be required for both main and detached accessory buildings/structures with three (3) or more stories.							
RED = Variance							
Comment *- Appears to function as near Zero lot line, but BL is not indicated on each typical layout*							

- The requested modifications to be specifically authorized should be clearly identified. The requests for the side yard reductions need to be clearly defined, along with the additional limitations similar to those included in R-2B zoning for a zero-lot line - for examples the minimum side yard setback on lots that are adjacent to zero-lot lines, and the minimum maintenance widths found in 20.2.3 and 20.2.5 a) and b).
- There are 4 categories of homes in the Report. Recommend that the 4 categories be included in a Legend or assigned an ID in the 'Lot Schedule' on the Concept Plan such that each lot (or group of lots) on the Concept Plan can be easily identified as to which category applies to that lot (or group of lots).

CHAPTER 90 SUBDIVISIONS AND PLATTING

90-7 Planned unit developments:

- Per 90-7 the PUD Concept Plan may be accepted as a preliminary plat, but to do that will need to include all items called for in Section 90 (for a preliminary plat) on the Concept Plan. Although some items may be addressed in the Report, all items that are typically shown on the preliminary plat itself should be shown on the Concept Plan.

90-22(a) Preliminary Plat:

- (a)(2) - Show info on lien holders (if any) and any encumbrances and other contiguous holdings.
- (a)(3) - Show info on adjacent property owners.
- (a)(7) - Show location of any trees 10" or larger DBH which would be located in proposed ROW.
- (a)(8) - Show elevations at 2' intervals or enough elevations to indicate general surface grade/flow patterns (including surrounding properties if they flow toward or away from site).
- (a)(9) - Clearly indicate the location and size of existing sewer, water, gas, culverts, and other underground structures immediately adjacent to the site, including electrical.
- (a)(10) - Clearly indicate any proposed connections with electrical, gas and telephone systems, and all easements or restrictions. Is the full 40' ROW to be a public utility easement? Confirm that Lots 41-43 and 52 will have adequate fire protection from within the fence perimeter.
- (a)(11) - Confirm and provide support documentation that the existing overflow configuration and size and the proposed pond retention are adequate to handle the demand for the PUD runoff. Provide the approximate existing and proposed Pond depths. Will the internal storm system and the pond be privately owned and maintained?
- (a)(12) – Show the FEMA flood zones (boundary line for each zone).
- (a)(13) – Show the areas of all proposed lots.
- (a)(14) – Clearly indicate the proposed setbacks (see comments above).
- (a)(17) – Indicate if the plat will be developed in phases or in a single phase.

90-31 Preliminary Plat:

- 90-31(b) - An Application should be included with the submittal for a preliminary plat.

ADDITIONAL

In addition to the comments provided above, we have the following additional comments and questions on information in the **Planned Unit Development Report** for the Re-Zoning Application:

- **PARKING** – What parking will be provided for Lot 113?
- **TREES** - Please provide some general description or basis for the reference to the 'damaged' trees that will need to be removed. For example, are the trees diseased and in decline, fallen, or the main branches broken, are the root systems dead/dying? The Report states that the tree survey is attached to this report "and overlayed over the development plan." A copy of the tree survey is in the documents we received, but not a copy which is overlayed over the development plan. Please provide the overlay and specifically indicate any trees 10" or larger DBH and whether they are proposed to remain or be removed.

I provided the applicant's representative, Brandi Karl, P.E., with a draft of the comments yesterday and she is discussing options with the applicant. If revisions are received in sufficient time, I will provide another letter by the end of the day with revised comments. If you have any questions, please let us know.

Respectfully,

URBAN ENGINEERING

Linda W. Gurley

Linda Webster Gurley, P.E.

JOINT PUBLIC HEARING
Rockport City Council
and
Planning & Zoning Commission

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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 22nd day of March 2021, 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, March 27, 2021, Edition, in accordance with the City of Rockport Code of Ordinances.

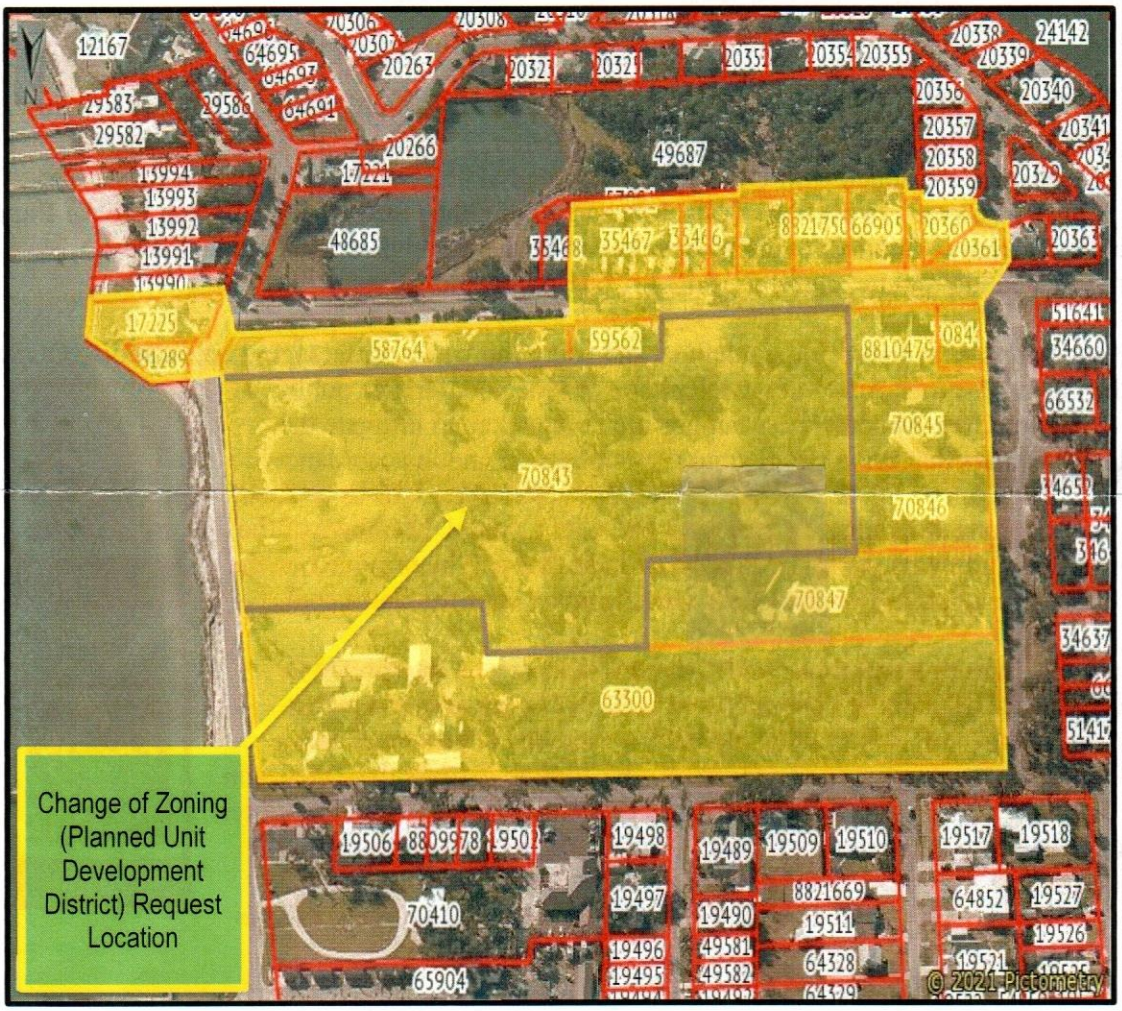
CITY OF ROCKPORT, TEXAS

Teresa Valdez, City Secretary

Property ID	Property Owner	Situs Address	Mailing Address	City	State	ZIP
58764	Phillip & Jennifer Mullins	427 S Fulton Beach Rd	427 S Fulton Beach Rd	Rockport	TX	78382
59562	Michael Taylor	211 Traylor Blvd	2040 North Loop W #104	Houston	TX	77018
8810479	Kyle & Michaela Alston	403 Traylor Blvd	403 Traylor Blvd	Rockport	TX	78382
70845	Michael & Karen Parris	602 Scott St	602 Scott St	Rockport	TX	78382
70846	Sarah Clark	580 Scott St	532 Zion Church Rd	Maurertown	VA	22644
70847	Benjamin & Kimberly Clark	510 Scott St	510 Scott St	Rockport	TX	78382
63300	Robert Hewitt	401 S. Fulton Beach Rd	PO Box 400	Victoria	TX	77902
70844	Mimi Nieschwietz	620 Scott St	2007 Baywood Dr	Rockport	TX	78382
51289	John & Marcella Fly	428 S. Fulton Beach Rd	135 River Trail	Castroville	TX	78009
17225	Atzenhoffer Properties LLC	502 S. Fulton Beach Rd	PO Box 2509	Victoria	TX	77902
35467	Gene Owens	222 Traylor Blvd	1407 Dorothea Rd	LA Habra HGTS	CA	90631
35466	Gene Owens	234 Traylor Blvd	1407 Dorothea Rd	LA Habra HGTS	CA	90631
35465	Gene Owens	302 Traylor Blvd	1407 Dorothea Rd	LA Habra HGTS	CA	90631
35464	Robert & Nrma Schendel	306 Traylor Blvd	PO Box 152	Yorktown	TX	78164
8821750	Aransas Sandlot LLC	318 Traylor Blvd	5529 Briar Dr	Houston	TX	77056
66905	Sandford & Linda Patchefsky	410 Traylor Blvd	PO Box 761	Fulton	TX	78358
49749	Aransas County	414 Traylor Blvd	2840 Highway 35 N	Rockport	TX	78382
20360	Robert & Kathryne Albin	2008 Crescent Ct	2008 Crescent Ct	Rockport	TX	78382
20631	Vernon & Erika Berckmoes	209 Forest Hills Apt 129	209 Forest Hills Apt 129	Rockport	TX	78382

Location Map of Proposed Change of Zoning Request

(Subject property indicated by a blue border. Notice area indicated in yellow.)



