
CITY COUNCIL AGENDA

Notice is hereby given that the Rockport City Council will hold a regular meeting on Tuesday, April 25, 2023, at 6:30 p.m. The meeting will be held in person at the Training Room of the Rockport Service Center, 2751 State Highway 35 Bypass, Rockport, Texas. **The live stream link to view the meeting is:** <https://www.youtube.com/@rockporttxgov>.

Public participation is valued and citizens wishing to express their views on any topic or agenda item can electronically submit a citizen participation form in order to register to speak by going to <https://rockport.seamlessdocs.com/f/CouncilCitizenParticipation> or scanning the QR code to the right, or if attending the meeting in person register before the meeting begins. Using the same form, citizens can also provide written comments to the City Secretary by 4:00 p.m. on the day of the meeting. The comments will be read and 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. Presentation: Promotion in Police Department – Officer Timothy Sawicki.
4. Proclamation: Municipal Clerks Week April 30 – May 6, 2023.
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 **Agenda** item or any subject matter, will be read and summarized in the minutes of the meeting. Persons wishing to address the Council and who have registered using the Citizen Participation Form will have up to three minutes to speak. In accordance with the Open Meetings Act, Council may not discuss or take action on any item that has not been posted on the agenda. While civil public criticism is not prohibited; disorderly conduct or disturbance of the peace as prohibited by law shall be cause for the chair to terminate the offender's time to speak.

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 City Council Meeting Minutes of April 11, 2023.
7. Deliberate and act on a Resolution of the City of Rockport, Texas, finding that AEP Texas Inc.'s application to amend its distribution cost recovery factors to increase distribution rates within the City should be denied, authorizing participation with the cities served by AEP Texas; authorizing hiring of legal counsel; finding that the City's reasonable rate case expenses shall be reimbursed by the company; finding that the meeting at which this Resolution is passed is open to the public as required by law; requiring notice of this Resolution to the company and legal counsel.

8. Deliberate and act on 2nd quarter report from the Rockport-Fulton Chamber of Commerce for Fiscal Year 2022-2023 marketing expenditures.
9. Deliberate and act on request from South Rockport Neighbors to close Concho Street in front of the Public Safety Center on May 15, 2023, from 10:30 a.m. until 12:30 p.m. for the annual Peace Officer's Memorial Day services.
10. Deliberate and act on the purchase of equipment to replace two existing circular grit collectors and two grit screw drive units at the Wastewater Treatment Plant. (WWTP).
11. Deliberate and act to award a contract for a pressure test to be conducted on the segment of 2" gas supply line that runs between the City's natural gas supplier and the City's North Gate Regulator Station.
12. Deliberate and act on second and final reading of an Ordinance amending Article 4 of the City of Rockport Zoning Ordinance Number 1027 by changing the zoning of land located at 102 Saint Francis Circle; also known as Lot 2, Block 1, Domasco Subdivision, 3.445 acres, City of Rockport, Aransas County, Texas, from R-1 (1st Single Family Dwelling District) to B-1 (General Business District) to allow the use of monitored outside parking; repealing all ordinances in conflict therewith; providing for severability; and providing an effective date.
13. Deliberate and act on second and final reading of an Ordinance amending Article 4 of the City of Rockport Zoning Ordinance Number 1027 by changing the zoning of land located at 1806 Highway 35 North; also known as Villa Del Palmas, Units A, B, C and D, City of Rockport, Aransas County, Texas to R-6 (Hotel/Motel District) to allow the use of short-term rentals; currently zoned R-5 (2nd Multi- Family Dwelling District) repealing all ordinances in conflict therewith; providing for severability; and providing an effective date.
14. Deliberate and act on second and final reading of an Ordinance amending Ordinance No. 1894 by replacing and appointing a new alternate judge; providing for severability; finding and determining that the meeting at which this Ordinance is passed is open to the public as required by law; and establishing an effective date.

Public Hearing

15. Conduct a Public Hearing to consider a request to revert back to original Planned Unit Development (PUD) as described in Ordinance No. 1385 for property located at 1724 FM 3036; also known as La Salle Estates P.U.D., City of Rockport, Aransas County, Texas, which is a Planned Unit Development (PUD) single use overlay district containing 80 attached single-family dwellings (townhouses) along with such features and amenities; currently zoned P.U.D. with R-5 use (Second Multi-Family Dwelling District).

Regular Agenda

16. Hear a presentation regarding the Motor Vehicle Crime Prevention Authority Grant (MAG) being used to fund a program with Flock Safety, Inc. for six (6) fixed pole-mounted automatic license plate cameras in and around the City.

17. 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 Planned Unit Development (P.U.D) with R-5 (2nd Multi-Family Dwelling District) use for property located at 1724 FM 3036; also known as La Salle Estates P.U.D., City of Rockport, Aransas County, Texas, to Planned Unit Development (P.U.D.) Single Use Overlay District containing 80 attached single-family dwellings (townhouses) along with such features and amenities; repealing all ordinances in conflict therewith; providing for severability; and providing an effective date.
18. Deliberate and act on a request for a Utility Services Agreement by and between City of Rockport, Texas, a home-rule municipality (the “City”), and Rockport Landing GP, LLC, a Texas Domestic Limited Liability Company (“Developer”), regarding the City’s provision of water, wastewater and natural gas service and any associated facilities for the provision of said utilities, on the land owned by the Developer.
19. Deliberate and act on a request for a Utility Services Agreement by and between City of Rockport, Texas, a home-rule municipality (the “City”), and Milo Holdings, LLC, a Texas Domestic Limited-Liability Company (“Developer”) regarding the City’s provision of water, wastewater and natural gas service and any associated facilities for the provision of said utilities, on the land owned by the Developer.
20. Deliberate and act on supplemental request for Hotel Occupancy Tax Funds from Airplanes & Coffee for Warbirds Over South Texas, to be held at the Aransas County Airport on May 27 and 28, 2023.
21. Deliberate and act on appointing Messer, Fort & McDonald, PLLC to serve as legal counsel for the City of Rockport.
22. City Manager Report:
 - A. Projects.
23. Reports from Council.

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

Executive Session

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

24. Section 551.071 Consultations with Attorney seeking the advice of attorney about pending or contemplated litigation or a settlement offer; and on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter: Concho Street & General Land Office

(GLO) drainage projects.

25. Section 551.072 Deliberations about Real Property to deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person: consider the possible purchase of real property.

Open Session

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

26. 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.

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

Certification

I certify that the above notice of meeting was posted on the bulletin board at the Rockport Service Center, 2751 State Highway 35 Bypass, Rockport, Texas on Friday, April 21, 2023, at 12:45 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: April 25, 2023

AGENDA ITEM: 3

Presentation: Promotion in Police Department – Officer timothy Sawicki.

SUBMITTED BY: Police Chief Greg Stevens

APPROVED FOR AGENDA: VRS

BACKGROUND: Rockport Police Department Patrol Officer Timothy Sawicki is being promoted to Detective.

This officer was selected for promotion based on an assessment of performance; relevant training, education and experience; department needs; officer interests and predicted success; and managerial prerogative. He was interviewed by the CID Captain and chosen over three other well suited candidates.

Detective Sawicki will be assigned to the RPD Criminal Investigations Division where he will be responsible for follow up investigations of property crimes and person crimes ranging from minor thefts to violent assaults and potentially homicides.

The Police Chief will ceremoniously present this newly promoted officer with new credentials and publicly recognize the promotion in the presence of family and friends and the Rockport City Council as well as members of the public in attendance.

See attached biographically information on following pages.

FISCAL ANALYSIS: None.

RECOMMENDATION: Not an action item.

Timothy Sawicki – Promoting to Detective

Officer Timothy Sawicki is a 3-year veteran of the Rockport Police Department. He currently holds an Advanced Peace Officer License from the Texas Commission on Law Enforcement. Officer Sawicki began his law enforcement career in October 2010 upon graduating from the Alamo Area Council of Governments (AACOG) Police Academy in San Antonio, TX. Officer Sawicki has previous law enforcement experience with the Aransas County Sheriff's Office, Atascosa County Sheriff's Office and Jourdan Police Department where he served as a K-9 Sergeant.

During Officer Sawicki's career, he has obtained numerous certifications, including Field Training Officer, Breath Test Operator, Mental Health Officer, K-9 Handler, Basic TCOLE Instructor, Standardized Field Sobriety Instructor and Bike Patrol Officer.

Officer Sawicki's wife is the I.S.S. Coordinator at Rockport-Fulton Middle School. She also coaches middle school basketball as well as middle school and high school softball. Their four children attend Rockport-Fulton schools and are involved in youth sports in the community. During his free time, Officer Sawicki enjoys spending time with his family and friends, attending country music concerts, and watching sporting events.

CITY COUNCIL AGENDA
Regular Meeting: Tuesday, April 25, 2023

AGENDA ITEM: 4

Proclamation: 54th Annual Professional Municipal Clerks Week

SUBMITTED BY: Mayor Tim Jayroe

APPROVED FOR AGENDA: VRS

BACKGROUND: Please see the accompanying proclamation and additional information.

FISCAL ANALYSIS: N/A

RECOMMENDATION: Not an action item.

PROCLAMATION

54th ANNUAL PROFESSIONAL MUNICIPAL CLERKS WEEK

WHEREAS, The Office of the Professional Municipal Clerk, a time honored and vital part of local government exists throughout the world; and

WHEREAS, The Office of the Professional Municipal Clerk is the oldest among public servants; and

WHEREAS, The Office of the Professional Municipal Clerk provides the professional link between the citizens, the local governing bodies, and agencies of governmental at other levels; and

WHEREAS, Professional Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all; and

WHEREAS, The Professional Municipal Clerk serves as the information center on functions of local government and community; and

WHEREAS, Professional Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Professional Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, provincial, county and international professional organizations; and

WHEREAS, It is most appropriate that we recognize the accomplishment of the Office of the Professional Municipal Clerk.

NOW, THEREFORE, I, Tim Jayroe, Mayor of the City of Rockport, do hereby proclaim April 30 through May 6, 2023, as

Professional Municipal Clerks Week

and further extend appreciation to our Professional Municipal Clerk, Teresa Valdez and to all Professional Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Rockport, Texas, to be affixed this 25th day of April 2023.

CITY OF ROCKPORT, TEXAS

Tim Jayroe, Mayor

PROFESSIONAL MUNICIPAL CLERKS WEEK
April 30 - May 6, 2023

A Proclamation, will be issued by Rockport City Council on April 25, 2023 proclaims that the week of April 30 - May 6, 2023 is designated as " Professional Municipal Clerks Week."

The Proclamation extends appreciation to all Municipal and Deputy Clerks for the services with which they provide their communities. Specifically, the Proclamation cites that the Clerk "provides the professional link between the citizens, the local governing bodies and agencies of government at other levels."

The Proclamation was presented to Teresa Valdez and signed by Mayor Tim Jayroe. It also honors Municipal and Deputy Clerks for "continually striving to improve the administration of their duties through participation in education programs, seminars, workshops and annual meetings of their state, province, county and international professional organizations."

The International Institute of Municipal Clerks (IIMC), a professional association of City, Town, Township, Village, Borough, Deputy and County Clerks, sponsors Municipal Clerks Week. IIMC has 14,700 members throughout the United States, Canada and 15 other countries.

IIMC President Pamela Smith, MMC, and Legislative Administrator for Lee County, Florida, urges Municipal and Deputy Clerks to highlight the importance of their roles and functions and the impact the Municipal Clerk's office has on the public.

Quoting Professor William Bennett Munro—author of one of the first textbooks written on the topic of municipal administration—Pierce shares, "No other office in municipal service has so many contacts. It serves the Mayor, the City Council, the City Manager, and all administrative departments, without exception. All of them call upon it, almost daily, for some service or information."

"The functions of the Clerk necessitate a thorough knowledge of law procedure, administration and interpersonal relations." Pierce further challenges Clerks to fervently pursue continuing education opportunities and professional networking to "establish [their] proper role as a member of the municipal executive team."

Teresa Valdez has served as City of Rockport, City Secretary since April 22, 2013, and is a member of IIMC, has served as a Trustee for the Texas Municipal Clerks Association, and is very active in the Coastal Bend Chapter of Municipal Clerks. Teresa is a Certified Texas Registered Municipal Clerk, an IIMC Certified Municipal Clerk, an IIMC Master Municipal Clerk, and has also received the designation of Athenian Fellow of the IIMC Athenian Leadership Society.

CITY COUNCIL AGENDA
Regular Meeting: Tuesday, April 25, 2023

AGENDA ITEM: 6

Deliberate and act on approval of City Council Meeting Minutes of April 11, 2023.

SUBMITTED BY: City Secretary Teresa Valdez

APPROVED FOR AGENDA: VRS

BACKGROUND: Please see the accompanying City Council meeting minutes of April 11, 2023.

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 11, 2023

Rockport Service Center, 2751 State Highway 35 Bypass

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

On the 11th day of April 2023, the City Council of the City of Rockport, Aransas County, Texas, convened in a Regular Meeting at 6:30 p.m., at the Training Room of the Rockport Service Center and notice of meeting giving time, place, date, and subject was posted as described in V.T.C.A., Government Code § 551.041.

CITY COUNCIL MEMBERS PRESENT

Mayor Tim Jayroe

Mayor Pro-Tem Andrea Hattman, Ward 4 – *Via ZOOM*

Council Member Katy Jackson, Ward 1

Council Member Danielle Hale, Ward 2

Council Member Brad Brundrett, Ward 3

CITY COUNCIL MEMBER(S) ABSENT

STAFF MEMBERS PRESENT

City Manager Vanessa Shrauner

Assistant to City Manager Kimberly Henry

City Attorney Roxana Perez - *Via ZOOM for Executive Session*

City Secretary Teresa Valdez

Director of Public Works and Building & Development Services Mike Donoho

Chief of Police Greg Stevens

Parks & Leisure Services Director Gene Camargo

Information Technology Director Bob Argetsinger

Communications Center Director Lee Brown

ELECTED OFFICIALS PRESENT

Opening Agenda

1. Call meeting to order.

With a quorum of the Council Members present, the Regular Meeting of the Rockport City Council was called to order by Mayor Jayroe at 6:30 p.m. on Tuesday, April 11, 2023, in the Training Room of the Rockport Service Center, 2751 State Highway 35 Bypass, Rockport, Texas.

2. Pledge of Allegiance.

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

3. Proclamation: Public Safety Telecommunicators Week.

Mayor Jayroe proclaimed the week of April 9-15, 2023, as Public Safety Telecommunicators Week in Rockport, Texas.

Council Member Hale thanked the Public Safety Telecommunicators for everything they do.

4. Proclamation: Joint Proclamation celebrating the “Week of the Young Children.”

Mayor Jayroe proclaimed the week of April 9-15, 2023, as the Week of Young Children in Rockport, Texas.

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 Agenda item or any subject matter, will be read and summarized in the minutes of the meeting. Persons wishing to address the Council and who have registered using the Citizen Participation Form will have up to three minutes to speak. In accordance with the Open Meetings Act, Council may not discuss or take action on any item that has not been posted on the agenda. While civil public criticism is not prohibited, disorderly conduct or disturbance of the peace as prohibited by law shall be cause for the chair to terminate the offender’s time to speak.

Jennifer Day, 902 East Cornwall, addressed the Council and thanked the City for the beautification that has been done on Austin Street.

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 City Council Meeting Minutes of March 14, 2023.

7. Deliberate and act on a Resolution amending Resolution Nos. 2023-05 and 2023-06 by replacing and appointing a new alternate judge; providing for severability; finding and determining that the meeting at which this Resolution is passed is open to the public as required by law; and establishing an effective date.

8. Deliberate and act on the Certificate of Appropriateness Application submitted by Rockport Cultural Arts District to place bronze sculptures, created by renowned artist Mr. Steve Russell, on the Northeast corner of Laurel Street and Highway 35 on Navigation District property adjacent to Little Bay.

9. Deliberate and act on the Certificate of Appropriateness Application submitted by Rockport Cultural Arts District to place an Aransas Pathways Informative Kiosk to be located on a portion of Live Oak Street right-of-way adjacent to the sidewalk located at the rear property line of 103 South Magnolia Street.

10. **Deliberate and act on 2nd quarter Report from Rockport Center for the Arts for Fiscal Year 2022-2023 marketing expenditures.**
11. **Deliberate and act on a Resolution amending authorized representatives to Texas Local Government Investment Pool.**
12. **Deliberate and act on a Resolution amending authorized representatives to Texas Range Investment Pool.**

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

MOTION: Council Member Hale moved to approve the Consent Agenda Items, as presented. Council Member Jackson seconded the motion. Motion carried unanimously.

Public Hearings

Mayor Jayroe opened the Public Hearings at 6:39 p.m.

13. **Conduct a Public Hearing to consider a request to rezone property located at 102 Saint Francis Circle; also known as Lot 2, Block 1, Domasco Subdivision, 3.445 acres, City of Rockport, Aransas County, Texas, to B-1 (General Business District) to allow the use of monitored outdoor parking; currently zoned R-1 (1st Single Family Dwelling District).**

Brian Phillips and Tami Domasw, 325 Griffith Drive and 102 Saint Francis Circle, addressed the Council and commented: They are the owners of the property and said they have been trying to buy the property for several years and they want to do something to offset taxes; not taking down native trees; as land owners we can kind of control what goes there; and have been working with all the neighbors except two.

Donny Cruse, 121 Rattlesnake Road and 1875 State Highway 35 Bypass, addressed the Council and voiced support for the rezone request.

Jon Lucas, 344 Griffith Drive, addressed the Council and voiced opposition to the rezone request.

James Riley, 340 Griffith Drive, addressed the Council and voiced opposition to the rezone request.

14. **Conduct a Public Hearing to consider a request to rezone property located at 1806 Highway 35 North; also known as Villa Del Palmas, Units A, B, C and D, City of Rockport, Aransas County, Texas to R-6 (Hotel/Motel District) to allow the use of short-term rentals; currently zoned R-5 (2nd Multi- Family Dwelling District).**

Caleb Glomb, Liberty Hill, addressed the Council and commented: He is the owner and developer of the property; and concerns of increased property values and traffic through the neighborhood were voiced at the Planning and Zoning Commission meeting but those will not be issues.

15. Conduct a Public Hearing regarding the potential sale of the Natural Gas System and opportunity for citizen input.

Simon Pena, Principal Consultant for Pena LLC and Pipeline Safety Compliance, addressed the Council and provided information (below) regarding the City's natural gas system.

Fact Sheet

Exploring the Sale of the City of Rockport Natural Gas System

- Background: The City of Rockport purchased the current natural gas system in 2008. Currently over 43% (approximately 76 miles) of gas line is bare steel or coated steel that will have to be replaced to meet regulatory compliance and ensure public safety.
- Over the past 5 years revenues from gas system sales have struggled to remain in the black because of increased operational costs (repairs & maintenance).
- There has been a marked increase in the sheer regulatory burden from the Railroad Commission making it harder and harder for small municipally owned gas system to remain operating.
- This regulatory burden reaches even further in maintaining a qualified staff to operate our gas system. Larger gas organizations are able to pull from a deeper bench of operators qualified for a multitude of tasks necessary for operations.
- Economies of Scale- larger gas operators can redirect and share, equipment, staff and supplies to various operations.
- A sale of the City's gas system may allow for a redirection of funds to other city projects or departments.

This is a choice for our community.

- *A Vote **FOR** the Sale of the gas system allows council the option to solicit bids from perspective gas operators and possibly make for more efficient and safer gas system for our citizens.*
- *A Vote **Against** the option to sale the gas system puts the city in the position of having to seek funding and rate increases to maintain the safety and viability of a municipally owned gas system.*

Discussion was held between Mr. Pena, Council and the City Manager.

Mayor Jayroe closed the Public Hearings at 7:11 p.m.

Regular Agenda

16. Deliberate and act on first reading of an Ordinance amending Article 4 of the City of Rockport Zoning Ordinance Number 1027 by changing the zoning of land located at 102 Saint Francis Circle; also known as Lot 2, Block 1, Domasco Subdivision, 3.445 acres,

City of Rockport, Aransas County, Texas, from R-1 (1st Single Family Dwelling District) to B-1 (General Business District) to allow the use of monitored outside parking; repealing all ordinances in conflict therewith; providing for severability; and providing an effective date.

Community Planner Carey Dietrich addressed the Council and explained the rezone request. Ms. Dietrich stated the Future Land Use Map suggests commercial use of this property. Ms. Dietrich said the Planning and Zoning Commission recommends denial of the rezone request.

Discussion was held between the Council and Ms. Dietrich.

MOTION: Council Member Jackson moved to approve the first reading of an Ordinance amending Article 4 of the City of Rockport Zoning Ordinance Number 1027 by changing the zoning of land located at 102 Saint Francis Circle; also known as Lot 2, Block 1, Domasco Subdivision, 3.445 acres, City of Rockport, Aransas County, Texas, from R-1 (1st Single Family Dwelling District) to B-1 (General Business District) to allow the use of monitored outside parking; repealing all ordinances in conflict therewith; providing for severability; and providing an effective date. Mayor Pro-Tem Hattman seconded the motion. Motion carried unanimously.

17. **Deliberate and act on first reading of an Ordinance amending Article 4 of the City of Rockport Zoning Ordinance Number 1027 by changing the zoning of land located at 1806 Highway 35 North; also known as Villa Del Palmas, Units A, B, C and D, City of Rockport, Aransas County, Texas to R-6 (Hotel/Motel District) to allow the use of short-term rentals; currently zoned R-5 (2nd Multi- Family Dwelling District) repealing all ordinances in conflict therewith; providing for severability; and providing an effective date.**

Community Planner Carey Dietrich addressed the Council and explained the rezone request.

Discussion was held between Ms. Dietrich and Council. Ms. Dietrich said the Planning and Zoning Commission recommends approval of the rezone request.

Discussion was held between Ms. Dietrich and Council.

MOTION: Council Member Jackson moved to approve the first reading of an Ordinance amending Article 4 of the City of Rockport Zoning Ordinance Number 1027 by changing the zoning of land located at 1806 Highway 35 North; also known as Villa Del Palmas, Units A, B, C and D, City of Rockport, Aransas County, Texas to R-6 (Hotel/Motel District) to allow the use of short-term rentals; currently zoned R-5 (2nd Multi- Family Dwelling District) repealing all ordinances in conflict therewith; providing for severability; and providing an effective date. Mayor Jayroe seconded the motion. Motion carried 3:1.

FOR MOTION: Council Member Jackson, Council Member Hale and Mayor Jayroe.

AGAINST MOTION: Council Member Brundrett and Mayor Pro-Tem Hattman.

18. **Deliberate and act on first reading of an Ordinance amending Ordinance No. 1894 by replacing and appointing a new alternate judge; providing for severability; finding and determining that the meeting at which this Ordinance is passed is open to the public as required by law; and establishing an effective date.**

City Secretary Teresa Valdez stated she had been notified by the Aransas County Elections Administrator there was going to be a change in the person appointed as the alternate judge for the May Special Election. Ms. Valdez explained since the Special Election was ordered by an Ordinance that lists the names of the election judges, it is necessary to amend that Ordinance and list the correct name of the alternate judge.

MOTION: Council Member Brundrett moved to approve the first reading of an Ordinance amending Ordinance No. 1894 by replacing and appointing a new alternate judge; providing for severability; finding and determining that the meeting at which this Ordinance is passed is open to the public as required by law; and establishing an effective date. Council Member Jackson seconded the motion, Motion carried unanimously.

19. Deliberate and act on a Resolution of the City of Rockport, Texas, approving and adopting the City of Rockport Grant Related Financial Management Policies and Procedures, including steps to perform a Grant Related Independent Cost Analysis, and Profit Negotiations for Competitive Procurements Guidelines.

City Manager Vanessa Shrauner stated there had been two findings on one of the City's grant contracts and the grant administrator assisted staff with preparing the required documentation.

Brief discussion was held between Ms. Shrauner and Council.

MOTION: Council Member Brundrett moved to adopt a Resolution of the City of Rockport, Texas, approving and adopting the City of Rockport Grant Related Financial Management Policies and Procedures, including steps to perform a Grant Related Independent Cost Analysis, and Profit Negotiations for Competitive Procurements Guidelines. Council Member Jackson seconded the motion. Motion carried unanimously.

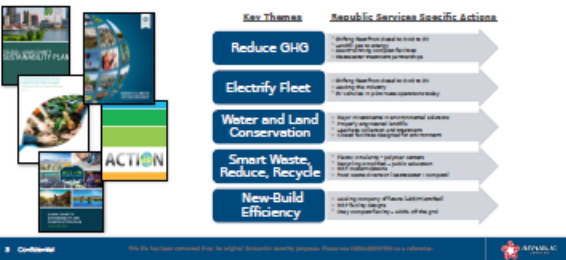
20. Postponed – February 14, 2023: Deliberate and act on possible approval of an amendment to the existing Republic Services contract.

Mike Reeves, Republic Services Manager, Municipal Services for Coastal Bend & South Texas, addressed the Council and gave a PowerPoint (below) presentation on the services they have been providing the City of Rockport for the last five (5) years.



Relevant Environmental Services Actions for Municipalities

Municipal Climate Action Plan Synergies

Electrification of 5th-Largest Vocational Fleet in the U.S.
Electric Vehicle Strategy Ahead of Plan

- Continuing to push the pace of development across all platform manufacturers
- Able to run full recycling routes on flat terrain today
- Head of plan to mature capabilities and performance
- Significant GHG reductions, as well as benefits for maintenance across the lifecycle
- Potential recruiting and retention benefits via attracting driver talent

Expanding Renewable Biogas
39 New LGTDE Sites - More than 100 When Completed

- Republic Services, one of the largest waste-disposal companies in the U.S., announced a major deal that will expand its renewable natural gas (RNG) business on May 5, 2022.
- Partnering with Houston-based RNG producer Archaea Energy, Republic Services will mount a \$1.1 billion joint venture to develop projects at 39 of its landfills in 13 different states.
- Once up and running, the 39 projects are expected to generate more than 12.5 million MMBtu of RNG each year.



Environmental Solutions Acquisition

Introducing our Environmental Services Group

- Residential hazardous waste collection events (household hazardous waste [HHW], electronic waste, universal waste, sharps)
- Homeless encampment cleanup
- Infrastructure bill (federally funded, grant programs)
- Emergency response / cleanups
 - Spills and cleanups (oil, chemicals, biohazards, etc.)
 - Abandoned waste / remediation of abandoned properties
 - DEG-controlled substances (pharmaceuticals, pharmacy cleanups, meth lab cleanups)
 - Commercial tank cleaning / vacuum excavation
 - Robotics cleanups
- Disaster response (hazardous waste after hurricanes, wildfires, other natural disasters)



Variables of Successful EV Rollouts

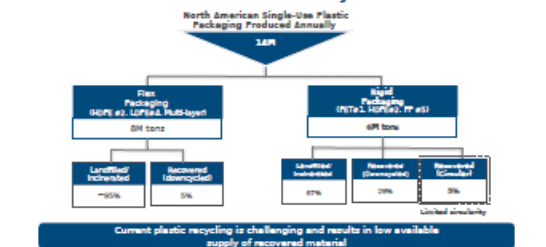
Monitoring the Sweet Spot for EV Rollouts



Municipal EV deployments will hit the "sweet spot" of these 4 factors.

Understanding the Market

Limited Current Plastic Circularity



Understanding the Market

Enabling CPGs to Meet Growing Commitments



Understanding Plastic Circularity

The First Plastic Polymer Centers in America



Communities and Our Municipal Strategy

Giving Back to Communities Where We Live and Work

	Cycle	Project Types
Republic Services Charitable Foundation - Religious (faith-based) projects - Religious (faith-based) projects	Annual RFP	Large-scale (\$100K - \$250K grants) funded from the Foundation
Community Grants Program - Smaller community-based projects (supported by local business, civic, and social organizations) - Local organizations	Open year-round	Donations funded by the RS or area. Self-taught events, event sponsorships, etc.
Employee Engagement - Volunteering - Employee Giving Program and Employee Relief Fund	Open year-round	Community events, charity events, RFP grant projects, etc.

National | Overview: Charitable Giving 2019-2022 (Q1-Q3)





Discussion was held between Mr. Reeves and Council.

MOTION: Council Member Brundrett moved to approve the amendment to the existing Republic Services Contract. Council Member Jackson seconded the motion. Motion carried unanimously.

21. City Manager Report:

A. Projects.

City Manager Shrauner said the only project report she has will be in Executive Session.

22. Reports from Council.

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

Council Member Jackson reported on Ward 1 weekend activities: Rockport Center for the Arts, VFW and the Railroad Depot. Council Member Jackson stated the Aransas County Childrens Coalition Daycare Center does a great job not only in daycare but also education.

Council Member Hale reported she had attended the State of the State Luncheon with Governor Abbott last week, and she also attended the Stormwater Advisory Committee Meeting.

Mayor Pro-Tem Hattman reported she had attended a Chamber of Commerce workshop, and she virtually attended the Stormwater Advisory Committee Meeting. Mayor Pro-Tem Hattman stated she had also attended the Rockport Country Club Homeowners Association annual meeting. Mayor Pro-Tem Hattman reported the drainage project in the Country Club is almost complete.

Mayor Jayroe reported he was honored to speak at the Rockport Country Club Homeowners Association annual meeting. Mayor Jayroe said he had attended the State of the State Luncheon.

