
CITY COUNCIL AGENDA

Notice is hereby given that the Rockport City Council will hold a regular meeting on Tuesday, May 11, 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/83487208015> or scan the QR code to the right.**



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



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

Opening Agenda

1. Call meeting to order.
2. Pledge of Allegiance.
3. Proclamation: National Police Week – May 9-15, 2021.
4. Proclamation: Community Health Worker Week – May 10-16, 2021.
5. Deliberate and act on a Resolution and Order of canvassing the returns and declaring the results of the Saturday, May 1, 2021, General Election.

(Deliberar y tomar medidas respect a la Resolución orden para hacer el escrutinio de los votos y declarar los resultados de las Elecciones Generales a realizarse el sábado 1 de mayo de 2021.)

6. 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.

7. Deliberate and act on approval of Regular Meeting Minutes of April 27, 2021.
8. Deliberate and act on 2nd quarter report from Rockport Cultural Arts District for Fiscal Year 2020-2021 marketing expenditures.

Regular Agenda

9. Deliberate and act on first reading of an Ordinance granting a Conditional Use Permit for mobile food and retail vending for property located at 210 Seabreeze Drive; also known as approximately 80.0 acres of land out of portions of the Aransas County Navigation District No.1 Rockport Beach Park and Festival Grounds property located in the city of Rockport, Aransas County, Texas and being a portion of the 102.5 acres Rockport Harbor patent, Abstract 343 and revised August 12, 1953, and recorded in Volume M3, Page 499, Deed Records of Aransas County, Texas, along with a portion of Abstract 357 dated November 6, 1953, containing 604.296 acres and recorded in Volume N-3, Page 178, Deed Records of Aransas County, Texas, with said 80.0 acres being a portion of Abstracts 343 and 357; currently zoned R-1 (1st Single Family Dwelling District); subject to compliance with the conditions stated within this Ordinance, as well as those stipulated in the City of Rockport Code of Ordinances; repealing all ordinances in conflict therewith; providing for severability; and providing an effective date.

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

11. 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.

12. 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, May 7, 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: May 11, 2021

AGENDA ITEM: 3

Proclamation: Police Week - May 9-15, 2021

SUBMITTED BY: Police Chief Greg Stevens

APPROVED FOR AGENDA: PKC

BACKGROUND: In conjunction with the designated National Peace Officers Memorial Day of May 15th, National Police Week is to be held May 9-15, 2021 to honor the service and sacrifice of those law enforcement officers killed in the line of duty while protecting our communities and safeguarding our democracy. Please see the accompanying resolution for more details.

FISCAL ANALYSIS: None.

RECOMMENDATION: Not an action item.

PROCLAMATION

To recognize National Police Week 2021 and to honor the service and sacrifice of those law enforcement officers killed in the line of duty while protecting our communities and safeguarding our democracy.

WHEREAS, there are more than 800,000 law enforcement officers serving in communities across the United States, including the dedicated members of the Rockport, Texas Police Department; and

WHEREAS, since the first recorded death in 1786, more than 22,000 law enforcement officers in the United States have made the ultimate sacrifice and been killed in the line of duty, including more than 2,000 law enforcement officers in Texas alone; and

WHEREAS, members of the Rockport Police Department serve on the frontline, safeguarding the rights and freedoms of the citizens of Rockport; and

WHEREAS, the City of Rockport wishes to honor the valor and dedication of its officers; and

WHEREAS, May 15th is designated as Peace Officers Memorial Day, in honor of all fallen officers and their families and U.S. flags should be flown at half-staff.

NOW, THEREFORE, I, Patrick R. Rios, Mayor of the City of Rockport, do hereby proclaim May 9-15, 2021, as

POLICE WEEK

in the City of Rockport, Texas, and publicly salute the service of law enforcement officers in our community and in communities across the nation and call upon the citizens of Rockport to honor all law enforcement officers who have made the ultimate sacrifice in service to their community or have become disabled in the performance of duty as well as recognize and respect the burden and sacrifice of the survivors of our fallen heroes.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Rockport, Texas, to be affixed this 11th day of May 2021.

CITY OF ROCKPORT, TEXAS

Patrick R. Rios, Mayor

VIRTUAL NATIONAL POLICE WEEK MAY 9-15



This year our focus for National Police Week is Officer Safety and Wellness (OSW). The goal is to keep law enforcement officers off the Memorial through daily morning workouts, a suicide prevention program, a special Destination Zero Cardiac Wellness Screening, and an OSW Product Showcase.

See the schedule, below, and join us for our virtual events, especially the Candlelight Vigil to be livestreamed May 13 on our Facebook, Twitter, and YouTube pages. And be sure to download the National Police Week app available for free in Apple and Google app stores.

SCHEDULE OF EVENTS

SUNDAY, MAY 9

Officer Safety and Wellness Product Showcase

5:00 p.m. 2021 Destination Zero National Safety and Wellness Awards Announcement

MONDAY, MAY 10

Officer Safety and Wellness Product Showcase

8:00 a.m. Wake Up, Work Out, Get Healthy | Facebook

10:00 a.m. Built for Blue with LEGO® Bricks | Livestream
Facebook

Art Installation Unveiling | Livestream

TUESDAY, MAY 11

Officer Safety and Wellness Product Showcase

8:00 a.m. Wake Up, Work Out, Get Healthy | Facebook

1:30 p.m. SAFLEO Suicide Prevention Program | Facebook

WEDNESDAY, MAY 12

Officer Safety and Wellness Product Showcase

8:00 a.m. Wake Up, Work Out, Get Healthy | Facebook

10:00 a.m. Hall of Remembrance 2021 Installation | Facebook

THURSDAY, MAY 13

Officer Safety and Wellness Product Showcase

8:00 a.m. Wake Up, Work Out, Get Healthy | Facebook

9:00 a.m. Destination Zero Cardiac Wellness Screening
Invitation Only

11:00 a.m. Police Unity Tour Ceremony | Livestream
Facebook **8:00 p.m.** Virtual Candlelight Vigil |
Livestream

FRIDAY, MAY 14

Officer Safety and Wellness Product Showcase

8:00 a.m. Wake Up, Work Out, Get Healthy | Facebook

9:00 a.m. Destination Zero Cardiac Wellness Screening
Invitation Only

Note: All Times Eastern Time Zone



THANK YOU TO OUR NATIONAL POLICE WEEK 2021 SPONSORS

Presenting National Police Week Sponsor
Presenting Corporate Sponsor of the
Virtual Candlelight Vigil



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POLICE Magazine



CITY COUNCIL AGENDA
Regular Meeting: May 11, 2021

AGENDA ITEM: 4

Proclamation: Community Health Worker Week – May 10-16, 2021

SUBMITTED BY: Assistant to the City Manager Kimberly Henry

APPROVED FOR AGENDA: PKC

BACKGROUND: Aransas County, Town of Fulton, and City of Rockport have issued a joint proclamation honoring community health workers. Please see the accompanying proclamation for more details.

FISCAL ANALYSIS: None.

RECOMMENDATION: Not an action item.



JOINT PROCLAMATION

JP-08-2021

WHEREAS, throughout this COVID-19 pandemic, community health workers [herein defined to include “medical doctors, nurses and support staff, county, city and town employees, and local volunteers”] serve in countless ways by ensuring residents in quarantine and self-isolation have access to necessary resources, healthcare, COVID-19 testing and COVID-19 vaccinations;

WHEREAS, these community health workers continue go above and beyond to deliver these essential health care services to Aransas County residents still facing these unprecedented challenges; and

WHEREAS, on this day, we join Governor Greg Abbott in commending our community health workers for the compassion and commitment they show to their communities and for their around-the-clock work to ensure the health and safety of Texans.

NOW, THEREFORE, we, **C. H. “Burt” Mills, Jr., Aransas County Judge; Patrick Rios, Mayor of the City of Rockport; and Kelli Cole, Mayor of the Town of Fulton** do hereby proclaim May 10 through 16, 2021 as *Community Health Worker Week*, and call upon the people of Aransas County to join their fellow citizens across the County and the State of Texas in recognizing and participating in this special observance.

NOW THEREFORE, IN OFFICIAL RECOGNITION OF COMMUNITY HEALTH WORKER WEEK, we, the undersigned do hereby affix our signatures this 10th day of May, 2021.

Patrick Rios , Mayor
City of Rockport

C.H. “Burt” Mills, Jr.
Aransas County Judge

Kelli Cole, Mayor
Town of Fulton

ATTEST:

Teresa Valdez,
City Secretary

Carrie Arrington, County Clerk
County Clerk

Stephanie Garcia, Town
Town Secretary

CITY COUNCIL AGENDA

Regular Meeting: Tuesday, May 11, 2021

AGENDA ITEM: 5

Deliberate and act on a Resolution and Order of canvassing the returns and declaring the results of the Saturday, May 1, 2021, General Election.

(Deliberar y tomar medidas respecto a la Resolución y orden para hacer el escrutinio de los votos y declarar los resultados de las Elecciones Generales a realizarse el sábado 1 de mayo de 2021.)

SUBMITTED BY: City Secretary Teresa Valdez *(Secretario de ciudad Teresa Valdez)*

APPROVED FOR AGENDA: PKC

BACKGROUND: The City Council of Rockport adopted Resolution No. 2021-03 on January 26, 2021, ordering a General Election to be conducted on May 1, 2021, for electing a Council Member to represent Ward 1 and a Council Member to represent Ward 3. The General Election for Council Members for Ward 1 and Ward 3 was conducted on May 1, 2021, in accordance with State Election Codes.

(El Ayuntamiento de Rockport adoptó Resolución No. 2021-03 el 26 de enero, 2021 ordenar una Elección general ser realizada en el 4 de mayo de 2019 para el propósito de elegir un Miembro del Concilio a representar Barrio 1 y un Miembro del Concilio para representar Barrio 3. La Elección general de los miembros del consejo para los distritos 1 y 3 se levó a cabo el 1 de mayo de 2021 de acuerdo con Códigos de Elección de Estado.)

FISCAL ANALYSIS: N/A

STAFF RECOMMENDATION: Staff recommends approval of the Resolution and Order of canvassing the returns and declaring the results of the Saturday, May 1, 2021, General Election, as presented.

(el personal recomienda aprobación de la Resolución y la Orden de solicitar los regresos y declarar los resultados del el sábado, el 1 de mayo de 2021 Elección general.)

RESOLUTION NO. 2021 - __

A RESOLUTION AND ORDER OF CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE SATURDAY, MAY 1, 2021, GENERAL ELECTION FOR THE ELECTED OFFICES OF COUNCIL MEMBER WARD NO. 1 AND COUNCIL MEMBER WARD NO. 3; PROVIDING OTHER MATTERS RELATING TO THE 2021 CITY OF ROCKPORT GENERAL ELECTION; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

WHEREAS, in accordance with the general laws and Constitution of the State of Texas, and the City's Home Rule Charter at the Tuesday, January 26, 2021 Regular Meeting the City Council adopted Resolution No. 2021-03, a Resolution ordering a General Election and establishing procedures for said election to be held on Saturday, May 1, 2021. The General Election was called for the purpose of electing a Council Member to represent Ward #1, and a Council Member to represent Ward #3; and

WHEREAS, the City of Rockport contracted with the Elections Administrator of Aransas County to conduct a General Election on Saturday, May 1, 2021, for City of Rockport Council Member Ward #1 and Council Member Ward #3; and

WHEREAS, the Aransas County Elections Administrator conducted a General Election on Saturday, May 1, 2021, for City of Rockport Council Member Ward #1 and Council Member Ward #3; and

WHEREAS, the U.S. Census Bureau reports the total estimated population for the City of Rockport is 10,604. The Elections Administrator of Aransas County advised that the City's current voter registration list for Council Member Ward #1 contained 1448 total registered voters and for Ward #3 contained 1716 total registered voters.