FAQ

Why am I receiving this notice?

Texas law requires that property owners within 200 feet of a zoning request be notified of the possible change to the property.

What do I do now?

It is your right to either object or support the proposed request. If you wish to do so, simply fill out this letter and return it to the City of Rockport by mail:

ATTN:
Building Department
City of Rockport
2751 SH 35 Bypass
Rockport, TX 78382

If you have any questions regarding this notice, please contact Amanda Torres, Community Planner, at **361-790-1125, ext. 226**.

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

SAN ANTONIO TX 780
RIO GRANDE DISTRICT
27 MAR 2021 PM 4 L

Benjamin & Kimberly Clark
510 Scott St
Rockport, TX 78382

SITUS ADDRESS: 510 Scott St

78382-571710

CITY of ROCKPORT, TEXAS
Est. 1870

JOINT PUBLIC HEARING
Rockport City Council and
Planning & Zoning Commission

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SCAN ME

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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: KIMBERLY CLARK, BENJAMIN CLARK & JAE CLARK
Address: 510 SCOTT STREET City/State: ROCKPORT, TX

( ) IN FAVOR (X) IN OPPOSITION Phone: 361-774-4824
361-463-7673

REASON:
It Does not meet Intent & General Criteria of a PUD. It would ~~create~~ cause adverse impact to my property & the community.
* Please see my email with a more elaborate reason.

Kimberly C. Clark
Signature

See map on reverse side.

Amanda Torres

From: Kimber Clark <kimberbenj@hotmail.com>
Sent: Monday, April 5, 2021 3:46 PM
To: Amanda Torres; Sally Clark
Subject: Formal Opposition to PUD Request at 417 South Fulton Beach Road

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.

Ms. Torres,

Thank you for sharing the PUD application and supporting documents with me. As you are aware, I am a surrounding property owner.

I live at 510 Scott Street and my family and I strongly oppose this PUD Request. Our neighbor, Sarah Locke Clark, at 580 Scott Street, also opposes this PUD Request and has asked to be included on this email expressing opposition.

Please print and include this email in any public informational packet compiled for City Council and Planning and Zoning Commission review.

Upon my initial review of the PUD application, I found 7 statements that seemed misleading, problematic, or inaccurate.

1. In the overview, the applicant states that the residential density of this PUD is 7.64 units/acre. It appears that this density may have been computed based on the entire 14.10-acre tract.

   Section 90-47 states: (e) *Waterbodies*. If a tract being subdivided contains a waterbody, or portion thereof, lot lines shall be so drawn as to distribute the entire ownership of the waterbody among the fees of adjacent lots unless a homeowners association is to be responsible. In the latter case, the mean high water line shall be the property line. The city may, in special cases, accept dedication of the waterbody. In no case shall the waterbody be included in meeting the minimum lot size or in calculating maximum density.

   Regardless of the overall density, the density surrounding my property and other neighboring residential properties is excessive. There are 14 proposed lots sharing a property line with my 1 single family lot. The addition of 107 small lots with minimal pervious yard or common spaces will require the removal of the majority of the natural buffers and topographical protections that the tree/plant life and lay of the land provide to my property and surrounding neighbors. Due to this high density, the dramatic loss of habitat will negatively impact the ecological diversity of wildlife on the surrounding properties. This tract of land, encompasses one of the most iconic, still functioning, native habitats that is visibly accessible to the public. It encapsulates the coastal charm and natural beauty that Rockport is known for. It is one of the few properties along Fulton Beach Road that has all of the following: windswept oaks, heritage oaks, new growth forest and functioning wetlands with a stormwater catchment system, in the form of naturally occurring bogs and swales. The abundant wildlife and bird populations thrive on this tract of land because of its proximity and access to dense native understory, trees and the wetlands. The surrounding neighbors appreciate the value of these natural assets and have intentionally chosen to build in a responsible way to minimize adverse impact to this area. It would be a travesty to lose these rich natural assets in exchange for a development that would be better suited for a different location. For this development to be consistent with City ordinances and be

considered beneficial, it would need to set aside substantially more undisturbed open space for conservation easements and wildlife corridors.

Staff Request: Please double check the density figures and make sure all special considerations have been computed into this calculation, such as submerged land and perhaps other geographic and natural features. Also, I would like you to ask the applicant to provide a 3 dimensional, accurately scaled, rendering of each type of lot reflecting sample housing units with parking. Also, request an overlay that is shaded to show the amount of the development that would be covered with impervious surfaces necessary to accommodate all buildings, driveways, common areas, and streets. This would help stakeholders and leadership visualize the bulk and density of this proposed development.

2. The applicant states that "the majority of the site is located in Zone X." This statement is partially misleading because the majority of this property is in the shaded 0.2% / 500 Year Flood Hazard Area, and no portion is in the low-risk unshaded Zone X. Additionally, a sizable piece does fall within the Special Flood Hazard Area. All of the property being proposed for development lies within a very significant and naturally functioning floodplain. For example, our home and property had no flood damage during Hurricane Harvey. The natural features of this surrounding area mitigated the flood water and made our low density and sustainably designed structures very resilient. This tract of land serves as an essential "work horse" for collecting and processing storm and seasonal tide waters.

Staff Request: Please review and make sure this development is consistent with the guidance provided in the Flood Ordinance, Floodplain Management Plan, Hazard Mitigation Action Plan and newly drafted Comprehensive Plan. Since you are the Floodplain Manager, I would appreciate your feedback and professional assessment of this plan's consistency with the guidance in these documents. (Item 1)

3. This concept plan does not fulfill the intent of a PUD Overlay District. It is not being used to best utilize special site features, topography, size or shape. It does not represent a substantial benefit to the City. In fact, it is seeking to eliminate most of the naturally existing beneficial features of this property in order to produce a more lucrative high-density development at the detriment of the public good. This PUD appears to be solely solicited in order to avoid the existing zoning restrictions. Also, it does not meet all 9 elements of the General Criteria, particularly problematic are: 1,3,4,6,7,8, and 9.

Staff Request: I request that staff do a thorough review of the application and concept plan to make sure it meets the Intent and General Criteria for a PUD. I would like to ask City Staff or the applicant to overlay the complete tree/topography survey, as well as flood hazard layers, upon the submitted PUD Concept Plan. Access to this overlay will allow citizens and leadership to see how the concept plan truly does or does not take into consideration the existing trees, topography, native habitat and natural floodplain features. (Item 2)

4. The application neglects to mention that there are protected windswept oaks on the property. Also, it does not mention the number of trees that will be removed because they live within the street pavement plan, homesite/driveway footprints, and common areas that would necessitate their removal. This plan reflects very little genuine effort to sustainably design a plan that maximizes the protection and conservation of natural community assets. For example, streets are not designed to meander around significant geographic features and trees. The applicant is requesting relief from existing zoning in order to be allowed more developable space. A PUD can allow for higher density, but this higher density should only be considered if it creates a win-win solution for the developer and the community. A win-win for our community would be preservation of as many trees and natural assets as possible.

5. Adverse Impacts: This application is missing important data regarding the mitigation of adverse impacts. It has impacts on adjacent properties, hazard prevention, habitat and ecosystems, coastal erosion, drainage, public safety, traffic, as well as, light and noise pollution. Additionally, Fulton Beach Road shoreline stability, flooding, and added vehicle and pedestrian traffic should be of great concern to the City. This plan

proposes a fishing pier across Fulton Beach Road. The foot traffic produced by 107 residences across this major road could present additional serious public safety and traffic concerns.

Staff Request: Please request additional studies and provide data and feedback on these potential adverse impacts on surrounding property owners and the community at large.

6. Regarding wetlands, the applicant makes contradictory statements. In COMMON AREAS, the applicant states that the natural wetland will be excavated deeper to accommodate fishing. However, in WETLANDS, the applicant states a wetlands delineation has not been requested at this initial stage because the assumed wetlands area has been totally avoided in the land plan. This wetlands area and the surrounding floodplain should be the **first** consideration before any land development plan is considered.

Staff Request: Please require the applicant to provide a wetlands and other critical areas delineation survey.

7. The applicant provides a table making comparisons between R-6 and the PUD requested single family residential subdivision lot size and setbacks. This table is missing information critical to the decision-making process. Additional information would give decision makers the ability to better determine if the overall intent of this PUD is to maximize development or create a sustainable solution to responsibly develop and better preserve the natural assets that would be lost if the property was developed under regular R-6 regulations.

Staff Request: Please verify the accuracy of this information for the type of proposed subdivision in an R-6. Also, ask the applicant to provide data comparing the following: The number of lots if developed as an R-6 zoned single family residential subdivision compared to the PUD Request.

ZONING

The property is currently zoned R-6 and the developer is requesting a PUD Zoning, to allow for a more unified residential development, in accordance with Section 118-19. The comparisons between the standard R-6 and the proposed PUD are as follows:

	R-6	Fulton Shores PUD
Lot Area Minimum (sf)	2200	1500
Lot Width Minimum (ft)	50	30
Front Yard Setback Min	25	15
Rear Yard Setback Min	20	10*
Side Yard Setback Min	5	5
Side Yard Interior Min	15	10
Living Area (sf)	500	600
Maximum Height	45	45

* 5' rear on cottage lots that have a common area pathway behind them

Staff Question: Table 20: Please explain to me the difference between the 2 different "Lot Area Minimums" for a residential subdivision lot in an R-6 Zone.