Executive Session

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

- 23. Section 551.071 Consultations with Attorney seeking the advice of attorney about pending or contemplated litigation or a settlement offer; and on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter: Concho Street & General Land Office (GLO) drainage projects.**
- 24. Section 551.072 Deliberations about Real Property to deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person: consider the possible purchase of real property.**
- 25. Section 551.074 Personnel Matters to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; to wit: City Attorney.**

At 8:03 p.m., Mayor Jayroe convened the City Council into executive session pursuant to the provisions of Chapter 551 of the Texas Government Code, in accordance with the authority contained in: Section 551.071 Consultations with Attorney seeking the advice of attorney about pending or contemplated litigation or a settlement offer; and on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter: Concho Street & General Land Office (GLO) drainage projects; Section 551.072 Deliberations about Real Property to deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person: consider the possible purchase of real property; and Section 551.074 Personnel Matters to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; to wit: City Attorney.

Open Session

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

At 9:05 p.m., Mayor Jayroe reconvened the Rockport City Council into open session pursuant to the provisions of Chapter 551 of the Texas Government Code.

No action was taken.

26. Adjournment.

At 9:05 p.m., Council Member Brundrett moved to adjourn. Motion was seconded by Council Member Jackson. Motion carried unanimously.

APPROVED:

Tim Jayroe, Mayor

ATTEST:

Teresa Valdez, City Secretary

CITY COUNCIL AGENDA

Regular Meeting: Tuesday, April 25, 2023

AGENDA ITEM: 7

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

SUBMITTED BY: City Manager Vanessa Shrauner

APPROVED FOR AGENDA: VRS

BACKGROUND: On April 5, 2023, AEP Texas Inc. ("AEP Texas" or "Company") filed an application to Amend its Distribution Cost Recover Factors (DCRF) to increase distribution rates with each of the cities in their service area. In the filing, the Company asserts that it is seeking an increase in distribution revenues of approximately \$39.7 million (an approximately \$1.63 increase to the average residential customer's bill from the rates just approved in the Company's most recent DCRF case). Moreover, AEP Texas is seeking to impose Rider Mobile TEEE Facilities to recover revenue related to mobile generation unit leasing and operation. The Rider would recover approximately \$30.67 million (an approximately \$1.30 increase to the average customer's bill).

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

1. Authorizes the City to participate with cities as a party in the Company's DCRF filing, PUC Docket No. 54824;
2. Authorizes the hiring of Lloyd Gosselink and consultants to review the filing, negotiate with the Company, and make recommendations to the City regarding reasonable rates. Additionally, it authorizes cities to direct any necessary administrative proceedings or court litigation associated with an appeal of this application filed with the PUC;
3. Finds that the Company's application is unreasonable and should be denied;
4. States that the Company's current rates shall not be changed;
5. The Company will reimburse cities for their reasonable rate case expenses. Legal counsel and consultants approved by cities will submit monthly invoices that will be forwarded to AEP for reimbursement;
6. Recites that the Resolution was passed at a meeting that was open to the public and that the consideration of the Resolution was properly noticed;
7. Provides that AEP and counsel for cities will be notified of the City's action by sending a copy of the approved and signed Resolution to counsel.

The Public Utility Commission of Texas's rules allow cities 60 days to act on this application. The City must take final action by June 2, 2023. The City has routinely participated with other cities and denied AEP's applications in the past, always to the customer's benefit.

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

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

RESOLUTION NO. 2023 - __

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

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

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

WHEREAS, on or about April 5, 2023 AEP filed with the City an Application to Amend its Distribution Cost Recovery Factor (“DCRF”), PUC Docket No. 54824, seeking to increase electric distribution rates by approximately \$39.7 million (an approximately \$1.63 increase to the average residential customer’s bill from the rates approved in the Company’s most recent DCRF case) and impose a Rider Mobile TEEE Facilities to recover \$30.67 million (an approximately \$1.30 increase to the average residential customer’s bill) related to mobile generation facilities; and

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

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

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

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

Section 1. That the City is authorized to participate with Cities in PUC Docket No. 54824.

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

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

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

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

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

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

PASSED and APPROVED this 25th day of April 2023.

Tim Jayroe, Mayor

ATTEST:

Teresa Valdez, City Secretary

CITY COUNCIL AGENDA
Regular Meeting: Tuesday, April 25, 2023

AGENDA ITEM: 8

Deliberate and act on 2nd quarter report from the Rockport-Fulton Chamber of Commerce for Fiscal Year 2022-2023 marketing expenditures.

SUBMITTED BY: City Secretary Teresa Valdez

APPROVED FOR AGENDA: VRS

BACKGROUND: The Rockport-Fulton Chamber of Commerce has been allocated \$369,000.00 in Fiscal Year 2022-2023 Hotel Occupancy Tax (HOT) funds. According to our agreement with the Chamber, 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 6602001. Year to date expenses are \$185,213.61 out of \$369,000.00 budgeted.

STAFF RECOMMENDATION: Staff recommends approval of the Rockport-Fulton Chamber of Commerce Fiscal Year 2022-2023 Hotel Occupancy Tax funds 2nd quarter expenditures and authorization to disburse 3rd Quarter funds in the amount of \$92,250.00, as presented.

Rockport-Fulton Area Chamber of Commerce, Inc.
 Rockport Hotel Tax Account
 January 1, 2023 through
 March 31, 2023

HOT FUNDING EXPENSE REPORT 2022-2023							
Description of Expense	Approved Budget	1st Quarter Expenses	2nd Quarter Expenses	3rd Quarter Expenses	4th Quarter Expenses	Total	Number of Heads In Beds
Accounting Fees	1,150.00	-	-	-	-	-	-
Advertising and promotion	281,099.76	60,165.00	78,186.92	-	-	138,351.92	-
Bank & Card Fees	324.00	123.87	31.27	-	-	155.14	-
Conference Fees	3,275.00	25.00	-	-	-	25.00	-
Contract Services	3,333.24	-	-	-	-	-	-
Event funding assistance	-	-	-	-	-	-	-
Dues and Subscriptions	1,875.00	1,360.00	125.00	-	-	1,485.00	-
Equipment Lease & Maintenance	-	-	-	-	-	-	-
Food, beverages and meals	3,165.00	400.56	187.98	-	-	588.54	-
Maintenance and repairs	-	-	-	-	-	-	-
Mileage and travel	3,253.00	795.18	-	-	-	795.18	-
Postage and freight	1,365.00	-	-	-	-	-	-
Printing and publication	5,735.00	-	-	-	-	-	-
Prizes, gifts and awards	400.00	-	-	-	-	-	-
Rentals and fees	500.00	-	-	-	-	-	-
Supplies	225.00	-	-	-	-	-	-
Tax and License	-	-	-	-	-	-	-
Telephone	900.00	-	-	-	-	-	-
Telephone Internet Service	-	-	-	-	-	-	-
Utilities	-	-	-	-	-	-	-
Web site maintenance	6,000.00	3,750.00	-	-	-	3,750.00	-
Administrative services reimbursement	55,200.00	26,262.83	13,800.00	-	-	40,062.83	-
Inter Fund Support	-	-	-	-	-	-	-
							176,182
TOTAL REQUESTED	367,800.00	92,882.44	92,331.17	-	-	185,213.61	-

Description of Administrative Expenses	Current Fiscal Year Administrative Expenses Projection	Fiscal Year Administrative Actual Expenses	Percentage of Fiscal Year Projections
Administrative services reimbursement	55,200.00	40,062.83	72.58%
Totals	55,200.00	40,062.83	72.58%



**Quarterly Report on the Use of HOT Funds
1st Quarter – January thru March 2023**

Best Coastal Small Town

The top 10 winners in the category Best Coastal Small Town
Are as follows:

- Bucksport – Maine
- Georgetown-South Carolina
- **Rockport-Texas**
- Southport-North Carolina
- Ocean Springs-Mississippi
- Bay Saint Louis-Mississippi
- Nags Head -North Carolina
- Del Mar-California

As a recipient of this award, we are able to use this logo in all media
including outdoor boards.



Highlights of January, February, & March - 2023

29

- **RV Council Hosts Annual Winter Texan Appreciation Day**-This event, held January 19th, was a great success! There were over 1,000 attendees, many of which were new to the event and Rockport. Held at the Fulton Convention Center, this event included live music, bunco, bingo, games, karaoke, and food. The event received TV coverage on both KIII and KRIS News out of Corpus Christi.
- **HummerBird Celebration/Seafair** – Initial planning of both 2023 events have begun. Mark your calendars. HummerBird is scheduled for September 14-17, and Seafair is set for October 5-8.
- **Aransas Pathways Committee** – Has developed and distributed a new, “Birds You Might See In And Around Rockport” list distributed at the Chamber Visitor Center. Chamber assisted the committee with Press Releases on scheduled Birding Tours held in March & April. Also assisted in developing a template for a monthly series to run in the Rockport Pilot featuring a different Pathway activities each month to include birding, kayaking, hiking and biking trails and the Aransas County History Center.
- **Attractions Committee**-While attending the monthly meetings the Chamber has secured dates for the majority of all 2023 Annual Events scheduled for the Rockport-Fulton area. These events are promoted on our website, e-blasted to over 70,000 e-newsletter subscribers, and promoted on our social media.
- **Geocache**-There are currently 50 geocache in the Rockport-Fulton area. The Chamber is working with representative of Geocache.com to visit and repair or replace items as needed.
- **Marketing and Promotion** - Press releases, working with regional media to present happenings, and updates promoting the Rockport-Fulton area.
- **Committee Meetings** - Local Attractions, Aransas Pathways, Tourism Development Council, Hotel & Lodging Council, Short Term Rental & RV Councils, HummerBird & Seafair.
- The Chamber has applied and working to become a certified **Texas Music Friendly Community**.



FIND YOURSELF IN
ROCKPORT
FULTON

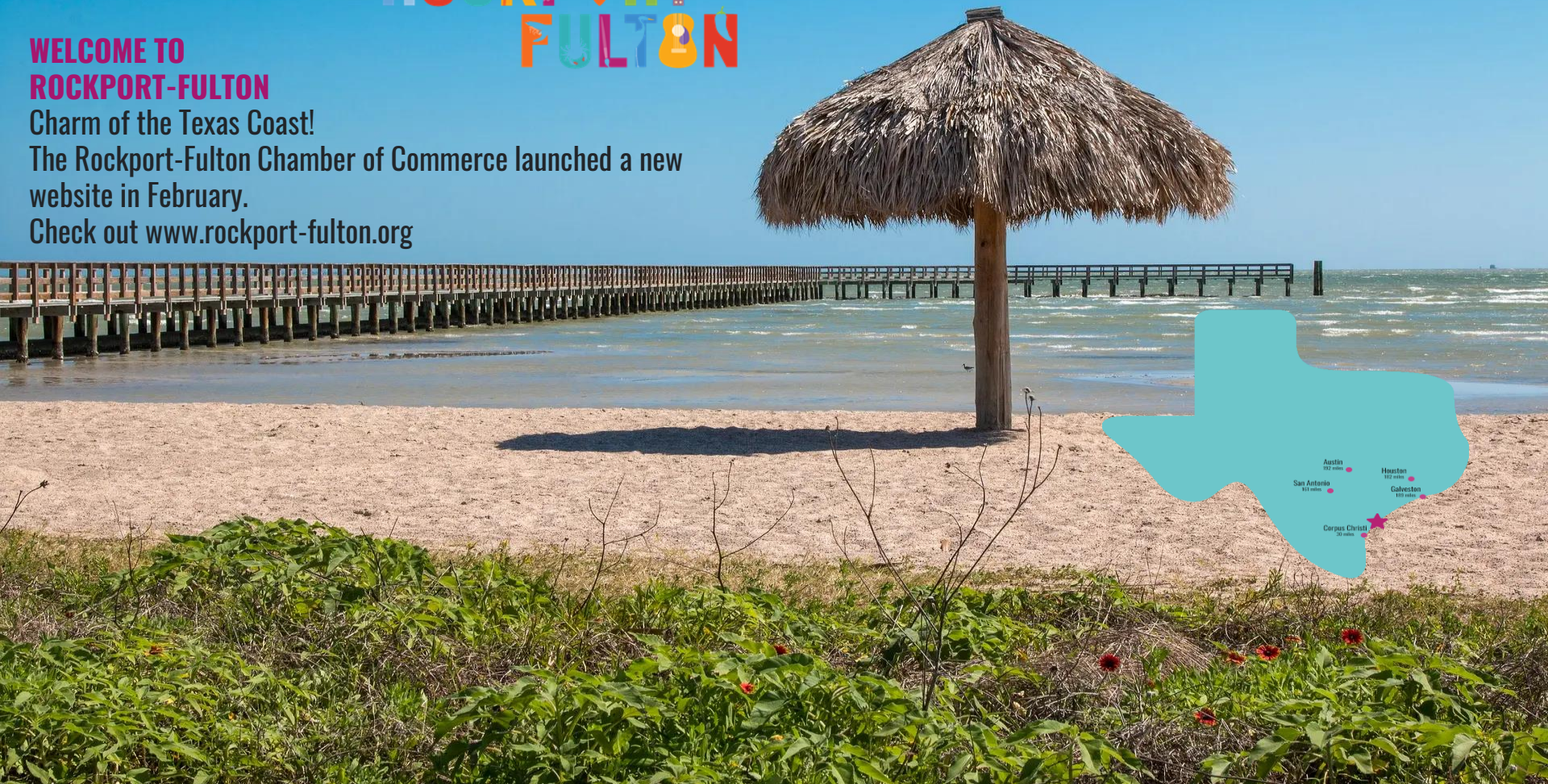
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**WELCOME TO
ROCKPORT-FULTON**

Charm of the Texas Coast!

The Rockport-Fulton Chamber of Commerce launched a new website in February.

Check out www.rockport-fulton.org





The **Texas Tropical Trail** held their monthly partnership meeting in Rockport-Fulton on March 21st. 31

The community had an opportunity to showcase local attractions and share the history of the town. The group began their tour at the Rockport Little Theatre followed by a walk through the Rockport Cultural Arts District with a stop at the Railroad Depot. Off to the Downtown Historic District where the group received a presentation about the L.M. Bracht and H. Wood Houses. They were then welcomed and toured the Rockport Center for the Arts. Lunch hosted by Charlotte Plummer's Restaurant in Fulton followed by a tour of the Fulton Mansion. While at the mansion, Pam Stranahan gave a very informative talk on the, "Voices of the Past".

We thank all of our local businesses and attractions for their gracious hospitality shown to the over 50 local and regional attendees.

The Mission of the Texas Tropical Trails Region and its partners identify, preserve, interpret, and promote the natural, historic and cultural resources of South Texas.



Annual Tourism Development Council Workshop (TDC):

The Chamber hosted its annual TDC workshop March 23rd. The meeting began with a zoom presentation from Scott Joslove with the Texas Hotel & Lodging Association. The Chamber recently joined the state association and Scott reviewed with the group the many member benefits:

- All THLA members are listed on three leading tourism websites for promoting travel and lodging in Texas. These sites provide tremendous exposure for hotels.
- Legal Support
- Advocacy
- Education

Deb Prost with Prost Marketing reviewed with the group the impact the Chamber 2022-2023 Marketing plan is having on Aransas County. She discussed the increase in both venue and hotel occupancy tax revenues, as well as the increase in area occupied hotel room. She discussed Chamber website usage, Google, Facebook, Social and digital media results, all of which have seen a steady and positive growth.

Stacey Schneider and Brandon Thompson of Helen Thompson Media reiterated the services they provide to the Chamber. They discussed selected media, targeted markets and rationale for media placement. They shared the print, creative (TV ads), and digital campaigns.

Finally both agencies discussed considerations for 2023-2024 budget year.

It was a very productive workshop revealing the Chamber 2022—2023 Marketing Plan has proven to be successful.



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BILLBOARDS

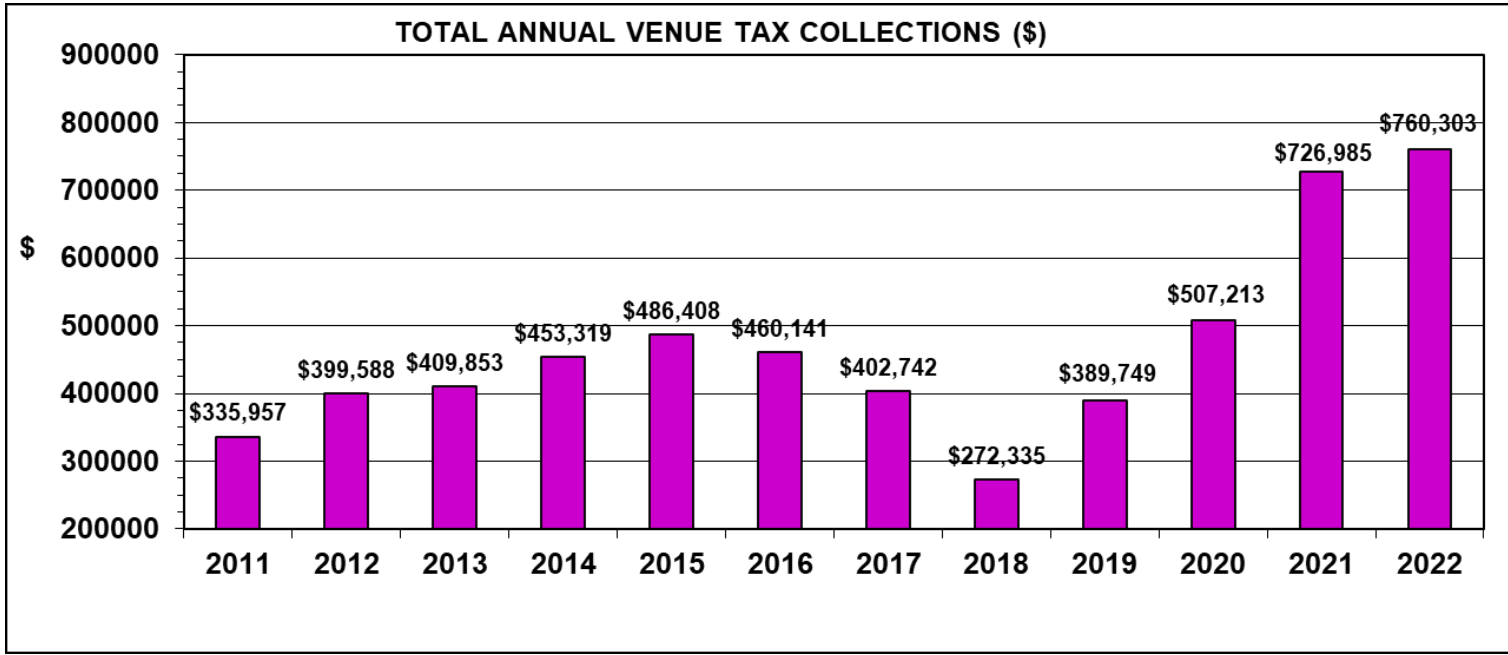
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Market	Media Type	Unit #	Creative	Contract Dates	Install Date
Austin	10'6 x 36' Bulletin	63512	 	3/20/23 – 9/3/23	3/23/23
Houston	12' x 40' Bulletin	12807	 	3/20/23 – 9/3/23	3/21/23
San Antonio	14' x 48' Bulletin	4615	 	3/20/23 – 9/3/23	3/20/23
Victoria	14' x 48' Bulletin	11131	 	3/20/23 – 9/3/23	3/23/23
Waco-Temple	14' x 48' Bulletin	18102	 	3/20/23 – 9/3/23	3/15/23

ARANSAS COUNTY ANNUAL VENUE TAX COLLECTIONS (\$)

At \$760,303 for 2022, the Venue Tax is up about 4.5% over the banner year of 2021. Specifically, the continued Venue Tax increase in 2022 comes after the significant increase from just over \$507K in 2020 to just almost \$727K in 2021 (a 43% increase). Calendar year 2018 was the low point for Venue Tax Collections and since then (through 2022), the collections are up about three times the 2018 level.

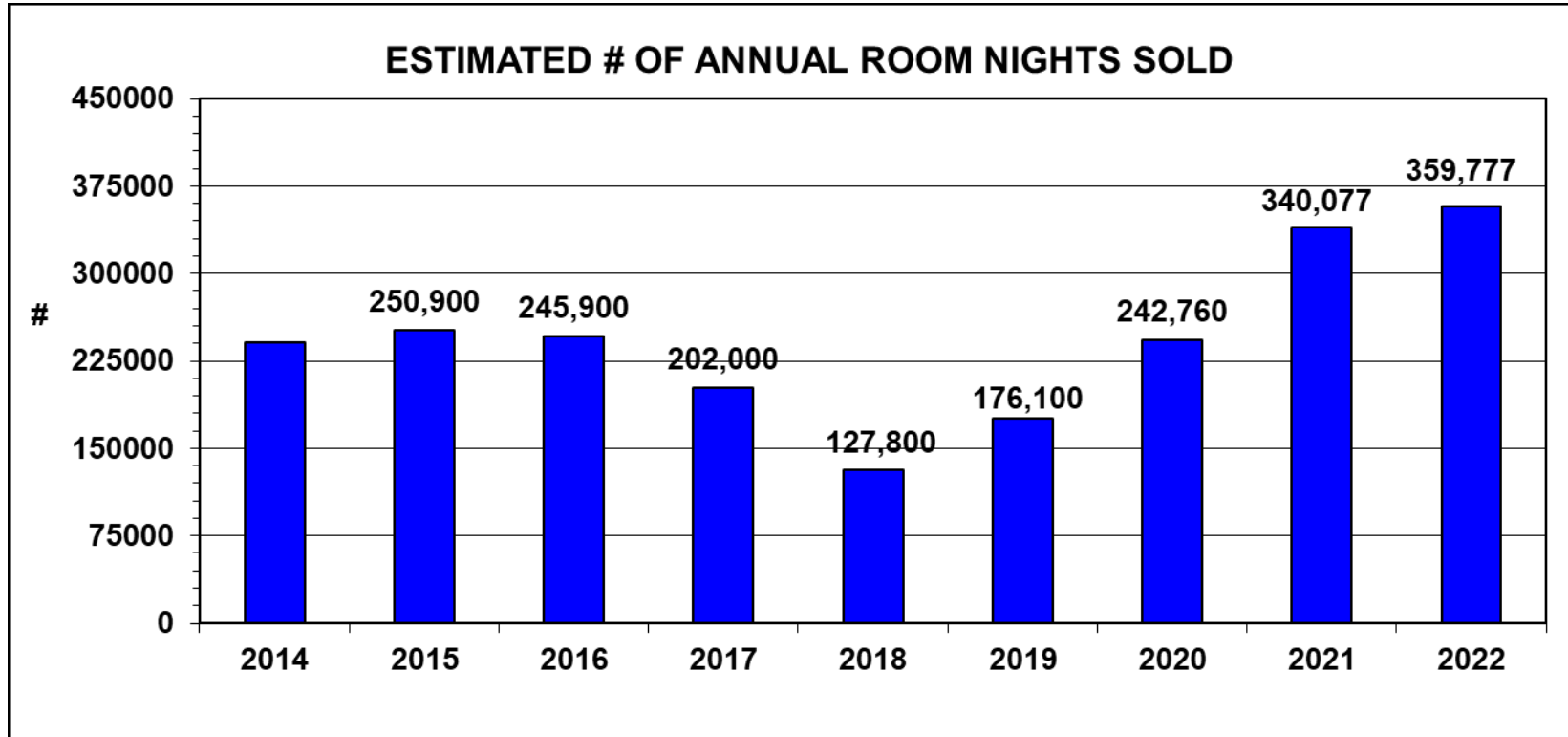
Overall, the annual Venue Tax collections are up 226% since tracking began in the base year of 2011.



CITIES OF ROCKPORT-FULTON -ESTIMATED ANNUAL ROOM NIGHTS SOLD

The estimated Room Nights Sold (RNS) for 2022 (359,777) shows nearly a 6% increase from the 2021 RNS of 340,077 rooms.

35

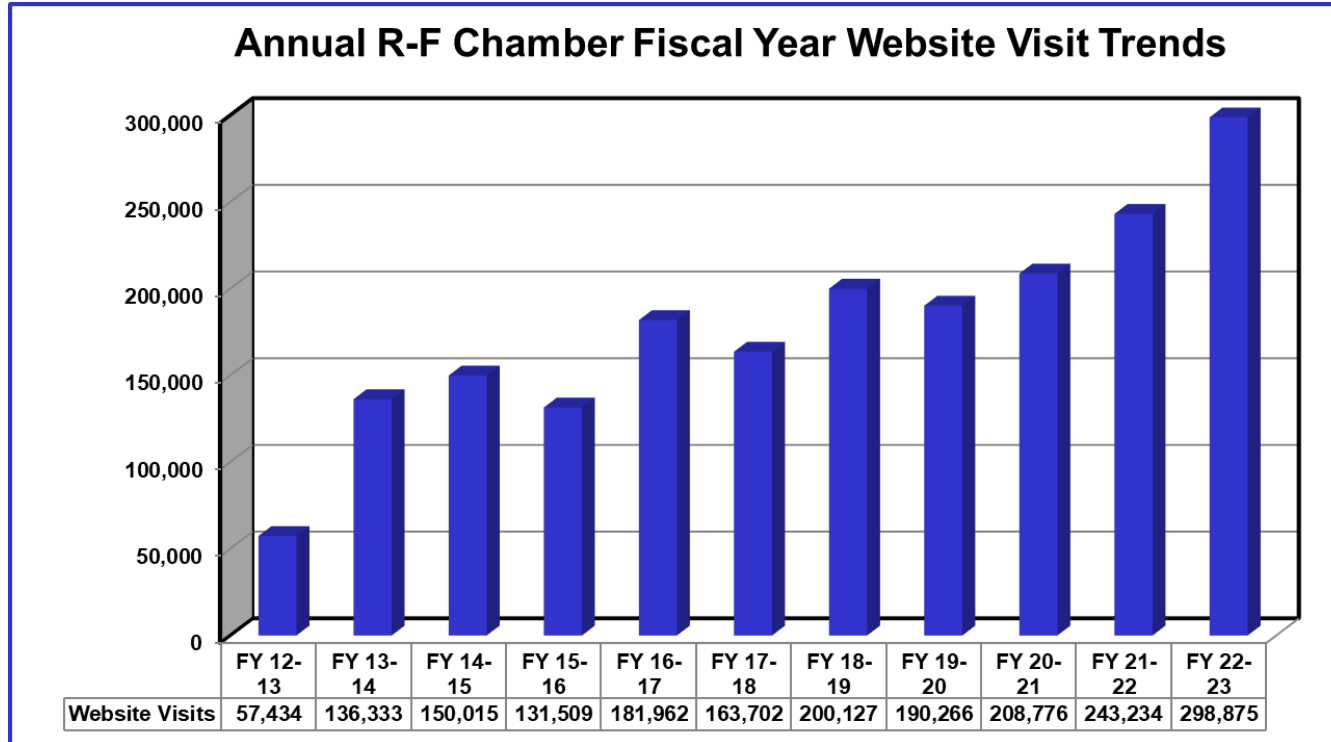


SOURCE: Interpolation of Texas State Comptroller, Aransas County, and Source Strategies Data

FY ANNUAL TRENDS ROCKPORT – FULTON WEBSITE PAGE VISITS

36

The graph below tracks annual visits to the Rockport – Fulton website. Website growth has continued an upward trajectory over time. FY 2022 page visits totaled at 298,875, a 23% increase from the previous Chamber Fiscal Year.



Visitor Sign-In Log at Rockport-Fulton Visitor Center

Attendance Data Sheet	JAN 2023	FEB 2023	Mar 2023	1ST QTR
Visitor Data Distribution				
Outside of 70 Miles*	94.84%	95.04%	89.30%	93.06%
Local**	5.16%	4.96%	10.70%	6.94%
Total	100.0%	100.00%	100.00%	100.00%

*Highlights of Tourism > 70+ miles and major metropolitan areas in				
Austin	3.77%	2.20%	7.13%	4.37%
Dallas / Ft. Worth	3.37%	1.28%	2.00%	2.22%
Houston	0.60%	0.37%	5.12%	2.03%
San Antonio	1.98%	4.40%	7.35%	13.73%
Total major metro areas	9.72%	8.25%	21.60%	13.19%
Tourism from outside of Texas	75.20%	78.90%	54.56%	69.55%
Rural tourism beyond 70 miles	9.92%	7.89%	13.14%	10.32%
Total tourism from beyond 70 miles	94.84%	95.04%	89.30%	93.06%

** Local Visitors < 70 miles				
Rockport and Fulton	3.77%	3.49%	7.13%	4.80%
Corpus Christi	0.20%	0.37%	1.78%	0.78%
Victoria	0.00%	0.00%	1.34%	0.45%
Rural Areas	1.19%	1.10%	0.45%	0.91%
Total	5.16%	4.96%	10.70%	6.94%

93.06% of visitors from outside of 70 miles

69.55% of visitors from outside of Texas

13.19% of visitors represent major metro areas such as Dallas/Ft. Worth, Austin, Houston, and San Antonio

6.94% represent local and rural area visitation from Corpus Christi and Victoria



Print Creative



FIND YOURSELF IN
ROCKPORT
FULTON

Digital Creative

39



FIND YOURSELF IN
ROCKPORT
FULTON

MODEL USING # OF HOTEL ROOMS AS BASE – 1Q 2023

40

Base = Rockport - Fulton # of Hotel Rooms 1Q 2023

1. Number of Hotel Rooms in Rockport - Fulton (Source: Texas Comptroller-1st Qtr 2022)	1835
2. Number of Nights in 4Q 2022 (Jan-Mar 2023)	90
3. Available Room Nights to Sell in Rockport - Fulton (1 * 2)	165,150
4. Rockport - Fulton Hotel Occupancy (Estimated by Source Strategies-1st Qtr 2022)	25.40%
5. Rockport - Fulton Rooms Nights Sold (3 * 4)	41,948
6. Number of Visitors in Each Room (Size of Party Assumption)	2.1
7. Number of Rockport - Fulton Hotel-based Visitors (5 * 6)	88,091
8. Average Number of Nights Spent in Rockport - Fulton (Assumption)	2
9. Number of "Heads in Beds" Rockport - Fulton (7 * 8)	176,182



Thank you!