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

Section 1. That the May 1, 2021 General Election was called in accordance with the law in accordance with State Election Codes.

Section 2. The following votes were cast in the May 1, 2021 General Election:

	Ward #1	Ward #3
REGISTERED VOTERS	1448	1716
Absentee Voting	0	5
Early Voting	60	367
Election Day Voting	43	117
TOTAL BALLOTS CAST	103	489
% of Voters	7.11%	28.5%

Section 3. Kathleen “Katy” Jackson candidate for Council Member Ward #1, is hereby declared elected to said respective office, subject to the taking of the oath of office as provided by the laws of the State of Texas and the Home Rule Charter. The votes cast in the Mayor, at-large, election are as follows:

	Absentee Voting	Early Voting	Election Day	Total
Day, James Rusty	0	14	14	28
Jackson, Kathleen “Katy”	0	46	29	75
Under Votes	0	0	0	0
Over Votes	0	0	0	0

Section 4. Brad L. Brundrett candidate for Council Member Ward #3, is hereby declared elected to said respective office, subject to the taking of the oath of office as provided by the laws of the State of Texas and the Home Rule Charter. The votes cast in the Mayor, at-large, election are as follows:

	Absentee Voting	Early Voting	Election Day	Total
Cunningham, Bob	5	160	60	225
Brundrett, Brad	0	207	57	264
Under Votes	0	0	0	0
Over Votes	0	0	0	0

Section 5. The Rockport City Council hereby finds, determines, and hereby declares that the meeting at which this Resolution is adopted was open to the public, that the public notice of time, place, and the subject matter of the public business to be considered was posted as required by law, including this Resolution.

PASSED and ADOPTED at a regular meeting of the Rockport City Council on this the 11th day of May 2021.

CITY OF ROCKPORT, TEXAS

Patrick R. Rios, Mayor

ATTEST:

Teresa Valdez, City Secretary

CITY COUNCIL AGENDA
Regular Meeting: Tuesday, May 11, 2021

AGENDA ITEM: 7

Deliberate and act on approval of Regular Meeting Minutes of April 27, 2021.

SUBMITTED BY: City Secretary Teresa Valdez

APPROVED FOR AGENDA: PKC

BACKGROUND: Please see the accompanying minutes of the Regular Meeting of April 27, 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, April 27, 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 27th day of April 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

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

CITY COUNCIL MEMBER(S) ABSENT

PLANNING & ZONING COMMISSION MEMBERS PRESENT

Ric Young – *Via ZOOM*
Warren Hassinger – *Via ZOOM*
Kim Hesley – *Via ZOOM*
G. Maynard Green – *Via ZOOM*
Ruth Davis
Diana Severino-Saxon – *Via ZOOM*

STAFF MEMBERS PRESENT

City Manager Kevin Carruth
 City Secretary Teresa Valdez
 Director of Public Works & Building Services Mike Donoho
 Community Planner Amanda Torres
 Director of Finance Katie Griffin
 Aquatics Manager Joe Reikers
 Parks & Leisure Services Director Rick Martinez
 Chief of Police Greg Stevens

ELECTED OFFICIALS PRESENT**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 6:37 p.m. on Tuesday, April 27, 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.

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

3. Presentation: Lifeguard Rescue Awards – Joshua Lee, Allison Sanders, Kaylee Skinner & Celeste Stinson.

Mayor Rios invited Joshua Lee, Allison Sanders, Kaylee Skinner, Celeste Stinson, Aquatics Manager Joe Reikers and Parks and Leisure Services Director Rick Martinez to join him at the front of the dias.

Mayor Rios presented Joshua Lee, Allison Sanders, Kaylee Skinner & Celeste Stinson with Lifeguard Rescue Awards for the following rescues:

Joshua Lee:

On June 25, 2020, at approximately 1:03 pm, a 6-year-old and his grandfather were attempting to enter the competition pool. The grandfather had a physical disability and as he tried to enter the 6-year boy fell into the water from the steps. The 6-year-old could not swim and he was submerged for a few seconds. Lifeguard Lee entered the water, lifted him, and pulled him out of the water. The boy coughed a few times and Lifeguard Lee determined that the boy did not seem to have any further distress. The grandfather was very thankful for the quick and professional response that Lifeguard Lee demonstrated. Lifeguard Lee's quick action and professional skills prevented a potential drowning.

Allison Sanders:

On September 4, 2020, at approximately 10:30 am, a disabled 80-year-old male, was attempting to enter the competition pool near the steps from a wheelchair. He was able to pull himself off the wheelchair, but he fell facedown into the water and began to struggle and was unable to turn himself upright. Lifeguard Sanders immediately entered the water to perform a water rescue. She was able to turn the distressed swimmer over and proceeded to assist in getting the swimmer to the steps, where he was able to hold onto the railing. After doing an observation, Head Lifeguard Sanders determined that there was no further distress. Her quick action and professional skills prevented a potential drowning.

Kaylie Skinner:

On September 5, 2020, at approximately 4:00 pm, Lifeguard Skinner observed a young boy enter the water from the diving board. The young boy landed on his back and was temporarily motionless. Lifeguard Skinner blew her whistle for assistance. As she attempted to enter the water, the swimmer gained motion, and attempted to swim to the side of the pool but still showed signs of distress. Lifeguard Skinner threw her lifeguard tube to the distressed swimmer and pulled him to the edge of the pool. Lifeguard Skinner made an observation for any difficulties, and other than the boy still hurting from the fall, he was able to recover quickly while under the care of Lifeguard Skinner. Her quick action and professional skills prevented a potential drowning.

Celeste Stinson:

On March 10, 2021, at approximately 4:11 pm, a 9-year-old girl jumped from the high-dive board and went underwater and after surfacing, demonstrated signs of distress and yelled for "HELP". Lifeguard Stinson immediately initiated the Emergency Alert Protocol and entered the water. Lifeguard Stinson performed an active water rescue since the young girl was panicking and not following her instructions. Lifeguard Stinson was able to get the young girl to the side of the pool and pulled out of the pool. The girl was still out of breath, and after further observation from Lifeguard Stinson, it was determined that she was exhibiting no other distress. Lifeguard Stinson's quick action and professional skills prevented a potential drowning.

Parks and Leisure Services Director Martinez expressed these young employees do a great job at the pool and have a lot of responsibility. Mr. Martinez added they have a great manager in Mr. Reikers.

Aquatic Manager Reikers said the Community Pool is the only one in the area that has a high diving board and because of that staff does not wait to see if someone makes it to the side of the pool; we immediately react. Mr. Reikers declared we are the safest pool in Texas.

The award recipients received a standing ovation.

4. Proclamation: April – Sexual Assault Awareness and Prevention Month.

Mayor Rios proclaimed April as Sexual Assault Awareness and Prevention Month in the City of Rockport. Mayor Rios read the Proclamation and presented it to Kayla Perez, Victims Advocate with The Purple Door for Aransas County and San Patricio County.

5. 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.

Mayor Rios said the City had received two Citizen Participation Forms:

- 1) Irene Dubicka, 1108 South Austin Street: Mayor Rios read the comments submitted by Ms. Dubicka. Ms. Dubicka expressed displeasure with the current Future Land Use map and the designation of "tourist commercial" in the area where she lives. She also expressed disapproval of the area designated "mixed use" in the draft Comprehensive Plan.
- 2) Andrew Kane, 2106 Lakeview Drive: Mr. Kane apologized to Mayor Rios for mistakenly attributing a comment that was made at the last meeting to the Mayor, when it was made by City Manager Carruth. Mr. Kane stated he was disappointed that Mayor Rios did not correct Mr. Carruth because the attitudes and behaviors of those you lead are a direct reflection of your attitude and behavior and what you tolerate, and Mayor Rios owned that comment because he allowed it. Mr. Kane then voiced remarks regarding his accusation that Brad Brundrett falsified the petition for a place on the ballot for the City's General Election to be held on May 1, 2021.

Jeff Hutt, 2201 Prairie Road, addressed the Council. Mayor Rios asked Mr. Hutt if that was his residence. Mr. Hutt answered it was not, but he is the property owner. Mr. Hutt distributed copies of pages from Brad Brundrett's petition for a place on the ballot for the City's General Election. Mr. Hutt voiced comments and accusation that Brad Brundrett falsified the petition for a place on the ballot for the City's General Election, and he did not understand why the City was not doing anything about it.

Point of Clarification: City Secretary Teresa Valdez stated the Application and Petition for a Place on the Ballot for City elections are submitted to her. Ms. Valdez said when it was brought to her attention, the accusation of falsifying the petition, she contacted the Secretary of State. Ms. Valdez expressed that just like her 22+ years of training has taught her, the Secretary of State stated she was to take the petition on its face value. (NOTE: Signatures were verified to be residents of Ward #3).

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.

- 6. Deliberate and act on approval of Regular Meeting Minutes of April 13, 2021.**
- 7. Deliberate and act on 2nd quarter Report from Rockport-Fulton Chamber of Commerce for Fiscal Year 2020-2021 marketing expenditures.**
- 8. Deliberate and act on 2nd quarter from Texas Maritime Museum for Fiscal Year 2021-2021 marketing expenditures.**
- 9. Deliberate and act on an Ordinance of the City Council of the City of Rockport, Texas, extending a COVID-19 pandemic Declaration of Local Disaster for the period of April 27 – May 25, 2021; establishing rules and regulations for the duration of the disaster; restricting certain activities; and establishing penalties for violations.**
- 10. Deliberate and act on an Ordinance of the City Council of the City of Rockport, Texas, extending a Declaration of Local Disaster (Winter Storm Uri) for the period of April 27 – May 25, 2021, establishing rules and regulations for the duration of the Disaster; and establishing an effective date.**
- 11. Deliberate and act on an extension of the current Bank Depository and Finances Services Contract with Wells Fargo Bank, N.A. for a one-year period beginning May 1, 2021, and ending April 30, 2022.**

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

Mayor Rios read the captions of the Ordinances under Items 9 and 10.

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

Public Hearing

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

With a quorum of the member present, the meeting of the Rockport Planning & Zoning Commission was called to order at 7:02 p.m. on Tuesday, April 27, 2021, in the Training Room of the Rockport Service Center, 2751 State Highway 35 Bypass, Rockport, Texas,

- 13. Conduct a Joint Public Hearing with the Planning & Zoning Commission to consider a request for a Conditional Use Permit for food and retail vending, located at 210 Seabreeze Drive; also known as approximately 80.0 acres of land out of portions of the Aransas County Navigation District No.1 Rockport Beach Park and Festival Grounds property located in the**

City of Rockport, Aransas County, Texas and being a portion of the 102.5 acres Rockport Harbor patent, Abstract 343 and revised August 12, 1953, and recorded in Volume M3, Page 499, Deed Records of Aransas County, Texas, along with a portion of Abstract 357 dated November 6, 1953, containing 604.296 acres and recorded in Volume N-3, Page 178, Deed Records of Aransas County, Texas, with said 80.0 acres being a portion of Abstracts 343 and 357; currently zoned R-1 (1st Single Family Dwelling District).