Table 20

(Refer to Exceptions enumerated in Article 20 [section 118-20])

Areas & Densities	R-1	R-2	R-2B	R-2M	R-3	R-4	R-5	R-6	R-7	B-1	B-2	I-1	I-2
Lot Area Minimum (sq.ft.)—PER LOT	7000	5000	5000	5000	7000	5000	5000	5000	5000	n/a	n/a	n/a	n/a
Lot Area Minimum (sq.ft.)—Per DWELLING UNIT	7000	5000	5000	5000	3500	3500	2200	2200 *1	2200 *2	n/a	n/a	n/a	n/a
Lot Width Minimum (ft.)	50	50	50	50	50	50	50	50	50	50	n/a	n/a	n/a
Yard, Minimum—FRONT	25	25	25	25	25	25	25	25	25 *6	20	n/a	20	20
Yard, Minimum—REAR	20	20	10	20	20	20	20	20	10	n/a	n/a	n/a	n/a
Yards, Minimum—SIDE INTERIOR *3	5	5	10/0	5	5	5	5	5	5	n/a	n/a	n/a	n/a
Yards, Minimum—SIDE EXTERIOR *3	15	15	15	15	15	15	15	15	15	n/a	n/a	n/a	n/a
Living Area (sq.ft.)	800	600	600	600	500	500	500	500 *4	500 *5	500	n/a	n/a	n/a
Height, Maximum (ft.)	35	35	35	35	35	35	35	45	35	45	35	45	45

* Note: 1 - If Single-Family Dwelling; 2 - If Single/Multi-Family Dwelling; 3 - Refer to sections 20.2.7 & 20.3.2 for exceptions; 4 - None if Hotel/Motel; 5 - None if office; 6 - Refer to section 20.2.6 for exception.

I appreciate your thoughtful consideration of the feedback I have provided and the requests that I have made. I am a very concerned community member and adjacent landowner. I urgently request that you procure all this information from the applicant prior to any decision being made regarding this PUD request.

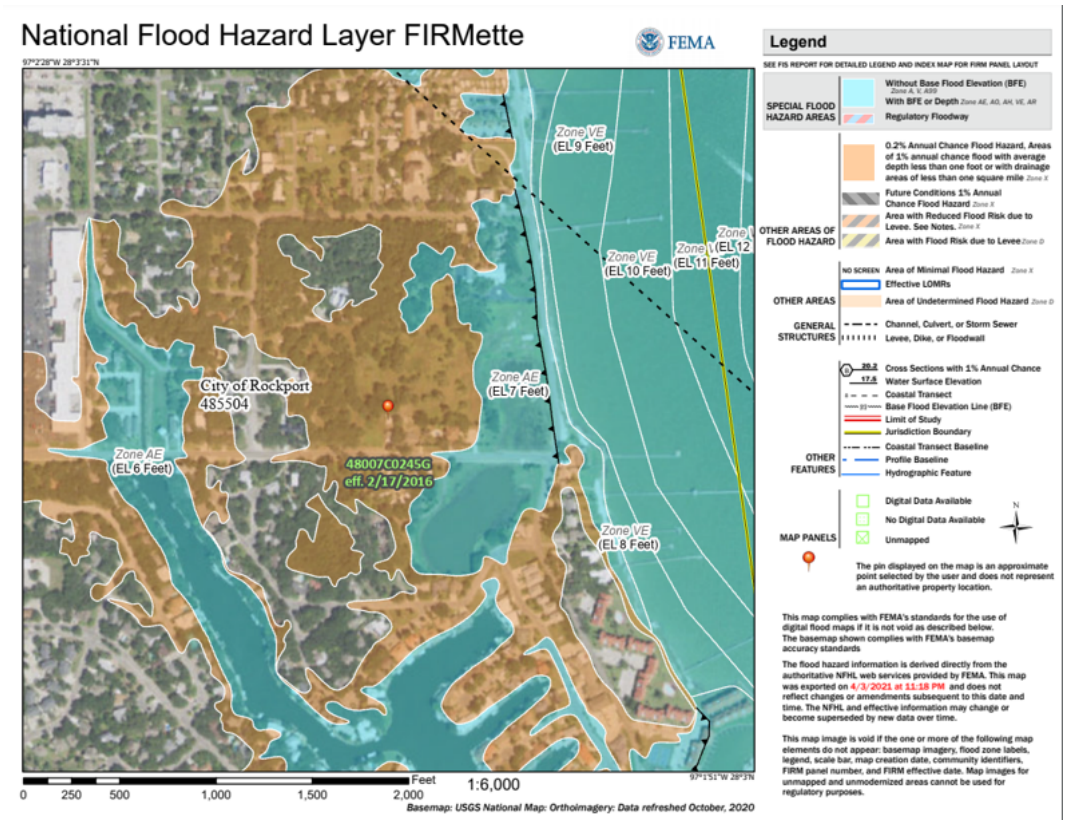
I wholeheartedly believe this PUD will negatively impact my property and the greater community. It is for these reasons I strongly **oppose** this PUD Request.

Respectfully submitted,

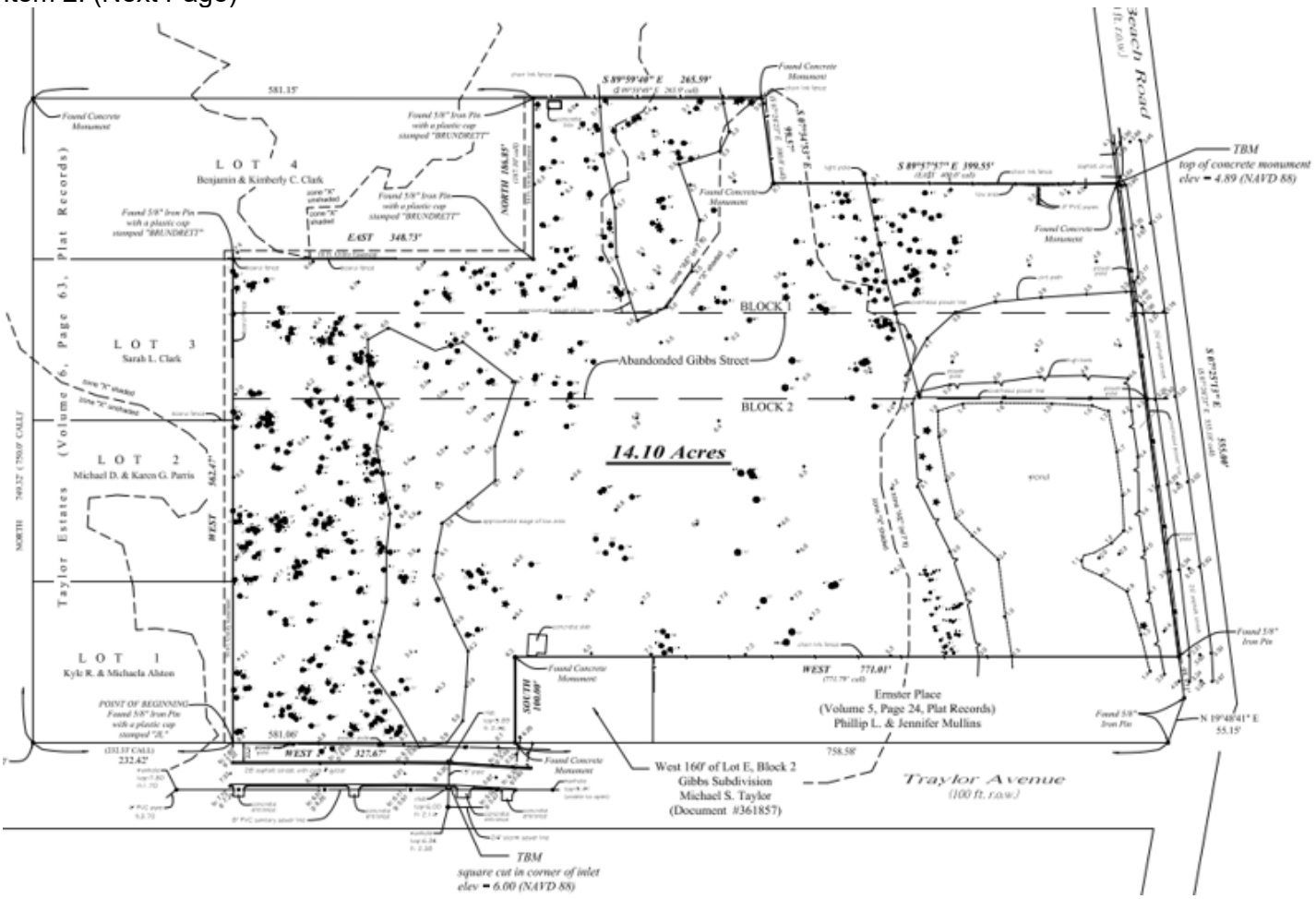
Kimberly C. Clark

(Please respond to confirm you received this email.)