Shelly Stuart, IOM, President/CEO

Rockport-Fulton Chamber of Commerce
319 Broadway
Rockport, TX 78382

Shanon Biggerstaff

Tourism Coordinator
Rockport-Fulton Chamber of Commerce
319 Broadway
Rockport, TX 78382



CITY COUNCIL AGENDA

Regular Meeting: Tuesday, April 25, 2023

AGENDA ITEM: 9

Deliberate and act on request from South Rockport Neighbors to close Concho Street in front of the Public Safety Center on May 15, 2023, from 10:30 a.m. until 12:30 p.m. for the annual Peace Officer's Memorial Day services.

SUBMITTED BY: George Riekers

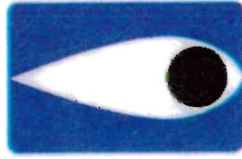
APPROVED FOR AGENDA: VRS

BACKGROUND: The South Rockport Neighbors sponsor the Peace Officer's Memorial Day services each year. The request is the same as in previous years.



FISCAL ANALYSIS: N/A

RECOMMENDATION: Staff recommends approval of this request.



SOUTH ROCKPORT NEIGHBORS, Inc.

1919 Hwy 35 N PMB 367

Rockport, Texas 78382

LOOKING TO THE FUTURE

Dear Mayor and City Council,

South Rockport Neighbors is requesting the street E. Concho 700 block to be closed on Monday, May 15th from 10:30 AM until 12:30 PM. For Peace Officers Memorial Day services.



MEETING CO-ORDINATOR
George Riekers
(361)463-3298
1919 HWY 35N PMB 367
Rockport, Texas 78382

Thank you,

George Riekers

CITY COUNCIL AGENDA
Council Meeting: Tuesday, April 25, 2023

AGENDA ITEM: 10

Deliberate and act on the purchase of equipment to replace two existing circular grit collectors and two grit screw drive units at the Wastewater Treatment Plant. (WWTP)

SUBMITTED BY: Director of Public Works & Building Development Michael S. Donoho, Jr

APPROVED FOR AGENDA: VRS

BACKGROUND: This equipment will replace the existing grit removal system at the WWTP. The existing equipment has reached its projected service life and is no longer functioning properly.

A request for proposals was sent to six equipment vendors on March 7, 2023. Bids were opened on March 23, 2023. Three bids were submitted for the equipment and reviewed by the project engineer. The low bidder for the equipment was HRM Environmental LLC. HRM is the area representative for OVIO equipment. The OVIO equipment bid package was reviewed and found to be satisfactory. The anticipated delivery of the Grit Removal Equipment will be 7-9 months. The installation of the equipment will be included in the WWTP plant upgrades as a priority when the project is bid in the near future.

FISCAL ANALYSIS: The cost of the equipment is \$121,763.00. The funds for this purchase will come from Unspent Bond Funds allocated to the Wastewater Treatment Plant - Act # 92-6468016.

RECOMMENDED ACTION: Approve purchase of equipment from OVIO USA LLC 2300 Gren Hill Dr. Bldg. 100 Round Rock, Texas, to replace two existing circular grit collectors and two grit screw drive units at the Wastewater Treatment Plant in the amount of \$121,763.00.



Job No. 1560.C202

March 31, 2023

TRANSMITTED VIA EMAIL

Mr. Mike Donoho
 City of Rockport
 2751 SH 35 Bypass
 Rockport, Texas 78382

Subject: Rockport WWTP Grit Equipment Bid

Dear Mike:

A Request For Proposals was sent to six equipment vendors on March 7, 2023 for equipment to replace the two existing circular grit collectors and two grit screw drive units at the Rockport WWTP. Bids for the Grit Collector Equipment were publicly opened on Thursday March 23, 2023. We have reviewed the three (3) bids submitted and the OVIVO equipment submitted by HRM Environmental LLC is the apparent low bidder (HRM is the OVIVO equipment area representative). Attached please find the following:

1. Bid tabulation for comparison of the bids.
2. HRM's OVIVO bid package.
3. Request For Proposal that was sent to vendors.

We have reviewed HRM's OVIVO bid package and found it satisfactory. We have also found the OVIVO experience record to be satisfactory.

It is the recommendation of Urban Engineering that a Purchase Order for this equipment be sent to OVIVO as soon as possible in the amount of \$121,763.00. As noted in their bid package, the purchase order should be sent to:

Attn: Esther Saler – Esther.Saler@ovivowater.com
 Ovivo USA, LLC
 2300 Greenhill Drive, Bldg. #100
 Round Rock, Tx 78664

Please copy me or send me copy of any documents sent to HRM or OVIVO. If you would like, you can send me the purchase order and I will send it to them. If any questions or you would like to discuss please let me know.

Sincerely,

URBAN ENGINEERING

Mark Maroney, P. E.

MM/
 Enclosure

xc: Gene Camargo – City w/encl. via email
 Brendan Kelly – HRM w/encl. via email

TABULATION OF BIDS - ROCKPORT WWTP GRIT COLLECTOR EQUIPMENT

TABULATED BY: MAM/CN

DATE: March 23, 2023

Grit Collector Equipment Rockport WWTP		HRM Environmental, LLC bkelly@hrmenv.com Houston, Texas (512) 903-5444		Vision Equipment 6 Falls View Fair Oaks Ranch, Tx. 78404 (210) 568-2233		Water Tech Inc. 3104 Washington Street Waller, Texas 77484 (936) 372-5272	
Project No. 1560-C2-02							
DESCRIPTION		Manufacturer	AMOUNT	Manufacturer	AMOUNT	Manufacturer	AMOUNT
1	Two (2) 10'-0" Dia.Grit Collectors Mechanisms	Ovivo USA	\$ 121,763.00	Envirodyne Systems	\$ 198,318.00	SPS	\$ 146,570.00
2	Two (2) Screw Drives with Galvanized Steel End Troughs		Incl. Above		Incl. Above	SPS	\$ 53,400.00
	TOTAL BID		\$ 121,763.00		\$ 198,318.00		\$ 199,970.00
3	Two (2) Optional 304SS End Troughs (not in RFP scope)					SPS	\$ 69,200.00
Equipment Delivery After NTP		22 to 26 Weeks		26 to 30 weeks		28 to 32 Weeks	

Equipment Deliver is based on four weeks to get submittal information and 2 week engineer's review

CITY COUNCIL AGENDA
Council Meeting: Tuesday, April 25, 2023

AGENDA ITEM: 11

Deliberate and act to award a contract for a pressure test to be conducted on the segment of 2” gas supply line that runs between the City’s Natural Gas Supplier and the City’s North Gate Regulator Station.

SUBMITTED BY: Director of Public Works & Building Development Michael S. Donoho, Jr

APPROVED FOR AGENDA: VRS

BACKGROUND: During a Pipeline Safety Evaluation Inspection Conducted by the Texas Railroad Commission in December of 2021 (Inspection Package Number INSPPKG-0000077493) Alleged Violation Item Number 4.0 – “The City of Rockport did not provide record of a pressure test for the segment of pipe between the City’s Supplier and the City’s North Gate Regulator Station”. A plan of action to correct the alleged violation was submitted to the Railroad Commission on August 26, 2022. The plan of action was approved with a deadline to correct the alleged violation by June 30, 2023.

The City received two quotes from contractors qualified to work on pressurized natural gas lines. The contractor will furnish the materials labor and equipment for testing the approximately 500’ of 2” supply line to the City’s North Gate Regulator Station. The contractor will install a bypass on the supply line during the test to allow continued “Gas Service” to the City during the approximate 4-hour testing period.

FISCAL ANALYSIS: The project will be paid for out of the Gas Department Maintenance Budget Acct # 08-6487040.

RECOMMENDED ACTION: Approve award of contract in the amount of \$65,000.00 to Mears Construction for a pressure test to be conducted on the segment of 2” gas supply line that runs between the City’s Natural Gas Supplier and the City’s North Gate Regulator Station.



5051 Westheimer Rd, Suite 1650
Houston, TX 77056

PHONE 832.634.2900
WEB mears.net

February 23, 2023

City Of Rockport, Texas

Attn: Gene Camargo

Re: Rockport North Gate Line Pressure Testing

Dear Mr. Camargo:

Mears Group, Inc., a Quanta Services company, is pleased to submit this Proposal in response to the above referenced work located in Rockport. If you accept this proposal and would like to proceed with us providing the deliverables described. Simply respond as such by email and we will send over a Terms and Conditions document for your review and/or acceptance.

Thank you for considering Mears Group, Inc., for this work. Do not hesitate to call me at (989) 418-6307 with any questions that you may have or if you need anything else.

Overview:

Mears will provide the City of Rockport with a Turnkey plan to test their line that runs from the Target interconnect over to their north gate to comply with Texas Railroad Commission requests. This work will be done while ensuring that the city continues to receive the natural gas required during the outage of the line.

Scope of Work:

1. Mears will Confirm wall thickness of the existing line to confirm test specifications will be conducted safely and within proper standards. This will require 1 day for a Mears employee with a UT gauge to take readings along the pipe.
2. In order to maintain flow for the City of Rockport, Mears proposes 2 options:
 - a. Mears will procure, install, and tie in approximately 800 ft of 4" PE pipe to serve as a temporary bypass while the 2" steel line is tested. This will also include installing a new riser on the Target interconnect. The benefit to this option is that the PE pipe used as a bypass can be utilized by City of Rockport for future plastic main projects and the new riser will ensure more proper odorization of this flow than the current setup.

- b. Mears will subcontract a bottle truck service (either CNG or LNG) to tie in downstream of the North Gate while the line is out of service. The benefit to this option is that if there is any maintenance required on the Target interconnect, Target would be able to shut down their facility as well during this outage.
3. Mears will provide a PE stamped Hydrotest plan to the City of Rockport prior to testing the line.
4. Mears will blow down the 2" steel line and fill it with nitrogen for pressure testing. The test will take 4 hours to exceed state and federal requirements and pressures will be monitored and documented throughout.

Here is a cost breakdown of the proposed options:

	Cost	
1	\$ 2,300.00	
2a	\$ 36,900.00	
2b		\$ 47,900.00
3	\$ 6,000.00	
4	\$ 19,800.00	
TOTAL	\$65,000	\$ 76,000

Thank you for considering Mears to partner with you on this project. Please do not hesitate to reach out with any questions, comments or concerns and we look forward to partnering with you on this project and future projects to come.

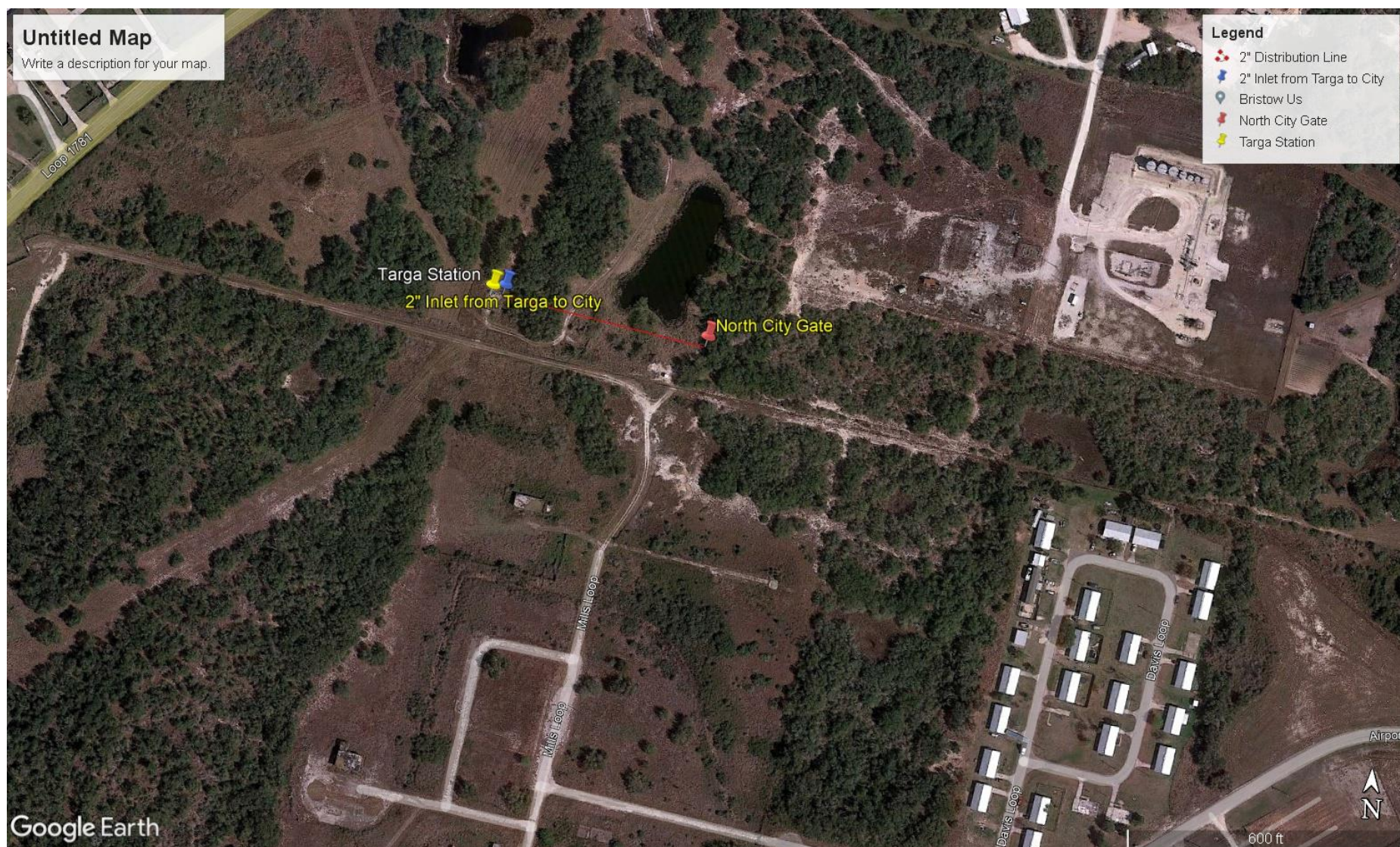
Thank you,

Kyle Purcell

Kyle Purcell,
Engineering Manager

Glenn Bray

Glenn Bray,
Operations Manager



CITY COUNCIL AGENDA
Regular Meeting: Tuesday, April 25, 2023

AGENDA ITEM: 12

Deliberate and act on second and final reading of an Ordinance amending Article 4 of the City of Rockport Zoning Ordinance Number 1027 by changing the zoning of land located at 102 Saint Francis Circle; also known as Lot 2, Block 1, Domasco Subdivision, 3.445 acres, City of Rockport, Aransas County, Texas, from R-1 (1st Single Family Dwelling District) to B-1 (General Business District) to allow the use of monitored outside parking; repealing all ordinances in conflict therewith; providing for severability; and providing an effective date.

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

APPROVED FOR AGENDA: VRS

BACKGROUND: Property owner, Brian Phillips, desires to rezone property located at 102 Saint Francis Circle to allow for monitored outside parking. The property is 3.4 acres with 109 ft frontage on SH 35 Bypass. Future Land Use Map suggests commercial use of this property.

A public notice regarding this item was published in The Rockport Pilot in the Saturday, March 18, 2023, edition and mailed out to eleven (11) property owners within a 200-foot radius of the property. City Council held a Public Hearing on the matter on Tuesday, April 11, 2023, which was published in The Rockport Pilot on Saturday, March 18, 2023. Two (2) letters For and One (1) letter Against the request had been received at this time. Two (2) property owners, Jim Riley and John Lucas, spoke against the request at the P&Z Regular meeting of 4/3/2023 but no letters of opposition have been received from either gentleman.

Please see the accompanying zoning change request application and Section 118-23 of Code of Ordinances for detailed information.

There have been no changes in format or content since Council approved the first reading of the Ordinance on April 11, 2023.

FISCAL ANALYSIS: N/A

RECOMMENDATION: Planning & Zoning Commission, by a vote of 4 to 1, recommended Council DENY the first reading of an Ordinance amending Article 4 of the City of Rockport Zoning Ordinance Number 1027 by changing the zoning of land located at 102 Saint Francis Circle; also known as Lot 2, Block 1, Domasco Subdivision, 3.445 acres, City of Rockport, Aransas County, Texas, from R-1 (1st Single Family Dwelling District) to B-1 (General Business District) to allow the use of monitored outside parking. Council unanimously approved the first reading of the Ordinance.

ORDINANCE NO. ____

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP AS STIPULATED UNDER ARTICLE 4.1 OF THE CITY OF ROCKPORT ZONING ORDINANCE NUMBER 1027 BY CHANGING THE ZONING OF LAND FROM R-1 (1ST SINGLE FAMILY DWELLING DISTRICT) FOR PROPERTY LOCATED AT 102 SAINT FRANCIS CIRCLE; ALSO KNOWN AS LOT 2, BLOCK 1, DOMASCO SUBDIVISION, 3.445 ACRES, CITY OF ROCKPORT, ARANSAS COUNTY, TEXAS; TO B-1 (GENERAL BUSINESS DISTRICT) TO ALLOW THE USE OF MONITORED OUTDOOR PARKING; REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, On March 13, 2023, notice was posted on the bulletin boards at the City of Rockport Service Center, 2751 State Highway 35 Bypass, and on the City's webpage www.cityofrockport.com; and

WHEREAS, on March 17, 2023, notice was mailed to affected property owners within 200' of subject property; and

WHEREAS, on March 18, 2023, the City caused to be published "Notice of Public Hearing" in the official newspaper of the City notifying area residents and the public in general to participate and make their views known regarding this request; and

WHEREAS, on April 3, 2023, 2 at 5:30 p.m., the Planning & Zoning Commission did hold a Public Hearing, and on April 11, 2023, at 6:30 p.m., the Rockport City Council did hold a Public Hearing; and

WHEREAS, on April 3, 2023, the Planning & Zoning Commission did meet and said Commission voted to recommend to the City Council to Deny this request to re-zone property, located at 102 Saint Francis Circle from R-1 (1st Single Family Dwelling District) to B-1 (General Business District) to allow the development of outdoor monitored parking.

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

SECTION 1 – AMENDMENT

That, pursuant to Article 4 of the City of Rockport Zoning Ordinance Number 1027, the current zoning of land located at 102 Saint Francis Circle; also known as Lot 2, Block 1, Domasco Subdivision, City of Rockport, Aransas County, Texas; be changed from R-1 (1st Single Family Dwelling District) to B-1 (General Business District).

SECTION 2 - REPEALER

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

SECTION 3 - SEVERABILITY

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

SECTION 4 - EFFECTIVE DATE

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

APPROVED on first reading this the 11th day of April, 2023.

CITY OF ROCKPORT, TEXAS

Tim Jayroe, Mayor

ATTEST:

Teresa Valdez, City Secretary

APPROVED, PASSED and ADOPTED on second and final reading, this _____ day of _____ 2023.

CITY OF ROCKPORT, TEXAS

Tim Jayroe, Mayor

ATTEST:

Teresa Valdez, City Secretary

CITY COUNCIL AGENDA

Regular Meeting: Tuesday, April 25, 2023

AGENDA ITEM: 13

Deliberate and act on second and final reading of an Ordinance amending Article 4 of the City of Rockport Zoning Ordinance Number 1027 by changing the zoning of land located at 1806 Highway 35 North; also known as Villa Del Palmas, Units A, B, C and D, City of Rockport, Aransas County, Texas to R-6 (Hotel/Motel District) to allow the use of short-term rentals; currently zoned R-5 (2nd Multi- Family Dwelling District) repealing all ordinances in conflict therewith; providing for severability; and providing an effective date.

SUBMITTED BY: Carey Dietrich- Asst. Director Building & Development/ Community Planner

APPROVED FOR AGENDA: VRS

BACKGROUND: Property owner, Caleb Glomb wishes to rezone his property located at 1806 Hwy 35 N, otherwise known as Villa Del Palmas, Units A, B, C and D, from R5 (2nd Multi Family Dwelling District) to R6 (Hotel / Motel District) in order to utilize the units as short-term rentals.

A public notice regarding this item was published in The Rockport Pilot in the Saturday, March 11, 2023 edition and mailed out to twenty (20) property owners within a 200-foot radius of the property. No letters For and One (1) Against the request have been received at this time. Property owner Ms. Mary Ritter spoke against it at the P&Z Regular meeting of 4/3/2023 but no letter of opposition has been received at this time.

The Planning & Zoning Commission Agenda Item on March 20, 2023 for this request was postponed to the Regular Meeting of Monday, April 3, 2023.

Please see the accompanying zoning change request application and Section 118-13 of the Code of Ordinances for detailed information.

There have been no changes in format or content since Council approved the first reading of the Ordinance on April 11, 2023.

RECOMMENDATION: Planning & Zoning Commission by a vote of 3 to 2 recommended approval of a first reading of an Ordinance amending Article 4 of the City of Rockport Zoning Ordinance Number 1027 by changing the zoning of land located at 1806 Highway 35 North; also known as Villa Del Palmas, Units A, B, C and D, City of Rockport, Aransas County, Texas to R-6 (Hotel/Motel District) to allow the use of short-term rentals; currently zoned R-5 (2nd Multi-Family Dwelling District). City Council approved the first reading of the Ordinance by a 3-2 vote.

ORDINANCE NO. ____

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP AS STIPULATED UNDER ARTICLE 4.1 OF THE CITY OF ROCKPORT ZONING ORDINANCE NUMBER 1027 BY CHANGING THE ZONING OF LAND FROM R-5 (2ND MULTI- FAMILY DWELLING DISTRICT). FOR PROPERTY LOCATED AT 1806 HIGHWAY 35 NORTH; ALSO KNOWN AS VILLA DEL PALMAS, UNITS A, B, C AND D, CITY OF ROCKPORT, ARANSAS COUNTY, TEXAS; TO B-1 (GENERAL BUSINESS DISTRICT) TO ALLOW THE USE OF A SHORT TERM RENTALS; REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, On March 21, 2023, notice was posted on the bulletin boards at the City of Rockport Service Center, 2751 State Highway 35 Bypass, and on the City’s webpage www.cityofrockport.com; and

WHEREAS, on March 24, 2023, notice was mailed to affected property owners within 200’ of subject property; and

WHEREAS, on March 11, 2023, and on March 25, 2023 the City caused to be published “Notice of Public Hearing” in the official newspaper of the City notifying area residents and the public in general to participate and make their views known regarding this request; and

WHEREAS, on March 20, 2023, at 5:30 p.m., the Planning & Zoning Commission did hold a Public Hearing, and on April 11, 2023, at 6:30 p.m., the Rockport City Council did hold a Public Hearing; and

WHEREAS, on April 3, 2023, the Planning & Zoning Commission did meet and said Commission voted to recommend to the City Council to Approve this request to re-zone property, located at 1806 Highway 35 North from R-5 (2nd Multi Family Dwelling District) to B-1 (General Business District) to allow the use of a short term rentals.

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

SECTION 1 – AMENDMENT

That, pursuant to Article 4 of the City of Rockport Zoning Ordinance Number 1027, the current zoning of land located at 1806 Highway 35 North; also known as Villa Del Palmas, Units A, B, C and D, City of Rockport, Aransas County, Texas; be changed from R-5 (2nd Multi Family Dwelling District) to B-1 (General Business District).

SECTION 2 - REPEALER

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

SECTION 3 - SEVERABILITY

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

SECTION 4 - EFFECTIVE DATE

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

APPROVED on first reading this the 11th day of April, 2023.

CITY OF ROCKPORT, TEXAS

Tim Jayroe, Mayor

ATTEST:

Teresa Valdez, City Secretary

APPROVED, PASSED and ADOPTED on second and final reading, this _____ day of _____ 2023.

CITY OF ROCKPORT, TEXAS

Tim Jayroe, Mayor

ATTEST:

Teresa Valdez, City Secretary

CITY COUNCIL AGENDA
Regular Meeting: Tuesday, April 25, 2023

AGENDA ITEM: 14

Deliberate and act on second and final reading of an Ordinance amending Ordinance No. 1894 by replacing and appointing a new alternate judge; providing for severability; finding and determining that the meeting at which this Ordinance is passed is open to the public as required by law; and establishing an effective date.

SUBMITTED BY: City Secretary Teresa Valdez

APPROVED FOR AGENDA: VRS

BACKGROUND: City Council adopted Ordinance No. 1894 ordering a Special Charter Amendment Election. Since the adoption of the Ordinance, the City has been notified there has been a change in the person appointed as the alternate judge for the election. Because the election was ordered by Ordinance, it is necessary to amend the Ordinance listing the correct name of the person serving as alternate presiding judge.

There have been no changes or format since Council approved the first reading of the Ordinance on April 11, 2023.

FISCAL ANALYSIS: N/A

RECOMMENDATION: Staff recommends Council approve the second and final reading of the Ordinance, as presented.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKPORT, TEXAS AMENDING ORDINANCE NO. 1894 BY REPLACING AND APPOINTING A NEW ALTERNATE JUDGE; PROVIDING FOR SEVERABILITY; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Rockport, Texas seeks to name Sandra Mueller as a replacement alternate judge.

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

Section 1: The recitals provided for in the preamble are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

Section 2: Section 10 of Ordinance No. 1894 is hereby amended to read as follows:

“Carolyn Smith will serve as Presiding Judge and ~~Mayra Wilson~~ **Sandra Mueller** will serve as Alternate Presiding Judge, and the clerks of the election will be appointed by the Presiding Judge in a number not to exceed four (4) clerks. The appointment is for a single election to be held on Saturday, May 6, 2023.

“Election officials shall be paid \$12.00 per hour. The Presiding Judge, or the election worker at the polling location that he or she designates, who picks up the elections supplies on May 6, 2023, from the Contracting Officer and who returns the remaining supplies, ballot boxes, and all other election records from the polling location to the Contracting Officer will be compensated with a delivery fee of \$25.00.

“The polls at the polling place shall on said Election Day be open from seven o'clock (7:00) a.m. to seven o'clock (7:00) p.m.”

Section 3: Should any part, section, subsection, paragraph, sentence, clause or phrase contained in this Ordinance be held to be unconstitutional or of no force and effect, such holding shall not affect the validity of the remaining portion of this Ordinance, but in all respects said remaining portion shall be and remain in full force and effect.

Section 4: It is hereby officially found and determined that the meeting at which this Ordinance is passed is open to the public as required by law, and that public notice of the time, place and purpose of said meeting was given as required.

Section 5: This ordinance shall become effective immediately from and after its passage and publication in accordance with the provisions of the Texas Local Government Code.

PASSED AND APPROVED by the Rockport City Council, County of Aransas, State of Texas,
on the following dates:

FIRST READING: _____, 2023

SECOND READING: _____, 2023

CITY OF ROCKPORT, TEXAS

Tim Jayroe, Mayor

ATTEST:

Teresa Valdez, City Secretary

CITY COUNCIL AGENDA
Regular Meeting: Tuesday, April 25, 2023

AGENDA ITEM: 15

Conduct a Public Hearing to consider a request to revert back to original Planned Unit Development (P.U.D) as described in Ordinance No. 1385 for property located at 1724 FM 3036; also known as La Salle Estates P.U.D, City of Rockport, Aransas County, Texas, which is a Planned Unit Development (PUD) single use overlay district containing 80 attached single-family dwellings (townhouses) along with such features and amenities; currently zoned P.U.D with R-5 use (2nd Multi-Family Dwelling District).

SUBMITTED BY: Asst Director Bldg & Planning / Community Planner - Carey Dietrich

APPROVED FOR AGENDA: VRS

BACKGROUND: The property known as LaSalle Estates was a PUD approved for single-family townhouses originally; however, after Harvey, the PUD was revised to allow R5 (2nd Multi Family Dwelling District) instead of Townhouses but was never utilized and building of townhouses continued. The owners wish to revert back to the original PUD allowed in Ordinance No. 1385 (attached) to be compliant with future development.

A public notice regarding this item was published in The Rockport Pilot in the Saturday, April 1, 2023 edition and mailed out to eighty four (84) property owners within a 200-foot radius of the property. Fifty Seven (57) letters For and none Against the request have been received at this time.

Please see the accompanying zoning change request application and Section 118-23 of the Code of Ordinances for detail information.

FISCAL ANALYSIS: N/A

RECOMMENDATION: No action required. Public hearing only.



PUBLIC HEARING
Planning & Zoning Commission
and City Council

NOTICE is hereby given that the Planning & Zoning Commission will hold a Public Hearing on Monday April 17, 2023, at 5:30 p.m. and the Rockport City Council will hold a Public Hearing on Tuesday, April 25, 2023, at 6:30 p.m., at the Rockport Service Center, 2751 State Highway 35 Bypass, Rockport, Texas, to consider a request to revert back to original Planned Unit Development (P.U.D) as described in Ordinance No. 1385 for property located at 1724 FM 3036; also known as La Salle Estates P.U.D., City of Rockport, Aransas County, Texas, to allow the use of 80 detached single-family dwellings (townhouses); currently zoned P.U.D with R-5 use (Second Multi-Family Dwelling District).