Mayor Rios opened the Public Hearing at 7:05 p.m.

Tommy Moore, Aransas County Navigation District, 911 Navigation Circle, addressed the Council. Mr. Moore said he wanted to make sure there was nothing to hold up this request. Mr. Moore stated he hoped the Planning and Zoning Commission recommend approval.

Planning and Zoning Chair Ruth Davis stated this was a request for a Conditional Use Permit and not rezoning.

Mayor Rios explained a Conditional Use Permit is specific for this request. Mayor Rios stated the Planning and Zoning Commission will discuss the request at their meeting on Monday, May 3, 2021, at 5:30 p.m.

Mayor Rios closed the Public Hearing at 7:07 p.m.

14. Adjourn – Rockport Planning & Zoning Commission.

At 7:07 p.m., the Rockport Planning & Zoning Commission adjourned.

Regular Agenda

- 15. Deliberate and act on first reading of an Ordinance amending the official zoning map as stipulated under Article 4.1 of the City of Rockport Zoning Ordinance Number 1027 by changing the zoning of land from R-2 (2nd Single Family Dwelling District) for 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; 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 B-1 (General Business District) to build a family-friendly restaurant with a bar and other entertainment amenities; repealing all ordinances in conflict therewith; providing for severability; and providing an effective date.**

Michael Lee, 229 Dead Ends Drive, addressed the Council. Mr. Lee stated this was a very dangerous intersection and he was opposed to the rezoning request.

Rebecca Bagby, 218 Dead Ends Drive, addressed the Council. Ms. Bagby stated she was opposed to the rezoning request and allowing a little over 1.5 acres to be zoned commercial.

Mayor Rios stated the Planning and Zoning Commission have recommended denial of the rezoning request.

Mayor Pro-Tem Villa said he attended the Planning and Zoning Commission meeting and like the Joint Public Hearing held on April 13, 2021, numerous citizens attended and were opposed to the rezoning request.

MOTION: Mayor Pro-Tem Villa moved to deny the request for a change in zoning from R-2 (2nd Single Family Dwelling District) for 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; 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 B-1 (General Business District) to build a family-friendly restaurant with a bar and other entertainment amenities. Council Member Saski seconded the motion. Motion carried unanimously.

16. Deliberate and act on request from Aransas County Sesquicentennial Committee for temporary closure of South Ann Street between East Market Street and North Street, Market Street from South Ann Street to South Austin Street, and South Austin Street from Market Street to Concho Street. on Saturday, June 19, 2021, from 9:00 a.m. to 11:00 a.m., for the Aransas County Sesquicentennial Parade.

Mayor Rios stated this is a request from the Aransas County Sesquicentennial Committee and a couple of years ago the City quit allowing parade routes down Austin Street because of safety issues. Mayor Rios said the businesses along the parade route were polled and are in support of the parade.

MOTION: Mayor Pro-Tem Villa moved to grant permission to the Aransas County Sesquicentennial Committee for temporary closure of South Ann Street between East Market Street and North Street, Market Street from South Ann Street to South Austin Street, and South Austin Street from Market Street to Concho Street. on Saturday, June 19, 2021, from 9:00 a.m. to 11:00 a.m., for the Aransas County Sesquicentennial Parade. Council Member Hattman seconded the motion. Motion carried unanimously.

17. Deliberate and act on engagement of Denton Navarro Rocha Bernal & Zech and Doucet & Associates for redistricting/reapportionment professional services and authorizing the City Manager to negotiate and execute all necessary documents.

Mayor Rios said it is likely that Rockport's population will exceed 10,000, which will place redistricting requirements on the City and the County. Mayor Rios stated the City's legal counsel, Denton Navarro Rocha Bernal and their associate firm, Doucet & Associates are experienced at this task.

Sharon Hicks, Attorney representing Denton Navarro Rocha Bernal, addressed the Council. Ms. Hicks stated she had prepared a presentation on municipal redistricting which had been included in the Council Agenda packet. Ms. Hicks expressed the basic premise is “one person, one vote” and protection of racial minorities. Ms. Hicks explained if the census numbers are not received by February 22, 2022, then the redistricting would not apply to the May 2022 election, it would apply to the May 2023 election. Ms. Hicks stated Texas Election Code Section 276.006 states: “A change in a boundary of a territorial unit of a political subdivision other than a county from which an office of the political subdivision is elected is not effective for an election unless the date of the order or other action adopting the boundary change is more than three months before election day.”

Discussion was held among Council, Ms. Hicks, and City Manager Carruth.

MOTION: Mayor Pro-Tem Villa moved to approve the engagement of Denton Navarro Rocha Bernal & Zech and Doucet & Associates for redistricting/reapportionment professional services and authorize the City Manager to negotiate and execute all necessary documents. Council Member Saski seconded the motion. Motion carried unanimously.

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

Mayor Rios stated in Aransas County, 70.4% of the 65 years of age and older population have received the first vaccination and almost 61% have been fully vaccinated. Mayor Rios said the vaccines are making way to local pharmacies and clinics. Mayor Rios added the push now is to get 30 year old persons vaccinated.

19. Reports from Council.

Mayor Pro-Tem Villa stated the Swimming Pool Operations Advisory Committee met on Monday and things are looking very challenging; a lot of questions and another meeting will be held soon. Mayor Pro-Tem Villa said he attended the High School Shining Stars event on Sunday. Mayor Pro-Tem Villa announced that yesterday the girls softball team defeated Sinton; and the Rockport-Fulton girls softball team is ranked #1 in the State.

Mayor Rios said he attended the First Responders luncheon at Camp Aranzazu today along with the Police Chief and some of his staff.

Police Chief Stevens stated the Coastal Bend Police Departments Association has been created and this will get them a seat on the executive board of the Texas Police Chiefs Association. Chief Stevens added this is good for the City and the area.

Council Member Cunningham stated early voting ended today and election day is Saturday. Council Member Cunningham said the Texas Maritime Museum presentation to Aransas County Commissioners Court yesterday was interesting and informative.

Council Member Hattman said there was an unfortunate fire at Ngo’s Restaurant, in her Ward this morning, and she asked everyone to keep them in their thoughts. Council Member Hattman stated

she also had attended the High School Shining Stars event, as well as a fund raising event for animal control and the humane society.

City Manager Kevin Carruth informed the Council a private company that was boring on South Church Street had hit a 6-inch water main and City crews were working on repairing it.

Mr. Carruth asked Council if June 8, 2021, at 1:30 p.m. was a good time to schedule a Council Workshop to hear Hotel Occupancy Tax (HOT) Fund requests.

It was the consensus of Council to schedule the HOT workshop for June 8, 2021, at 1:30 p.m.

20. Adjournment.

At 7:40 p.m., Council Member Villa moved to adjourn. Motion was seconded by Council Member Cunningham. Motion carried unanimously.

APPROVED:

Patrick R. Rios, Mayor

ATTEST:

Teresa Valdez, City Secretary

CITY COUNCIL AGENDA
Regular Meeting: Tuesday, May 11, 2021

AGENDA ITEM: 8

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

SUBMITTED BY: City Secretary Teresa Valdez

APPROVED FOR AGENDA: PKC

BACKGROUND: The Rockport Cultural Arts District has been allocated \$35,000.00 in FY 2020-2021 Hotel Occupancy Tax (HOT) funds. According to our agreement with the Rockport Cultural Arts District, HOT funds are paid in advance and a report of the previous quarter's expenditures is required. See the accompanying 2nd quarter HOT expenditure report for additional information.

FISCAL ANALYSIS: Charged to account 6602097. YTD expenses are \$16,708.00 out of \$35,000.00 budgeted.

STAFF RECOMMENDATION: Staff recommends approval of the Rockport Cultural Arts District FY 2020-2021 Hotel Occupancy Tax funds 2nd quarter expenditures and authorization to disburse the 3rd quarter funds in the amount of \$8,750.00, as presented.

EXHIBIT "B"

HOT FUNDING EXPENSE REPORT FY 2020-2021

Description of Expense	Approved Budget	1st Quarter Expenses	2nd Quarter Expenses	3rd Quarter Expenses	4th Quarter Expenses	TOTAL
Events - Arts Promotion	9,000	-	1,708			1,708
Historical Restoration & Preservation Activities	11,000	-				-
Administrative	15,000	8,750	6,250			15,000
TOTAL REQUESTED	35,000	8,750	7,958			16,708

Description of Administrative Expenses	Current Fiscal Year Administrative Expenses Projection	Fiscal Year Administrative Actual Expenses	Percentage of Fiscal Year Projections
Wages, office, dues, insurance, utilities	86,364	21,171	24.51%
TOTALS	86,364	21,171	24.51%

CITY COUNCIL AGENDA

Regular Meeting: Tuesday, May 11, 2021

AGENDA ITEM: 9

Deliberate and act on first reading of an Ordinance granting a Conditional Use Permit for mobile food and retail vending for property located at 210 Seabreeze; also known as approximately 80.0 acres of land out of portions of the Aransas County Navigation District No.1 Rockport Beach Park and Festival Grounds property located in the city of Rockport, Aransas County, Texas and being a portion of the 102.5 acre Rockport Harbor patent, Abstract 343 and revised August 12, 1953, and recorded in Volume M3, Page 499, Deed Records of Aransas County, Texas along with a portion of Abstract 357 dated November 6, 1953, containing 604.296 acres and recorded in volume N-3, page 178, Deed Record of Aransas County, Texas with said 80.0 acres of portion of Abstract 343 and 357; currently zoned R-1 (1st Single Family Dwelling District); subject to compliance with the conditions stated within this Ordinance, as well as those stipulated in the City of Rockport Code of Ordinances; repealing all ordinances in conflict therewith; providing for severability; and providing an effective date.

SUBMITTED BY: Amanda Torres, Community Planner; Mike Donoho, Director of Building and Development

BACKGROUND: Property owner Aransas County Navigation District, on behalf of its retail vendor, Goin' Coastal, has submitted an application seeking a request for a Conditional Use Permit to allow for food and retail vending, located at 210 Seabreeze Drive; also known as approximately 80.0 acres of land out of portions of the Aransas County Navigation District No.1 Rockport Beach Park and Festival Grounds property located in the city of Rockport, Aransas County, Texas and being portion of the 102.5 acre Rockport Harbor patent, abstract 343 and revised August 12, 1953, and recorded in volume M3, page 499, deed records of Aransas County, Texas along with a portion of abstract 357 dated November 6, 1953, containing 604.296 acres and recorded in volume N-3, page 178, deed record of Aransas County, Texas with said 80.0 acres of portion of abstract 343 and 357; currently zoned R-1 (1st Single Family Dwelling District).

The buildings were already constructed, but not yet occupied, when they were reported as a violation. A picture of the buildings is on the following page. A stop work order has been issued until the CUP process can be completed.

A public notice regarding this item was published in *The Rockport Pilot* in the Saturday, April 10, 2021, edition and mailed out to eighteen property owners within a 200-foot radius of the property. No letters for or against the request were received. A Joint Public Hearing was held on Tuesday, April 27, 2021. No comments were made. The Planning & Zoning Commission met on Monday, May 3, 2021, and recommended approval of this request.