Item 1:



Item 2: (Next Page)



CITY of ROCKPORT, TEXAS

JOINT PUBLIC HEARING
Rockport City Council and
Planning & Zoning Commission

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CITY OF ROCKPORT, TEXAS
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Printed Name: Sanford & Linda Patchefsky
Address: P.O. Box 761, Fulton, TX 78358 City/State:

( ) IN FAVOR (X) IN OPPOSITION Phone: 480-433-8604

REASON:
The increase of residences, traffic & noise on Traylor Blvd & Fulton Beach road will destroy our bird sanctuaries & wildlife refuges. It will also diminish the peace that makes Rockport our treasured commuity!

Linda Patchefsky Sanford Patchefsky
Signature

See map on reverse side.

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The meeting will be held in person with social distancing guidelines and using the video conferencing application ZOOM. 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 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 April 13, 2021 and posted on the City's website www.cityofrockport.com.

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.

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: Sarah Clark
Address: 532 Zion Church Rd. City/State: Maurertown VA 22644

( ) IN FAVOR (✓) IN OPPOSITION Phone: (540) 325-1184

REASON:
See letter *

Signature Sarah L Clark

See map on reverse side.

Sarah L. Clark
532 Zion Church Rd.
Maurertown, VA 22644

April 2, 2021

To: Rockport Citizen Council and
Planning and Zoning Commission

Re: Hearing April 13, 2021

Ladies and Gentlemen:

Please know I am in strong opposition to the proposed high-density single family residential subdivision. Such development is totally out of character with the charm of the Rockport-Fulton area! It would adversely impact my property at 580 Scott Street, but more importantly, it would destroy the natural wetlands there. These natural acres are much too precious to us and future generations to be turned into high density housing.

Sarah L. Clark

CITY COUNCIL AGENDA
Regular Meeting: Tuesday, April 13, 2021

AGENDA ITEM: 14

Deliberate and act on second and final reading of an Ordinance extending a moratorium, for 120 days, on the submission, acceptance, processing, and approval necessary for the creation of development plats, construction or facilities related to recreational vehicle (RV) parks for land within the City of Rockport; providing a savings clause; providing a severability clause; finding and determining that the meeting at which the Ordinance was passed was open to the public as required by law; and providing an effective date.

SUBMITTED BY: Community Planner Amanda Torres

APPROVED FOR AGENDA: PKC

BACKGROUND: The Building and Development Department continues to receive a large volume of development applications for recreational vehicle (RV) parks, primarily along the Highway 35 Bypass corridor. In the January 2018 planning retreat, there was discussion about land use planning and the balance of certain uses. As the City is working on an update of its comprehensive land use plan (with the assistance of Texas A&M University), the implementation of a temporary moratorium to allow for the completion of the update has been prudent, given the volume of development requests for RV parks. Staff has been working with a planning consultant to revise the RV park regulations and the revised ordinance is on the April 13 council agenda for presentation and discussion.

The moratorium was reviewed and deliberated on in July and August 2018. It was officially adopted on August 14, 2018, extended on January 8, April 23, August 13, 2019, January 8, 2020, May 26, 2020, and December 15, 2021. It is staff's recommendation to extend the moratorium another 120 days to allow for consideration of the completed update of the comprehensive land use plan.

There have been no changes to format or content since Council approved the first reading of the Ordinance on March 23, 2021.

Please see the accompanying draft ordinance and Chapter 212 Subchapter E of the Texas Local Government Code for more information.

FISCAL ANALYSIS: N/A.

RECOMMENDATION: Staff recommends the City Council approve to second & final reading of an Ordinance extending the temporary moratorium for 120 days on the submission, acceptance, processing, and approval necessary for the creation of development plats, construction or facilities related to recreational vehicle (RV) parks for land within the City of Rockport, as presented.

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF ROCKPORT, TEXAS EXTENDING A MORATORIUM, FOR 120 DAYS, ON THE SUBMISSION, ACCEPTANCE, PROCESSING, AND APPROVAL NECESSARY FOR THE CREATION OF DEVELOPMENT PLATS, CONSTRUCTION OR FACILITIES RELATED TO RECREATIONAL VEHICLE (RV) PARKS OR MANUFACTURED HOUSING PARKS FOR LAND WITHIN THE CITY OF ROCKPORT; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; FINDING AND DETERMINING THAT THE MEETINGS AT WHICH THE ORDINANCE WAS PASSED WERE OPEN TO THE PUBLIC AS REQUIRED AS LAW; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, pursuant to Texas Local Government Code Section 211.003, the governing body of a municipality may regulate the location and use of buildings, other structures, and land for business, industrial, residential or other purposes; and

WHEREAS, pursuant to Texas Local Government Code Section 211.004, zoning regulations must be adopted in accordance with a comprehensive plan; and

WHEREAS, pursuant to Section 118-24.2.13 of the City of Rockport Code of Ordinances, general provisions regarding the development and regulation of recreational vehicle/manufactured housing parks are outlined; and

WHEREAS, the City has received a large number of Conditional Use Permit requests for the development of recreational vehicle parks within the city limits in the past two years and anticipates more requests in the future; and

WHEREAS, the City is currently updating its Comprehensive Land Use Plan to evaluate the future growth and development of various land uses within the city limits; and

WHEREAS, the existing provisions of the City Code are inadequate and antiquated given the health, safety, and welfare concerns of the public and time is needed to review, study, and revise the City Code to fully consider the impacts related to the location and regulations dictating the development of recreational vehicle and manufactured housing parks; and

WHEREAS, multiple recreational vehicle or manufactured home park developments would create a significant shortage of current essential public facilities; and

WHEREAS, the City requires additional time to prepare, evaluate and update regulations regarding the development and construction of recreational vehicle and manufactured housing parks; and

WHEREAS, the absence of this ordinance would impair the orderly and effective implementation of contemplated amendments to the Rockport City Code and/or Comprehensive Land Use Plan, and any further authorization to construct recreational vehicle or manufactured housing parks within the City limits during the period of this moratorium may be in conflict with or may frustrate the contemplated updates and revisions to the Rockport City Code and/or Comprehensive Land Use Plan; and

WHEREAS, without the enactment of this ordinance, multiple recreational vehicle or manufactured housing parks could quickly receive permits to develop recreational vehicle or manufactured housing parks that pose a threat to the public health, safety, and welfare. For example, without this ordinance, recreational vehicle or manufactured housing parks could:

i. Create land use conflicts and incompatibilities with adjacent current and future land uses;
ii. Create visual and aesthetic blights and potential safety concerns arising from excessive size, layout, noise, or lack of appropriate screening of recreational vehicle or manufactured housing parks;
iii. Create traffic and pedestrian safety hazards due to inadequate and antiquated regulations regarding the current allowances for the size and layout of ingress/egress easements;
iv. Negatively impact the predominately residential quality and character of the City; and
v. Due to the nature of this type of development, it will create such a shortage of essential public facilities that it is a detriment to the health, safety and welfare of the community

WHEREAS, the City Council further finds that this moratorium is a matter of local and City-wide importance and is not directed towards any particular developer or property owner that currently seeks to establish a recreational vehicle or manufactured housing park but is necessary to ensure that the provision of such services and facilities are addressed in a uniform and non-discriminatory manner; and

WHEREAS, the City Council finds that there is a current and immediate threat to the public health, safety, and welfare based on the above findings, and upon that basis has

determined that an urgency ordinance prohibiting the issuance of new permits or approvals for recreational vehicle or manufactured housing parks within the City is warranted; and

WHEREAS, the City Council finds that it is necessary and proper for the good government, peace or order of the City of Rockport to implement a Temporary Moratorium on the submission, acceptance, processing, and approval of any new applications for a Conditional Use Permit that would allow the development of recreational vehicle or manufactured housing parks within the City of Rockport; and

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

SECTION 1.

The findings and recitations set out in the recitals to this Ordinance are found to be true and correct and they are hereby adopted by the City Council and made a part hereof for all purposes.

SECTION 2.

The City Council of the City of Rockport hereby places a moratorium on the submission, acceptance, processing and approval of any new applications for Conditional Use Permits that would allow the development of recreational vehicle or manufactured housing parks, effective immediately upon passage of this Ordinance, for a period of one hundred and twenty (120) days or as maybe extended by action of City Council, until the adoption and implementation of regulations as described in the above recitals, whichever may occur earlier.

SECTION 3.

This Moratorium applies to all property located within the City of Rockport.

SECTION 4.

Waivers for relief of hardship caused by this Temporary Moratorium may be made in writing to the City Council. Waivers may be granted by the City Council when the City Council in its discretion determines the application shall suffer undue hardship if the moratorium is not waived, that being something beyond or in addition to financial hardship and that it is in the public interest to allow a limited exception to the moratorium.

SECTION 5.

In the case of any conflict between the provisions of this ordinance and any existing ordinances of the City the provision of this ordinance will control during the moratorium period.

SECTION 6.

If any section, paragraph, sentence, clause, phrase or word of this ordinance is declared unconstitutional or invalid for any purpose, the remainder of this ordinance shall not be affected thereby and to this end the provisions of this ordinance are declared to be severable.

SECTION 7.

It is hereby found and determined that the meetings at which this ordinance was passed were open to the public, as required by Section 551.001, et seq., of the Texas Government Code, and that advance public notice of the time, place and purpose of said meetings was given, pursuant to all applicable law.

SECTION 8.

That this ordinance shall take effect immediately upon second and final reading.

PRESENTED AND APPROVED on first reading on the 23rd day of March 2021, at a meeting of the City Council of the City of Rockport, Texas; and given second reading.

CITY OF ROCKPORT:

_____
Patrick R. Rios, Mayor

ATTEST:

_____
Teresa Valdez, City Secretary

APPROVED, PASSED, and **ADOPTED** on the _____ day of April 2021, by a vote of 5 ayes and 0 nays at a regular meeting of the City Council of the City of Rockport, Texas.