Members of the public can view the meeting remotely via live stream at the address that will be provided on the Planning & Zoning Commission Agenda of April 17, 2023, and the City Council Agenda of April 25, 2023, and posted on the City's website www.cityofrockport.com.

Public participation is valued and citizens wishing to express their views during the 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 before the meeting begins. Using the same form, citizens can also provide written comments to the City Planner by 3:00 p.m. on the day of the Planning & Zoning Commission meeting or to the City Secretary by 4:00 p.m. on the day of the City Council meeting. The comments will be read and summarized in the minutes of the meeting.

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

POSTED the 28th day of March 2023 on the bulletin board at the Rockport Service Center, 2751 State Highway 35 Bypass, Rockport, Texas, and on the website www.cityofrockport.com.

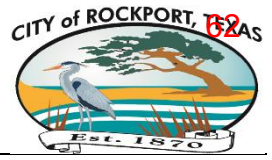
PUBLISHED in *The Rockport Pilot* in the Saturday, April 1, 2023, Edition, in accordance with the City of Rockport Code of Ordinances.

CITY OF ROCKPORT, TEXAS


 Teresa Valdez, City Secretary

STAFF REPORT

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

**PROPERTY ADDRESS/LOCATION**

1724 FM 3036

APPLICANT/PROPERTY OWNER

Key Allegro Development, LLC, Owner

PUBLIC HEARING DATE

P&Z - Monday, Monday, April 17, 2023
 CC - Tuesday, April 25, 2023

P&Z DATE

Monday, April 17, 2023

CITY COUNCIL DATE(S)

1st Reading - Tuesday, April 25, 2023
 2nd Reading - Tuesday, May 9, 2023

BRIEF SUMMARY OF REQUEST

Property owner, Key Allegro Development, LLC represented by Joe Hancock wishes to rezone the property located at 1724 FM 3036, otherwise known as LaSalle Estates PUD, from PUD with R5 (2nd Multi Family Dwelling District) to PUD with 80 attached single family dwellings (townhouses) converting back to the original PUD zoning as per Ordinance No. 1385.

A public notice regarding this item was published in The Rockport Pilot in the Saturday, April 1, 2023 edition and mailed out to eighty four (84) property owners within a 200-foot radius of the property. 57 letters For and none Against the request have been received at this time.



MAP SOURCE: Pictometry

EXISTING ZONING	EXISTING LAND USE	SURROUNDING ZONING & LAND USE	SITE IMPROVEMENTS	SIZE OF PROPERTY
PUD with R-5 – 2 nd Multi-Family Dwelling District use	Currently Single Family Townhomes	N – B-1 (General Business District) S – R-5 (2 nd Multi Family Dwelling District) E – R-5 (2 nd Multi Family Dwelling District) and B-1 (General Business District) W – B-1 (General Business District)	Single Family Homes (Townhomes)	

STAFF RECOMMENDATION**APPROVE****DENY****COMPATIBILITY with the ZONING ORDINANCE**

The Current Future Land Use Map suggests Commercial Use

PROPERTY HISTORY

The property known as LaSalle Estates was a PUD approved for single-family townhouses originally; however, after Harvey, the PUD was revised to allow R5 (2nd Multi Family Dwelling District) instead of Townhouses but was never utilized and building of townhouses continued. They wish to revert back to the original PUD allowed in Ordinance No. 1385 (attached) to be compliant with future development.

ATTACHMENTS (CIRCLE)

SUBMITTED PLANS

PUBLIC HEARING PETITION/ APPLICATION FORM

LEGAL NOTICE

LEGAL DESCRIPTION

PUBLIC COMMENTS

AGENCY COMMENTS

RESPONSE TO STANDARDS

OTHER (DESCRIBE)

ORDINANCE NO. 1385

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP AS STIPULATED UNDER SECTION 4.1., OF ORDINANCE NUMBER 1027, BEING THE CITY OF ROCKPORT, TEXAS, ZONING ORDINANCE, BY OVERLAYING THE ZONING OF PROPERTY DESCRIBED AS 7 ACRES OF LAND OUT OF A219 T.T. WILLIAMSON SURVEY, BLOCK 16, TRACT 4 & 5, 7 ACRES, DEED PAGE 284473, MAP PAGE A-4, ARANSAS COUNTY, TEXAS, TO A PLANNED UNIT DEVELOPMENT (PUD) SINGLE USE OVERLAY DISTRICT CONTAINING 80 DETACHED SINGLE-FAMILY DWELLINGS (TOWNHOUSES) ALONG WITH SUCH FEATURES AND AMENITIES AS INDICATED IN EXHIBIT A ATTACHED HERETO; REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, a request for a PUD residential subdivision known as La Salle on land located at 1724 F.M. 3036, Rockport, Texas; also known as A219 T.T. Williamson Survey, Block 16, Tract 4 & 5, 7 acres, Deed Page 284473, Map Page A-4, Aransas County, Texas was received in the office of Building & Development, City of Rockport, Texas; and

WHEREAS, on March 1, 2005 notice was posted on the bulletin boards at Rockport City Hall, 622 E. Market Street and Rockport City Hall Annex, 621 E. Market Street and on the City's webpage www.cityofrockport.com; and

WHEREAS, on March 9, 2007 notice was mailed to affected property owners within 200' of subject property; and

WHEREAS, on March 10, 2007 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 March 27, 2007 at 6:30 p.m., the Rockport City Council did hold a Public Hearing; and

WHEREAS, on April 17, 2007 the Planning & Zoning Commission did hold a Public Hearing and thereafter said Commission did meet and voted unanimously to recommend to the City Council approval of this request for a PUD townhouse residential subdivision on land described as 7 acres of land out of A219 T.T. Williamson Survey, Block 16, Tract 4 & 5, 7 acres, Deed Page 284473, Map Page A-4, Aransas County, Texas; and

WHEREAS, on May 8, 2007 the City Council did meet and said Council voted unanimously to approve this request for a PUD residential subdivision known as La Salle on land described as 7 acres of land out of A219 T.T. Williamson Survey, Block 16, Tract 4 & 5, 7 acres, Deed Page 284473, Map Page A-4, Aransas County, Texas, be

changed to a Planned Unit Development (PUD) single use overlay district containing 80 attached single-family dwellings (townhouses) along with such features and amenities as indicated in exhibit A attached hereto.

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

SECTION 1 – AMENDMENT

That the City of Rockport Zoning Ordinance No. 1027, as amended, is and the same is hereby amended by making the following changes as herein set out.

SECTION 2 - CHANGES

That, pursuant to Article 19 of Rockport Zoning Ordinance Number 1027, the current zoning of land (B-1 General Business District) described as 7 acres of land out of A219 T.T. Williamson Survey, Block 16, Tract 4 & 5, 7 acres, Deed Page 284473, Map Page A-4, Aransas County, Texas, be changed to a Planned Unit Development (PUD) single use overlay district containing 80 attached single-family dwellings (townhouses) along with such features and amenities as indicated in exhibit A attached hereto, with no special conditions other than that which is conditioned by Article 19, Rockport Zoning Ordinance No. 1376.

SECTION 3 - REPEALER

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

SECTION 4 - SEVERABILITY

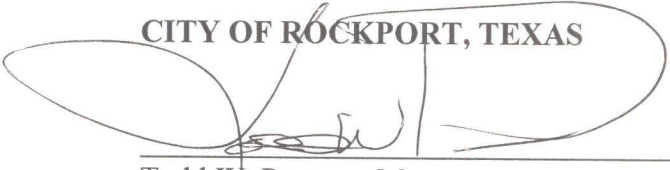
It is the intention of the City Council of the City of Rockport that if any phrase, sentence, section or paragraph of this ordinance shall be declared unconstitutional or otherwise invalid by final judgment of a court of competent jurisdiction such unconstitutionality or invalidity shall not affect any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

SECTION 5 - EFFECTIVE DATE

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

APPROVED and **PASSED** on first reading this 24th day of APRIL, 2007.

CITY OF ROCKPORT, TEXAS



Todd W. Pearson, Mayor

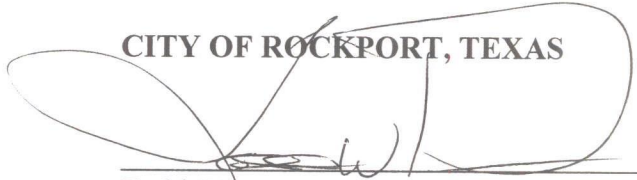
ATTEST:



Irma Parker, City Secretary

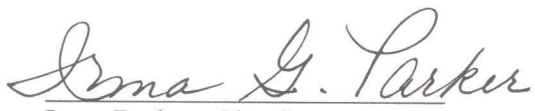
APPROVED, PASSED and **ADOPTED** on second and final reading this 8th day of MAY, 2007.

CITY OF ROCKPORT, TEXAS



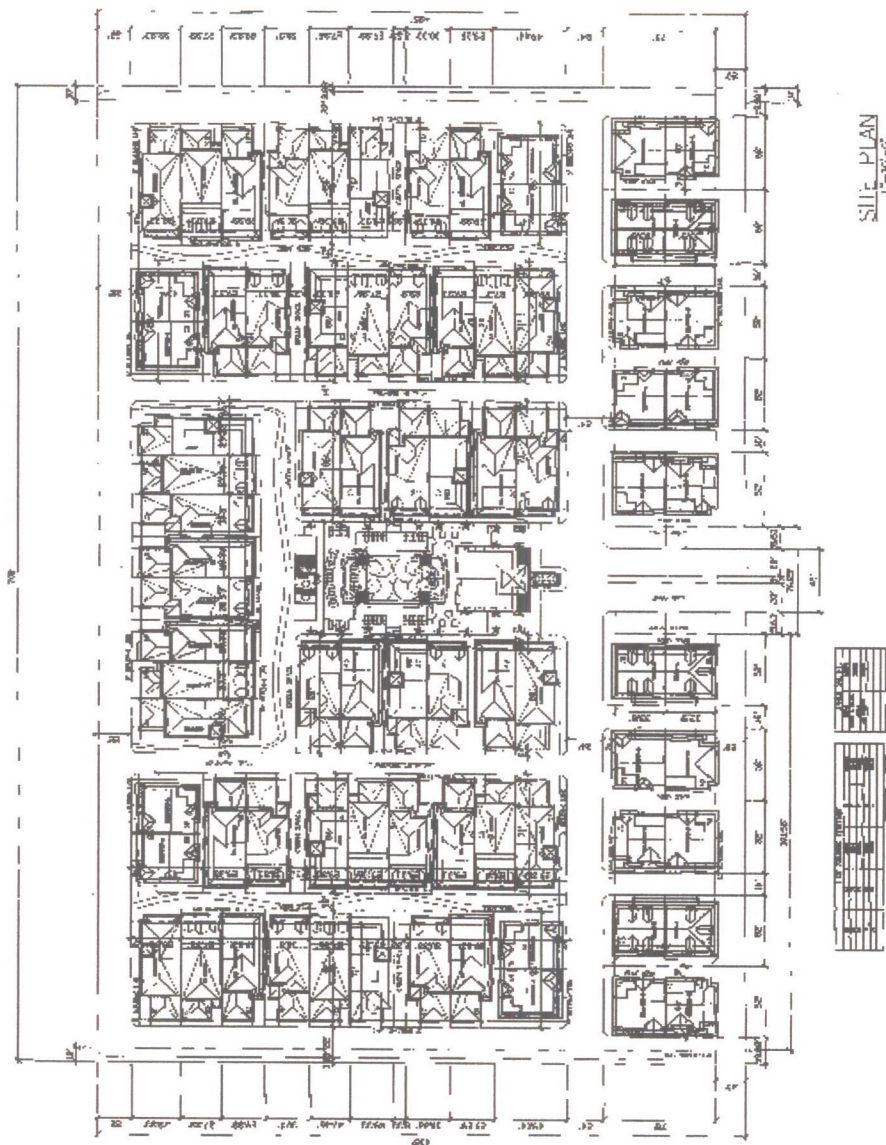
Todd W. Pearson, Mayor

ATTEST:



Irma Parker, City Secretary

EXHIBIT A



CITY COUNCIL AGENDA

Regular Meeting: April 25, 2023

AGENDA ITEM: 16

Hear a presentation regarding the Motor Vehicle Crime Prevention Authority Grant (MAG) being used to fund a program with Flock Safety, Inc. for six (6) fixed pole-mounted Automatic License Plate cameras in and around the City.

SUBMITTED BY: Police Chief Greg Stevens

APPROVED FOR AGENDA: VRS

BACKGROUND: Automatic License Plate Recognition (ALPR) cameras have been proven to increase public safety and to aid law enforcement in solving crimes of all natures, from minor hit and runs to robberies to homicides. Flock Safety, Inc. is an industry leader in provided ALPR hardware along with software that provides license plate reading technology to enhance law enforcement operations.

The six (6) cameras Flock Safety, Inc. will provide, install, and maintain for RPD will be strategically located throughout the City and will monitor only public TxDOT thoroughfares. All data gathered by these cameras will be owned by the RPD, will be kept for a maximum of 30 days unless downloaded and held for evidence according to RPD policy, and may only be shared in accordance with RPD policy.

The objective of a MAG is to disrupt, deter, interdict, and combat motor vehicle theft, burglary from a motor vehicle and/or fraud-related motor vehicle crime. Rockport's crime data supports the use of this grant funding for this project. This grant is specifically for the use of ALPRs toward meeting its objectives.

At its regular meeting on June 28, 2022, the Rockport City Council deliberated on and passed a resolution authorizing the RPD to apply for and operate a MAG administered by the Texas Department of Motor Vehicles for Fiscal Year 2022 and authorized the Rockport Mayor to act as the Authorized Official and Authorized Representative in all matters pertaining to the participation in this grant program. On August 27, 2022, Mayor Jayroe accepted this grant award.

This presentation is an opportunity for further information about ALPRs and Flock Safety, Inc.

FISCAL ANALYSIS: MAG is in Fund 18 with revenue credited to account 40420. A \$4000 cash or in-kind match is required.

RECOMMENDATION: Not an action item

RESOLUTION NO. 2022 - 20

WHEREAS, under the provisions of the Texas Transportation Code Chapter 1006 and Texas Administrative Code Title 43; Part 3; Chapter 57 and Texas Administrative Code Title 43; Part 3; Chapter 57, entities are eligible to receive grants from the Motor Vehicle Crime Prevention Authority to provide financial support to law enforcement agencies for economic motor vehicle theft enforcement teams; and

WHEREAS, this grant program will assist this jurisdiction to combat motor vehicle theft, motor vehicle burglary and fraud-related motor vehicle crime; and

WHEREAS, City of Rockport has agreed that in the event of loss or misuse of the grant funds, City of Rockport assures that the grant funds will be returned in full to the Motor Vehicle Crime Prevention Authority.

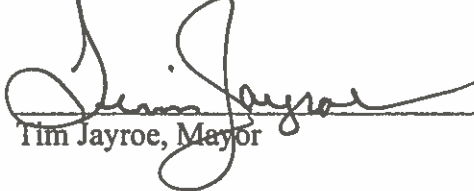
NOW THEREFORE, BE IT RESOLVED and ordered that Tim Jayroe, Mayor, is designated as the Authorized Official to apply for, accept, decline, modify, or cancel the grant application for the Motor Vehicle Crime Prevention Authority Grant Program and all other necessary documents to accept said grant; and

BE IT FURTHER RESOLVED that Nathan Anderson, Criminal Investigation Division Captain, is designated as the Program Director and Katie Griffin, Director of Finance, is designated as the Financial Officer for this grant.

Adopted the 28th day of June 2022.



CITY OF ROCKPORT


Tim Jayroe, Mayor

ATTEST:


Teresa Valdez, City Secretary



**FY22 Motor Vehicle Crime Prevention Authority
Statement of MVCPA Auxiliary Grant Award and Grantee Acceptance Notice**

Grant Number: 608-22-0040200
Grantee: City of Rockport
Program Title: Automatic License Plate Reader (ALPR) system
Maximum Grant Award Amount: \$20,000
Total Cash Match Amount: Minimum 20% (estimated to be \$4,000)
Grant Term: June 14, 2022 to August 31, 2023

Whereas, City of Rockport (hereinafter referred to as Grantee), has heretofore submitted a grant application in response to the Request for Application issued on March 2, 2022, to the Motor Vehicle Crime Prevention Authority, State of Texas, **MVCPA Auxiliary (MAG) Grant Award** for an automatic license plate reader (ALPR) system (Lease or Buy), and further identified by grant number 608-22-0040200; and

WHEREAS, the Motor Vehicle Crime Prevention Authority has approved the grant application as evidenced by this FY22 Statement of Grant Award and certain special requirements from the Motor Vehicle Crime Prevention Authority dated **June 14, 2022**; and

WHEREAS, the Grantee desires to accept the FY22 grant award and use all funds for purposes and in compliance with the following requirements that are adopted in their entirety by reference:

- Texas Transportation Code Chapter 1006;
- Texas Administrative Code: Title 43; Part 3; Chapter 57;
- **Texas Grant Management Standards (TxGMS)** as promulgated by the Texas Comptroller of Public Accounts including TxGMS Standard Assurances by Local Governments and Standards for Financial and Program Management;
- The MVCPA Request for Applications issued on May 3, 2021;
- The current Motor Vehicle Crime Prevention Authority Grant Administrative Manual and forms and subsequently adopted grantee instruction manuals and forms;
- The Final Adopted Application attached to this Statement of Grant Award; and
- The Approved Grant Budget Summary:

Budget Category	MVCPA Expenditures	Cash Match	Total Expenditures
ALPR - Buy or Lease	\$20,000	\$4,000	\$24,000
Lease requires good-faith commitment by grantee to lease the system for one year beyond grant funded period			

Standard Law Enforcement Conditions

The grantee is required to ensure that any opportunity to share intelligence provided by the purchase or lease of Automatic License Plate Reader (ALPR) assets under this grant is afforded if opportunity is provided by vendor/product to share read data with other law enforcement agencies.

The grantee is required to ensure that at least one law enforcement officer monitors and participates in the Law Enforcement intelligence sharing webinars and Motor Vehicle Crime Investigator Virtual Command Centers organized and operated on behalf of the MVCPA program operation and statewide collaboration.

WHEREAS, the Grantee accepts the FY22 Statement of Grant Award under the conditions above including the special requirements in the grant application and the Statement of Grant Award as evidenced by this agreement, executed by the official authorized to sign the original grant application, or the official's designated successor, as presiding officer of and on behalf of the governing body of this grantee; and

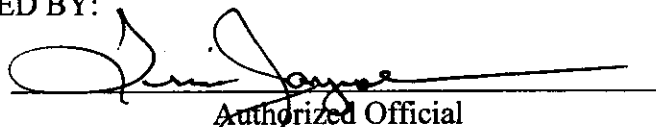
NOW THEREFORE, the Motor Vehicle Crime Prevention Authority has awarded the above-referenced grant subject to the availability of state funds. The approved budget is reflected in the above Approved Grant Budget Summary. This grant is subject to and conditioned upon the acceptance of the MVCPA Grant Administrative Guide promulgated for this specific program fund (referenced above) by the Motor Vehicle Crime Prevention Authority. Applicable special conditions are listed below.

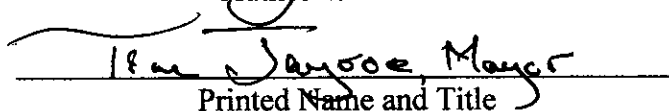
Special Conditions and Requirements (MVCPA indicates by an "X" in the following spaces below if a condition applies):

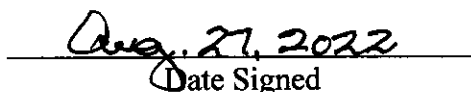
 X **Border Security Report Requirement** – This Grantee is designated as a MVCPA Border Security Grant which is located along the United States of America border with the United States of Mexico and those that are adjacent to the Gulf Intracoastal Waterway. This designation requires grantee to provide additional report information required by the General Appropriations Act of the 87th Texas Legislature, Regular Session. The Governor or Legislative Budget Board may request additional information regarding the report data during the term of the grant.

 X **Resolution Required** – Upload the required Resolution authorizing this MAG grant before any activity can commence. If you have not already done so, please upload a valid Resolution in the MAG application page located at <https://mvcpa.tamu.edu>.

APPROVED AND ACCEPTED BY:


Authorized Official


Printed Name and Title


Date Signed

	ROCKPORT POLICE DEPARTMENT	
	Chapter 5 Information, Property and Evidence Management	
	Policy 5.4 Automated License Plate Readers	
	Effective Date: 3/17/2023	Replaces New
	Approved: _____  Gregory W. Stevens, Chief of Police	
Reference:		

I. POLICY

Automated License Plate Reader (ALPR) technology, also known as License Plate Recognition (LPR), allows for the automated detection of license plates. ALPRs are used by the RPD to convert data associated with vehicle license plates for official law enforcement purposes, including identifying stolen or wanted vehicles, stolen license plates and missing persons. It may also be used to gather information related to active warrants, homeland security, electronic surveillance of crime suspects, fleeing suspect interdiction and stolen property recovery.

The RPD respects privacy rights and will ensure its use of ALPR technology first and foremost protects those rights.

II. PURPOSE

The purpose of this policy is to provide RPD personnel with guidelines on the proper use of ALPR systems. The availability and use of ALPR systems have provided many opportunities for the enhancement of productivity, effectiveness and officer safety. It is the policy of the RPD that all members abide by the guidelines set forth herein when using ALPR systems.

III. DEFINITIONS

A. FOUO: For Official Use Only

B. ALPR: Automated License Plate Reader

C. LPR: License Plate Recognition

D. Read: Digital images of license plates and vehicles and associated metadata (e.g., date, time, and geographic coordinates associated with the vehicle image capture) that are captured by the ALPR system.

E. Alert: A visual and/or auditory notice that is triggered when the ALPR system receives a potential “hit” on a license plate.

- F. *Hit*: A read matched to a plate that has previously been registered on an agency's "hot list" of vehicle plates related to stolen vehicles, wanted vehicles, or other factors supporting investigation, or which has been manually registered by a user for further investigation.
- G. *Hot list*: License plate numbers of stolen cars, vehicles owned by persons of interest, vehicles used in the commission of crimes or related to identified crime suspects, vehicles associated with AMBER Alerts, etc. that are regularly added to "hot lists" circulated among law enforcement agencies. Hot list information can come from a variety of sources, including stolen vehicle information from the National Insurance Crime Bureau and the National Crime Information Center (NCIC), as well as national AMBER Alerts and Department of Homeland Security watch lists. Law enforcement agencies can interface their own, locally compiled hot lists to the ALPR system. These lists serve an officer safety function as well as an investigatory purpose. In addition to agency supported hot lists, users may also manually add license plate numbers to hot lists in order to be alerted if and when a vehicle license plate of interest is "read" by the ALPR system.
- H. *Fixed ALPR system*: ALPR cameras that are permanently affixed to a structure, such as a pole, a traffic barrier, or a bridge.
- I. *Mobile ALPR system*: ALPR cameras that are affixed, either permanently (hardwired) or temporarily (e.g., magnet-mounted), to a law enforcement vehicle for mobile deployment.
- J. *Portable ALPR system*: ALPR cameras that are transportable and can be moved and deployed in a variety of venues as needed, such as a traffic barrel or speed radar sign.
- K. *TCIC/NCIC*: Texas Crime Information Center / National Crime Information Center databases.
- L. *TLETS*: Texas Law Enforcement Telecommunications System, which is a secure network through which access to TCIC/NCIC/ information is accessed.

IV. ADMINISTRATION

- A. The CID Captain shall be responsible for managing all operations related to ALPR deployment and data control.
- B. Access to data collected and retained by ALPR systems shall be in accordance with Criminal Justice Information Systems (CJIS) requirements and policies.

V. PROCEDURES

- A.** Use of an ALPR is restricted to the purposes outlined herein. Department members shall not use, or allow others to use, the equipment or database records for any unauthorized purpose.
- B.** An ALPR shall only be used for official law enforcement business.
- C.** An ALPR may be used in conjunction with any routine patrol operation or criminal investigation. Reasonable suspicion or probable cause is not required before using an ALPR.
- D.** While an ALPR may be used to canvass license plates around any crime scene, particular consideration should be given to using ALPR-equipped cars to canvass areas around homicides, shootings, and other violent incidents, as well as serial or multi victim property crime events. Partial license plates reported during such crimes should be entered into the ALPR system in an attempt to identify suspect vehicles.
- E.** No member of this department shall operate ALPR equipment or access ALPR data without first completing department-approved training.
- F.** No ALPR operator may access department, state or federal data unless otherwise authorized to do so.
- G.** If practicable, officers should verify an ALPR response through TLETS before taking enforcement action that is based solely on an ALPR alert.

VI. ALPR DATA SHARING AND DISSEMINATION

- A.** ALPR data should be considered FOUO and can be shared for legitimate law enforcement purposes only.
- B.** All data and images gathered by an ALPR are for the official use of the RPD and because such data may contain confidential TLETS information, it is not open to public review. ALPR information gathered and retained by this department may be used and shared with prosecutors or others only as permitted by law. Dissemination of information to other law enforcement agencies outside Aransas County shall be made only in accordance with established MOUs or other written, working agreements or in accordance with this policy.
- C.** When ALPR data are disseminated outside the agency, it shall be with the approval of the CID Captain.

- D. Information sharing among agencies should be dictated in accordance with MOUs (preferable for ongoing, long-term situations) or established departmental policies (in instances of short-term special investigations and similar events).

VII. ACCOUNTABILITY AND SAFEGUARDS

- A. All saved data will be closely safeguarded and protected by both procedural and technological means. The RPD will observe the following safeguards regarding access to and use of stored data:
 - 1. All ALPR data downloaded to the mobile workstation and in storage shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date and time;
 - 2. Personnel approved to access ALPR data under these guidelines are permitted to access the data for legitimate law enforcement purposes only, such as when the data relate to a specific criminal investigation or department-related civil or administrative action;
 - 3. All ALPR data queries must be accompanied by the RPD case number corresponding with the investigation; without a case number entered, the system will not allow a query of license plate data; and
 - 4. No entry of “hot lists” or other data may be entered into the ALPR database without the approval of the CID Captain.
- B. The CID Captain shall audit the ALPR system at least quarterly, and the Chief will conduct an audit annually.

VIII. RETENTION

- A. Data collected by RPD owned or leased ALPR equipment is owned by the RPD and will be retained for a maximum of 30 days.
- B. ALPR data which has become, or it is reasonable to believe will become, evidence in a criminal or civil action or is subject to a discovery request or other lawful action to produce records shall be downloaded from the server onto portable media and booked into evidence.



flock safety

Leverage the future of policing, *now*

+ **Rockport, Texas**

Our Mission

Eliminate Crime for the **Whole Community**



Why Flock Safety?

What we observe: **the current reality**

- **Limited Police Resources**
- **Crime is on the rise**
- **Trust is needed more than ever**

What we believe: **the opportunity**

- **Technology multiplies the force**
- **Capture and distribute objective evidence to the right user**
- **Engage community to support and grow**

How does the tech work?

flock safety

When you get Flock you get:

objective, real-time and investigative leads

- Vehicle Fingerprint™ = license plate plus
- **Indiscriminate evidence** from fixed locations
- No people, no facial recognition, no traffic enforcement

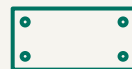


Plate
TX LGS2639



Last Visit
3:15 PM EDT



Make
Toyota



Seen
3 OF 30 DAYS



Color
Gray



What is this tech?

- License plate recognition
- Gathers objective evidence and facts about vehicles, not people
- Alerts police of wanted vehicles
- Used to solve crime
- Adheres to all state laws

What ISN'T this tech?

- Not facial recognition
 - **Not tied to PII**
 - Not used for traffic enforcement
 - **Data not stored beyond 30 days → *automatically deletes every 30 days***
- 

How does this technology prevent and eliminate crime?