Please see the accompanying zoning change request application and Section 118-23 of Code of Ordinances for detail information. Also attached is a copy of the proposed Conditional Use Permit (CUP) Ordinance detailing the specific land uses requested and the conditions in which the land uses would be conducted. This ordinance has been reviewed and approved to legal form by the City Attorney.

RECOMMENDATION: Staff concurs with the Planning & Zoning Commission's recommendation to approve on first reading an Ordinance granting a Conditional Use Permit for mobile food and retail vending for property located at 210 Seabreeze; also known as approximately 80.0 acres of land out of portions of the Aransas County Navigation District No.1 Rockport Beach Park and Festival Grounds property located in the city of Rockport, Aransas County, Texas and being a portion of the 102.5 acre Rockport Harbor patent, Abstract 343 and revised August 12, 1953, and recorded in Volume M3, Page 499, Deed Records of Aransas County, Texas along with a portion of Abstract 357 dated November 6, 1953, containing 604.296 acres and recorded in volume N-3, page 178, Deed Record of Aransas County, Texas with said 80.0 acres of portion of Abstract 343 and 357; currently zoned R-1 (1st Single Family Dwelling District); subject to compliance with the conditions stated within this Ordinance, as well as those stipulated in the City of Rockport Code of Ordinances; repealing all ordinances in conflict therewith; providing for severability; and providing an effective date, as presented.

ORDINANCE NO. ____

AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT FOR MOBILE FOOD AND RETAIL VENDING FOR PROPERTY LOCATED AT 210 SEABREEZE; ALSO KNOWN AS APPROXIMATELY 80.0 ACRES OF LAND OUT OF PORTIONS OF THE ARANSAS COUNTY NAVIGATION DISTRICT NO.1 ROCKPORT BEACH PARK AND FESTIVAL GROUNDS PROPERTY LOCATED IN THE CITY OF ROCKPORT, ARANSAS COUNTY, TEXAS AND BEING PORTION OF THE 102.5 ACRE ROCKPORT HARBOR PATENT, ABSTRACT 343 AND REVISED AUGUST 12, 1953, AND RECORDED IN VOLUME M3, PAGE 499, DEED RECORDS OF ARANSAS COUNTY, TEXAS ALONG WITH A PORTION OF ABSTRACT 357 DATED NOVEMBER 6, 1953, CONTAINING 604.296 ACRES AND RECORDED IN VOLUME N-3, PAGE 178, DEED RECORD OF ARANSAS COUNTY, TEXAS WITH SAID 80.0 ACRES OF PORTION OF ABSTRACT 343 AND 357; CURRENTLY ZONED R-1 (1ST SINGLE FAMILY DWELLING DISTRICT); SUBJECT TO COMPLIANCE WITH THE CONDITIONS STATED WITHIN THIS ORDINANCE, AS WELL AS THOSE STIPULATED IN THE CITY OF ROCKPORT CODE OF ORDINANCES; REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, On April 8, 2021, notice was posted on the bulletin boards at the Rockport Service Center, 2751 State Highway 35 Bypass and on the City's webpage www.cityofrockport.com; and

WHEREAS, on April 9, 2021, notice was mailed to affected property owners within 200' of subject property; and

WHEREAS, on April 10, 2021, the City caused to be published "Notice of Joint Public Hearing" in the official newspaper of the City notifying area residents and the public in general to participate and make their views known regarding this request; and

WHEREAS, on April 27, 2021, at 6:30 p.m., the Rockport City Council and the Planning & Zoning Commission did hold a Joint Public Hearing; and

WHEREAS, on May 3, 2021, the Planning & Zoning Commission did meet and said Commission voted to recommend to the City Council to accept and approve this request for a Conditional Use Permit to property located at 210 Seabreeze.

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

SECTION 1 – CONDITIONAL USE PERMIT

That, pursuant to Section 118-23 “Conditional Use Permit” (CUP), of the Rockport Code of Ordinances, a Conditional Use Permit is hereby granted to property located at 210 Seabreeze for the purpose of allowing mobile food and retail vending, subject to compliance with the following conditions and all applicable regulations and conditions contained in the City of Rockport Code of Ordinances:

1. Any development of the property must comply with all requirements of the “R-1” 1st Single Family Dwelling District and any other applicable requirements as stated in the City of Rockport Code of Ordinances.
2. Vendors must sell goods from a self-contained, mobile or road-ready vending structure that is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions. It also shall be capable of evacuation under its own power or if dependent on external power, the vehicle proposed for external power shall be in running condition.
3. Vendors shall not commence operations until the vendor has obtained all health and other permits and licenses required by state, local, or federal laws, rules, or regulations in connection with the vendor’s business.
4. Required parking and restroom facilities as described in Chapter 22 Buildings and Building Regulations, Chapter 26 Businesses and Chapter 118 Zoning will be provided by the property owner.
5. Any use other than that granted herein or permitted by right in the “R-1” zoning district shall be treated as an amendment to the Conditional Use Permit and shall be required to re-submit a Conditional Use Permit request as outlined in the Zoning Ordinance.

SECTION 2

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

SECTION 3

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance be severable, and, if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared invalid by judgment or decree of any

court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Ordinance and the remainder of this Ordinance shall be enforced as written.

SECTION 4

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

SECTION 5

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

SECTION 6

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

SECTION 7

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

SECTION 8

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

APPROVED on first reading the 11th day of May 2021.

CITY OF ROCKPORT, TEXAS

Patrick R. Rios, Mayor

ATTEST:

Teresa Valdez, City Secretary

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

CITY OF ROCKPORT, TEXAS

Patrick R. Rios, Mayor

ATTEST:

Teresa Valdez, City Secretary

APPROVED AS TO LEGAL FORM:
T. Daniel Santee, City Attorney



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**

210 Seabreeze

APPLICANT/PROPERTY OWNER

Aransas County Navigation District

PUBLIC HEARING DATE

Tuesday, April 27, 2021

P&Z DATE

Monday, May 3, 2021

CITY COUNCIL DATE(S)1st Reading - Tuesday, May 11, 20212nd Reading – Tuesday, May 25, 2021**BRIEF SUMMARY OF REQUEST**

Property owner Aransas County Navigation District on behalf of its retail vendor, Goin' Coastal, has submitted an application seeking a request for a Conditional Use Permit to allow for food and retail vending, located at 210 Seabreeze Drive; also known as approximately 80.0 acres of land out of portions of the Aransas County Navigation District No.1 Rockport Beach Park and Festival Grounds property located in the city of Rockport, Aransas County, Texas and being portion of the 102.5 acre Rockport Harbor patent, abstract 343 and revised August 12, 1953, and recorded in volume M3, page 499, deed records of Aransas County, Texas along with a portion of abstract 357 dated November 6, 1953, containing 604.296 acres and recorded in volume N-3, page 178, deed record of Aransas County, Texas with said 80.0 acres of portion of abstract 343 and 357; currently zoned R-1 (1st Single Family Dwelling District).

A public notice regarding this item was published in The Rockport Pilot in the Saturday, April 10, 2021 edition and mailed out to eighteen property owners within a 200-foot radius of the property. No letters for or against the request were received. The Planning & Zoning Commission met on Monday, May 3 and recommended approval of this request.



MAP SOURCE: Pictometry

EXISTING ZONING	EXISTING LAND USE	SURROUNDING ZONING & LAND USE	SITE IMPROVEMENTS	SIZE OF PROPERTY
R-1 1 st Single Family Dwelling District	Park	North: Little Bay; B-1 General Business, businesses East: R-2 2 nd Second Family Dwelling District, single-family residences South: Aransas Bay West: B-1 General Business, harbor area/businesses	None	80 acres

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

COMPATIBILITY with the ZONING ORDINANCE & FUTURE LAND USE MAP	PROPERTY HISTORY
Any future development will meet all requirements as indicated in the R-1 1 st Single Family Dwelling District, Section 118-23 <i>Conditional Use Permit</i> , and conditions as will be outlined in the recommended adopting ordinance. This land use can be compatible with the land use associated with this area as indicated in the Future Land Use Map.	<i>Compatibility with the planned development (or other controlling documents); traffic/parking; public works/utilities; engineering/flood plain/soil; building code/fire or design</i> The property is within the Special Flood Hazard Area. Building permits and inspections will be issued through the City Building Department.

ATTACHMENTS (CIRCLE)