CITY OF ROCKPORT:

_____
Patrick R. Rios, Mayor

ATTEST:

_____
Teresa Valdez, City Secretary

CITY COUNCIL AGENDA
Workshop Meeting: Tuesday, April 13, 2021

AGENDA ITEM: 15

Hear and deliberate on draft amendments to Code of Ordinances Chapter 118 - Zoning concerning recreational vehicle parks.

SUBMITTED BY: Community Planner Amanda Torres

APPROVED FOR AGENDA: PKC

BACKGROUND: Since July 2018, the City of Rockport has implemented a moratorium on the submission, acceptance, processing, and approval necessary for the creation of development plats, construction or facilities related to recreational vehicle (RV) parks. Rockport is becoming an increasingly popular location for RV park development, and staff recommended a moratorium on this type of development while evaluating the location and regulations dictating the development of recreational vehicle and manufactured housing parks.

The City has since hired urban planning consulting firm Urban Dynamics, LLC to draft possible revisions to the RV park and manufactured housing regulations. A copy of this draft accompanies this cover sheet.

Proposed changes to the regulations include:

- Creating a new zoning district specific to RV parks and related land uses rather than requiring a Conditional Use Permit;
- Re-defining "recreational vehicle" in the zoning ordinance definitions to better encompass how units are used within the City;
- Re-indexing section numbering for all the zoning districts to allow all zoning districts to be adjacent to each other when codified into the code of ordinances;
- Detailing base district regulations in a proposed Recreational Vehicle Park District to be designated as "R-8";
- Adding the new RV park district proposed lot dimensions to "Table 20," the lot dimensions table within the zoning ordinance;
- Amending Section 118-22 "Accessory Use Regulations" to establish allowable accessory uses within the RV park district as well as fence requirements;
- Removing RV parks from the list of specific uses that require a Conditional Use Permit;
- Separating out regulations for manufactured housing parks and recreational vehicle parks by removing all references to recreational vehicles under Sub-Section 24.2.13 *Regulation of Manufactured Housing Parks* of Section 24 "Special Conditions"; and
- Creating a new sub-section to detail special conditions specifically for the regulation of recreational vehicle parks within Section 24 "Special Conditions".

Staff and the planning consultant will go through the proposed changes and answer any questions during this workshop.

FISCAL ANALYSIS: N/A

RECOMMENDATION: Discussion only.



Recreational Vehicle Park Ordinance

Draft Date: April 1, 2021

Prepared for:

City of Rockport, Texas

Prepared by:
Urban Dynamics LLC
New Braunfels, TX

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Introduction

All text which is red denotes an addition of new text. All text which is ~~red with strikethrough~~ denotes removal of existing text. Black text denotes existing unchanged text. Any existing text which has been omitted shall be considered unchanged. Section headings and italicized text under headings is for document organization and reference only and is not intended to be adopted or codified.

Modifications to Definitions

(The following is text modifying definitions in Sec.118-3 for Manufactured Home Park, RV, and RV Park)

Sec. 118-3. Definitions.

Manufactured Home Park. A parcel or contiguous parcels of land divided into two or more manufactured home spaces and available on a rental basis. ~~May coexist with a Recreational Vehicle Park.~~

~~*Recreational Vehicle*. Abbr. RV. A vehicle which is built on a single chassis; is four hundred (400) square feet or less when measured at the largest horizontal projection; is designed to be self-propelled or permanently towable by a light duty vehicle; and is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.~~

Recreational Vehicle. Abbr. RV. A vehicular unit, which is designed for living or sleeping and/or recreational purposes and equipped with wheels which is either self-propelled, mounted on, or pulled by another vehicle. Examples include but are not limited to a travel trailer, camping trailer, truck camper, motor home, fifth-wheel trailer, or van.

Recreational Vehicle Park. Abbr. RV park. A parcel or contiguous parcels of land divided into two or more recreational vehicle spaces and available on a rental basis. ~~*May coexist with a Manufactured Home Park.*~~

Establishing the Recreational Vehicle Park District

(The following is text establishing the RV Park District)

Sec. 118-4. Districts and general provisions.

4.1 Districts Established. Zoning districts as herein set forth are established. The city is hereby divided into the following districts:

R-1	1st Single-Family Dwelling District
R-2	2nd Single-Family Dwelling District
R-2B	Zero Lot Line Single-Family District
R-2M	Manufactured Housing District
R-3	Duplex Dwelling District
R-4	1st Multi-Family Dwelling District
R-5	2nd Multi-Family Dwelling District

R-6	Hotel/Motel District
R-7	Residential and Office District
R-8	Recreational Vehicle Park District
B-1	General Business District
B-2	Central Business District
I-1	Light Industrial District
I-2	Heavy Industrial District
P.U.D.	Planned Unit Development District

Reindexing Zoning District Codification

(The following is text for reindexing the section numbering for all the zoning districts to allow all zoning districts to be adjacent to each other when codified into the code of ordinances.)

Sec.118-6.1 R-1 1st Single-Family Dwelling District
Sec.118-6.2 R-2 2nd Single-Family Dwelling District
Sec.118-6.3 R-2B Zero Lot Line Single-Family District
Sec.118-6.4 R-2M Manufactured Housing District
Sec.118-6.5 R-3 Duplex Dwelling District
Sec.118-6.6 R-4 1st Multi-Family Dwelling District
Sec.118-6.7 R-5 2nd Multi-Family Dwelling District
Sec.118-6.8 R-6 Hotel/Motel District
Sec.118-6.9 R-7 Residential and Office District
Sec.118-6.10 R-8 Recreational Vehicle Park District
Sec.118-6.11 B-1 General Business District
Sec.118-6.12 B-2 Central Business District
Sec.118-6.13 I-1 Light Industrial District
Sec.118-6.14 I-2 Heavy Industrial District
Sec.118-6.15 P.U.D. Planned Unit Development District

Sec.118-7 through 118-19 *Reserved.*

Recreational Vehicle Park District Regulations

(The following is text for creating the new district base regulations)

Sec. 118-6.10 Recreational Vehicle Park District (R-8)

10.1 *Use Regulations.* The purpose of this district is to provide for recreational vehicle parks. Land and premises may be used only for:

1. Recreational Vehicle Parks
2. Restaurants, cafes, food catering services.
3. Offices, banks, libraries, museums, etc.
4. 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).
5. Bed and breakfast.
6. Religious, educational, and philanthropic institutions

7. Public parks, public buildings (except detention centers, penal and mental institutions).
8. Golf courses and golf clubs, but no commercial miniature courses or driving ranges.

10.2 *Area and Yard Regulations.*

10.2.1 *Area of the Lot.* The minimum area of the lot shall be 4 acres.

10.2.2 *Width of the Lot.* The minimum width of the lot shall be fifty (50) feet.

10.2.4 *Yard Area and Building Setbacks.*

10.3 *Height of the Building.* No building shall exceed thirty five (35) feet in height. See Article 3 *Definitions* and Article 20 *District area, yard and height regulations.*

10.4 *Parking Regulations.* Parking Regulations for permitted uses are contained in Article 21 [section 118-21]

10.5 *Accessory Use Regulations.* Accessory uses, which are auxiliary or incidental to the primary used of a building or premises, as contained in Article 22

Adding RV Park District to Lot Dimensions Table

(The following text is for adding the new RV Park District to the lot dimensions and setbacks table)

Table 20
(Refer to Exceptions enumerated in Article 20 [section 118-20])

Areas & Densities	R-1	R-2	R-2B	R-2M	R-3	R-4	R-5	R-6	R-7	R-8	B-1	B-2	I-1	I-2
Lot Area Minimum (sq.ft.) – PER LOT	7000	5000	5000	5000	7000	5000	5000	5000	5000	4 acres	n/a	n/a	n/a	n/a
Lot Area Minimum (sq.ft.) – PER DWELLING UNIT	7000	5000	5000	5000	3500	3500	2200	2200 *1	2200 *2	n/a	n/a	n/a	n/a	n/a
Lot Width Minimum (ft.)	50	50	50	50	50	50	50	50	50	50	50	n/a	n/a	n/a
Yard, minimum - FRONT	20	25	25	25	25	25	25	25	25 *6	25	20	n/a	20	20
Yard, minimum – REAR	20	20	10	20	20	20	20	20	10	20	n/a	n/a	n/a	n/a

Yards, minimum – SIDE INTERIOR *3	5	5	10/0	5	5	5	5	5	5	10	n/a	n/a	n/a	n/a
Yards, minimum – SIDE EXTERIOR *3	15	15	15	15	15	15	15	15	15	10	n/a	n/a	n/a	n/a
Living Area (sq.ft.)	800	600	600	600	500	500	500	500 *4	500 *5	n/a	500	n/a	n/a	n/a
Height, Maximum (ft.)	35	35	35	35	35	35	35	45	35	35	45	35	45	45

Addition of Parking Requirements for RV Parks

(The following text is for adding parking requirements for the RV Park Land Use)

Sec. 21.1.1

USE	*REQUIREMENT*
Recreational Vehicle Park	2 per designated RV space/slip

Addition of Accessory Uses for Recreational Vehicle Park District

(The following text is for establishing accessory uses for the RV Park district and any associated requirements.)