- **Proactive:** Real Time Alerts when Stolen or Wanted Vehicles enter your City
- **Investigative:** As clearance rates increase, crime rates decrease
- Flock cameras act as a **deterrent**

Mitigating risk



Protecting Privacy

- **Footage owned by Agency/City and will never be sold or shared by Flock**
- 30 day data retention, then deleted
- Short retention period ensures that all data not associated with a crime is automatically deleted & unrecoverable
- **Takes human bias out of crime-solving by detecting objective data, and detecting events that are objectively illegal (ex. Stolen vehicles)**

- **All data is stored securely in the AWS Cloud, with end to end encryption of all data.**
 - Search reason is required for audit trail
 - NOT facial recognition software
 - NOT predictive policing
 - **NO PII is contained in Flock**
 - NOT used for traffic enforcement
 - Not connected to registration data or 3rd party databases (Carfax, DMV)
 - Transparency Portal (optional)
- 

Transparency + Insights

Measure ROI and promote the ethical use of public safety technology

Transparency Portal

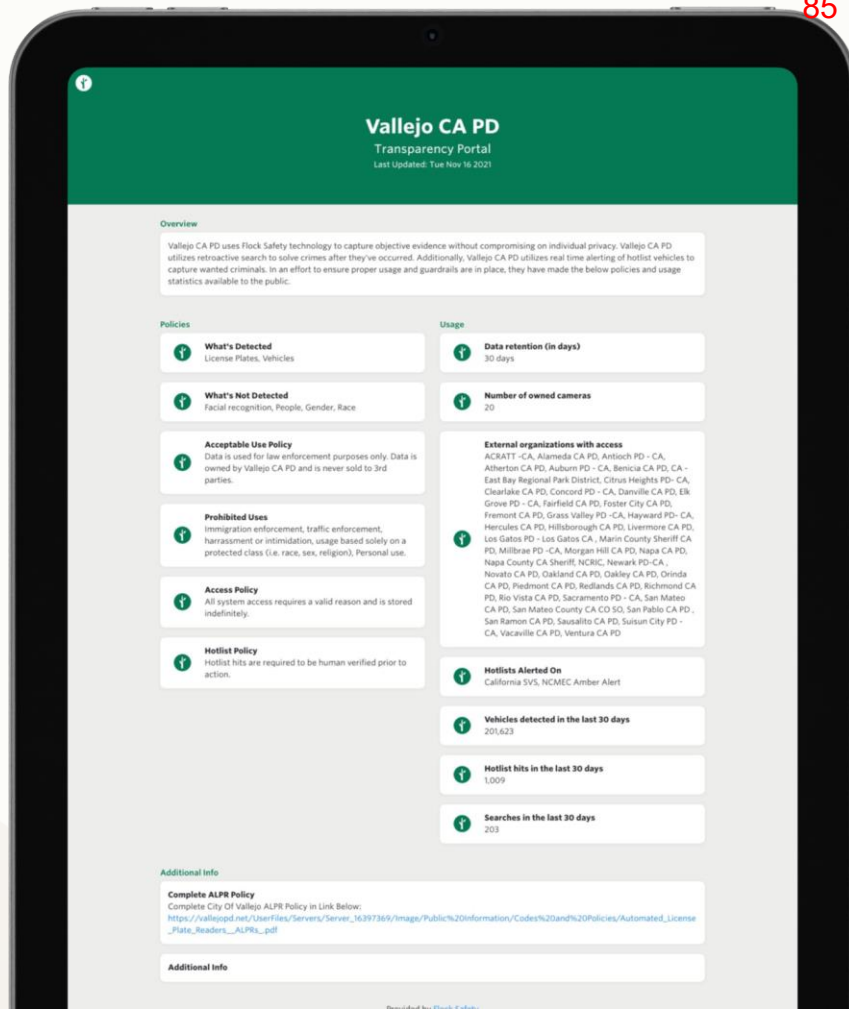
- Customizable for each agency
- Display technology policies
- Publish usage metrics
- Share downloadable Search audits

Insights Dashboard

- Measure crime patterns and ROI
- Audit Search history

Examples

- Click here for [Morgan Hill PD](#)
- Click here for [Vallejo PD](#)



**It actually solves and prevents
crime**

Case Study *Recent Success Story*



Lewisville PD



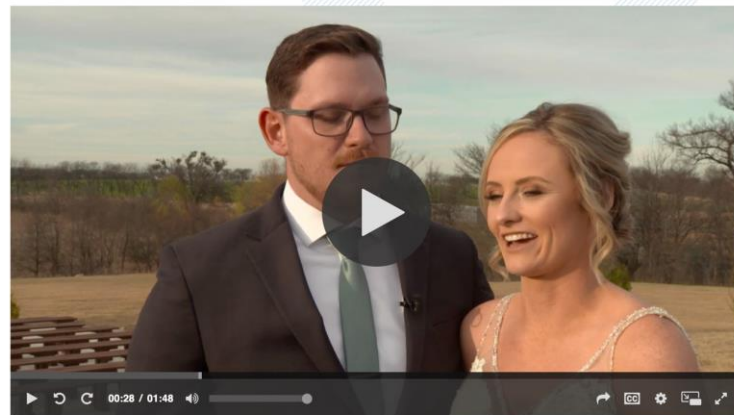
Lewisville, TX

- Couple was doing some last minute shopping before their wedding, when a **shoplifter** switched out their carts and took the bride to be's purse with their **wedding ring and thousands of dollars in cash**.
- Lewisville PD arrived on scene viewed **store security footage** and was able to get a **clear vehicle description** but not a license plate.
- The officer used that description to **filter for footage in Flock and got a plate**.
- They **set a custom hotlist** alert on that vehicle and **made a stop** where they found the stolen goods.
- The couple saw justice within hours, had a happy wedding the next day and the **thief was arrested**.

87

Lewisville police officer tracks down stolen wedding rings hours before couple's big day

The couple went to shop for a basket to keep blankets in so their wedding guests could stay warm. But then something cold-hearted happened.



Case Study: *Smash & Grab Robbery*



San Bruno PD



San Bruno, CA

- January 2022 - Five suspects attempt a Smash & Grab at a Jewelry store but are chased off by the owner
- **But here's what didn't make the news...**
- Suspect vehicle identified using Flock
- SBPD thought the suspects would try again, potentially more violently
- **Vehicle placed on a custom hotlist**
- SBPD receives a real time alert that the suspects are returning
- **Officers locate the vehicle within seconds preventing another attempt**

San Bruno jewelry store owner stops attempted smash-and-grab robbery

- ABC 7 News - Bay Area



CASE STUDY *Amber Alert*



CPD



Chamblee, Georgia



Stranger on Stranger Abduction
August 28, 2020

When every second matters, Flock Safety's Machine Vision is Critical

89

- 12:33 PM ● Amber Alert Issued
- 1:01 PM ● Search Conducted with Flock Safety
- 2:30 PM ● Suspect Vehicle Located
- 5:03 PM ● Felony Stop + Arrest
- 6:00 PM ● Baby Reunited with Mother

Widely Adopted in Texas

- Forney
- East Tawakoni
- Garland
- Kaufman City Constable
- UT Tyler
- Bartonville
- Round Rock
- Williamson Co SO
- Village of Briarcliff

- Paris City
- Tyler
- Grand Prairie
- Windsor Park PID
- Boyd
- **Dallas**
- **Houston**
- Sun City
- San Marcos

- Carrollton
- Mansfield
- Northlake
- Odessa
- Lewisville
- North Richland Hills
- Wolfforth
- Denton County Water
- Pflugerville ISD

.....**AND MANY
MORE**

Thank You





This is a petition to support the City of Rockport for implementing "FLOCK SAFETY". This program uses License Plate Readers to capture a VEHICLE fingerprint.

- Flock gets license plate recognition.
- Flock gathers objective evidence and facts about vehicles, NOT PEOPLE.
- Flock alerts law enforcement of wanted vehicles.
- Flock is used for Amber alerts.
- Flock is used to solve many other crimes.
- Flock adheres to all State laws.
- Flock is not used for traffic enforcement.
- Flock data is deleted every thirty days.

State highway 35 is a principal route from the Rio Grand Valley to the Houston area and Rockport is prone to having crime come through its jurisdiction and sometimes the crime stops and stays. We are in a key location to leverage license plate readers for the benefit of our own community, as well as that of the whole State and potentially the Nation.

Name

address

<u>Jack Wright</u>	<u>418 Cherry Hills Rockport</u>
<u>Marcella Wright</u>	<u>" " "</u>

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Name

address

Thomas Rodino 183 Heron Oaks Rkpt TX
Linda Rodino "

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Name

address

Donna Gregory 802 Weeping Willow Rockport, TX
 Stephen C. Gregory 802 Weeping Willow, Rockport, TX

Name

Address

Joelle Mark Simmons	307 Windjammer, 28382
Ron Simmons	" " " "
Mark & Denise Edelman	49 Flamingo Rd 78382
Robert V. Henderson	9 Whooping Crane, Rkp. 78382
J. MARK Wagon	1036 N. Austin, Rockport 78382
P.H. Mills Jr	906 N Austin Rockport 78382
George Taggart	2010 Glass Ave Rkp.
Ray Brown	2101 Glass Ave Rkp
Jack & Betty Edelman	POB #7 St Andrews Pl. 78382
Carl Workman	1865 Baywood Dr Rockport TX 78382
Jill Villa	523 S. Fuqua st
DB WALKER	2515 TURKEY NECK CIR 78382
ANTHONY J. WALDBILLIG	2512 TURKEY NECK CR. 78382
Marylee Wintersteen	2503 Turkey Neck Circle 78382
Ric Young	123 Royal Oaks - 78382
M. Wappler	2503 Turkey Neck Circle 78382
Cathie Young	123 Royal Oaks Dr 78382
John Wilson	PO Box 15 Rockport 78382
Maken Rios	2510 Turkey Neck Cir 78382
Warren Hassinger	2517 Turkey Neck Cir
Lynne Soebyn	2512 Turkey Neck Cr.
Karen Hassinger	2517 Turkey Neck Cir

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Name

address

"Bull" and Mindy Kurham 5 St. Andrews Place
Rockport, TX 78382

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Name

address

Kathy Snyder

135 Marion Dr.

[Signature]

Name

Address

Judy Salyer 209 Royal Oaks Dr. Rockport

ERNEST J. KITTLE 115 ST. ANDREWS ST.

Kelse Jennings 302 W. Orleans Rpt

Jennifer Maddala 502 W ORLEANS ST., Rockport

JANIE KITTLE 115 ST ANDREWS ST ROCKPORT

Joseph Carter Criger 156 W. Lake Dr Unit D, Rockport, TX

Patricia R Rio 2510 Turkey Neck Cir Rockport, TX 78382

Patricia A Rio 2510 Turkey Neck Cir Rockport TX 78382

TRACEY BENNETT 110 OAK TREE, RP, TX 78382

Dani's Kade 209 Olympic Dr 78382

Carol Parker 203 Olympic Dr. Rockport, TX 78382

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Name

address

<u>Charles L Mott</u>	<u>15 Saint Andrews PL,</u>	<u>Rockport, T.</u>
<u>Judith R Mott</u>	<u>15 Saint Andrews PL,</u>	<u>78382</u> <u>Rockport, T.</u> <u>78382</u>

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Name

address

STANLEY DAVIS	2307 HARBOR DR.	78382
BRADLEY McDONALD	508 LAKEWOOD	78382

Name

Address

DAVE FABIO

906 DUNEZ ST

78382

LBH

2104 CRESCENT Dr 78382

17382

not by

3118 Traylor

DEANNA KOTUR

102 BORROWALK AVE 78382

78382

JOHN LAZZAROTTI

102 BOARDMAN AVE

78302

Carol Pinson

106 Boardwalk Ave 78382

78382

Mark Pinson

106 Boardwalk Ave

78382

Rayna Pinson

106 Boardwalk Ave

78382

Kat Pinae

106 Boardwalk Ave

78382

Maria Wright

109's. Terry 34.

78382

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Name

address

<u>TOM REED</u>	<u>508 STEART ST. ROCKPORT, TX 78382</u>
<u>Laura McCorkle</u>	<u>PO Box 2003, Fulton, TX 78358</u>

Name

Address

Claris G Yarnall924 GAK AVE, Rockport TXVictoria W. Wad401 Augusta Dr. Rockport TXKimberly McLean264 Marion Dr. RptTimmy Oswell104 Treasure St. RptMark Oswell104 Treasure St. Rpt

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Name

address

Michael Brooks

714 E. Larch

Megan Brooks

714 E. Larch

Name

Address

Helen Campbell

205 Santa Fe Drive

Carole Kohl

418 Fairway Oaks St

John Gutierrez

212 ST. FRANCIS CIR.

Rhonda Konecny

2621 Bay Vista

Charles Konecny

2621 Bay Vista

Sharon Tomme

111 Cedar Ridge Dr.

Cathy Daggan

113 MARION Dr. Oakport

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Name

address

Barbara Gultner 117 Royal Oaks Dr
 J E Dunning " "

Name

Address

Joe Derrick	2010 Baywood Drive
Timm Mikluevka	2003 Baywood Drive
Winnie Wackman	116 Peachtree Dr.
Conface Derrick	2010 Baywood, Redport
Spicy Schump	2 St Andrews Place Rockport,

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Name

address




2400 Fm 2105

Name

Address

Chasi Godwin

2037 Harbor Cr.

Jee Brown

714 E. Concho St.

Veronica Frana

714 E. Concho St

Faith Camerosi

714 E. Concho St.

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Name

address

Marta W. Angelle 14 St. Andrews Place

Name	Address
Christina Hernandez	109 S. Terry St
Jeff Hulse	401 INVERRARY #3
Brent West	401 Augusta Dr
Brenda Hulse	401 INVERRARY #3
Glenn Kury	600 Magnolia St 78382
Elyse Tate	409 Augusta 78382
Shelly Tate	46 Blue Heron 78382
My E. Lessor	705 E. 1st St. 78382
Andre Muband	705 E. 1st St. 78382
Ann Bockley	460 Augusta Dr.
Russie Duntz	131 Marion Dr 78382
Chris Allen	2201 Lakewood 78382
Debbie Conqu	444 Augusta
Kiki DeAyala	4418 Hwy. 35 South 78382
Dorel Jan	204 Champions Dr 78382
Quila J. Collins	1701 Pucival Ave. 78382
AUSTIN MARIE	120 CHERRY HILLS 78382
THOMAS DOBBS	213 OLYMPIC DR 78382
Robert Rayle	131 MARION DR. 78382
Stephanie Redding	209 Dorval Lane 78382
Joni Valente	702 Waterwood St.
Jessie V. Forest	416 CHERRY HILLS DR 78382
Art T. Lovett	2329 HARBOR DR. 78382

Name	Address
Mary Jo Lovard:	2324 Harbor Dr. Rockport 78382
Dan V. Bely	125 Royal Oak Dr. Rockport 78382
FRED KAHN	409 AUGUST DR. ROCKPORT TX 78382
GREG MIXON	209 OLYMPIC DR. Rockport TX 78382
Jim MIXON	209 OLYMPIC DR. Rockport TX 78382
Jack Lee	1910 Percival Rockport TX 78382
Virginia Croon	1910 Percival Ave Rkpt
Jim Benson	217 OLYMPIC DR. ROCKPORT
Mary Benson	217 Olympic Dr. Rockport
David Lee	466 Augusta Rockport
Janice Mixon	209 Olympic Dr. Rockport.
Tommy Legner	105 OAKMONT DR. ROCKPORT
Madelaine Legner	105 Oakmont Dr Rockport

Name

Address

Rickey Williams

66 Curlew, Rockport

Patty Martin

20 Catalina Dr

~~Gene Martin~~

20 Catalina Dr. Rockport, TX

Linda Williams

66 Curlew, Rockport, TX

~~Gene Martin~~
Linda Brackley

207 OLYMPIC

207 Olympic

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Name

address

Stephen Powers

66 Blue Heron Dr Rockport 78382

LYDDA Powers

66 BLUE HERON DR Rockport 78382

Name

Address

Jeffrey S. Davis	304 CHAMPIONS
Jeffrey S. Davis	304 Champions
Ruth D	103 ROYAL OAKS
Lisa S. Bibean	103 Royal Oaks Dr 78382
Avery Harrell	365 Weeping Willow, 78382
Kimberly Harrell	315 Weeping Willow 78382
Barbara Smith	205 Royal Oaks Dr
N B Smith	205 Royal Oaks 78382
Ed Janacek	401 CHAMPIONS DR
Mary Lou Janacek	401 Champion Dr.
Jane Chazy	215 Olympic Dr
Jane Chazy	215 OLYMPIC DR
N B Jan	205 N. Fath Seed Keb. H.S.

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Name

address

BRIDGET BRUNOUST	422 FAIRMONT OAKS ST., ROCKPORT
JENNIFER SUTTON	1521 116th ST. ROCKPORT

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Name

address

Dicky Williams

407 AUGUSTA DR.

Lisa Williams

407 Augusta Drive

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Name

address

Bobbie Mills

118 Marion Dr

Bobbie Mills

118 Marion Dr.

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Name

address

<u>Dave Foster</u>	<u>36 Curlew, Rockport</u>
<u>Bob C Foster</u>	<u>36 Curlew Rockport</u>

Name

Address

Name Andy L Ray

119 Marion Dr. Rockport

Regina White

206 Champions Rd Rkt

Agar Pak (N)

Parker) 203 Olympic - Rockport

MS

444 619 999

Daisy Hoffman

39 5/ Andrews P!

Kevin Hanson

19540 Bay Shore St RP

Nick Johnson

153 Shedden Moss Ln Rockport TX

E. G. Starbuck

301 Olympic Dr. Rockport, Tx

Shirley Stroh

30/ Olympic W. Rockport, Tex

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Name

address

<u>Darin Oliver</u>	<u>101 St. Andrews St. Rockport</u>
<u>Johnny Wright</u>	<u>215 Royal Oaks Dr.</u>

Name

Address

Brandi Mills	1619 Myrtle Street
Paul Mah	186 Heron Oak Rockport
Allison McLain Bruun	209 Forest Hills #121
Chadler Bruun	" "
Russel Horner	206 Marion Pr
Autumn Horner	206 Marion Pr.
Lay Hooker	401 Kusscrang Ln #14
Penny Shephard	22 Mazatlan Dr.
Wayne Moore	106 Oak Tree Street
Lay Hooker	1836 Bayshore Dr. Rockport
Staci Hagers	1836 Bayshore Dr. Rockport
Penny Lugo	1836 Bayshore Dr. Rockport
Kim Stiles	382 Egery Island Rockport
Doug Atkins	392 Egery Island Rockport
Jim McHenry	667 Catano Ridge Rd

Name

Address

Jeffrey S. Davis	304 CHAMPIONS
Jeffrey S. Davis	304 Champions
Ruth D	103 ROYAL OAKS
Lisa S. Bibean	103 Royal Oaks Dr 78382
Avery Harrell	365 Weeping Willow, 78382
Kimberly Harrell	365 Weeping Willow 78382
Barbara Smith	205 Royal Oaks Dr
N B Smith	205 Royal Oaks 78382
Ed Janecek	401 CHAMPIONS Dr
Mary-Lou Janecek	401 Champion Dr.
Jane Chapp	215 Olympic Dr
John Hagy	215 OLYMPIC DR
N B	2003 N. Fath Seed Kd. HSA

Name

Address

RONALD DEAN RAVEN 401 N FOURTH ST. FULTON, TX. 78382
Cheryl R Martin 401 N. Fourth St. Fulton TX 78382
MISTY MCCLENAGHAN 50 FLAMINGO PT. ROCKPORT, TX 78382
VIKKI MCCLENAGHAN 50 FLAMINGO PT ROCKPORT, TX 78382

Name

Address

Anne Page

138 Phillip Lane

William Page

138 Phillip Lane

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Name

address

Steve N. Lee 19 BIRCH DR RR 72382
M. K. Keweenaw

Name

Address

KATHERINE PHILLIPS	2331 Harbor Dr
Betsy Burton	326 Olympic Dr.
Neddy Jackson	312 Olympic Dr.
Brenda Hoover	343 Olympic St.
Donna Cameron	504 English St.
Beverly Robin	130 Peachtree St RP
Thick Rabin	130 Peachtree St. RP
Jimmy Brown	667 Brown St.
Tom Mich	204 MARION DR.
Kathleen McLean	204 MARION DRIVE
Terry Tucker	210 Oak Bay #304
Jude Stengel	210 Oak Bay #1002
Jack Sicut	305 Olympic Dr.

CITY COUNCIL AGENDA

Regular Meeting: Tuesday, April 25, 2023

AGENDA ITEM: 17

Deliberate and act on first reading of an Ordinance amending Article 4 of the City of Rockport Zoning Ordinance Number 1027 by changing the zoning of land located at 1724 FM 3036; also known as La Salle Estates P.U.D, City of Rockport, Aransas County, Texas, Planned Unit Development (PUD) single use overlay district containing 80 attached single-family dwellings (townhouses) along with such features and amenities; currently zoned P.U.D with R-5 (2nd Multi-Family Dwelling District) use repealing all ordinances in conflict therewith; providing for severability; and providing an effective date.

SUBMITTED BY: Carey Dietrich- Asst. Director Building & Development/ Community Planner

APPROVED FOR AGENDA: VRS

BACKGROUND: The property known as LaSalle Estates was a PUD approved for single-family townhouses originally; however, after Harvey, the PUD was revised to allow R5 (2nd Multi Family Dwelling District) instead of Townhouses but was never utilized and building of townhouses continued. The owners wish to revert back to the original PUD allowed in Ordinance No. 1385 to be compliant with future development.

A public notice regarding this item was published in The Rockport Pilot in the Saturday, April 1, 2023 edition and mailed out to eighty four (84) property owners within a 200-foot radius of the property. Fifty-Seven (57) letters For and none Against the request have been received at this time.

Please see the accompanying zoning change request application and Section 118-13 of the Code of Ordinances for detailed information.

RECOMMENDATION: Planning & Zoning Commission by unanimous vote recommends approval of a first reading of an Ordinance amending Article 4 of the City of Rockport Zoning Ordinance Number 1027 by changing the zoning of land located at 1724 FM 3036; also known as La Salle Estates P.U.D, City of Rockport, Aransas County, Texas, to Planned Unit Development (PUD) single use overlay district containing 80 attached single-family dwellings (townhouses) along with such features and amenities; currently zoned P.U.D with R-5 use (2nd Multi-Family Dwelling District).

ORDINANCE NO. ____

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP AS STIPULATED UNDER ARTICLE 4.1 OF THE CITY OF ROCKPORT ZONING ORDINANCE NUMBER 1027 BY CHANGING THE ZONING OF LAND FROM PLANNED UNIT DEVELOPMENT (P.U.D) WITH R-5 (2ND MULTI-FAMILY DWELLING DISTRICT) USE FOR PROPERTY LOCATED AT 1724 FM 3036; ALSO KNOWN AS LA SALLE ESTATES P.U.D, CITY OF ROCKPORT, ARANSAS COUNTY, TEXAS, TO PLANNED UNIT DEVELOPMENT (P.U.D.) SINGLE USE OVERLAY DISTRICT CONTAINING 80 ATTACHED SINGLE-FAMILY DWELLINGS (TOWNHOUSES) ALONG WITH SUCH FEATURES AND AMENITIES; REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, On March 28, 2023, notice was posted on the bulletin boards at the City of Rockport Service Center, 2751 State Highway 35 Bypass, and on the City's webpage www.cityofrockport.com; and

WHEREAS, on March 29, 2023, notice was mailed to affected property owners within 200' of subject property; and

WHEREAS, on April 1, 2023, the City caused to be published "Notice of Public Hearing" in the official newspaper of the City notifying area residents and the public in general to participate and make their views known regarding this request; and

WHEREAS, on April 17, 2023, at 5:30 p.m., the Planning & Zoning Commission did hold a Public Hearing, and on April 25, 2023, at 6:30 p.m., the Rockport City Council did hold a Public Hearing; and

WHEREAS, on April 1, 2023, the Planning & Zoning Commission did meet and said Commission voted to recommend to the City Council to approve this request to re-zone property, located at 1724 FM 3036 from Planned Unit Development (PUD) with R-5 (2nd Multi Family Dwelling District) use to Planned Unit Development (PUD) single use overlay district containing 80 attached single-family dwellings (townhouses) along with such features and amenities.

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

SECTION 1 – AMENDMENT

That, pursuant to Article 4 of the City of Rockport Zoning Ordinance Number 1027, the current zoning of land located at 1724 FM 3036; also known as La Salle Estates P.U.D, City of Rockport, Aransas County, Texas; be changed from PUD with R-5 (2nd Multi Family Dwelling District) use to Planned Unit Development (PUD) single use overlay district containing 80 attached single-family dwellings (townhouses) along with such features and amenities.

SECTION 2 - REPEALER

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

SECTION 3 - SEVERABILITY

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

SECTION 4 - EFFECTIVE DATE

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

APPROVED on first reading this the 25th day of April, 2023.

CITY OF ROCKPORT, TEXAS

Tim Jayroe, Mayor

ATTEST:

Teresa Valdez, City Secretary

APPROVED, PASSED and **ADOPTED** on second and final reading, this ____ day of _____ 2023.

CITY OF ROCKPORT, TEXAS

Tim Jayroe, Mayor

ATTEST:

Teresa Valdez, City Secretary



CITY OF ROCKPORT
ZONING AND LAND DEVELOPMENT APPLICATION

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

- A. REQUESTING: Rezoning ☒ Conditional Permit ☐
 Planned Unit Development (P.U.D.) by Conditional Permit ☐
- B. ADDRESS AND LOCATION OF PROPERTY 1724 FM 3036
ROCKPORT TX 78382
- C. CURRENT ZONING OF PROPERTY: PUD w/ R-5 Use
- D. PRESENT USE OF PROPERTY: Single Family Units (Townhomes)
- E. ZONING DISTRICT REQUESTED: PUD w/ detached Single family (Townhome)
- F. CONDITIONAL USE REQUESTED: N/A
- G. LEGAL DESCRIPTION: (Fill in the one that applies)
- Lot or Tract 445 Block 16
 - Tract A 219 T.T. Williams of the T.T. Williams Survey
 Survey as per metes and bounds (field notes attached)
 - If other, attach copy of survey or legal description from the Records of Aransas County or Appraisal District.
- H. NAME OF PROPOSED DEVELOPMENT (if applicable) LaSalle Townhomes
- I. TOTAL ACREAGE OR SQ. FT. OF SITE(S): 7 acres
- J. REASON FOR REQUEST AND DESCRIPTION OF DEVELOPMENT:
 (Please be specific)
- Revert to original PUD as described in
Ordinance 1385

K. OWNER'S NAME: (Please print) KAD. LLC
 ADDRESS: 1798 Bay Shore Dr.
 CITY, STATE, ZIP CODE: Rockport, TX 78382
 PHONE NO 361-729-3691

L. REPRESENTATIVE: (If Other Than Owner) JOE HAMLOCK
 ADDRESS: 1798 Bay Shore Dr.
 CITY, STATE, ZIP CODE: Rockport, TX 78382
 PHONE NO 281-753-2151

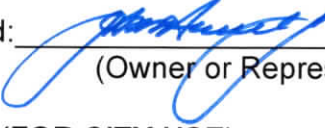
NOTE: Do you have property owner's permission for this request?
 YES ☒ NO ☐

M. FILING FEE:

REZONING	\$150.00 + \$10.00 PER ACRE ^{x7}
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: \$ _____

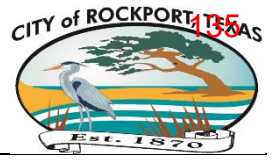
Submitted Information (____ accepted) (____ rejected) by: _____

If rejected, reasons why: _____

Receipt No. _____

STAFF REPORT

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

**PROPERTY ADDRESS/LOCATION**

1724 FM 3036

APPLICANT/PROPERTY OWNER

Key Allegro Development, LLC, Owner

PUBLIC HEARING DATE

P&Z - Monday, Monday, April 17, 2023
 CC - Tuesday, April 25, 2023

P&Z DATE

Monday, April 17, 2023

CITY COUNCIL DATE(S)

1st Reading - Tuesday, April 25, 2023
 2nd Reading - Tuesday, May 9, 2023

BRIEF SUMMARY OF REQUEST

Property owner, Key Allegro Development, LLC represented by Joe Hancock wishes to rezone the property located at 1724 FM 3036, otherwise known as LaSalle Estates PUD, from PUD with R5 (2nd Multi Family Dwelling District) to PUD with 80 attached single family dwellings (townhouses) converting back to the original PUD zoning as per Ordinance No. 1385.

A public notice regarding this item was published in The Rockport Pilot in the Saturday, April 1, 2023 edition and mailed out to eighty four (84) property owners within a 200-foot radius of the property. 57 letters For and none Against the request have been received at this time.



MAP SOURCE: Pictometry

EXISTING ZONING	EXISTING LAND USE	SURROUNDING ZONING & LAND USE	SITE IMPROVEMENTS	SIZE OF PROPERTY
PUD with R-5 – 2 nd Multi-Family Dwelling District use	Currently Single Family Townhomes	N – B-1 (General Business District) S – R-5 (2 nd Multi Family Dwelling District) E – R-5 (2 nd Multi Family Dwelling District) and B-1 (General Business District) W – B-1 (General Business District)	Single Family Homes (Townhomes)	

STAFF RECOMMENDATION

APPROVE

DENY

COMPATIBILITY with the ZONING ORDINANCE

The Current Future Land Use Map suggests Commercial Use

PROPERTY HISTORY

The property known as LaSalle Estates was a PUD approved for single-family townhouses originally; however, after Harvey, the PUD was revised to allow R5 (2nd Multi Family Dwelling District) instead of Townhouses but was never utilized and building of townhouses continued. They wish to revert back to the original PUD allowed in Ordinance No. 1385 (attached) to be compliant with future development.