SUBMITTED PLANS

PUBLIC HEARING PETITION/
APPLICATION FORM

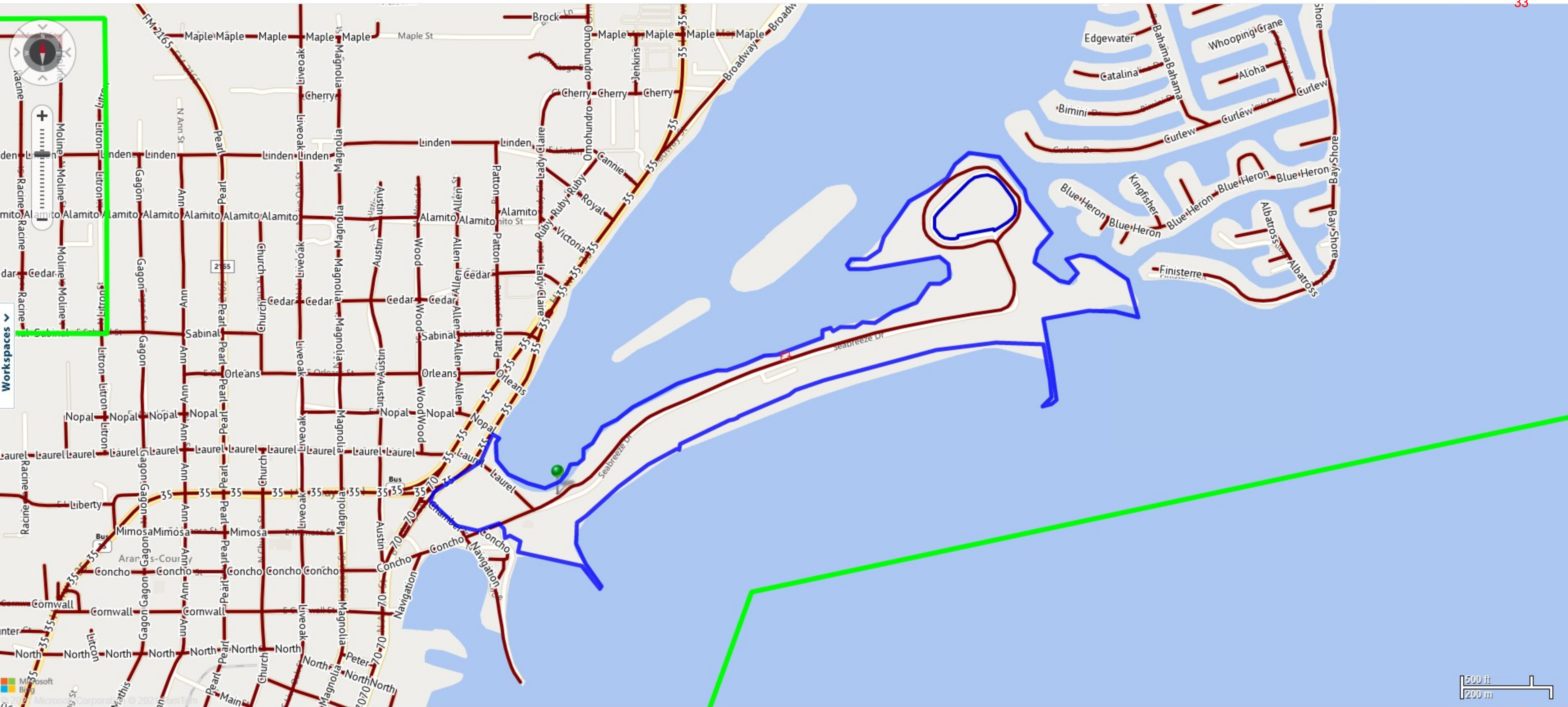
LEGAL NOTICE

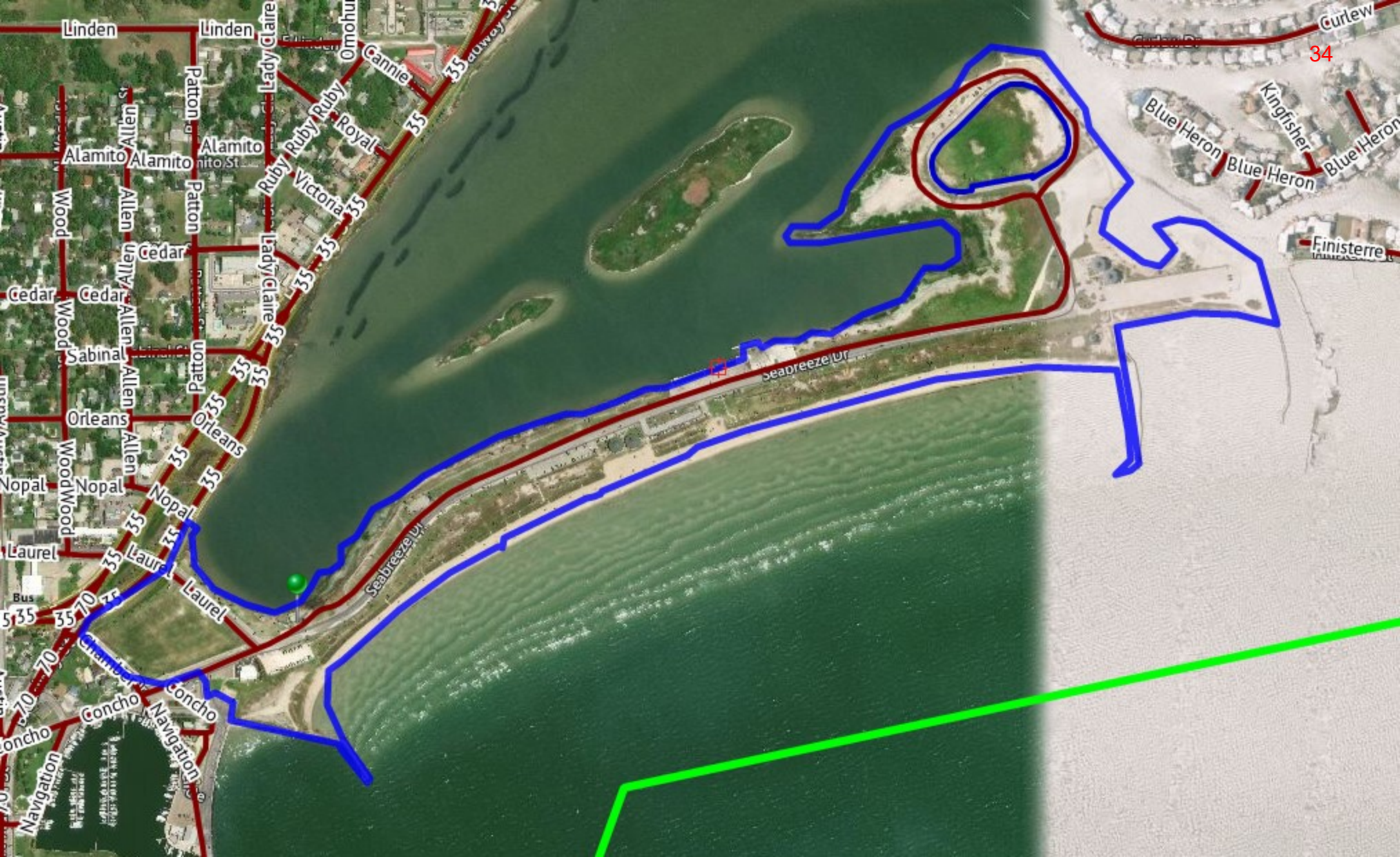
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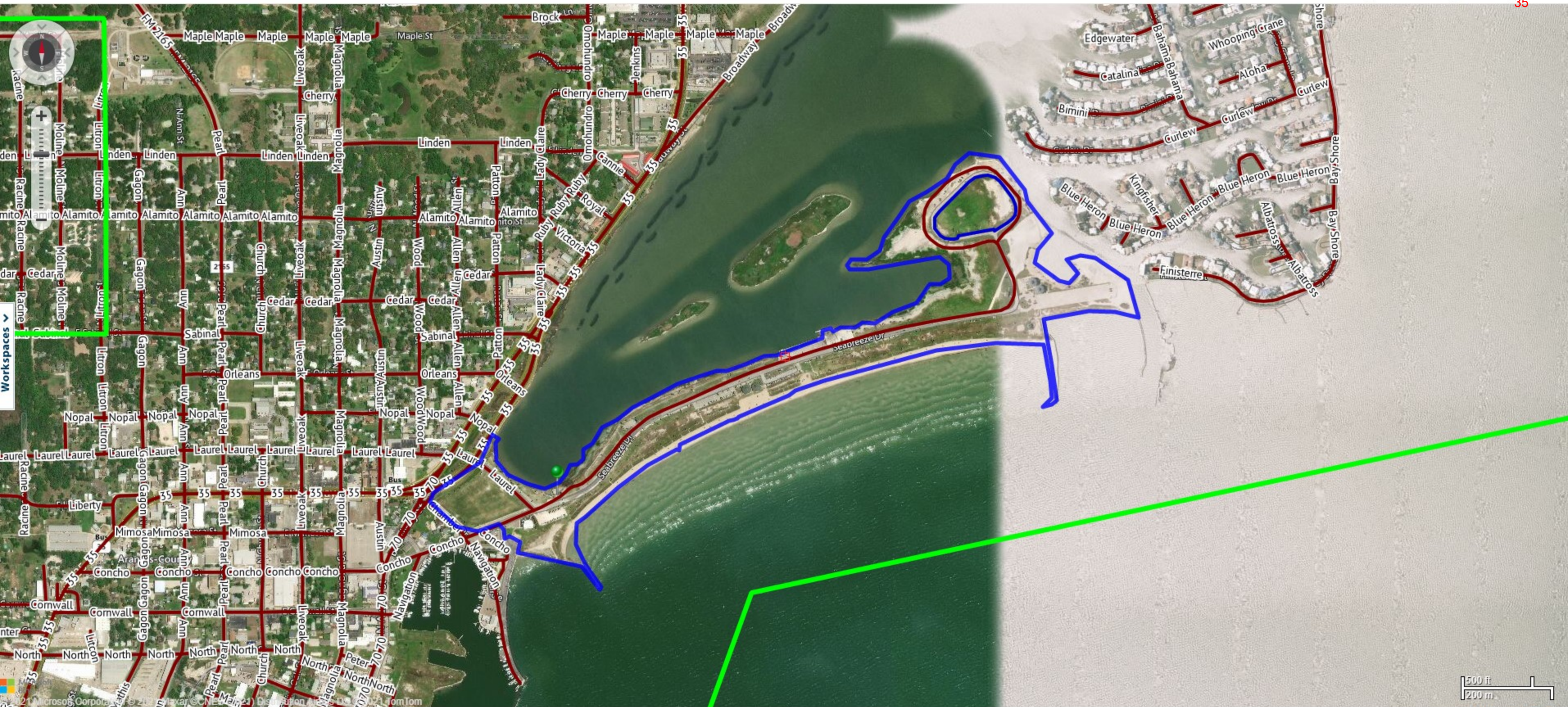
PUBLIC COMMENTS

AGENCY COMMENTS

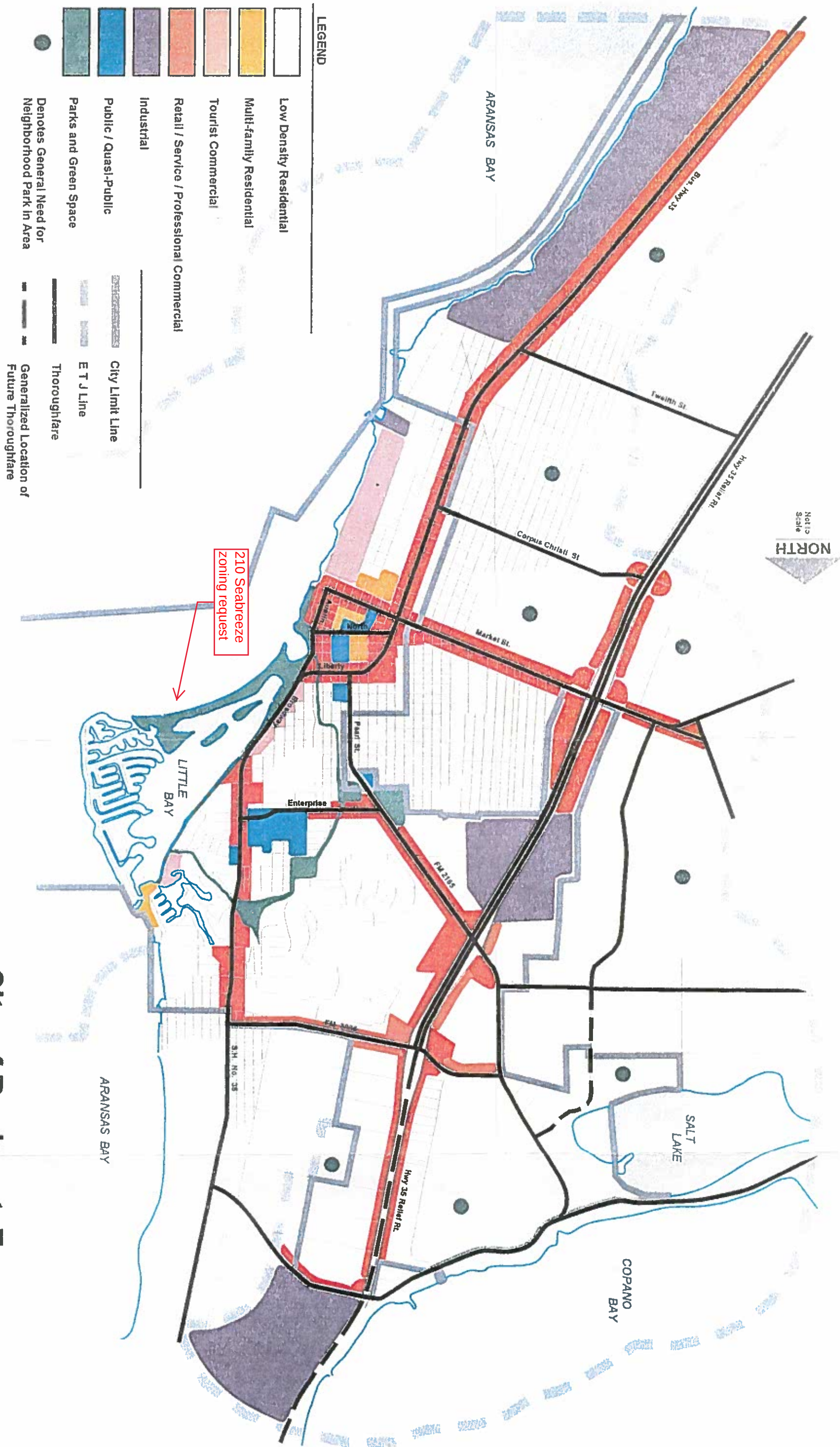
RESPONSE TO
STANDARDS**OTHER** (DESCRIBE)







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



Article I. Zoning Ordinance*

Sec. 118-23. Conditional use permit.