22.1.3 In R-6 ~~and~~, R-7 and R-8 Districts:

1. Any use listed above in 22.1.2, except that 1) servants/guest quarters shall not be located in the R-8 district.
2. Subordinate uses for hotels, motels and bed and breakfast establishments. Such facilities shall include but not be limited to, retail shops, restaurants, clubs and lounges, and shall be wholly or partially within the primary structure and not built or used as a detached structure or facility.
3. Piers, boat docks and related marine facilities may be detached from the main structure and are to be used only by the occupants and their guests.
4. Subordinate uses for Recreational Vehicle Parks may also include the following:
    a. Temporary boat and trailer parking for occupants only
    b. Campgrounds
    c. Park manager living quarters
    d. Rental RV's and Cabins taking up no more than ten percent (10%) of the total gross area.
        i. HUD code manufactured housing may be used as rental cabins.

22.2.2 Except, as otherwise allowed in this subsection, fences in R-1 through R-7 districts shall not exceed six (6) feet in height, and fences in R-8 districts shall not exceed eight (8) feet in height. Fences adjacent to city parks or public space shall not exceed eight (8) feet in height. Fences on a property

adjacent to business or industrial districts shall not exceed the maximums allowed for the adjacent district, whichever is higher. For the purpose in this subsection, when a street right-of-way divides two districts, it is considered to be a separation between the districts, and a property on one side of the street is not considered adjacent to the district on the other.

Removal of RV Parks from CUP List

(the following text is for removing rv parks from the list of specific uses that require a conditional use permit.)

Sec.118-23.10

10. ~~Recreational Vehicle/~~Manufactured Housing Parks in any district when complying with ~~recreational vehicle/~~manufactured housing park standards addressed in Article 24 of this ordinance [section 118-24 of this Code].

Modification to Manufactured Housing Parks Special Conditions

(The following text is for removing recreational vehicle references from the Manufactured Housing Parks Special Conditions Sec.118-24.2.13)

24.2.13 *Regulation of ~~Recreational Vehicle/~~Manufactured Housing Parks*.

1. *General Provisions*. The following general provisions are required for the development or the expansion of ~~RV/~~Manufactured Housing Parks ~~within the R-1 up through and including the R-7 zoning districts~~.

2. Mobile Homes, as defined, are prohibited within ~~RV/~~Manufactured Housing Parks inside the city limits of the City of Rockport unless such mobile home existed prior to annexation. Replacement of an existing mobile home shall be with a HUD-Code Manufactured Home. Replacement of an existing HUD-Code Manufactured Home shall be with a HUD-Code Manufactured Home of equal size, but not less than 320 square feet, or larger, and be a newer model.*

* NOTE: Newer model is defined as a manufactured home with a manufactured date being not more than ten (10) years prior to the calendar year it is to be placed on the property.

3. Upon application, the installation of a ~~Recreational Vehicle/~~Manufactured Home Park shall be permitted as determined appropriate by the City through a conditional-use permit (CUP), including a Planned Unit Development (PUD) that may contain a ~~RV/~~Manufactured Home Park. An application to install a HUD CODE Manufactured Home for use and occupancy as a residential dwelling is deemed approved and granted unless the City denies the application in writing within forty-five (45) days from receipt of the application setting forth the reason.

4. This section shall not affect the applicability of any deed restriction that is otherwise valid.

5. Specific Provisions. In addition to CUP approval, land used as a ~~RV/~~Manufactured Home Park shall be developed according to the following criteria.

6. The above described park may include Manufactured Homes~~, RV's/Travel Trailers and Campgrounds or any combination thereof~~. Other uses, in addition to the uses described herein, shall be conditioned or amended, as the case may be, by Special Permit.

~~7. Parks containing a combination of Manufactured Homes, RV's/Travel Trailers or Campgrounds must designate separate areas for each classification. No mixture of Manufactured Homes, RV's/Travel Trailers, campgrounds or other approved uses is permitted in any designated area (Density control).~~

8. The manufactured housing park area shall consist of at least four (4) acres in size. The number and location of external access drives shall be approved by the Zoning Administrator and the Director of Public Works.

9. Scaled plans and specifications showing details of the proposed park layout shall be submitted and reviewed by city staff prior to any zoning approval and/or building permit activity. Future additions to the park shall be processed in the same manner as an original proposal.

10. There shall be no minimum lot/space area except that each ~~RV/~~Manufactured Housing unit shall be located on each space so that there is at least twenty (20) feet unobstructed clearance between units, side-to-side and end-to-end and ten (10) feet unobstructed clearance between units and adjacent permanent structures or lots. No unit shall be closer than ten (10) feet from any internal road and no closer than twenty (20) feet from any external access road.

11. Manufactured Housing ~~and RV's/Travel Trailers~~ located in the park shall be connected to city water and wastewater systems if available.

12. Interior access drives shall be maintained with a hard surface, with approved drainage and be of sufficient width in each area to conform with the type of unit to be assigned to the area, as determined by the Zoning Administrator. Parking on interior access drives shall be permitted only if sufficient clearance exists for one (1) car passage in addition to parking.

~~13. A service building to provide necessary sanitation and laundry facilities shall be provided. Such building(s) shall be conveniently located and shall provide fixtures as required by the Plumbing Code.~~

13 ~~14~~. The park shall conform to all other City of Rockport regulations and codes ~~relating to planning and zoning, building, gas, mechanical, plumbing, electrical installations and tie-downs for windstorm compliance~~. All manufactured housing units unoccupied during hurricane season (June 1 to November 30) must be tied down (see Building Code) ~~or removed from the park~~. Lot spaces shall be labeled with numbers to augment identification by 911 operations. Fire hydrants shall be required as specified by the ~~Director of Public Works~~ City Manager or his/her designee and shall be included in the park layout plans submitted for approval.

14 ~~15~~. Out-side lighting shall be in accordance with the city's Light Nuisance Ordinance.

15 ~~16~~. Storage, collection and disposal of refuse shall be so conducted as to create no health hazard, rodent harborage, insect breeding areas, accident or fire hazard or air pollution. Pets shall be leashed (Animal Control Ordinance).

16 ~~17~~. The property owner/operator shall at all times operate the park in compliance with this ordinance and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean, sanitary and orderly condition at all times.

17 ~~18~~. There shall be at least one (1) recreation area which shall be accessible from all spaces. The site or sites of such recreation area or areas shall total not less than eight percent (8%) of the gross site area of the park.

18 ~~19~~. The park shall be screened from a public place or public right-of-way and adjacent occupied property by a solid screening fence in accordance with subsection 22.2 of this ordinance. Planted vegetation may be allowed as an alternate screening device by the Tree and Landscape Regulations in Chapter 106, Rockport Code of Ordinances.

Recreational Vehicle Park District Special Conditions

(The following is text for creating special conditions for the Recreational Vehicle Park District)

Sec.118.24.2.14 Regulation of Recreational Vehicle Parks

1. *General Provisions.* The following general provisions are required for the development or the expansion of Recreational Vehicle Parks. Unless otherwise specified in the city's code of ordinances, occupancy of recreational vehicles in the city limits is restricted to recreational vehicle parks.
2. The minimum RV slip/space size shall be forty (40) feet wide by sixty (60) feet deep. Additionally, each RV unit shall be located on each space so that there is at least twenty (20) feet unobstructed clearance between units, side-to-side and end-to-end and ten (10) feet unobstructed clearance between units and adjacent permanent structures. No slip/space shall encroach into required minimum yard setbacks.
3. *Interior Access Drives.*
    a. Interior access drives shall be of asphalt, concrete or other city approved hard surface, with approved drainage.
    b. An interior access drive or internal street shall be provided to each RV space. Each street shall have a minimum width of twenty-four (24) feet. The internal streets shall be continuous and connect with other internal streets or with public streets. All dead-end interior drives shall provide a cul-de-sac or other approved turnaround at the dead end. No internal street ending in a cul-de-sac or other approved turn around shall exceed 500 feet in length.
4. *Parking.* The following requirements are in addition to Sec. 118-21 *Parking Regulations* of this ordinance:
    a. Parking required for each RV space shall be provided adjacent to the space or within a reasonable proximity as to prevent the occurrence of parked vehicles impeding traffic flow or emergency service access.
    b. Parallel parking along interior access drives or internal streets shall be permitted on only one side of the street for roadways with a minimum width of thirty (30) feet and on both sides of the street for roadways with a minimum width of thirty-six (36). Parallel parking

is not permitted on roadways with a width less than thirty (30) feet unless otherwise approved by the City Manager or his/her designee.