ATTACHMENTS (CIRCLE)

SUBMITTED PLANS

PUBLIC HEARING PETITION/
APPLICATION FORM

LEGAL NOTICE

LEGAL DESCRIPTION

PUBLIC COMMENTS

AGENCY COMMENTS

RESPONSE TO STANDARDS

OTHER (DESCRIBE)

<u>Property ID</u>	<u>Property Owner</u>	<u>Situs Address</u>	<u>Mailing Address</u>	<u>City</u>	<u>State</u>	<u>ZIP</u>
70025	Key Allegro Development LLC	1724 FM 3036	1798 BAY SHORE DR	ROCKPORT	Tx	78382
70034	Key Allegro Development LLC	117 LAVACA CIR	1798 BAY SHORE DR	ROCKPORT	Tx	78382
70035	Key Allegro Development LLC	115 LAVACA CIR	1798 BAY SHORE DR	ROCKPORT	Tx	78382
70033	Key Allegro Development LLC	113 LAVACA CIR	1798 BAY SHORE DR	ROCKPORT	Tx	78382
70032	Key Allegro Development LLC	111 LAVACA CIR	1798 BAY SHORE DR	ROCKPORT	Tx	78382
70031	Key Allegro Development LLC	107 LAVACA CIR	1798 BAY SHORE DR	ROCKPORT	Tx	78382
70030	Key Allegro Development LLC	109 LAVACA CIR	1798 BAY SHORE DR	ROCKPORT	Tx	78382
70029	Key Allegro Development LLC	105 LAVACA CIR	1798 BAY SHORE DR	ROCKPORT	Tx	78382
70028	Key Allegro Development LLC	103 LAVACA CIR	1798 BAY SHORE DR	ROCKPORT	Tx	78382
70027	ROBERT BRIGMAN	101 LA BELLE AVE	101 LA BELLE AVE	ROCKPORT	Tx	78382
70026	DAVID ETUX DIANA M CASAS	103 LA BELLE AVE	7970 FREDERICKSBURG RD #101-28	SAN ANTONIO	Tx	78229
70105	Key Allegro Development LLC	102 LA BELLE AVE	1798 BAY SHORE DR	ROCKPORT	Tx	78382
70104	Key Allegro Development LLC	104 LA BELLE AVE	1798 BAY SHORE DR	ROCKPORT	TX	78382
70103	Key Allegro Development LLC	187 LAVACA CIR	1798 BAY SHORE DR	ROCKPORT	Tx	78382
70102	Key Allegro Development LLC	189 LAVACA CIR	1798 BAY SHORE DR	ROCKPORT	Tx	78382
70101	Key Allegro Development LLC	185 LAVACA CIR	1798 BAY SHORE DR	ROCKPORT	Tx	78382
70100	Key Allegro Development LLC	183 LAVACA CIR	1798 BAY SHORE DR	ROCKPORT	Tx	78382
70099	Key Allegro Development LLC	179 LAVACA CIR	1798 BAY SHORE DR	ROCKPORT	Tx	78382
70098	Key Allegro Development LLC	181 LAVACA CIR	1798 BAY SHORE DR	ROCKPORT	Tx	78382
70097	Key Allegro Development LLC	177 LAVACA CIR	1798 BAY SHORE DR	ROCKPORT	Tx	78382
70096	Key Allegro Development LLC	175 LAVACA CIR	1798 BAY SHORE DR	ROCKPORT	Tx	78382
70094	Key Allegro Development LLC	174 LAVACA CIR	1798 BAY SHORE DR	ROCKPORT	Tx	78382
70095	Key Allegro Development LLC	176 LAVACA CIR	1798 BAY SHORE DR	ROCKPORT	Tx	78382
70093	Key Allegro Development LLC	172 LAVACA CIR	1798 BAY SHORE DR	ROCKPORT	Tx	78382
70092	Key Allegro Development LLC	170 LAVACA CIR	1798 BAY SHORE DR	ROCKPORT	Tx	78382
70091	Key Allegro Development LLC	168 LAVACA CIR	1798 BAY SHORE DR	ROCKPORT	Tx	78382
70090	Key Allegro Development LLC	166 LAVACA CIR	1798 BAY SHORE DR	ROCKPORT	Tx	78382
70089	Key Allegro Development LLC	164 LAVACA CIR	1798 BAY SHORE DR	ROCKPORT	Tx	78382
70088	Key Allegro Development LLC	162 LAVACA CIR	1798 BAY SHORE DR	ROCKPORT	Tx	78382
70087	Key Allegro Development LLC	160 LAVACA CIR	1798 BAY SHORE DR	ROCKPORT	Tx	78382
70086	Key Allegro Development LLC	158 LAVACA CIR	1798 BAY SHORE DR	ROCKPORT	Tx	78382
70082	Key Allegro Development LLC	114 LAFAYETTE LN	1798 BAY SHORE DR	ROCKPORT	Tx	78382

70083	Key Allegro Development LLC	116 LAFAYETTE LN	1798 BAY SHORE DR	ROCKPORT	Tx	78382
70084	Key Allegro Development LLC	154 LAVACA CIR	1798 BAY SHORE DR	ROCKPORT	Tx	78382
70085	Key Allegro Development LLC	156 LAVACA CIR	1798 BAY SHORE DR	ROCKPORT	Tx	78382
70065	ALEXIS BRACHT	144 LAVACA CIR	P O BOX 262	ROCKPORT	Tx	78381
70066	JD YAR INC	146 LAVACA CIR	P O BOX 16504	GALVESTON	TX	77552
70074	Key Allegro Development LLC	103 LAFAYETTE LN	1798 BAY SHORE DR	ROCKPORT	Tx	78382
70073	Key Allegro Development LLC	105 LAFAYETTE LN	1798 BAY SHORE DR	ROCKPORT	Tx	78382
70072	Key Allegro Development LLC	107 LAFAYETTE LN	1798 BAY SHORE DR	ROCKPORT	Tx	78382
70071	Key Allegro Development LLC	109 LAFAYETTE LN	1798 BAY SHORE DR	ROCKPORT	Tx	78382
70070	Key Allegro Development LLC	111 LAFAYETTE LN	1798 BAY SHORE DR	ROCKPORT	Tx	78382
70069	Key Allegro Development LLC	152 LAVACA CIR	1798 BAY SHORE DR	ROCKPORT	Tx	78382
70056	BURNIS N ETUX MARGARET C SMITH	102 FRONTENAC LN	34 SAINT ANDREWS PL	ROCKPORT	Tx	78382
70057	AMY MCINTOSH	104 FRONTENAC LN	P O BOX 1706	FULTON	Tx	78358
70059	DANA E & KEVIN S DRAKE	108 FRONTENAC LN	2116 WENNECA AVE	FORT WORTH	TX	76102
70060	CHRISTOPHER & SARA CAMPE	110 FRONTENAC LN	219 SOUTHGATE DR	SAINT PAUL	MN	55115
70061	PATRICIA MOZLEY & DAVID BUSH & CANDY	112 FRONTENAC LN	643 ROYAL SAGE DR	SEGUIN	Tx	78155
70055	KELLY LUDVIGSON	101 FRONTENAC LN	712 DIVISION ST E	FARIBAULT	MN	55021
70054	BRIAN & SHALONN SIMMONS	103 FRONTENAC LN	103 FRONTENAC	ROCKPORT	Tx	78382
70053	DANA E & KEVIN S DRAKE	105 FRONTENAC LN	1927 BURKETT CT	CLEBURNE	Tx	76033
70052	CHRISTOPHER & SARA CAMPE	107 FRONTENAC LN	219 SOUTHGATE DR	SAINT PAUL	MN	55115
70051	CHRISTOPHER & SARA CAMPE	109 FRONTENAC LN	219 SOUTHGATE DR	SAINT PAUL	MN	55115
70050	PATRICIA MOZLEY & DAVID BUSH & CANDY	111 FRONTENAC LN	643 ROYAL SAGE DR	SEGUIN	Tx	78155
70049	Key Allegro Development LLC	113 FRONTENAC LN	1798 BAY SHORE DR	ROCKPORT	Tx	78382
70048	JAMES CLARKSON & TOMMY VALDEZ	115 FRONTENAC LN	115 FRONTENAC	ROCKPORT	Tx	78382
70047	Key Allegro Development LLC	136 LAVACA CIR	1798 BAY SHORE DR	ROCKPORT	Tx	78382
70037	JEAN LEWIS	116 LAVACA CIR	1724 FM 3036 UNIT 103	ROCKPORT	Tx	78382
70036	RICHARD & WANDA WEBER	114 LAVACA CIR	105 RED OAK CIR	CUERO	Tx	77954
70038	SUSIE LEE	118 LAVACA CIR	P O BOX 478	FULTON	Tx	78358
70039	JOHN & DANA PRATOR	120 LAVACA CIR	112 LIVE OAK DR	CEDAR CREEK	Tx	78612
70040	THOMAS C JR ETUX & CYNTHIA D DOVEY	122 LAVACA CIR	1047 RANGER RDG	NEW BRAUNFELS	Tx	78132
70041	JAMES YARBROUGH	124 LAVACA CIR	P O BOX 16504	GALVESTON	Tx	77552
70042	Key Allegro Development LLC	126 LAVACA CIR	1798 BAY SHORE DR	ROCKPORT	Tx	78382
70043	WILBUR & NICHOLE SAMESHIMA	128 LAVACA CIR	7586 S DETROIT ST	CENTENNIAL	CO	80122
70044	CHRISTOPHER ETUX & SAVANNAH KNOX	130 LAVACA CIR	130 LAVACA CIRCLE	ROCKPORT	Tx	78382

70045	JAMES YARBROUGH	132 LAVACA CIR	P O BOX 16504	GALVESTON	Tx	77552
70081	Key Allegro Development LLC	112 LAFAYETTE LN	1798 BAY SHORE DR	ROCKPORT	Tx	78382
70080	Key Allegro Development LLC	110 LAFAYETTE LN	1798 BAY SHORE DR	ROCKPORT	Tx	78382
70079	Key Allegro Development LLC	108 LAFAYETTE LN	1798 BAY SHORE DR	ROCKPORT	Tx	78382
70078	Key Allegro Development LLC	106 LAFAYETTE LN	1798 BAY SHORE DR	ROCKPORT	Tx	78382
70077	Key Allegro Development LLC	104 LAFAYETTE LN	1798 BAY SHORE DR	ROCKPORT	Tx	78382
70076	Key Allegro Development LLC	102 LAFAYETTE LN	1798 BAY SHORE DR	ROCKPORT	Tx	78382
65974	OAKS AT BENTWATER OWNER LLC	1702 FM 3036	30 S WACKER DR #2855	CHICAGO	IL	60606
66577	CHAD CHAPMAN	434 OLYMPIC DR	3108 LOOP 1781	ROCKPORT	Tx	78382
66576	SANDEEP PATEL	432 OLYMPIC DR	355 BUNKER HILL RD	HOUSTON	Tx	77024
64305	ROCKPORT CLUB ESTATES LP	429-433 OLYMPIC DR	3001 TRAYLOR BLVD	ROCKPORT	Tx	78382
35402	OAK CREST NURSING HOME #1221	1902 FM 3036	101 W GOODWIN STE 600	VICTORIA	Tx	77901
19819	SHORTLINE MHP LLC	1907 FM 3036	4801 RICHMOND AVE	HOUSTON	Tx	77027
44343	GEORGE JR & MARY HIME	1901 FM 3036	1901 FM 3036	ROCKPORT	Tx	78382
62235	MARY SHERMAN	1801 FM 3036	P O BOX 641	FULTON	Tx	78358
19827	RICHARD HOWLETT	1721 FM 3036	P O BOX 1816	ROCKPORT	Tx	78381
70067	JD YAR INC	148 LAVACA CIR	P O BOX 16504	GALVESTON	Tx	77552
70068	Key Allegro Development LLC	150 LAVACA CIR	1798 BAY SHORE DR	ROCKPORT	Tx	78382



PUBLIC HEARING
Planning & Zoning Commission
and City Council

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

CITY OF ROCKPORT, TEXAS

/s/ Teresa Valdez, City Secretary

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

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

Printed Name: DAVID BUSH, Candice Sample, PATRICIA MOZLEY
 Address: 643 Royal Sage Dr City/State: SEGUIN, TX 78155
☒ IN FAVOR ☐ IN OPPOSITION Phone: 210 863 3033

REASON:

Signature Patricia Mozley
 See map on reverse side.



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Printed Name: DAVID BUSH, Candice Sample, PATRICIA MOZLEY
Address: 143 Royal Sage Dr City/State: Sequim, TX 78155

☒ IN FAVOR () IN OPPOSITION

Phone: 20 863 3033

REASON:

Signature Patricia Mozley
See map on reverse side.



PUBLIC HEARING

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Printed Name: Joe Hancock

Address: 1748 Bayshore Dr

City/State: Rockport

Phone: 281-753-2151

☒ IN FAVOR () IN OPPOSITION

REASON:

Signature [Signature]

See map on [unclear] side.



PUBLIC HEARING
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Printed Name: JOE HANCOCK

Address: 1448 Bayshore

City/State: Rockport, TX 78382

☒ IN FAVOR () IN OPPOSITION

Phone: 281-253-2151

REASON:

Signature [Signature]

See map on reverse side.



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Printed Name: Joe Hanisch

Address: 1795 Bay Street Dr

City/State: Rockport, TX

Phone: 281-753-2151

☒ IN FAVOR () IN OPPOSITION

REASON:

Signature [Signature]

See map on reverse side.



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CITY OF ROCKPORT, TEXAS

/s/ Teresa Valdez, City Secretary

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

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

Printed Name: DE Amick
 Address: 1724 FM 3036 DR City/State: Rockport, TX

☒ IN FAVOR () IN OPPOSITION

Phone: 281-753-2151

REASON:

Signature

See map on reverse side.



PUBLIC HEARING
Planning & Zoning Commission
and City Council

NOTICE is hereby given that the Planning & Zoning Commission will hold a Public Hearing on Monday April 17, 2023, at 5:30 p.m. and the Rockport City Council will hold a Public Hearing on Tuesday, April 25, 2023, at 6:30 p.m., at the Rockport Service Center, 2751 State Highway 35 Bypass, Rockport, Texas, to consider a request to revert back to original Planned Unit Development (P.U.D) as described in Ordinance No. 1385 for property located at 1724 FM 3036; also known as La Salle Estates P.U.D., City of Rockport, Aransas County, Texas, to allow the use of 80 detached single-family dwellings (townhouses); currently zoned P.U.D with R-5 use (Second Multi-Family Dwelling District).

Members of the public can view the meeting remotely via live stream at the address that will be provided on the Planning & Zoning Commission Agenda of April 17, 2023, and the City Council Agenda of April 25, 2023, and posted on the City's website www.cityofrockport.com.

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

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Printed Name: Joe HANCOCK
 Address: 1798 Bayshore City/State: Rockport TX
☒ IN FAVOR () IN OPPOSITION Phone: 281-253-2157

REASON:

Signature

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PUBLIC HEARING
Planning & Zoning Commission
and City Council

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Printed Name: Joe HANCOCK

Address: 1798 Bayshore

City/State: Rockport

☒ IN FAVOR () IN OPPOSITION

Phone: 361-253-2151

REASON:

Signature

See map on reverse side.



PUBLIC HEARING

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Printed Name: Joe Hancock

Address: 1798 Bay Shore

City/State: Rockport

☒ IN FAVOR () IN OPPOSITION

Phone: 281-753-2151

REASON:

Signature

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PUBLIC HEARING
Planning & Zoning Commission
and City Council

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Printed Name: JOE HANCOCK

Address: 1798 Bayshore

City/State: Rockport TX

☒ IN FAVOR () IN OPPOSITION

Phone: 281-253-2151

REASON:

Signature

See map on reverse side.



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Printed Name: JOE WANCOCK

Address: 1798 Bay Shore

City/State: Rockport TX

☒ IN FAVOR () IN OPPOSITION

Phone: 361-753-2151

REASON:

Signature

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Planning & Zoning Commission
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Printed Name: Joe Hancock

Address: 1798 Bayshore

City/State: Rockport TX

☒ IN FAVOR () IN OPPOSITION

Phone: 281-253-2151

REASON:

Signature

See map on reverse side.



PUBLIC HEARING
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Printed Name: JOE NANCOCK

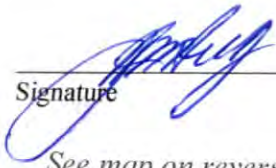
Address: 1798 Bayside

City/State: Rockport TX

☒ IN FAVOR () IN OPPOSITION

Phone: 281-953-2151

REASON:


 Signature

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Printed Name: Joe Hancock City/State: Rockport TX
 Address: 1798 Bayshore
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REASON:

Signature

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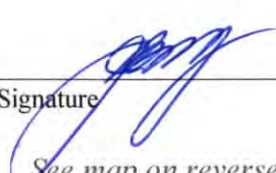
Address: 1798 Bayshore

City/State: Rockport TX

(☒) IN FAVOR () IN OPPOSITION

Phone: 281-253-2151

REASON:

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Address: 1798 Bayshore

City/State: Rockport TX

☒ IN FAVOR () IN OPPOSITION

Phone: 281-253-2151

REASON:

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Address: 1798 Bayshore

City/State: Rockport TX

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Phone: 281-253-2151

REASON:

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

CITY OF ROCKPORT, TEXAS

/s/ Teresa Valdez, City Secretary

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

Printed Name: Joe Hancock

Address: 1798 Bayshore

City/State: 281-253-2151

(☒) IN FAVOR () IN OPPOSITION

Phone: Rockport TX

REASON:

Signature

See map on reverse side.



PUBLIC HEARING
Planning & Zoning Commission
and City Council

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Printed Name: Joe HANCOCK

Address: 1798 Bayshore

City/State: Rockport TX

(☒) IN FAVOR () IN OPPOSITION

Phone: 281-793-2157

REASON:

Signature

See map on reverse side.



PUBLIC HEARING
Planning & Zoning Commission
and City Council

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Printed Name: JOE HANCOCK

Address: 1798 Bayshore Dr

City/State: Rockport TX

(☒) IN FAVOR () IN OPPOSITION

Phone: 281-253-2151

REASON:

Signature

See map on reverse side.



PUBLIC HEARING
Planning & Zoning Commission
and City Council

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Printed Name: JOE HANCOCK

Address: 1798 Bayshore

City/State: Rockport TX

☒ IN FAVOR () IN OPPOSITION

Phone: 281-253-2151

REASON:

Signature

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PUBLIC HEARING
Planning & Zoning Commission
and City Council

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Printed Name: JOE HANCOCK

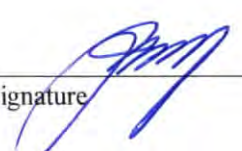
Address: 1798 Bayshore

City/State: Rockport TX

☒ IN FAVOR () IN OPPOSITION

Phone: 281-253-2151

REASON:

Signature 

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PUBLIC HEARING
Planning & Zoning Commission
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Printed Name: JOE HANOCK City/State: Rockport TX
 Address: 1798 Bayside
 (☒) IN FAVOR () IN OPPOSITION Phone: 281-753-2151

REASON:

Signature

See map on reverse side.



PUBLIC HEARING
Planning & Zoning Commission
and City Council

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Printed Name: JOE HANCOCK

Address: 1798 Bayshore

City/State: Rockport

☒ IN FAVOR () IN OPPOSITION

Phone: 281-253-2151

REASON:

Signature

See map on reverse side.



PUBLIC HEARING
Planning & Zoning Commission
and City Council

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Printed Name: JOE HANCOCK

Address: 1798 Bayshore

City/State: Rockport TX

(☒) IN FAVOR () IN OPPOSITION

Phone: 281-753-2151

REASON:

Signature

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PUBLIC HEARING
Planning & Zoning Commission
and City Council

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Printed Name: Joe HANCOCK

Address: 1798 Bayshore

City/State: Rockport TX

(☒) IN FAVOR () IN OPPOSITION

Phone: 281-753-2151

REASON:

Signature

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PUBLIC HEARING
Planning & Zoning Commission
and City Council

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Printed Name: Joe HANCOCK

Address: 1798 Bay Shore

City/State: Rockport TX

☒ IN FAVOR () IN OPPOSITION

Phone: 281-753-2151

REASON:

Signature

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PUBLIC HEARING
Planning & Zoning Commission
and City Council

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Printed Name: JOE HANCOCK
 Address: 1798 Bayshore City/State: Rockport
 (☒) IN FAVOR () IN OPPOSITION Phone: 361-253-2151

REASON:

Signature

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PUBLIC HEARING
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and City Council

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Printed Name: Joe HANCOCK

Address: 1798 Bayshore

City/State: Rockport

☒ IN FAVOR () IN OPPOSITION

Phone: 361-253-2151

REASON:

Signature

See map on reverse side.



PUBLIC HEARING
Planning & Zoning Commission
and City Council

NOTICE is hereby given that the Planning & Zoning Commission will hold a Public Hearing on Monday April 17, 2023, at 5:30 p.m. and the Rockport City Council will hold a Public Hearing on Tuesday, April 25, 2023, at 6:30 p.m., at the Rockport Service Center, 2751 State Highway 35 Bypass, Rockport, Texas, to consider a request to revert back to original Planned Unit Development (P.U.D) as described in Ordinance No. 1385 for property located at 1724 FM 3036; also known as La Salle Estates P.U.D., City of Rockport, Aransas County, Texas, to allow the use of 80 detached single-family dwellings (townhouses); currently zoned P.U.D with R-5 use (Second Multi-Family Dwelling District).

Members of the public can view the meeting remotely via live stream at the address that will be provided on the Planning & Zoning Commission Agenda of April 17, 2023, and the City Council Agenda of April 25, 2023, and posted on the City's website www.cityofrockport.com.

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

CITY OF ROCKPORT, TEXAS

/s/ Teresa Valdez, City Secretary

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Printed Name: Joe Hancock

Address: 1798 Bayshore

City/State: Rockport

☒ IN FAVOR () IN OPPOSITION

Phone: 281-753-2151

REASON:

Signature 

See map on reverse side.



PUBLIC HEARING
Planning & Zoning Commission
and City Council

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Printed Name: Joe Hancock

Address: 1798 Bayshore

City/State: Rockport

☒ IN FAVOR () IN OPPOSITION

Phone: 281-753-2151

REASON:

Signature 

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PUBLIC HEARING
Planning & Zoning Commission
and City Council

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Printed Name: Joe HANCOCK

Address: 1298 Bay Shore

City/State: Rockport TX

☒ IN FAVOR () IN OPPOSITION

Phone: 281-753-2151

REASON:

Signature

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PUBLIC HEARING
Planning & Zoning Commission
and City Council

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Printed Name: Joe HANCOCK
 Address: 1798 Bayshore

City/State: Rockport TX

☒ IN FAVOR () IN OPPOSITION

Phone: 281-753-2151

REASON:

Signature

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PUBLIC HEARING
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Printed Name: Joe Hancock
 Address: 1798 Bayshore City/State: Rockport TX
☒ IN FAVOR () IN OPPOSITION Phone: 281-753-2151

REASON:

Signature

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PUBLIC HEARING
Planning & Zoning Commission
and City Council

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Printed Name: Joe HANCOCK

Address: 1798 Bay Shore

City/State: Rockport TX

☒ IN FAVOR () IN OPPOSITION

Phone: 281-753-2151

REASON:

Signature

See map on reverse side.



PUBLIC HEARING
Planning & Zoning Commission
and City Council

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Printed Name: Joe HANCOCK

Address: 1798 Bayshore Dr

City/State: Rockport TX

☒ IN FAVOR () IN OPPOSITION

Phone: 281-753-2151

REASON:

Signature 

See map on reverse side.



PUBLIC HEARING
Planning & Zoning Commission
and City Council

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Printed Name: Joe HANCOCK
 Address: 1798 Bayshore Dr City/State: Rockport
 (☒) IN FAVOR (☐) IN OPPOSITION Phone: 281-753-2151

REASON:

Signature

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PUBLIC HEARING
Planning & Zoning Commission
and City Council

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Printed Name: Joe Hancock
 Address: 1798 Bayshore City/State: Rockport
 (☒) IN FAVOR () IN OPPOSITION Phone: 281-753-2157

REASON:

Signature

See map on reverse side.



PUBLIC HEARING
Planning & Zoning Commission
and City Council

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Printed Name: Joe Hancock
 Address: 1798 Bayshore

City/State: Rockport TX

(☒) IN FAVOR () IN OPPOSITION

Phone: 281-753-2151

REASON:

Signature

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PUBLIC HEARING
Planning & Zoning Commission
and City Council

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Printed Name: JOE HANCOCK

Address: 1798 Bay Shore

City/State: Rockport TX

(☒) IN FAVOR () IN OPPOSITION

Phone: 281-753-2151

REASON:

Signature

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Printed Name: JOE HANCOCK

Address: 1798 Bay Shore

City/State: Rockport TX 78382

☒ IN FAVOR () IN OPPOSITION

Phone: 281-253-2151

REASON:

Signature 

See map on reverse side.



PUBLIC HEARING
Planning & Zoning Commission
and City Council

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Printed Name: Joe Hancock

Address: 1798 Bayshore Dr

City/State: Rockport TX 78382

☒ IN FAVOR ☐ IN OPPOSITION

Phone: 281-753-2151

REASON:

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City/State: Rockport TX

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 Address: 1798 BAY SHORE

City/State: Rockport TX

☒ IN FAVOR ☐ IN OPPOSITION

Phone: 281-753-2151

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Printed Name: KEVIN S. DRAKE
 Address: 108 FRONTENAC, LN City/State: Rockport, TX
 (☒) IN FAVOR () IN OPPOSITION Phone: 817-401-8790

REASON:

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Printed Name: KEVIN S. DRAKE

Address: 105 FRONTENAC LN

City/State: Rockport, TX

(☒) IN FAVOR () IN OPPOSITION

Phone: 817-401-8790

REASON:

Signature

K. S. Drake

See map on reverse side.

FUTURE LAND USE MAP



CITY COUNCIL AGENDA
Regular Meeting: Tuesday, April 25, 2023

AGENDA ITEM: 18

Deliberate and act on a request for a Utility Services Agreement by and between City of Rockport, Texas, a home-rule municipality (the “City”), and Rockport Landing, GP, LLC, a Texas Domestic Limited-Liability Company (“Developer”), regarding the City’s provision of water, wastewater and natural gas service and any associated facilities for the provision of said utilities, on the land owned by the Developer.

SUBMITTED BY: Carey Dietrich- Asst. Director Building & Development/ Community Planner

APPROVED FOR AGENDA: VRS

BACKGROUND: Property owner, Rockport Landing GP, requests to reserve capacity in the South Side Wastewater System Improvements project and agrees to pay \$500 per Living Unit Equivalent (LUE), which is a portion of the \$2,739 per LUE pro-rata fee required when developed. The reservation fee is due upon the execution of this agreement. After expiration of the 5-year term, after which capacity is no longer reserved and the capacity returns back to the city’s South Side Wastewater System Improvements project. The capacity of the South Side Wastewater System Improvements (force main) shall no longer be reserved and any and all sanitary sewer flows of the development, will be subject to any costs of oversizing or upgrades to accommodate the developments sanitary sewer flows.

Please see the accompanying LUE Calculation Sheet and Section 102-14 of the Code of Ordinances for detailed information.

RECOMMENDATION: Staff recommends approval of a Utility Services Agreement by and between City of Rockport, Texas, a home-rule municipality (the “City”), and Rockport Landing, GP, LLC, a Texas Domestic Limited-Liability Company (“Developer”), regarding the City’s provision of water, wastewater and natural gas service and any associated facilities for the provision of said utilities, on the land owned by the Developer.

<u>Total LUE available</u>	<u>868</u>	
Islands of Rockport Unit 1	51	
Islands of Rockport Unit 2 – residential	209	
Coral Reef Cottages	49	
Cove Harbor Lift Station	??	
Cove Harbor RV Resort Lift Station	20	(42 RV, 1 Office, 1 Restaurant)
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<u>Subtotal</u>	419	
Rockport Landing, LLC	325	
La Buena Vida	<u>72</u>	
 <u>Total LUE Use</u>	 <u>816</u>	
 <u>LUEs remaining</u>	 52	

UTILITY SERVICES AGREEMENT

THE STATE OF TEXAS	§	
	§	
COUNTY OF ARANSAS	§	

THIS UTILITY SERVICES AGREEMENT (this “Agreement”) is made and entered into as of the date herein last specified, by and between the CITY OF ROCKPORT, TEXAS, a home-rule municipality (the “City”), and ROCKPORT LANDING GP, LLC, a Texas Domestic Limited-Liability Company (“Developer”).

WITNESSETH:

WHEREAS, the Developer is a Texas limited liability company that requires utility services water, sanitary sewer, and natural gas services from the City; and

WHEREAS, the Developer owns approximately 27.83 acres (the “land”) more particularly described in Exhibit “A” attached hereto and made part hereof for any and all purposes; and

WHEREAS, the Developer plans to construct, or cause to be constructed utility infrastructure, water, wastewater, and natural gas service to serve the land owned by the Developer; and

WHEREAS, the Developer’s property lies within the City’s Certificate of Convenience and Necessity (“CCN”) held by the City, which has the right to provide water sanitary sewer and natural gas service to such land owned by the Developer; and

WHEREAS, the Developer is entering into this Agreement with the City to set forth the terms and conditions regarding the City’s provision of water, wastewater and natural gas service and any associated facilities for the provision of said utilities, on the land owned by the Developer; and

WHEREAS, the City and the Developer have determined that they are authorized by the Constitution and laws of the State of Texas to enter into this Agreement and have further determined that the terms, provisions, and conditions hereof are mutually fair and advantageous to each; NOW, THEREFORE;

AGREEMENT

For and in consideration of these premises and of the mutual promises, obligations, covenants, and benefits herein contained, the Developer and the City contract and agree as follows:

ARTICLE I **DEFINITIONS**

The capitalized terms and phrases used in this Agreement shall have the meanings as follows:

“Developer” shall have the same meaning as Owner, below.

“Developer’s Engineer” shall mean J. Schwarz & Associates, Inc., or its replacement or assignee.