23.1 *General.* A Conditional-Use Permit (CUP) shall be obtained for certain uses, which would become harmonious or compatible with neighboring uses through the application and maintenance of qualifying conditions and located in specific locations within a zone, but shall not be allowed under the general conditions of the zone as stated in this Code. The granting of a CUP has no effect on the uses permitted as of right and does not waive the regulations of the underlying zoning district. The CUP requirement for a use in a district does not constitute an authorization or an assurance that the use will be permitted. Uses requiring a CUP are listed within a zoning district and in subsection 23.10 of this article. Uses not listed within a zoning district that may be eligible for a CUP shall be administered through this article.

23.2 *Applications.* All CUP applications shall be submitted to the code official on a form provided by the city consistent with the provisions herein. All applications shall be accompanied by maps, drawings, statements or other documents in support of the request. An application fee shall be collected at the time of submittal. Said fee shall be: One Hundred Dollars and no cents (\$100.00) for the first acre of land or fraction thereof, plus Ten Dollars and no cents (\$10.00) per acre or fraction thereof over the first acre.

23.3 *Public Hearing.* Prior to the approval, approval with conditions or denial of a CUP, public hearings shall be held in accordance with the provisions of Article 26 of this ordinance [[section 118-26](#) of this Code]. Upon the completion of said proceedings, the Commission shall render a recommendation(s) to the City Council. Decisions of the City Council shall be final.

23.4 *Review Criteria.* An application for a CUP shall be permitted to be approved, approved with conditions or denied. Each application for a CUP shall be submitted with enough data and information to be consistent with the criteria listed below:

1. That such use is necessary or desirable and provides a service or facility that contributes to the general well-being of the surrounding area.
2. That such use shall not adversely affect adjacent properties.
3. That such use is compatible with the existing or allowable uses of adjacent properties.
4. That such use can demonstrate that adequate public facilities, including roads, drainage, potable water and sanitary sewer, and police and fire protection exist or will exist to serve the requested use at the time such facilities are needed.
5. That such use can demonstrate adequate provision for maintenance of the use in question along with any associated structures.
6. That such use has minimized, to the degree possible, adverse effects on the natural environment.
7. That such use will not create undue traffic congestion.
8. That such use will not adversely affect the public health, safety or welfare.
9. That such use conforms to all applicable provisions of this Code.
10. That such use is consistent with all applicable provisions of the comprehensive plan.

23.5 *Expiration.* A CUP shall be considered exercised when the use has been established. When such CUP is not exercised, or is abandoned, or is discontinued for a period of 1 year from the date of granting thereof, it shall be considered expired and shall not be reestablished unless authorized by the City Council with recommendation(s) from the Planning & Zoning Commission.

23.6 *Annual Review.* Subsequent to the issuance of a CUP, a review shall be conducted annually by the Code Official to determine that the terms of the CUP are being met.

23.7 *Revocation.* A CUP shall be revoked when the applicant fails to comply with conditions imposed by the permit. Said CUP shall not be reestablished unless authorized by the City Council with recommendation(s) from the Planning & Zoning Commission.

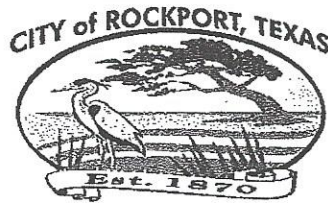
23.8 *Existing Conditional-Use Permit.* Any amendment sought to an existing CUP shall be considered as a new application and shall comply with this article.

23.9 *Existing Special Permit.* Any amendment sought to an existing Special Permit existing prior to (date of amending ordinance inserted here), shall be considered as a new application and shall comply with this article as a CUP. Such amendment(s) may not preclude or nullify the conditions to any Special Permit previously issued unless requested by the applicant. Annual review shall be in accordance with subsection 23.6.

23.10 *Specific uses requiring a CUP.* The following listed uses will require a CUP approval prior to issuance of a building permit. These uses are also listed within their respective zoning district.

1. Permanent or long term (more than 30 days) public entertainment facilities or uses. Such facilities or uses shall include, but not be limited to, amusement parks, carnivals, animal shows, marine life shows, dance/theatrical productions or natatoriums. This provision is listed in a B-1 district).
2. Private, child nurseries or pre-kindergarten schools in R-1 through R-7 districts.
3. Retail shops, restaurants, clubs and lounges in R-6 and R-7 districts when not built within a hotel or office building.
4. Meat, fish or shellfish processing plant in a B-1 district.
5. Penal institutions and detention centers in R-7 districts only. A listed use out-right in a B-1 district.
6. Bed and Breakfast accommodations in R-1 through R-3 districts.
7. The keeping and raising of farm animals in all districts pursuant to the city's animal control ordinance. Agricultural land annexed into the city as R-1 zoning is exempt where such uses are existing uses.
8. Radio, television or communications tower in an R-7 district, provided Federal Communications Commission and Federal Aviation Administration permit requirements are met (refer to Article 24 [[section 118-24](#)] for Special Conditions).
9. Outdoor welding operations when located in a B district only.
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].
11. Adult entertainment in B and I districts.

(Ord. No. 1027, art. 23, 4-9-96; Ord. No. 1601, § 1, 3-26-13)



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 [] Conditional Permit ☒

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

B. ADDRESS AND LOCATION OF PROPERTY 210 SEABREEZE
DRIVE, ROCKPORT, TX.

C. CURRENT ZONING OF PROPERTY: R1

D. PRESENT USE OF PROPERTY: RECREATION, BOAT LAUNCH, BIRD & NATURE RESERVE, SHORT TERM EVENT RENTAL, VENDORS

E. ZONING DISTRICT REQUESTED: _____

F. CONDITIONAL USE REQUESTED: ADD ADDITIONAL VENDOR for BEACH RELATED ITEMS, SUNSCREEN, TEE SHIRTS, ETC.

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

• Lot or Tract _____ Block _____

• Tract ENTIRE BEACH FACILITY of the _____
 Survey as per metes and bounds (field notes attached)

VENDORS ARE MOBILE & CAN RELOCATE BASED ON TRAFFIC

• 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) SHAWN MILLER is operation / vendor

I. TOTAL ACREAGE OR SQ. FT. OF SITE(S): affected LESS THAN 1 ACRE (900 SQF)

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

ADD OF VENDOR OTHER THAN FOOD or DRINK

(BEACH) RELATED supply - TEE SHIRTS, SUN SCREEN HAT'S, FLIP/FLOPS, ETC.

- K. OWNER'S NAME: (Please print) ARANSAS County Navigation
 ADDRESS: 911 NAVIGATION Circle, Rockport, TX.
 CITY, STATE, ZIP CODE: Rockport, TX. 78382
 PHONE NO 361-729-6661
- L. REPRESENTATIVE: (If Other Than Owner) KEITH BARRETT
 ADDRESS: 911 NAVIGATION Circle
 CITY, STATE, ZIP CODE: Rockport, TX. 78382
 PHONE NO cell / 361-385-0525

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

M. FILING FEE:

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

(Make check payable to the City of Rockport)

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

Signed: 

(Owner or Representative)

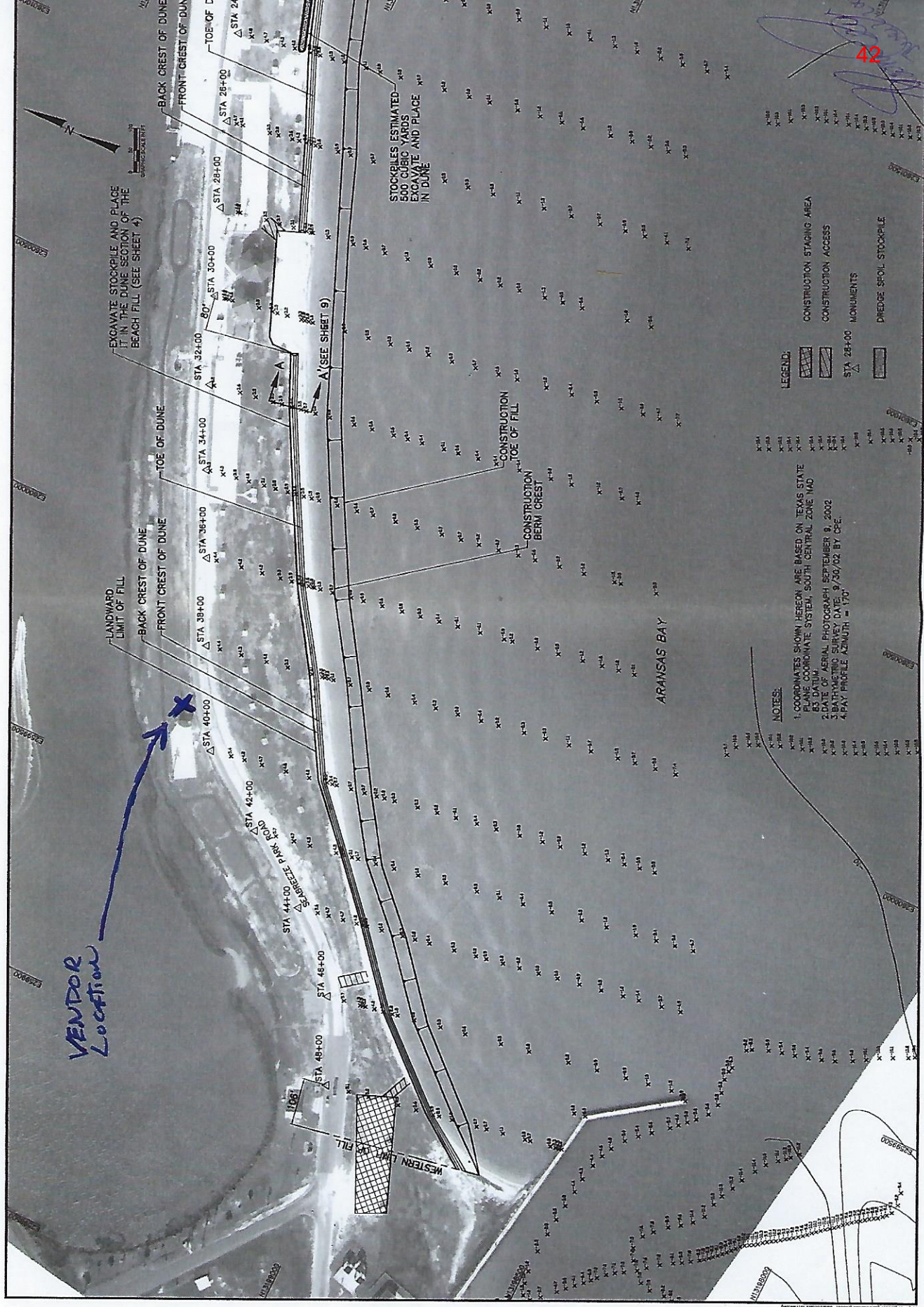
(FOR CITY USE)