5. Recreational Vehicles located in the park shall be connected to city water and wastewater systems if available.
6. Fire hydrants shall be required as specified by the City Manager or his/her designee and shall be included in the park layout plans submitted for approval.
7. Slips/spaces shall be labeled with numbers to augment identification by emergency service operations. Identification numbering shall be a minimum of three (3) inches tall, in a contrasting color with the background with a reflective finish, placed in a way to be plainly seen from the access road and protected from vehicular damage.
8. The park shall conform to all other applicable City of Rockport regulations and codes.
9. Storage, collection, and disposal of refuse shall be conducted as to create no health hazard, rodent harborage, insect breeding areas, accident or fire hazard or air pollution and shall be provided and buffered in accordance with the Vegetation regulation in Chapter 106, Rockport Code of Ordinances.
10. A service building to provide necessary sanitation and laundry facilities shall be provided. Such building(s) shall be conveniently located and shall provide fixtures as required by the city adopted building codes.
11. *Total Open Space Requirement.* RV parks shall provide a minimum of twenty percent (20%) open space of the total gross site area of the park. The minimum required open space may be inclusive of the required recreational areas, landscaping buffers, and other natural or landscaped areas.
12. Recreation Area Required:
    a. There shall be at least one (1) recreation area which shall be easily accessible to all park users.
    b. *Size of Recreation Area.* Not less than eight percent (8%) of the gross site area of the RV park shall be devoted to recreational facilities, generally provided in a central location. In large parks, this may be decentralized. Recreation areas include space for community recreation buildings and facilities including but not limited to play fields, sports courts, playgrounds, and swimming pools, but not including vehicle parking areas.
13. *Screening & Buffering.* The following requirements are in addition to regulations in Sec. 118-22.2 *Fence Regulations* and Chapter 106 *Vegetation* of the Rockport Code of Ordinances:
    a. The park shall be screened from the public right-of-way and adjacent residentially zoned property by a solid screening wall comprised of a durable low-maintenance material traditionally used in wall construction, including but not limited to stone, masonry products, and pre-cast concrete.
    b. A minimum fifteen (15) foot deep landscaping buffer shall be provided between any public right-of-way and required screening wall. This buffer shall include a mixture of trees, shrubs, planting beds and other living landscaping to soften the visual impact of the screening wall and enhance the street view aesthetics.
    c. *Alternative screening compliance*. Where existing dense natural vegetation is preserved, the city manager or his/her designee may allow for alternative fencing and landscaping design that provides for year around screening of the RV park from public right-of-ways and adjacent residentially zoned property.
14. The property owner/operator shall at all times operate the park in compliance with this ordinance and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean, sanitary and orderly condition at all times.

CITY COUNCIL AGENDA
Regular Meeting: Tuesday, April 13, 2021

AGENDA ITEM: 16

Deliberate and act on a Resolution determining that conditions exist within the Rockport Cultural Arts District/Heritage District of the City which are detrimental to the public health, safety, and welfare of the community and constitutes a blighted area.

SUBMITTED BY: Community Planner Amanda Torres

APPROVED FOR AGENDA: PKC

BACKGROUND: The Rockport Cultural Arts District would like to partner with the City of Rockport in submitting a grant application to install sidewalks in downtown Rockport. The Downtown Revitalization grant program through Texas Department of Agriculture requires that the City adopt this resolution designating an area as "blighted" and that proposed project activities would aid in the elimination of blight in the community by providing safe and ADA compliant egress to pedestrians in the Rockport Cultural Arts District/Heritage District.

FISCAL ANALYSIS: N/A

RECOMMENDATION: Staff recommends approval of the Resolution determining that conditions exist within the Rockport Cultural Arts District/Heritage District of the City which are detrimental to the public health, safety, and welfare of the community and constitutes a blighted area, as presented.

RESOLUTION NO. 2021 - __

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROCKPORT, TEXAS, DETERMINING THAT AN AREA OF THE CITY CONTAINS CONDITIONS WHICH ARE DETRIMENTAL TO THE PUBLIC HEALTH, SAFETY, AND WELFARE OF THE COMMUNITY AND CONSTITUTES A BLIGHTED AREA.

WHEREAS, the City Council of the City of Rockport has reviewed and evaluated conditions in the Rockport Cultural Arts District/Heritage District of the municipality; and

WHEREAS, the City Council has found conditions which are detrimental to the public health, safety, and welfare of the community within the downtown district, as follows:

Numerous side streets between Austin and Magnolia and Live Oak have partial or no sidewalks and no accessible ramps; and

WHEREAS, the City Council of the City of Rockport has authorized an application for funding under the Downtown Revitalization program, as follows:

Install ADA compliant sidewalks, replace and/or repair defective sidewalks in the Rockport Cultural Arts District/Heritage District; and

WHEREAS, these project activities will aid in the elimination of blight in the community by providing safe and ADA compliant egress to pedestrians in the Rockport Cultural Arts District/Heritage District.

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

The area identified by the following boundaries have been determined to be a blighted area.

Boundaries

North: State Highway 35 Business Route
South: FM 1069, also known as Market Street
East: Austin Street/ Cornwall Street, Water Street, Navigation Circle, and Seabreeze Drive
West: State Highway 35 Business Route

PASSED and **APPROVED** by the City Council of the City of Rockport, Texas on the 13th day of April 2021.

CITY OF ROCKPORT, TEXAS

_____
Patrick R. Rios, Mayor

ATTEST:

_____
Teresa Valdez, City Secretary

CITY COUNCIL AGENDA
Regular Meeting: Tuesday, April 13, 2021

AGENDA ITEM: 17

Deliberate and act to authorize an interlocal agreement with the Coastal Bend Council of Governments to provide grant writing, administrative services and fiscal services for the Texas Department of Agriculture Downtown Revitalization Program and authorizing the Mayor to negotiate and execute all necessary documents.

SUBMITTED BY: Community Planner Amanda Torres

APPROVED FOR AGENDA: PKC

BACKGROUND: The Rockport Cultural Arts District has been working for several months with the Coastal Bend COG (CBCOG) 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.

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 Rockport Cultural Arts District would like to partner with the City of Rockport in submitting a grant application to install sidewalks in downtown Rockport. They have been working closely with CBCOG to prepare the grant application. For CBCOG to submit the grant application on our behalf, the City needs to enter into an interlocal agreement for those services. Please see the accompanying agreement for more details.

The application is due May 3, 2021.

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: Deliberate and act to authorize an interlocal agreement with the Coastal Bend Council of Governments to provide grant writing, administrative services and fiscal services for the Texas Department of Agriculture Downtown Revitalization Program and authorizing the Mayor to negotiate and execute all necessary documents, as presented.

INTERLOCAL AGREEMENT BETWEEN CITY OF ROCKPORT AND COASTAL BEND COUNCIL OF GOVERNMENTS

Provision of Grant Writing, Administrative Services and Fiscal Services by CBCOG to (political subdivision of the State of Texas), TX for the TEXAS DEPARTMENT OF AGRICULTURE DOWNTOWN REVITALIZATION PROGRAM.

This Interlocal Agreement (the "Agreement") is entered into this 14th day of April 2021, by and between City of Rockport, of the State of Texas ("City") and the Coastal Bend Council of Governments ("CBCOG"), a regional planning commission and political subdivision of the State of Texas, pursuant to the Interlocal Cooperation Act, Chapter 791 Government Code.

Article 1. Purpose

1.1 CBCOG is a regional planning commission and political subdivision of the State of Texas organized and operating under the Texas Regional Planning Act of 1965, as amended, Chapter 391 of the Local Government Code.

1.2 The CITY is part of the CBCOG Region.

1.3 CITY is in the process of improving its sidewalks in the downtown Cultural Arts District ("PROJECT").

1.4 In coordination with the CITY, CBCOG will apply for a grant from TEXAS DEPARTMENT OF AGRICULTURE to assist in financing the development of the PROJECT.

1.5 This Inter-local Agreement (the "Agreement") is for provision of services by CBCOG to act as the grant writer, Grant Administrator, Fiscal Agent, and Technical Assistance of GRANT FUNDS for CITY. The CITY will use the grant funds to complete the PROJECT described in 1.3.

Article 2. Definitions

2.1 Grant Administrator (GA): Administers grants according to the granting agency's criteria and requirements. Provides critical support in grant, program and fiscal management.

2.2. Fiscal Agent (FA): Acts on behalf of the grant recipient and the grant beneficiaries in various financial duties and needs.

2.3 Technical Assistance (TA): The process of providing targeted professional support to an organization with a development need or problem.

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2.4 Technical Assistance Principles: The technical assistance will be carried out in accordance with the following principles:

a. Work jointly with the CITY's staff to prepare grant application(s) which addresses the need for funding assistance to develop, implement and complete the PROJECT. In keeping with this principle, CITY will designate a CITY PROJECT Liaison ("CPL") with the necessary authority to work with CBCOG staff ("GA") in the identification of key elements to include in grant application(s).
b. The CPL and GA will work cooperatively to prepare, complete, and submit grant application(s) on a timely basis.
c. The CPL and GA will work cooperatively to prepare, complete, and submit required requests for reimbursement forms and reports on a timely basis.

2.5 Scope of Services: See Exhibit A.

Article 3. Effective Date and Term of Agreement

3.1 This Agreement shall be for a period of two (2) years, beginning April 14, 2021 and ending April 13, 2023.

3.2 This Agreement shall renew automatically for successive one-year periods to complete the grant process throughout the development and completion of the PROJECT, unless either party notifies the other at the address provided at Article 9 at least sixty (60) days prior to the then current expiration date of its intention to not renew the Agreement.

Article 4. Costs, Fees and Reimbursements

4.1 Both parties agree that CBCOG shall add administrative fees to the grant application. CBCOG shall be entitled to 10% of the award as administrative fee, as allowed by grant rules. Administrative fees allowed by grant rules in excess of 10% shall be retained by the CITY. Fees will be collected quarterly through grant reimbursements. Fees are contingent upon funds awarded to CITY.

4.2 CBCOG and CITY will work out the details of the grant reimbursements based on the grant award and grant agreement with the funding agency when the grant is awarded.

Article 5. Nondiscrimination and Equal Opportunity

5.1. Neither CBCOG nor the CITY shall exclude anyone from participating in and receiving benefits of the services provided under this Agreement, or otherwise unlawfully discriminate against anyone in carrying out this Agreement because of race, color, religion, sex, age, disability, veteran status, or national origin.

Article 6. Early Termination of Agreement

6.1 If either CBCOG or the CITY breaches a material provision of this Agreement, the other party may notify the breaching party, describing the breach and demanding corrective action be taken. The breaching party shall have five (5) business days from its receipt

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of notice to correct the breach or to begin and continue with reasonable diligence and in good faith to correct the breach. If the breach cannot be corrected within a reasonable time, despite the breaching party's reasonable diligence and good faith effort to do so, the parties may agree to terminate this Agreement or either party may invoke the dispute resolution process of Article 7.