“End-Buyer” means any owner, tenant, user, or occupant of any lot, regardless of proposed use, for which a final plat has been approved by the City and recorded in the real property records.

“Facilities” shall mean and may include (i) gas, water, sanitary sewer collection/distribution, transportation and treatment facilities constructed or acquired, or to be constructed or acquired, by the Developer to serve lands within the Developer’s Property; and (ii) gas distribution regulator stations for natural gas service to serve lands within the Developer’s Property; and (iii) any and all improvements, appurtenances, additions, extensions, enlargements or betterments thereto, together with all contract rights, permits, licenses, properties, rights-of-way, easements, sites, and other interests related thereto.

“Gas” shall mean the natural gas distribution system, mains and service lines used to convey gas service to said domestic use, within said development.

“Gas Services” shall mean the services to be provided by the City in conveying gas to the Developer’s Property.

“Gas System” shall mean the gas distribution facilities and equipment owned and used by the City to distribute, gas for the public.

“Landowner” shall have the same meaning as Owner, below.

“LUE” shall mean living unit equivalent and is a measure of the estimated average daily volume used by a single-family residence or its equivalent.

“Owner” shall mean Rockport Landing GP, a Texas Domestic Limited-Liability Company, and any successor in interest or assign, to the extent such successor or assign engages in Substantial Development Activities within the land. Owner shall also include any entity affiliated with, related to, or owned or controlled by Rockport Landing GP LLC, for purposes of acquiring, owning, or developing property subject to, or that may become subject to, this Agreement.

“Property” shall mean the approximately 27.3 acres of land described in “Exhibit A.”

“Substantial Development Activities” means the subdivision of the land or any portion thereof with the intent to sell to an End-Buyer, and includes, but is not limited to, any platting or construction of utility infrastructure, facilities, or roads.

“Water” shall mean the water distribution system, mains and service lines used to convey potable water service to said domestic use, within said development.

“Water Services” shall mean the services to be provided by the City in conveying potable water, treating, testing, to the Developer’s Property.

“Water System” shall mean the water distribution, transportation, and treatment facilities and equipment owned and used by the City to distribute, transport, and treat water for the public.

“Wastewater” shall mean the water-carried wastes, exclusive of ground, surface, and storm waters, normally discharged from the sanitary conveniences of a residential structure of a domestic nature (not industrial).

“Wastewater Services” shall mean the services to be provided by the City in receiving, treating, testing, and disposing of Wastewater from the Developer’s Property.

“Wastewater System” shall mean the wastewater distribution, transportation, and treatment facilities and equipment owned and used by the City to distribute, transport, and treat wastewater for the public.

ARTICLE II

DESCRIPTION, DESIGN, AND

CONSTRUCTION OF INFRASTRUCTURE & FACILITIES

2.01. Construction Plans and Specifications

The Developer’s Engineer shall prepare the design, construction plans and specifications for utility infrastructure in accordance with the City’s design standards and must comply with all City ordinances, including but not limited to Chapter 102 “Utilities” of the City Code of Ordinances and comply with TCEQ rules and regulations.

- (a) No utility construction shall commence until the City has reviewed and approved said construction plans and a notice to proceed to construction has been issued by the City.

2.02. Required Improvements, Easements and WWTP Site Conveyance.

(a) The Developer shall provide to the City dedicated exclusive utility easements that have a minimum width of 10 feet and that are in locations acceptable to and approved by the City.

(b) In the event there is a need for other offsite easements to be acquired, as set forth above, Developer shall cause to be conveyed to the City, said easements.

2.03 Design and Construction.

(a) The Water, Wastewater and Gas Infrastructure shall be designed in accordance with sound engineering principles and in compliance with all applicable requirements as set forth in this Agreement. The plans and specifications for the Water, Wastewater and Gas Infrastructure shall be subject to review and approval by the City, which approval shall not be unreasonably withheld, conditioned, or delayed. The City may have thirty (30) days to review the plans and specifications and submit written comments to the Developer. If the City provides written comments within the thirty (30) day period, the plans and specifications will be deemed approved as long as the Developer complies with such written comments.

(b) The Water, Wastewater and Gas Infrastructure shall be installed, construction contracts shall be awarded, and payment and performance bonds obtained all in accordance with City's demands. In addition to any other construction contract provisions, any construction contract for the Water, Wastewater and Gas Infrastructure shall include the contractor's one (1) year warranty of work performed under the contract.

(c) The City shall have the right to inspect and approve the construction of The Water, Wastewater and Gas Infrastructure in accordance with the Subdivision Regulations. The Developer and its successors and assigns, shall be obligated to apply for, pay for, and obtain from the City permits for construction of roads, pavement, drainage, water, and wastewater improvements where applicable and pay for any City inspection of any such public improvements that will be dedicated to the City for maintenance.

2.04. Water, Wastewater and Gas Infrastructure Capacity. The Developer shall provide the City with its full build out LUE count for Water, Wastewater and Gas Infrastructure capacity prior to finalization of the Agreement. The City represents that it currently has sufficient capacity in the Water, Wastewater and Gas Infrastructure Systems to serve the full development of the Developer.

2.05. Water, Wastewater and Gas Connections. The Developer will pay, or cause to be paid, all design, easement, and construction costs for the Water, Wastewater and Gas Infrastructure and associated facilities within the Property. The City shall not allow to be made any connection to the Developer's Water, Wastewater or Gas System until, with respect to such connection, the City has inspected the connection.

2.06. Impact Fees. The City will assess water and wastewater impact fee amounts and collect said impact fees at the time and manner provided in City ordinance.

2.07. Facilities Oversizing. The Developer will not be required to oversize the Water, Wastewater and Gas Infrastructure to serve any areas outside of the Property unless the City and the Developer agree to oversizing such Facilities and an agreement for capital improvements is approved. The City reserves the right to oversize the infrastructure in conformance with the City Code. Developer shall not have any capacity reservation rights in the oversized Facilities.

2.08. Easements; Rights of Entry. The Water, Wastewater and Gas Infrastructure constructed by or on behalf of the Developer and conveyed to the City shall be constructed in dedicated easements or public rights-of-way. The City agrees to provide such existing easements and rights-of-entry necessary for construction and connection of any of the Facilities to the City systems. Developer shall be responsible for the acquisition of easements and such easements or rights-of-way shall be dedicated to the City at the completion of construction of the Facilities.

2.09. Force Main Capacity Reservation-

Force main capacity is limited, to a specified 325 LUE count (Exhibit “B”), in the City’s South Side Wastewater System Improvements (force main). Except as otherwise provided in this Agreement, force main capacity in the South Side Wastewater System Improvements project constructed by or on behalf of the Developer may be reserved to serve the Property up to the 325 LUE count provided by the Developer’s Engineer, for a period of 5 years, with a one-time reservation fee of \$500.00 per LUE.

The reservation fee is due upon the execution of this agreement. After expiration of the 5-year term, after which capacity is no longer reserved and the capacity returns back to the city’s South Side Wastewater System Improvements project. The capacity of the South Side Wastewater System Improvements (force main) shall no longer be reserved and any and all sanitary sewer flows of the development, will be subject to any costs of oversizing or upgrades to accommodate the developments sanitary sewer flows.

The City reserves the right to oversize the infrastructure for future growth and development. Developer shall not have any capacity reservation rights in any upgrades or oversized South Side Wastewater System Improvements (force main).

ARTICLE III **CITY ACCEPTANCE OF UTILITY INFRASTRUCTURE**

3.01. Acceptance of the Water, Wastewater and Gas Infrastructure by the City.

After inspections, testing, and completion of the construction of the Water, Wastewater and Gas Infrastructure, the Developer shall notify the city of completion, and provide as-builts in both PDF and DWG formats. The city once satisfied of the completion of said infrastructure and as-builts will issue a letter of acceptance and commence the one-year warranty period of the Water, Wastewater and Gas Infrastructure. The Developer will transfer all warranties of contractors and subcontractors, if any, and all other rights beneficial to the operation of the phase of the infrastructure and associated facilities.

In the event that a portion of the Facilities has not been completed in accordance with the approved plans and specifications, the City will immediately advise the Developer in what manner the applicable infrastructure does not comply, and the Developer shall immediately correct the same; whereupon, the City shall again inspect such infrastructure and accept the same if the defects have been corrected.

3.02. Rates/Tap Fees and Other Charges.

The City shall bill and collect fees from customers of the Development and shall from time to time fix such rates and charges for such customers as the City determines are necessary. Developer agrees it will not contest the City's out-of-city retail rates for the Water, Wastewater and Gas Utility Services. All utility customers within the Development shall belong exclusively to the City.

ARTICLE IV **ANNEXATION**

4.01. Voluntary Annexation

The Developer and/or its assigns obligate itself to submit to voluntary annexation by the City in the event that the City's city limits are contiguous with any part of the development and/or within the City's ETJ, subject to the terms of the Texas Local government Code chapter 43. Said obligation shall be placed in the deed restrictions for the Development and shall be binding on all property owners and any property owners association.

ARTICLE V **DEFAULT AND REMEDIES**

5.01. Default; Notice. A breach of any material provision of this Agreement after notice and an opportunity to cure shall constitute a default. The non-breaching party shall notify the breaching party of an alleged breach, which notice shall specify the alleged breach with reasonable particularity. If the breaching party fails to cure the breach within a reasonable time not sooner than thirty (30) days after receipt of such notice (or such longer period of time as the non-breaching party may specify in such notice), the non-breaching party may declare a default hereunder and exercise the remedies provided in this Agreement in the event of default.

5.02. Remedies. In the event of a default hereunder, the remedies of the Developer shall be limited to the equitable remedy of specific performance or a writ of mandamus to compel any necessary action by the City if the City is the defaulting party. In the event that the non-defaulting party obtains a remedy as provided in this Section or as otherwise provided in this Agreement, the defaulting party shall be required to pay for the non-defaulting party's attorneys' fees and court costs.

ARTICLE VI **MISCELLANEOUS PROVISIONS**

6.01. Force Majeure. In the event either party is rendered unable, wholly or in part, by force majeure to carry out any of its obligations under this Agreement, then the obligations of such party, to the extent affected by such force majeure and to the extent that due diligence is being used to resume performance at the earliest practicable time, shall be suspended during the continuance of any inability so caused, to the extent provided, but for no longer period. As soon as reasonably possible after the occurrence of the force majeure relied upon, the party whose contractual obligations are affected thereby shall give notice and the full particulars of such force majeure to the other party.

Such cause, as far as possible, shall be remedied with all reasonable diligence. The term “force majeure,” as used herein, shall include without limitation of the generality thereof, acts of God, strikes, lockouts, or other industrial disturbances, acts of the public enemy, orders of any kind of the government of the United States or the State of Texas or any civil or military authority (but an order of the City shall not be an event of force majeure for the City), insurrections, riots, epidemics and pandemics, landslides, lightning, earthquakes, fires, hurricanes, storms, floods, washouts, drought, arrests, restraint of government, civil disturbances, explosions, breakage or accidents to machinery, pipelines or canals, and any other incapacities of any party, whether similar to those enumerated or otherwise, which are not within the control of the party claiming such inability, which such party could not have avoided by the exercise of due diligence and care.

6.02. Approvals and Consents. Approvals or consents required or permitted to be given under this Agreement shall be evidenced by an ordinance, resolution, or order adopted by the governing body of the appropriate party or by a certificate executed by a person, firm, or entity previously authorized to give such approval or consent on behalf of the party. Approvals and consents shall be effective without regard to whether given before or after the time required for giving such approvals or consents.

6.03. Address and Notice. Unless otherwise provided in this Agreement, any notice to be given under this Agreement shall be given in writing addressed to the party to be notified at the address set forth below for such party, (i) by delivering the same in person, (ii) by depositing the same in the United States Mail, certified or registered, return receipt requested, postage prepaid, addressed to the party to be notified, (iii) by depositing the same with Federal Express or another nationally recognized courier service guaranteeing “next day delivery”, addressed to the party to be notified, or (iv) by sending the same by electronic mail (“email”) with confirming copy sent by regular mail. Notice deposited in the United States mail in the manner hereinabove described shall be deemed effective from and after the date of such deposit. Notice given in any other manner shall be effective only if and when received by the party to be notified. For the purposes of notice, the addresses of the parties, until changed as provided below, shall be as follows:

If to the City, to:	Vanessa Shrauner, City Manager City of Rockport 2751 S.H. 35 Bypass Rockport, Texas 78382
---------------------	--

If to the Developer, to:	Doug Moreland, Manager Moreland Capital Partners LLC 7109 Montana Norte Austin, TX 78731
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	Jim Young, Manager SABOT Investments LLC 704 Rolling Green Drive Lakeway, TX 78734
--	---

The parties shall have the right from time to time to change their respective addresses by giving at least fifteen (15) days' written notice of such change to the other party.

6.04. Assignability. This Agreement may not be assigned by either party except upon written consent of the other party.

6.05. No Additional Waiver Implied. The failure of either party to insist upon performance of any provision of this Agreement shall not be construed as a waiver of the future performance of such provision by the other party.

6.06. Reservation of Rights. All rights, powers, privileges, and authority of the parties hereto not restricted or affected by the express terms and provisions hereof are reserved by the parties and, from time to time, may be exercised and enforced by the parties.

6.07. Parties in Interest. This Agreement shall be for the sole and exclusive benefit of the parties hereto and shall not be construed to confer any rights upon any third parties.

6.08. Entire Agreement. This Agreement, and the documents and exhibits referenced herein, embody the entire understanding between the parties with respect to the subject matter hereof.

6.09. Captions. The captions of each section of this Agreement are inserted solely for convenience and shall never be given effect in construing the duties, obligations, or liabilities of the parties hereto or any provisions hereof, or in ascertaining the intent of either party, with respect to the provisions hereof.

6.10. Interpretations. This Agreement and the terms and provisions hereof shall be liberally construed to effectuate the purposes set forth herein and to sustain the validity of this Agreement.

6.11. Severability. If any provision of this Agreement or the application thereof to any person or circumstances is ever judicially declared invalid, such provision shall be deemed severed from this Agreement and the remaining portions of this Agreement shall remain in effect.

6.12. Term and Effect. This Agreement shall remain in effect for five (5) years from the date hereof, unless terminated on an earlier date pursuant to other provisions or by express written agreement executed by the City and the Developer.

6.13 Incorporation. The exhibits referred to herein and listed below, and all other documents referred to in this Agreement, are incorporated herein by reference for the purposes set forth in this Agreement.

[SIGNATURE PAGES FOLLOW]

IN WITNESS WHEREOF, the parties hereto have executed this Agreement in multiple copies, each of equal dignity, on this ____ day of _____ 2023.

CITY OF ROCKPORT, TEXAS

Tim Jayroe, Mayor

STATE OF TEXAS §
 §
COUNTY OF ARANSAS §

This instrument was acknowledged before me this ____ day of _____ 2023 by Tim Jayroe, Mayor of City of Rockport, Texas, a Texas home-rule municipality, on behalf of the City.

Notary Public, State of Texas
My Commission expires: _____

[SIGNATURES CONTINUE NEXT PAGE]

ROCKPORT LANDING GP, LLC,
a Texas limited liability company.

By: _____
Doug Moreland
Moreland Capital Partners, LLC, a Texas
Limited liability company, its Manager

By: _____
Jim Young
Sabot Investments, LLC, a Texas
Limited liability company, its Manager

STATE OF TEXAS §
 §
COUNTY OF ARANSAS §

This instrument was acknowledged before me this ____ day of _____ 2023 by Doug Moreland, of Moreland Capital Partners, LLC on behalf of Rockport Landing GP, LLC, the said limited liability company.

Notary Public, State of Texas
My Commission expires: _____

STATE OF TEXAS §
 §
COUNTY OF ARANSAS §

This instrument was acknowledged before me this ____ day of _____ 2023 by Jim Young, of Sabot Investments, LLC, on behalf of Rockport Landing GP, LLC, the said limited liability company.

Notary Public, State of Texas
My Commission expires: _____

EXHIBIT "A"
Legal Description of the Property

The property includes 4 parcels:

1. Tax ID: 46975- 2.00 acres
2. Tax ID: 64473- 9.65 acres
3. Tax ID: 64907- 0.46 acres
4. Tax ID: 70613-15.72 acres

TOTAL: 27.83 acres



EXHIBIT "A" Cont'd

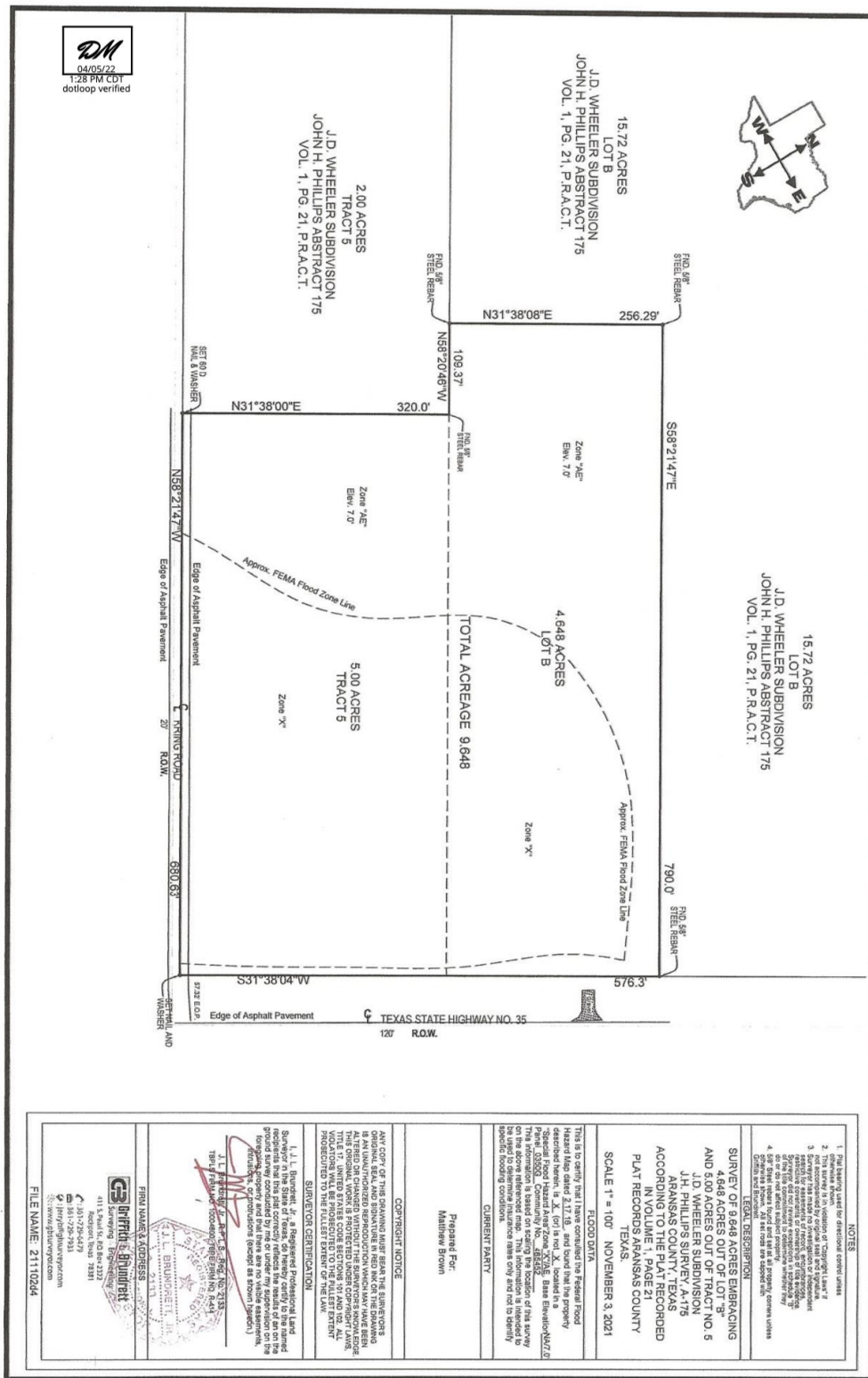


EXHIBIT "A" Cont'd

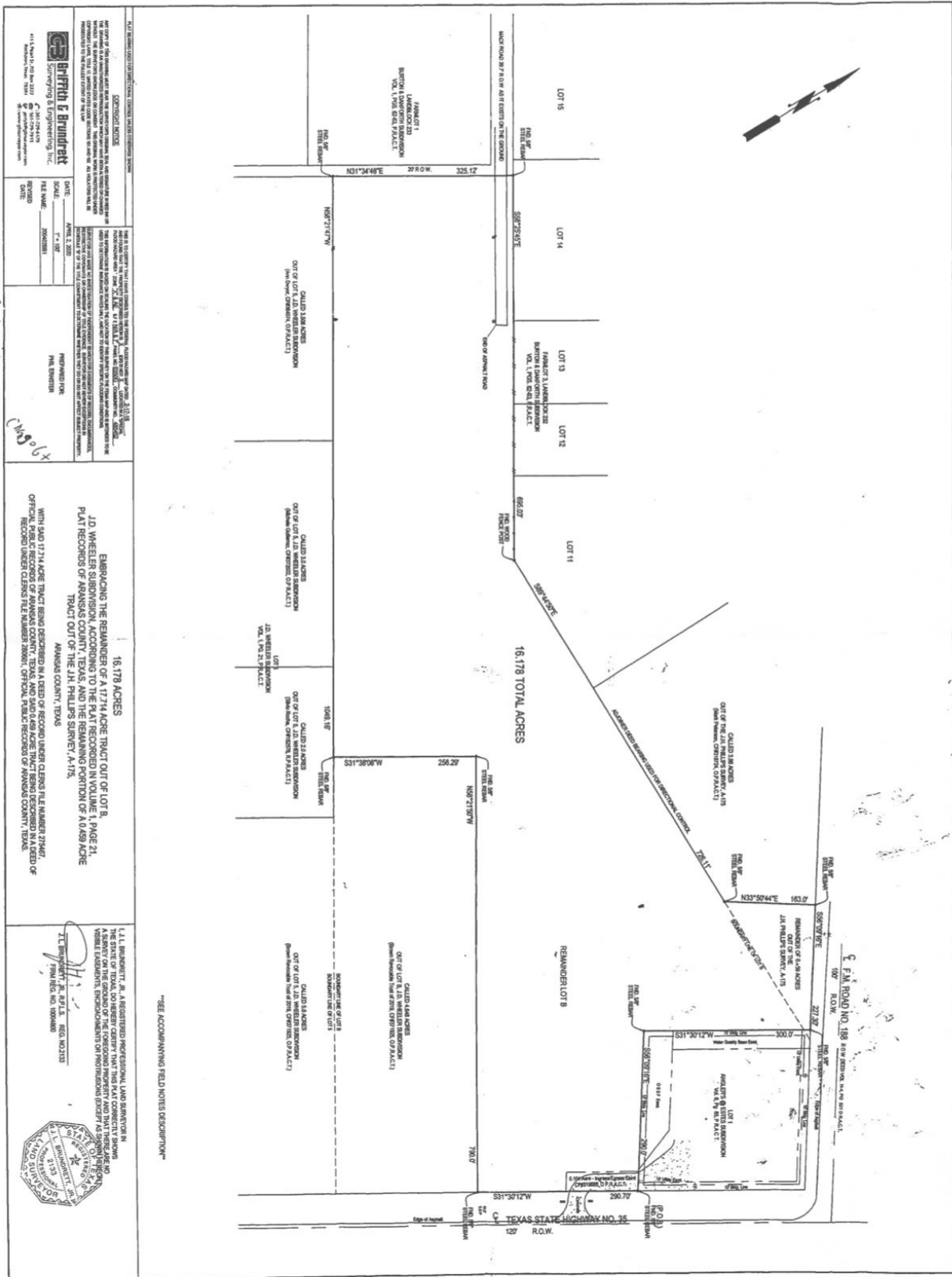


EXHIBIT "C"
LUE Count from J. Swarz Associates, Inc.

Project Title: Rockport Landing	
Developer: Moreland Capital Partners, Doug Moreland	
Project Engineer: Brandi B. Karl, P.E.	Date: 3-27-23

Category	Service Unit	LUE Rating	Total LUE
Single-Family Homes (3 or 4 Bedroom)	100	1.0	100
Apartments (1 or 2 Bedroom)	237	0.75	177.75
Apartments (3 Bedroom)	13	1.0	13
Townhouses (2 Bedroom)	13	0.75	9.75
Townhouses (3 Bedroom)	14	1.0	14
General Retail / Shops (By Restroom)	4	0.50	2
Office Space (By 150 SF) 4,000 SF Total	27	0.05	1.35
Restaurant (Number of Seats)	100	0.07	7
TOTAL LUE			324.85

Note: LUE estimate based on Owner-approved landplan from Humphreys and Partners Architects, LP, Dated 3/21/23

CITY COUNCIL AGENDA
Regular Meeting: Tuesday, April 25, 2023

AGENDA ITEM: 19

Deliberate and act on a request for a Utility Services Agreement by and between City of Rockport, Texas, a home-rule municipality (the “City”), and Milo Holdings, LLC, a Texas Domestic Limited-Liability Company (“Developer”) regarding the City’s provision of water, wastewater and natural gas service and any associated facilities for the provision of said utilities, on the land owned by the Developer.

SUBMITTED BY: Carey Dietrich- Asst. Director Building & Development/ Community Planner

APPROVED FOR AGENDA: VRS

BACKGROUND: Property owner, Milo Holdings, requests to reserve capacity in the South Side Wastewater System Improvements project and agrees to pay \$500 per Living Unit Equivalent (LUE), which is a portion of the \$2,739 per LUE pro-rata fee required when developed. The reservation fee is due upon the execution of this agreement. After expiration of the 5-year term, after which capacity is no longer reserved and the capacity returns back to the city’s South Side Wastewater System Improvements project. The capacity of the South Side Wastewater System Improvements (force main) shall no longer be reserved and any and all sanitary sewer flows of the development, will be subject to any costs of oversizing or upgrades to accommodate the developments sanitary sewer flows.

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RECOMMENDATION: Staff recommends approval of a Utility Services Agreement by and between City of Rockport, Texas, a home-rule municipality (the “City”), and Milo Holdings, LLC, a Texas Domestic Limited-Liability Company (“Developer”) regarding the City’s provision of water, wastewater and natural gas service and any associated facilities for the provision of said utilities, on the land owned by the Developer.

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UTILITY SERVICES AGREEMENT

THE STATE OF TEXAS	§
	§
COUNTY OF ARANSAS	§

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WITNESSETH:

WHEREAS, the Developer is a Texas limited liability company that requires utility services water, sanitary sewer, and natural gas services from the City; and

WHEREAS, the Developer owns approximately 28.9 acres (the “land”) more particularly described in Exhibit “A” attached hereto and made part hereof for any and all purposes; and

WHEREAS, the Developer plans to construct, or cause to be constructed utility infrastructure, water, wastewater, and natural gas service to serve the land owned by the Developer; and

WHEREAS, the Developer’s property lies within the City’s Certificate of Convenience and Necessity (“CCN”) held by the City, which has the right to provide water sanitary sewer and natural gas service to such land owned by the Developer; and

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WHEREAS, the City and the Developer have determined that they are authorized by the Constitution and laws of the State of Texas to enter into this Agreement and have further determined that the terms, provisions, and conditions hereof are mutually fair and advantageous to each; NOW, THEREFORE;

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“Facilities” shall mean and may include (i) gas, water, sanitary sewer collection/distribution, transportation and treatment facilities constructed or acquired, or to be constructed or acquired, by the Developer to serve lands within the Developer’s Property; and (ii) gas distribution regulator stations for natural gas service to serve lands within the Developer’s Property; and (iii) any and all improvements, appurtenances, additions, extensions, enlargements or betterments thereto, together with all contract rights, permits, licenses, properties, rights-of-way, easements, sites, and other interests related thereto.

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“Wastewater” shall mean the water-carried wastes, exclusive of ground, surface, and storm waters, normally discharged from the sanitary conveniences of a residential structure of a domestic nature (not industrial).

“Wastewater Services” shall mean the services to be provided by the City in receiving, treating, testing, and disposing of Wastewater from the Developer’s Property.

“Wastewater System” shall mean the wastewater distribution, transportation, and treatment facilities and equipment owned and used by the City to distribute, transport, and treat wastewater for the public.

ARTICLE II

DESCRIPTION, DESIGN, AND

CONSTRUCTION OF INFRASTRUCTURE & FACILITIES

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(a) The Developer shall provide to the City dedicated exclusive utility easements that have a minimum width of 10 feet and that are in locations acceptable to and approved by the City.

(b) In the event there is a need for other offsite easements to be acquired, as set forth above, Developer shall cause to be conveyed to the City, said easements.

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(a) The Water, Wastewater and Gas Infrastructure shall be designed in accordance with sound engineering principles and in compliance with all applicable requirements as set forth in this Agreement. The plans and specifications for the Water, Wastewater and Gas Infrastructure shall be subject to review and approval by the City, which approval shall not be unreasonably withheld, conditioned, or delayed. The City may have thirty (30) days to review the plans and specifications and submit written comments to the Developer. If the City provides written comments within the thirty (30) day period, the plans and specifications will be deemed approved as long as the Developer complies with such written comments.

(b) The Water, Wastewater and Gas Infrastructure shall be installed, construction contracts shall be awarded, and payment and performance bonds obtained all in accordance with City's demands. In addition to any other construction contract provisions, any construction contract for the Water, Wastewater and Gas Infrastructure shall include the contractor's one (1) year warranty of work performed under the contract.