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

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

If rejected, reasons why: _____

Receipt No. _____



VENDOR
Location

NOTES:

1. COORDINATES SHOWN HEREIN ARE BASED ON TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE NAD 83 DATUM
2. DATA FROM AERIAL PHOTOGRAPH, SEPTEMBER 8, 2002
3. BATHYMETRIC SURVEY, JANUARY 9/02 BY CPE
4. PAV' PROFILE LENGTH = 170'

LEGEND:

- CONSTRUCTION STAGING AREA
- CONSTRUCTION ACCESS
- MONUMENTS
- STA 25+00
- DREDGE SPOIL STOCKPILE

42

BEACH PARK – FESTIVAL GROUNDS
DESCRIPTION

APRIL 7, 2021

BEING THE DESCRIPTION OF APPROXIMATELY 80.0 ACRES OF LAND OUT OF PORTIONS OF THE ARANSAS COUNTY NAVIGATION DISTRICT NO. 1 ROCKPORT BEACH PARK AND FESTIVAL GROUNDS PROPERTY LOCATED IN THE CITY OF ROCKPORT, ARANSAS COUNTY, TEXAS AND BEING A PORTION OF THE 102.5 ACRE ROCKPORT HARBOR PATENT, ABSTRACT 343 AND REVISED AUGUST 12, 1953, AND RECORDED IN VOLUME M3, PAGE 499, DEED RECORDS OF ARANSAS OCUNTY, TEXAS ALONG WITH A PORTION OF ABSTRACT 357 DATED NOVEMBER 6, 1953, CONTAINING 604.296 ACRES AND RECORDED IN VOLUME N-3, PAGE 178, DEED RECORDS OF ARANSAS COUNTY, TEXAS WITH SAID 80.0 ACRES OF PORTION OF ABSTRACT 343 AND 357 BEING GENERALLY DESCRIBED BY BOUNDS AS FOLLOWS;

SAID 80.0 ACRE PARCEL BEING BOUND ON THE SOUTHWEST BY THE CENTERLINE OF CHAMBER DRIVE; ON THE LOWER SOUTHEAST SIDE BY THE CENTERLINE OF SEABREEZE DRIVE ADJACENT TO THE FESTIVAL GROUNDS;

THENCE IN A NORTHEASTERLY DIRECTION TO THE ENTRANCE GATE OF THE ROCKPORT BEACH PARK;

THENCE TURNING IN A SOUTHEASTERLY DIRECTION PERPENDICULAR TO SEABREEZE DRIVE TO THE SHORELINE OF ARANSAS BAY;

THENCE ALONG AND WITH THE MEANDERS OF THE SHORELINE OF ARANSAS BAY IN AN EASTERLY DIRECTION TO BE SHORELINE OF LEGGETT LIGHTS ENTRANCE CHANNEL;

THENCE IN THE NORTHWESTERLY DIRECTION, ALONG AND WITH THE MEANDERS OF THE SHORELINE OF LEGGETT LIGHTS CHANNEL TO THE SOUTHEASTERLY SHORELINE OF THE ROCKPORT SKI BASIN;

THENCE ALONG AND WITH THE MEANDERS OF THE SOUTHEAST SHORELINE OF THE ROCKPORT SKI BASIN TO THE SOUTHWEST SHORELINE OF THE ROCKPORT SKI BASIN ADJACENT TO THE EAST LAUREL STREET;

THENCE IN A NORTHWESTERLY DIRECTION ALONG AND WITH THE SOUTHWEST SHORELINE OF THE ROCKPORT SKI BASIN AJACENT TO EAST LAUREL STREET TO ITS INTERSECTION WITH THE EAST ROW LINE OF THE NORTHBOUND PORTION OF TEXAS STATE HIGHWAY NO. 35 BUSINESS;

THENCE IN A SOUTHWESTERLY DIRECTION ALONG AND WITH ROW LINE OF THE NORTHBOUND LANE OF TEXAS STATE HIGHWAY NO. 35 BUSINESS TO THE INTERSECTION OF THE CENTERLINE OF CHAMBER DRIVE AND CONTAINING APPROXIMATELY 80.0 ACRES OF LAND, MORE OR LESS.

210407EBFN

ARANSAS COUNTY NAVIGATION DISTRICT
CONCESSION CONTRACT

1. The parties to this Contract are the **Aransas County Navigation District** (District) and **Sharon Miller d/b/a Goin' Coastal Outfitters** (Concessionaire). Exhibit A to this Contract contains further information regarding Concessionaire.
2. The District hereby grants to Concessionaire, and Concessionaire hereby accepts, a concession license to sell goods, as described below, at a designated location authorized by the Harbor Master within the District's property. The goods include t-shirts and Rockport and Rockport Beach merchandise. Concessionaire is permitted to sell only the described goods. No product may be sold or otherwise dispensed in a glass container anywhere within the District's property.
3. The term of this Contract shall commence at 12:01 a.m. on March 1, 2021, and shall expire at 11:59 p.m. on February 28, 2023.
4. Concessionaire agrees to pay a license fee of \$134.00 per month in advance. All payments are due at the District office on or before the last day of each month during the term of this Contract and during any extension of renewal hereof. If any payment owed to the District is not paid on or before the due date, the Concessionaire shall owe and pay promptly a late fee in the amount of 10% of the monthly fee and an additional late fee of the same amount for every subsequent 30-day period that said payment continues to be unpaid.
5. Concessionaire shall be open for business during reasonable hours every day and, at a minimum, shall be open for business from 1:00 p.m. to sundown every Friday, Saturday and Sunday, except when public access to the Beach has been closed or substantially limited for any reason.
6. Concessionaire is permitted to sell the goods from a self-contained, mobile food-vending trailer, as authorized in paragraph (2) of the concession contract. All concession locations are subject to change at the discretion of the Harbor Master, upon 5 days notice to the Concessionaire. Every substantial change from that described and permitted herein shall be subject to the approval of the Harbor Master. Concessionaire's trailer, stand, cart, equipment and other property shall not remain on the District's property overnight. Concessionaire shall not attach or anchor its trailer, stand, cart or any other equipment to the District's lands in such a manner as to be permanent or to constitute a fixture to the District's property.
7. The prices of all goods for sale shall be clearly posted by the Concessionaire at its location. Setting of prices shall be at the discretion of the Concessionaire.

8. Concessionaire shall not commence operations until Concessionaire has obtained all health and other permits and licenses required by state, local, or District laws, rules, or regulations in connection with the Concessionaire's business, and has obtained all insurance coverages required by this Contract, and satisfactory proof thereof has been delivered to the District.

9. The Concessionaire shall maintain all of its equipment in a good, clean, safe, and sanitary condition. Every good dispensed shall be in a safe and sanitary condition and not past its expiration date, if applicable. Although failure of the Concessionaire to comply with this requirement will be a breach of this Contract, the District does not hereby assume any liability to Concessionaire or to any third party for any loss or injury caused by any goods, service, or equipment dispensed by the Concessionaire.

10. Concessionaire shall keep its location clean and shall pick up all trash from its operation that is blown onto other areas of the property. Concessionaire shall provide public trash receptacles at its location. The Concessionaire shall at the end of each day, and additionally as may be necessary, transfer all waste to the District's waste dumpsters. No hazardous substance shall be deposited in a District receptacle. Concessionaire shall not cause or allow any environmental waste or contamination of the District's lands or waters from the Concessionaire's operations.

11. The District agrees to provide water service to Concessionaire by means of a metered connection to the District's water line, so long as District has potable water available at that location. The District's obligation is subject to availability of the service at the Location and the District shall have no liability for any interruption of service from any cause. Concessionaire agrees to pay for all services at the rates established by the District and in accordance with the periodic statements from the District.

12. Concessionaire shall comply with all laws, regulations, and rules applicable to its operation, goods, services or equipment, and with all rules promulgated by the District. The use of all fuels and other flammable products are subject to inspection and approval by the Harbor Master. The Concessionaire may not keep at its location or anywhere within the Beach any explosive or hazardous materials, other than fuel for its normal operations.

13. The District shall have access to and the right to inspect the Concessionaire's location, trailer, stand, cart, or other equipment at any time during normal business hours and, in addition, at any time the Harbor Master determines, within his discretion, that there may be an urgent need to inspect or take action to prevent injury to persons or property.

14. **Rockport and Rockport Beach merchandise** The District will not grant a concession to a third party to vend within the Beach any t-shirts and while this Contract remains in force. However, the District reserves the right to allow persons

who rent the pavilions or other facilities within the Beach to provide or have catered to their guests any such goods in connection with the events for which the facilities are rented.

15. Neither the Concessionaire nor any of Concessionaire's employees, agents, guests, or invitees shall consume alcoholic beverages or illegal drugs, or be under the influence of such, while on duty or conducting business within the Beach. Concessionaire shall ensure that all employees and representatives of the Concessionaire who are on the District's property are of good character and fit to have contact with members of the public who will be present on the property.

16. Concessionaire shall have the right to display at the location reasonable signage identifying or advertising the Concessionaire's business. Concessionaire shall not have or allow any other signage on the premises without specific written approval of the Harbor Master. Concessionaire may engage in advertising relative to the concession consistent with a dignified image in the operation and maintenance of the Beach. If the Concessionaire wishes to conduct any special activity or event, the Concessionaire shall obtain the Harbor Master's approval in advance for the event and any related advertising or publicity. Concessionaire agrees to remove any lighting, signage, equipment, or any other item placed on the District's lands or mounted on Concessionaire's equipment, and to cause any activity occurring on the District's lands to cease, if the Harbor Master determines such item or activity to be a public nuisance or hazard to any person or property.

17. The Concessionaire shall maintain in force policies of insurance with not less than the following coverage limits during the term of this Contract:

Liability insuring personal injury per person	\$ 300,000
Aggregate personal injury per occurrence	\$ 600,000
Loss to Property: property damage per occurrence	\$ 100,000
Products liability insurance covering all claims for property damage or personal injury caused by any defects in goods, services, or equipment dispensed by Concessionaire, if not included within the coverage stated above, per person	\$ 300,000

The District shall be named as an additional insured on all policies of insurance. All policies shall provide for advance notice to the District of any changes or cancellations in coverage. Concessionaire shall deliver or cause to be delivered to the District office certificates or declarations of insurance or other satisfactory proof of the insurance coverages prior to commencement of operations under this Contract and shall maintain

on file with the District satisfactory evidence of the continuation of such coverage during the term of this Contract.

18. Concessionaire represents that it is familiar with the conditions of the Beach and of the designated location and accepts the use of the designated location and any other location hereafter designated as is, with all faults. The Concessionaire shall indemnify, hold harmless, and defend the District against every claim or cause of action arising from or relating to the operations of the Concessionaire or the acts or omissions of the Concessionaire or of any of the Concessionaire's employees, agents, representatives, guests, or invitees. Concessionaire shall give the District immediate notice of any claim that in any way directly or indirectly affects either the Concessionaire or the District.