6.2 Termination for breach under Section 6.1 does not waive either party's claim for damages resulting from the breach.

6.3 Either party may terminate this Agreement by providing 30-day's notice to the other party of the early termination date.

Article 7. Dispute Resolution

7.1 The parties desire to resolve disputes arising under this Agreement without litigation. Accordingly, if a dispute arises, the parties agree to attempt in good faith to resolve the dispute among them. To this end, the parties agree not to sue one another, except to enforce compliance with this Article 7, until they have exhausted the procedures set out in this Article.

7.2 At the written request of a party, each party shall appoint one representative to negotiate informally and in good faith to resolve any dispute arising under the Agreement. The representatives appointed shall determine the location, format, frequency, and duration of the negotiations.

7.3 If the representatives cannot resolve the dispute within thirty (30) calendar days after the first negotiation meeting, the parties agree to refer the dispute to the Aransas County Dispute Resolution Center for mediation in accordance with the Center's mediation procedures. A mediator assigned by the Center will conduct the mediation. Each party participating in the mediation shall pay one-half the cost of the Center's mediation services.

7.4 Unless the dispute is for non-payment of funds due under the Agreement, the parties agree to continue performing their duties under the Agreement, which are unaffected by the dispute during the negotiation and mediation process.

7.5 All terms of this Agreement are to be construed in accordance with the laws of the State of Texas with venue lying exclusively in Aransas County.

Article 8. Notice to Parties

8.1 Notice to be effective under this Agreement must be in writing and received by the party against whom it is to operate. Notice is deemed received by a party as follows: (1) when delivered to the party personally; (2) on the date shown on the return receipt if mailed by registered or certified mail, return receipt requested, to the party's address specified in Section 8.2 and signed on behalf of the party; or (3) on the date shown on the email sent to parties addressed in Section 8.2.

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8.2 CBCOG's address is 2910 Leopard Street Corpus Christi, Texas 78469, Attention: John P. Buckner, Executive Director. Email: john@cbcog98.org.

8.3 CITY's address is 2751 SH 35 Bypass Rockport, TX 78382, Attention: Kevin Carruth, City Manager. Email: kcarruth@cityofrockport.com.

8.4 A party may change its address or designated representative by providing an amendment in accordance with Section 10.2.

Article 9. Limitation of Liability

9.1 CBCOG agrees to maintain all vehicle, liability, and worker's compensation insurance as legally required.

9.2 Damages. In no event shall CBCOG be liable to the CITY for any indirect, special, incidental, punitive, or consequential damages, including, but not limited to, loss of profits, loss of business, or other loss arising out of or resulting from this agreement even if CBCOG has been advised of the possibility of such damages.

Article 10. Miscellaneous

10.1 Each individual signing this Agreement on behalf of a party warrants that he or she is legally authorized to do so and that the party is legally authorized to perform the obligations undertaken.

10.2 This Agreement states the entire agreement of the parties. An amendment to it is not effective unless in writing and signed by both parties.

10.3 This Agreement is binding on and inures to the benefit of the parties' successors in interest.

10.4 This Agreement is executed in duplicate originals.

10.5 The invalidity, illegality, or unenforceability of any provision of this Agreement shall not affect the validity, legality, or enforceability of any other provision of this Agreement.

10.6 Nothing in this Agreement shall be construed as a waiver of either Party's statutory or common law immunities.

CITY	**COASTAL BEND COUNCIL OF GOVERNMENTS**
By _____	By _____
Pat R. Rios **Mayor**	**JOHN P. BUCKNER** **EXECUTIVE DIRECTOR**
Date April 13, 2021	Date _____

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EXHIBIT A

SCOPE OF SERVICES

Grant writing services may include, but not be limited to:

1. Preparation and submittal of all completed grant forms by the appropriate deadline.
2. Determination of low-to-moderate income beneficiaries.
3. Coordination with preliminary engineering report.

Administrative services may include, but not be limited to:

1. Provision of general advice and technical assistance on regulatory matters and implementing project activities included in the approved grant application in conformance with TxCDBG program requirements.
2. Assistance in the procurement process such as preparing notices and solicitation of bids for engineering, construction activities, or other grant-related services.
3. Assistance in meeting financial, administrative, and bookkeeping requirements of the TxCDBG program, including review of invoices received for payment, preparation of grant fund drawdown requests and retention of all pertinent records and documents sufficient to reflect all charges submitted.
4. Assistance in meeting record keeping requirements of the TxCDBG program, including the establishment and maintenance of an acceptable filing system;RFQ to Prequalify Grant Administrators Page 9.
5. Assistance in contract administration and monitoring requirements of the TxCDBG program, including enforcement of compliance requirements.
6. Assistance in the environmental review process for the proposed project, including preparing and submitting necessary documentation to the appropriate agency for clearance or approval, and preparing Request for Release of Funds and required certifications and submitting them to TDA.
7. Assistance in meeting all special condition requirements stipulated in the grant contract.
8. Act as a liaison between the local government, construction contractors, and TDA to ensure an efficient, smoothly managed program.
9. Furnish necessary forms and submit all required reports as outlined in the grant contract.
10. Prepare and submit any program amendments, including re-assessments of environmental clearances, as necessary during the duration of the project.
11. Prepare and coordinate the submission of appropriate documents for TxCDBG contract close-out and completion.

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CITY COUNCIL AGENDA
Regular Meeting: Tuesday, April 13, 2021

AGENDA ITEM: 18

Deliberate and act on a Resolution authorizing the submission of a Texas Community Block Grant program application to the Texas Department of Agriculture for the Downtown Revitalization Program; and authorizing the Mayor of Rockport to act as the City's Executive Officer and Authorized Representative in all matters pertaining to the City's participation in the Texas Department of Agriculture Downtown Revitalization Program.

SUBMITTED BY: Community Planner Amanda Torres

APPROVED FOR AGENDA: PKC

BACKGROUND: The Rockport Cultural Arts District has been working for several months with the Coastal Bend COG (CBCOG) 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.

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 Rockport Cultural Arts District would like to partner with the City of Rockport in submitting a grant application to install sidewalks in downtown Rockport. They have been working closely with CBCOG to prepare the grant application. For CBCOG to submit the grant application on our behalf, the City needs to enter into an interlocal agreement for those services. Please see the accompanying resolution for more details.

The application is due May 3, 2021.

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 approval of the Resolution authorizing the submission of a Texas Community Block Grant program application to the Texas Department of Agriculture for the Downtown Revitalization Program; and authorizing the Mayor of Rockport to act as the City's Executive Officer and Authorized Representative in all matters pertaining to the City's participation in the Texas Department of Agriculture Downtown Revitalization Program, as presented.

RESOLUTION NO. 2021 - __

A RESOLUTION OF THE CITY OF ROCKPORT, TEXAS, AUTHORIZING THE SUBMISSION OF A TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM APPLICATION TO THE TEXAS DEPARTMENT OF AGRICULTURE FOR THE DOWNTOWN REVITALIZATION PROGRAM; AND AUTHORIZING THE MAYOR OF ROCKPORT TO ACT AS THE CITY'S EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE CITY'S PARTICIPATION IN THE TEXAS DEPARTMENT OF AGRICULTURE DOWNTOWN REVITALIZATION PROGRAM.

WHEREAS, the City of Rockport, Texas desires to develop a viable community, including decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low-to moderate income; and

WHEREAS, certain conditions exist which represent a threat to the public health and safety; and

WHEREAS, it is necessary and in the best interests of the City of Rockport to apply for funding under the Texas Department of Agriculture Downtown Revitalization Program.

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

Section 1. That a Downtown Revitalization Program application for the Downtown Revitalization is hereby authorized to be filed on behalf of the City with the Texas Department of Agriculture.

Section 2. That the City's application be placed in competition for funding under the Downtown Revitalization Program.

Section 3. That the application be for up to $350,000.00 of grant funds to provide safe and accessible sidewalks in the Rockport Cultural Arts District/Heritage District.

Section 4. That the City of Rockport directs and designates the following to act in all matters in connection with this application and the City's participation in the Downtown Revitalization Program:

- The Mayor shall serve as the County's Chief Executive Officer and Authorized Representative to execute this application and any subsequent contractual documents;
- The Mayor is authorized to execute environmental review documents between the Texas Department of Agriculture and the City; and
- If this application is funded, the Mayor is authorized to execute the Request for Payment Form documents and/or other forms required for requesting funds to reimburse project costs.

Section 5. That all funds will be used in accordance with all applicable federal, state, local and programmatic requirements including but not limited to procurement, environmental review, labor standards, real property acquisition, and civil rights requirements.

Section 6. That it further be stated that the City of Rockport is committing $52,500 from its General Fund as a cash contribution toward the administration activities of this sidewalk project.

PASSED and **APPROVED** by the City Council of the City of Rockport, Texas on the 13th day of April 2021.

CITY OF ROCKPORT, TEXAS

_____
Patrick R. Rios, Mayor

ATTEST:

_____
Teresa Valdez, City Secretary

CITY COUNCIL AGENDA
Regular Meeting: April 13, 2021

AGENDA ITEM: 19

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

SUBMITTED BY: City Manager Kevin Carruth

APPROVED FOR AGENDA: PKC

BACKGROUND: Staff and Council will discuss recent activities and developments in the COVID-19 pandemic.

FISCAL ANALYSIS: N/A

RECOMMENDATION: Not an action item.