19. A. The District shall have the right to immediately terminate this Contract upon written notice to the Concessionaire on the following grounds:

- i. any payment owed to the District under this Contract is more than 30 days past due;
- ii. there occurs a material breach or default by Concessionaire of any provision of this Contract;
- iii. the Concession is abandoned, consisting of the failure to be open for business at the designated location for 5 consecutive calendar days or a total of 5 days within any 14 day period;
- iv. the Concessionaire becomes the subject, voluntarily or involuntarily, of a proceeding in bankruptcy or Concessionaire includes this Contract in an assignment for the benefit of its creditors.

B. Either party may terminate this Contract at any time without any requirement for cause, upon not less than 60 days written notice to the other party.

20. The District shall have the right at its discretion to take possession of, remove, and store any goods, equipment, or other property of Concessionaire, at Concessionaire's expense, if the property is left within the Beach after the posted closing time, or the property has not been removed immediately after this Contract expires or is terminated, or the Harbor Master determines the property is creating an immediate hazard to persons or property. The District will make a good faith effort to give oral or written notice to Concessionaire of the District's action. If such property has not been reclaimed by the Concessionaire within 15 days after the District's action, the District shall have the right, without any further notice to Concessionaire, to sell any or all of the property in any commercially reasonable manner and to discard or donate to charity any property which the District deems not to have any substantial marketability or market value. The District shall have a lien on all such property for payment of any amounts owed by Concessionaire to the District, and the District may apply any proceeds from the sale first to the cost of preparing the items of property for sale, then to the costs of sale, then to satisfy amounts owed by the Concessionaire to the District.

under this Contract or otherwise, and then any balance will be available to be claimed by the Concessionaire.

21. The failure of the District to insist upon the strict performance of any of the terms, covenants, or conditions of this Contract shall not be deemed to be a waiver of any further or future breach or default.

22. The performance by either party hereunder shall be excused during a period in which that party's performance has been rendered impossible or impracticable as a result of an act of God, war, civil commotion, or other emergency condition beyond the control of the party. In the event Concessionaire's trailer, stand, cart, or a substantial portion of the Concessionaire's goods or equipment are destroyed or damaged by fire, windstorm, lightning, other casualty, or vandalism, to an extent that the Concessionaire cannot reasonably continue operations, the Concessionaire shall have the right to request, and upon request shall be allowed, to suspend operations for not more than 90 days within which to repair or replace its property as necessary to commence normal operations. The concession fee shall be waived during said period.

23. Every notice to the District shall be addressed to the Harbor Master, delivered at his business office in Rockport, Texas, during office hours. Every notice to Concessionaire shall be deemed delivered when delivered in hand or by mail to the Concessionaire, Concessionaire's Agent, or to any officer of Concessionaire, or to the Concessionaire's address as shown on Exhibit A.

24. Concessionaire shall pay before delinquent all ad valorem taxes, if any, assessed by or for the benefit of the District, Aransas County, or other taxing authorities on Concessionaire's personal property used in connection with the concession.

25. A. Concessionaire's rights under this Contract are not assignable without express written permission of the District, which permission may be withheld by the District with or without cause at the District's discretion.

B. Concessionaire shall obtain the District's approval, in writing, before making any material change in ownership or control of the Concessionaire, as listed in Exhibit A, which approval may be withheld at the District's discretion. Concessionaire shall notify the District of any material change in ownership or control by operation of law, as soon as Concessionaire learns that the change probably will occur, or if Concessionaire has no advance knowledge of the change, no later than the 10th day after such change has occurred. A material change in ownership or control means a change of ten percent or more of the ownership of the Concessionaire or a change in the principal officers, the directors, or a partner.

C. If Concessionaire is an entity other than an individual sole proprietor, it shall be an event of default if Concessionaire's, or Concessionaire's general partner's,

certificate of authority expires or is suspended or terminated by the State under which Concessionaire or the partner was created.

26. Concessionaire shall be liable to the District for any damages, expenses, and attorney fees caused by Concessionaire's breach of this Contract.

27. The rights and privileges granted to the Concessionaire under this Contract are in the nature of a license only. The Concessionaire is not, and shall not be deemed to be, a lessee, employee, contractor, agent, or partner, of the District. Concessionaire is solely responsible for the actions, health, and safety of the Concessionaire's employees, agents, suppliers, guests, and invitees.

28. This Contract shall be interpreted under and governed exclusively by the laws of the State of Texas, without regard to any conflict of law rules under which the laws of another state or forum might otherwise apply. Jurisdiction and venue of any action or proceeding arising from or relating to this Contract shall exclusively lie in a Texas State court of appropriate jurisdiction sitting in Aransas County.

29. This Contract constitutes the entire agreement between the District and Concessionaire relating to the subject of this Contract. This Contract is not intended, and shall not be interpreted or deemed, to waive any governmental or sovereign immunity of the District or of any official, officer, or employee of the District. All exhibits to this Contract are fully incorporated herein by reference.

ARANSAS COUNTY NAVIGATION DISTRICT

Executed this 19th day of Jan, 2021

By: [Signature]

Name:

Title: Chairman

CONCESSIONAIRE:

SHARON MILLER D/B/A GOIN' COASTAL
OUTFITTERS

Executed this 2 day of March, 2021

By: [Signature]

Name: Sharon Miller, Owner

LMC:5/2/13

APPLICATION FOR CONCESSION CONTRACT (EXHIBIT "A")

The below identified individual or company (Applicant) hereby applies for a Concessionaire License to vend or rent goods, services, or equipment on property of the Aransas County Navigation District (the District), as described herein. Applicant authorizes and gives permission to the District to request and obtain a civil, criminal, and financial background check on Applicant and all officers, directors, agents, and on-site managers identified in this Application, and to use any information obtained for the purpose of evaluating this Application and Applicant's fitness to be granted a license and to operate the business described.

DESCRIPTION OF PROPOSED BUSINESS: Concession business, t-shirts along with Rockport and Rockport Beach merchandise.

INFORMATION ABOUT CONCESSIONAIRE:

Name: Sharon Miller d/b/a Goin' Coastal Outfitters

Type of Entity [e.g., individual sole proprietor, partnership, corporation, limited liability corporation, or limited partnership]: Sole ownership

If Concessionaire is not an individual:

Name of the State in which the entity was organized

Attach a copy of the documents by which Concessionaire was organized, such as Articles of Organization, Charter, Partnership Agreement, Bylaws, or Company Agreement

Address & Phone numbers:

Principal office of Concessionaire:

Owners: Sharon Miller (361) 230-0414

Directors: Same

Officers: Same

103 S. Austin St. Rockport, TX 78382

If Concessionaire is not a sole proprietor, the following person is an Agent designated and authorized by Concessionaire to receive all notices and to act and speak for Concessionaire in all respects affecting this Contract:

Name: N/A

Address:

Telephone No.:

Fax No.:

Email Address:

If different than the above named Agent, identify the person on-site and responsible for management of the premises:

CONCESSIONAIRE:

By: Sharon Miller

Name: Sharon Miller

Exhibit A



JOINT PUBLIC HEARING Rockport City Council and Planning & Zoning Commission

NOTICE is hereby given that the Rockport City Council and the Planning & Zoning Commission will hold a Joint Public Hearing on Tuesday, April 27, 2021, at 6:30 p.m., at the Rockport Service Center, 2751 State Highway 35 Bypass, Rockport, Texas, to consider a request for a Conditional Use Permit for food and retail vending, located at 210 Seabreeze Drive; also known as approximately 80.0 acres of land out of portions of the Aransas County Navigation District No.1 Rockport Beach Park and Festival Grounds property located in the city of Rockport, Aransas County, Texas and being a portion of the 102.5 acres Rockport Harbor patent, Abstract 343 and revised August 12, 1953, and recorded in Volume M3, Page 499, Deed Records of Aransas County, Texas, along with a portion of Abstract 357 dated November 6, 1953, containing 604.296 acres and recorded in Volume N-3, Page 178, Deed Records of Aransas County, Texas, with said 80.0 acres being a portion of Abstracts 343 and 357; currently zoned R-1 (1st Single Family Dwelling District).

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 27, 2021, and posted on the City's website www.cityofrockport.com.**

Due to the COVID-19 pandemic, the attorney general has said: "statutes that may be interpreted to require face-to-face interaction between members of the public and public officials are suspended; provided, however, that the governmental bodies must offer alternative methods of communicating with their public officials." Public participation is valued and citizens wishing to express their views during the Joint Public Hearing can electronically submit a Citizen Participation Form in order to register to speak by going to <https://rockport.seamlessdocs.com/f/CouncilCitizenParticipation>, 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.

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 8th day of April 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, April 10, 2021, Edition, in accordance with the City of Rockport Code of Ordinances.

CITY OF ROCKPORT, TEXAS


Teresa Valdez, City Secretary

<u>Property ID</u>	<u>Property Owner</u>	<u>Situs Address</u>	<u>Mailing Address</u>	<u>City</u>	<u>State</u>	<u>ZIP</u>
33724	Wells Fargo Bank	511 Hwy 35 N	333 Market St 10th Floor	San Francisco	CA	94105
32559	Wells Fargo Bank	501 Hwy 35 N	333 Market St 10th Floor	San Francisco	CA	94105
49726	Hoopes Associates LTD	417 Broadway	406 E. 85th St	New York	NY	10028
33720	Jeff & Anne Hunt	409 Broadway	2204 Island Wood Rd	Austin	Tx	78733
25306	Michael & Christine Seger	29 Finisterre	1909 Albany Ave	Lubbock	Tx	79407
25307	Jeremy & Mary Fernandes	31 Finisterre	9612 Rockbrook Dr	Dallas	Tx	75220
25232	Katherine Noble	44 Blue Heron	PO Box 2339	Rockport	Tx	78382
25231	Shelley Gatlin	46 Blue Heron	46 Blue Heron	Rockport	Tx	78382
25230	Natalie Harrison	48 Blue Herron	83 Williamsburg Ln	Houston	Tx	77024
25229	Dawn & Joshua Jakubik	50 Blue Heron	303 Corbin Dr	Magnolia	Tx	77354
69904	Michael & Laura Heinrich	56 Blue Heron	223 Park Hill Dr	San Antonio	Tx	78212
69903	Michael & Kathrine Grella	60 Blue Heron	PO Box 10706	Midland	Tx	79702
25220	Chumley Revocable Trust	68 Blue Heron	300 Cliffside Dr	San Antonio	Tx	78231
25219	Chumley Revocable Trust	63 Blue Heron	300 Cliffside Dr	San Antonio	Tx	78231
25122	Lawrence & Lisa Glasgow	72 Curlew Dr	3407 Dartmouth Ave	Dallas	Tx	75205
25123	Susan Oakley	70 Curlew Dr	103 Woodmere	Victoria	Tx	77904
25221	Stephen & Lynda Powers	66 Blue Heron	66 Blue Heron Dr	Rockport	Tx	78382
25121	Gaye Tullos	74 Curlew Dr	2151 Troon Rd	Houston	Tx	77019

CITY COUNCIL AGENDA
Regular Meeting: May 11, 2021

AGENDA ITEM: 10

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.