(c) The City shall have the right to inspect and approve the construction of The Water, Wastewater and Gas Infrastructure in accordance with the Subdivision Regulations. The Developer and its successors and assigns, shall be obligated to apply for, pay for, and obtain from the City permits for construction of roads, pavement, drainage, water, and wastewater improvements where applicable and pay for any City inspection of any such public improvements that will be dedicated to the City for maintenance.

2.04. Water, Wastewater and Gas Infrastructure Capacity. The Developer shall provide the City with its full build out LUE count for Water, Wastewater and Gas Infrastructure capacity prior to the finalization of the agreement. The City represents that it currently has sufficient capacity in the Water, Wastewater and Gas Infrastructure Systems to serve the full development of the Developer.

2.05. Water, Wastewater and Gas Connections. The Developer will pay, or cause to be paid, all design, easement, and construction costs for the Water, Wastewater and Gas Infrastructure and associated facilities within the Property. The City shall not allow to be made any connection to the Developer's Water, Wastewater or Gas System until, with respect to such connection, the City has inspected the connection.

2.06. Impact Fees. The City will assess water and wastewater impact fee amounts and collect said impact fees at the time and manner provided in City ordinance.

2.07. Facilities Oversizing. The Developer will not be required to oversize the Water, Wastewater and Gas Infrastructure to serve any areas outside of the Property unless the City and the Developer agree to oversizing such Facilities and an agreement for capital improvements is approved. The City reserves the right to oversize the infrastructure in conformance with the City Code. Developer shall not have any capacity reservation rights in the oversized Facilities.

2.08. Easements; Rights of Entry. The Water, Wastewater and Gas Infrastructure constructed by or on behalf of the Developer and conveyed to the City shall be constructed in dedicated easements or public rights-of-way. The City agrees to provide such existing easements and rights-of-entry necessary for construction and connection of any of the Facilities to the City systems. Developer shall be responsible for the acquisition of easements and such easements or rights-of-way shall be dedicated to the City at the completion of construction of the Facilities.

2.09. Force Main Capacity Reservation-

Force main capacity is limited, to a specified 72 LUE count (Exhibit "C"), in the City's South Side Wastewater System Improvements (force main). Except as otherwise provided in this Agreement, force main capacity in the South Side Wastewater System Improvements project constructed by or on behalf of the Developer may be reserved to serve the Property up to the 72 LUE count provided by the Developer's Engineer, for a period of 5 years, with a one-time reservation fee of \$500.00 per LUE.

The reservation fee is due upon the execution of this agreement. After expiration of the 5-year term, after which capacity is no longer reserved, and the capacity returns back to the city's South Side Wastewater System Improvements project. The capacity of the South Side Wastewater System Improvements (force main) shall no longer be reserved and any and all sanitary sewer flows of the development, will be subject to any costs of oversizing or upgrades to accommodate the developments sanitary sewer flows.

The City reserves the right to oversize the infrastructure for future growth and development. Developer shall not have any capacity reservation rights in any upgrades or oversized South Side Wastewater System Improvements (force main).

ARTICLE III **CITY ACCEPTANCE OF UTILITY INFRASTRUCTURE**

3.01. Acceptance of the Water, Wastewater and Gas Infrastructure by the City.

After inspections, testing, and completion of the construction of the Water, Wastewater and Gas Infrastructure, the Developer shall notify the city of completion, and provide as-builts in both PDF and DWG formats. The city once satisfied of the completion of said infrastructure and as-builts will issue a letter of acceptance and commence the one-year warranty period of the Water, Wastewater and Gas Infrastructure. The Developer will transfer all warranties of contractors and subcontractors, if any, and all other rights beneficial to the operation of the phase of the infrastructure and associated facilities.

In the event that a portion of the Facilities has not been completed in accordance with the approved plans and specifications, the City will immediately advise the Developer in what manner the applicable infrastructure does not comply, and the Developer shall immediately correct the same; whereupon, the City shall again inspect such infrastructure and accept the same if the defects have been corrected.

3.02. Rates/Tap Fees and Other Charges.

The City shall bill and collect fees from customers of the Development and shall from time to time fix such rates and charges for such customers as the City determines are necessary. Developer agrees it will not contest the City's out-of-city retail rates for the Water, Wastewater and Gas Utility Services. All utility customers within the Development shall belong exclusively to the City.

ARTICLE IV ANNEXATION

4.01. Voluntary Annexation

The Developer and/or its assigns obligate itself to submit to voluntary annexation by the City in the event that the City's city limits are contiguous with any part of the development and/or within the City's ETJ, subject to the terms of the Texas Local government Code chapter 43. Said obligation shall be placed in the deed restrictions for the Development and shall be binding on all property owners and any property owners association.

ARTICLE V DEFAULT AND REMEDIES

5.01. Default; Notice. A breach of any material provision of this Agreement after notice and an opportunity to cure shall constitute a default. The non-breaching party shall notify the breaching party of an alleged breach, which notice shall specify the alleged breach with reasonable particularity. If the breaching party fails to cure the breach within a reasonable time not sooner than thirty (30) days after receipt of such notice (or such longer period of time as the non-breaching party may specify in such notice), the non-breaching party may declare a default hereunder and exercise the remedies provided in this Agreement in the event of default.

5.02. Remedies. In the event of a default hereunder, the remedies of the Developer shall be limited to the equitable remedy of specific performance or a writ of mandamus to compel any necessary action by the City if the City is the defaulting party. In the event that the non-defaulting party obtains a remedy as provided in this Section or as otherwise provided in this Agreement, the defaulting party shall be required to pay for the non-defaulting party's attorneys' fees and court costs.

ARTICLE VI MISCELLANEOUS PROVISIONS

6.01. Force Majeure. In the event either party is rendered unable, wholly or in part, by force majeure to carry out any of its obligations under this Agreement, then the obligations of such party, to the extent affected by such force majeure and to the extent that due diligence is being used to resume performance at the earliest practicable time, shall be suspended during the continuance of any inability so caused, to the extent provided, but for no longer period. As soon as reasonably possible after the occurrence of the force majeure relied upon, the party whose contractual obligations are affected thereby shall give notice and the full particulars of such force majeure to the other party.

Such cause, as far as possible, shall be remedied with all reasonable diligence. The term “force majeure,” as used herein, shall include without limitation of the generality thereof, acts of God, strikes, lockouts, or other industrial disturbances, acts of the public enemy, orders of any kind of the government of the United States or the State of Texas or any civil or military authority (but an order of the City shall not be an event of force majeure for the City), insurrections, riots, epidemics and pandemics, landslides, lightning, earthquakes, fires, hurricanes, storms, floods, washouts, drought, arrests, restraint of government, civil disturbances, explosions, breakage or accidents to machinery, pipelines or canals, and any other incapacities of any party, whether similar to those enumerated or otherwise, which are not within the control of the party claiming such inability, which such party could not have avoided by the exercise of due diligence and care.

6.02. Approvals and Consents. Approvals or consents required or permitted to be given under this Agreement shall be evidenced by an ordinance, resolution, or order adopted by the governing body of the appropriate party or by a certificate executed by a person, firm, or entity previously authorized to give such approval or consent on behalf of the party. Approvals and consents shall be effective without regard to whether given before or after the time required for giving such approvals or consents.

6.03. Address and Notice. Unless otherwise provided in this Agreement, any notice to be given under this Agreement shall be given in writing addressed to the party to be notified at the address set forth below for such party, (i) by delivering the same in person, (ii) by depositing the same in the United States Mail, certified or registered, return receipt requested, postage prepaid, addressed to the party to be notified, (iii) by depositing the same with Federal Express or another nationally recognized courier service guaranteeing “next day delivery”, addressed to the party to be notified, or (iv) by sending the same by electronic mail (“email”) with confirming copy sent by regular mail. Notice deposited in the United States mail in the manner hereinabove described shall be deemed effective from and after the date of such deposit. Notice given in any other manner shall be effective only if and when received by the party to be notified. For the purposes of notice, the addresses of the parties, until changed as provided below, shall be as follows:

If to the City, to:	Vanessa Shrauner, City Manager City of Rockport 2751 S.H. 35 Bypass Rockport, Texas 78382
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If to the Developer, to:	Michael Mintz, Manager MILO Holdings LLC 528 Peoples Street Corpus Christi, TX 78401
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	Doug Moreland, Manager Moreland Capital Partners LLC 7109 Montana Norte Austin, TX 78731
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The parties shall have the right from time to time to change their respective addresses by giving at least fifteen (15) days' written notice of such change to the other party.

6.04. Assignability. This Agreement may not be assigned by either party except upon written consent of the other party.

6.05. No Additional Waiver Implied. The failure of either party to insist upon performance of any provision of this Agreement shall not be construed as a waiver of the future performance of such provision by the other party.

6.06. Reservation of Rights. All rights, powers, privileges, and authority of the parties hereto not restricted or affected by the express terms and provisions hereof are reserved by the parties and, from time to time, may be exercised and enforced by the parties.

6.07. Parties in Interest. This Agreement shall be for the sole and exclusive benefit of the parties hereto and shall not be construed to confer any rights upon any third parties.

6.08. Entire Agreement. This Agreement, and the documents and exhibits referenced herein, embody the entire understanding between the parties with respect to the subject matter hereof.

6.09. Captions. The captions of each section of this Agreement are inserted solely for convenience and shall never be given effect in construing the duties, obligations, or liabilities of the parties hereto or any provisions hereof, or in ascertaining the intent of either party, with respect to the provisions hereof.

6.10. Interpretations. This Agreement and the terms and provisions hereof shall be liberally construed to effectuate the purposes set forth herein and to sustain the validity of this Agreement.

6.11. Severability. If any provision of this Agreement or the application thereof to any person or circumstances is ever judicially declared invalid, such provision shall be deemed severed from this Agreement and the remaining portions of this Agreement shall remain in effect.

6.12. Term and Effect. This Agreement shall remain in effect for five (5) years from the date hereof, unless terminated on an earlier date pursuant to other provisions or by express written agreement executed by the City and the Developer.

6.13 Incorporation. The exhibits referred to herein and listed below, and all other documents referred to in this Agreement, are incorporated herein by reference for the purposes set forth in this Agreement.

[SIGNATURE PAGES FOLLOW]

IN WITNESS WHEREOF, the parties hereto have executed this Agreement in multiple copies, each of equal dignity, on this ____ day of _____ 2023.

CITY OF ROCKPORT, TEXAS

Tim Jayroe, Mayor

STATE OF TEXAS §
 §
COUNTY OF ARANSAS §

This instrument was acknowledged before me this ____ day of _____ 2023 by Tim Jayroe, Mayor of City of Rockport, Texas, a Texas home-rule municipality, on behalf of the City.

Notary Public, State of Texas
My Commission expires: _____

[SIGNATURES CONTINUE NEXT PAGE]

MILO HOLDINGS, LLC,
a Texas limited liability company.

By: _____
Michael Mintz, Manager

By: _____
Doug Moreland, Manager
Moreland Capital Partners, LLC, a
Texas limited liability company

STATE OF TEXAS §
 §
COUNTY OF ARANSAS §

This instrument was acknowledged before me this ____ day of _____ 2023 by Michael Mintz, on behalf of Milo Holdings, LLC, the said limited liability company.

Notary Public, State of Texas
My Commission expires: _____

STATE OF TEXAS §
 §
COUNTY OF ARANSAS §

This instrument was acknowledged before me this ____ day of _____ 2023 by Doug Moreland, of Moreland Capital Partners, LLC on behalf of Milo Holdings, LLC, the said limited liability company.

Notary Public, State of Texas
My Commission expires: _____

EXHIBIT "A"
Legal Description of the Property

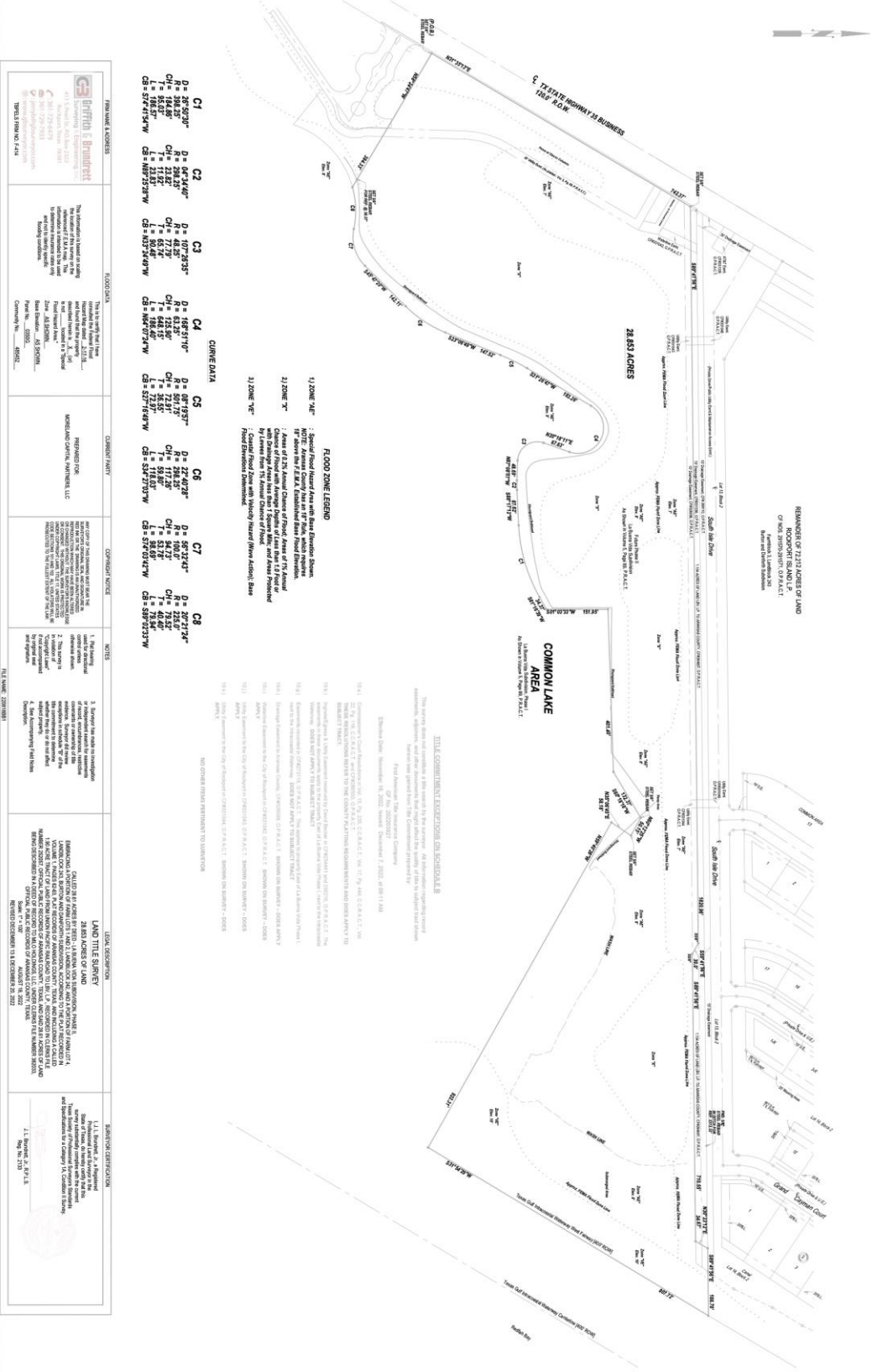


EXHIBIT "B"
Approved Concept Plan



CITY COUNCIL AGENDA
Regular Meeting: Tuesday, April 25, 2023

AGENDA ITEM: 20

Deliberate and act on supplemental request for Hotel Occupancy Tax Funds from Airplanes & Coffee for Warbirds Over South Texas, to be held at the Aransas County Airport on May 27 and 28, 2023.

SUBMITTED BY: City Manager Vanessa Shrauner

APPROVED FOR AGENDA: VRS

BACKGROUND: Please see the attached PowerPoint presentation in regard to the request.

FISCAL ANALYSIS:

RECOMMENDATION: Staff recommends disapproval of this item. HOT funds are budgeted and allocated through the budget process. Additionally, this event is new with no statistics to verify qualification. While there are always exceptions, setting the precedent of awarding funds throughout the year will not allow for appropriate budgeting.



Warbirds Over South Texas - 2023

May 27th & 28th



Executive Summary

Aransas County will be hosting its 1st Memorial Day Weekend “Warbirds Over South Texas” to highlight the following:

- **Memorial Day** – Honoring our service members who have paid the ultimate price for our freedom.
- **(Local History - Education) Aransas County Airport’s 80th Anniversary** - Oct 1943 - First Navy PT-17 Landing on the new airport for the WWII war effort.
- **(Area History - Education) USS Lexington's 80th Birthday Parade** – The event is planning to launch an airplane parade of 20-30 WWII planes from & returning to Aransas County Airport.
 - (Tourism) The parade will be seen by Rockport Beach, CC North Beach, USS Lexington, Texas State Aquarium, and Ocean Drive CC. ***We expect more than 150,000 area spectators combined.***
 - (Tourism) We expect an inflow of pedestrian traffic to the airport averaging 10,000 - 15,000 people.
- **(Education) Promote Local Aviation Programs** currently located on the airfield.



Previous Events – Coastal Bend Holiday Fly-In²²⁷

Aransas County Airport has hosted previous fly-ins, “Coastal Bend Holiday Fly-in”, every December since 2019 .

- ***December 2022 was the largest event since inception***
 - Estimated 3,000 – 4,000 people in attendance over the two-day event.
 - Estimated 85 “General Aviation” airplanes in attendance.
 - Estimated 25 “Historical Aviation” airplanes in attendance.
 - Over 50 free “Young Eagle 8yr-17yr” flights given.



Opportunity – Major Aviation Attraction

228

Aransas County has the opportunity to host every Memorial Day Weekend for the foreseeable future with “Warbirds Over South Texas”:

- ***This will be the largest aviation event in Central/South Texas on Memorial Day Weekend***
 - **“Go Wheels Up” San Marcos** has been cancelled. Aransas County is the replacement site for this popular event.
 - **Summer Kick-off Weekend** – Ability to bring more tourists from the outside area during this popular holiday.
 - Expected high pedestrian traffic 10-15k with scenic airplanes rides before and after the USS Lexington parade.
 - Expected high aviation traffic of 150 airplanes– Social media giant “Airplanes & Coffee” (158,000 followers) is co-sponsoring our event.
 - **Education Highlights** – Opportunity to learn about our local/area history and learn how Aransas County is promoting Aviation education.



Event Needs HOT Funds For Promotional Support²²⁹

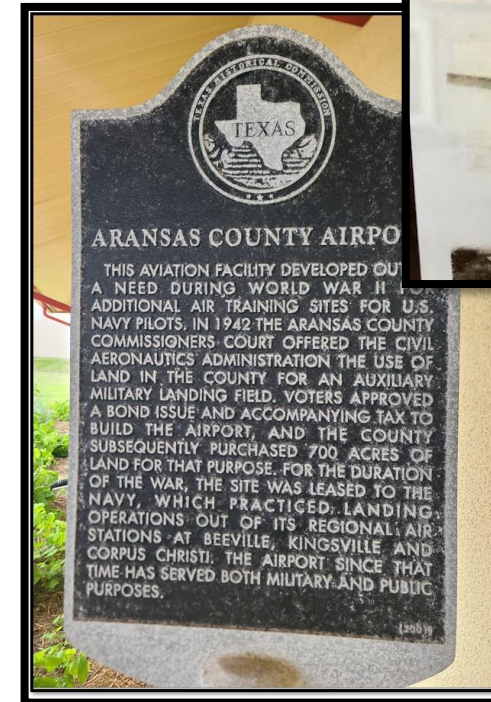
Aransas County Airport's **Warbirds Over South Texas - 2023** qualifies under Section 352.1033 Use of Hotel Motel Tax Revenue by Counties Bordering the Gulf of Mexico:

(a) Subject to Subsection (c), the revenue from a tax imposed under this chapter by a county that borders the Gulf of Mexico authorized to impose the tax by Section 352.002(a)(6) may be used only to:

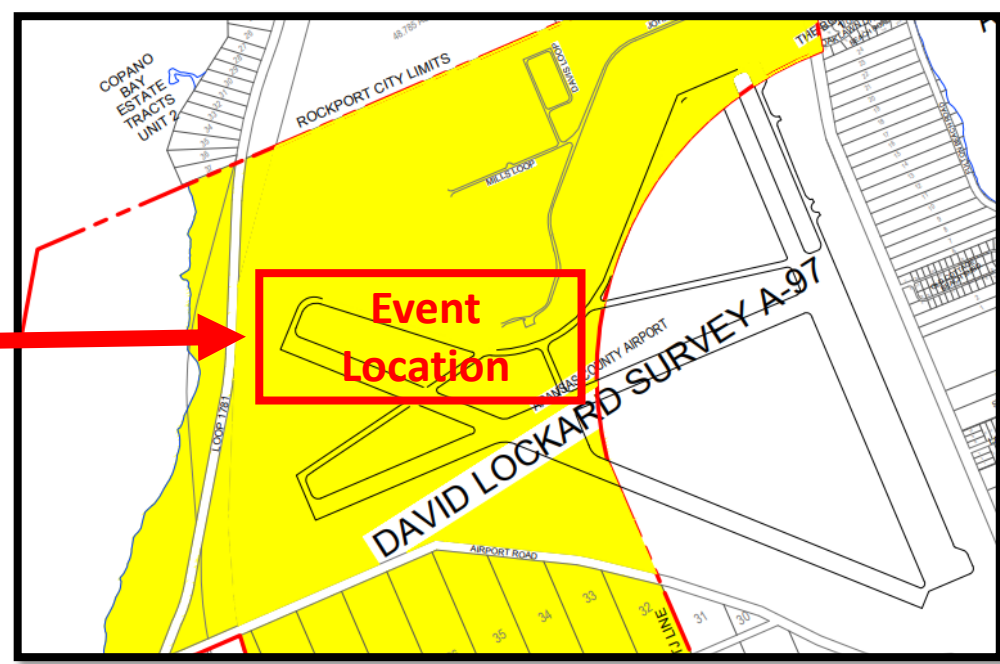
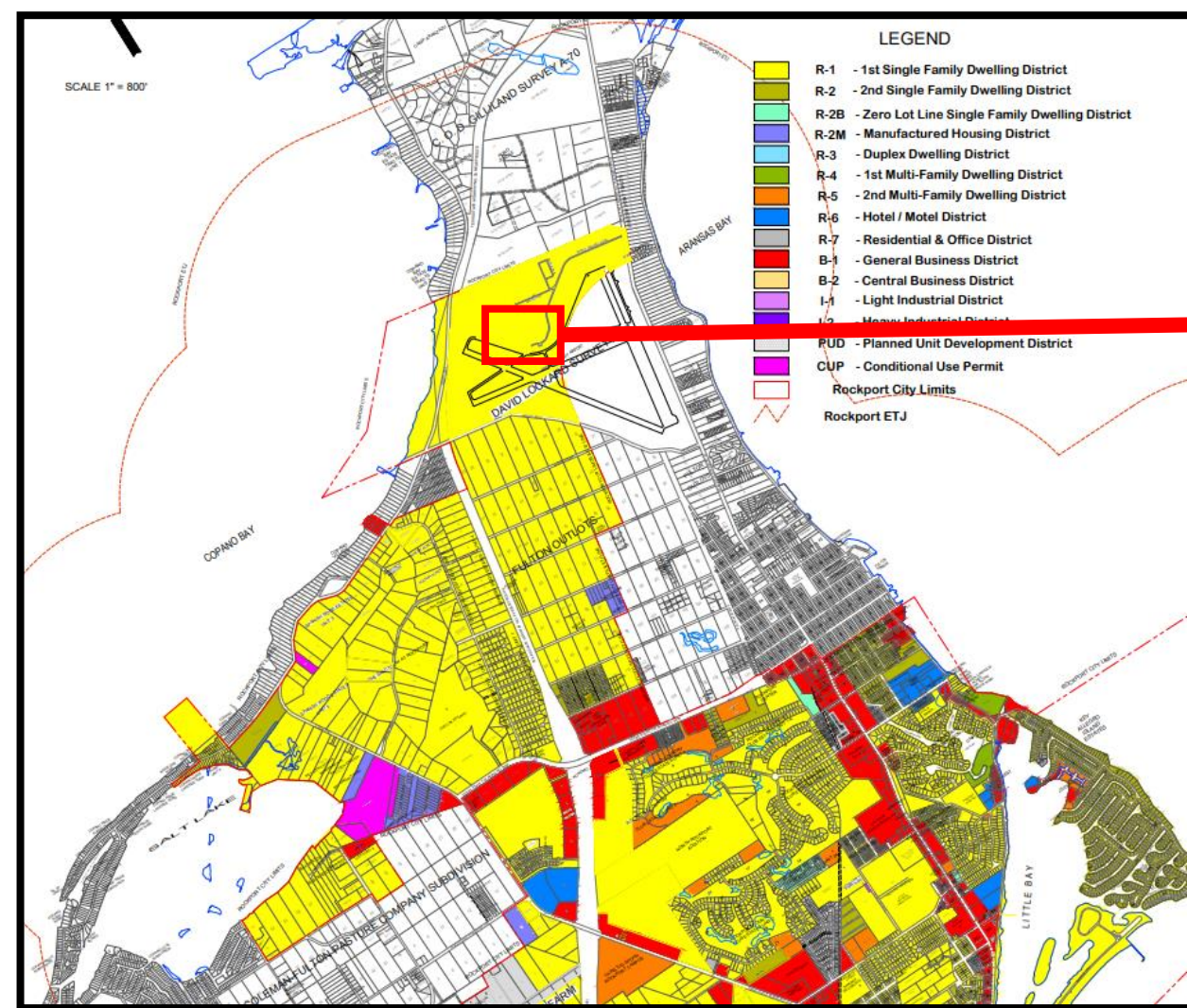
(6) advertise and conduct solicitations and promotional programs to attract tourists and convention delegates or registrants to the county or its vicinity, any of which may be conducted by the county or through contracts with persons or organizations selected by the county;

(8) encourage, promote, and improve historical preservation and restoration efforts.

- The airport is a registered historical site, with a Texas Historical Commission marker, commemorating the County's initial purchase of the site and the subsequent use of the facilities by the Civil Aeronautics Administration during the Second World War.
- The airport is celebrating 80 years of service to the community in 2023. The request for HOT funds qualifies under:
 - Encouraging, Promoting, and Educating about Historical Preservation & Restoration; e.g. Warbird Parade of Vintage Aircraft.
 - Advertising, Conducting Solicitations and Promotional programs; e.g. Historical airplane rides, High school to Flight school program.



Event Is Located In Rockport City Limits - HOT Funds



These charts are being shown to highlight that the event is taking place at the main terminal building, which inside Rockport City Limits.

Event Needs – HOT Funds For Safety & Supplies²³¹

Aransas County Airport needs the following to promote and properly execute the “Warbirds Over South Texas” event:

- ***Event Needs - \$35,000 for the items below:***

- **Commemorative Air Force Marshalling Detachment \$7,500** – 10 Qualified Safety Marshallers, 2 Fully Equipped Ramp Trucks, 2 golf carts, and hotel rooms.
- **Commemorative Air Force Flight Line Detachment \$2,500** – Warbird oil, smoke oil, hydraulic fluids, and other airplane service supplies.
- **Warbird Fuel Truck \$1,500** – Aransas County Airport to take possession of donated fuel truck for show support but must pay transfer/delivery fee.
- **Warbird Event Fuel \$15,000** - Aransas County to provide 3,000 gallons of 100LL for qualified heritage military aircraft for event attendance and USS Lexington Parade.
- **FAA/Air Traffic Control Support \$3,000** – Aransas County Airport to make request to Corpus Christ ATC for event support with advisory personnel and tower assets.
- **Commemorative Air Force Pilot Hotels & Rental Cars \$3,500** – Local hotel rates are averaging \$225/night for double bedrooms.
- **Event Setup Supplies \$2,000** – insurance, coffee, tables, chairs, etc.



Sponsorships Levels – Warbirds Over South TX²³²

Sponsorship Levels Include: *(Note: All funds will go to our 501c3 partner “Airplanes & Coffee”)*

- **“Presented By Event Sponsor”: \$25,000** (Headliner marketing in all media, Warbird multi-flight package, independent highway fence banner, and vendor tent placement in the hangar)
- **Platinum Sponsors: \$5,000** (Platinum marketing in social media and event banner, Dual Warbird T6 & Stearman Bi-Plane flight package, independent highway fence banner, and vendor tent placement in the hangar)
- **Gold Sponsors: \$2,500** (Gold marketing in social media and event banner, Single Warbird flight in a Stearman, independent highway fence banner, and vendor tent placement in the hangar)
- **Silver Sponsor: \$1,000** (Gold event banner, Large independent highway fence banner, and vendor tent placement in the hangar)
- **Bronze Sponsor: \$500** (Bronze event banner, Small independent highway fence banner, and possible vendor tent placement in the hangar, if left over spots are available)

CITY COUNCIL AGENDA
Regular Meeting: Tuesday, April 25, 2023

AGENDA ITEM: 21

Deliberate and act on appointing Messer, Fort & McDonald, PLLC to serve as legal counsel for the City of Rockport.

SUBMITTED BY: City Manager Vanessa Shrauner

APPROVED FOR AGENDA: VRS

BACKGROUND: The City advertised Request for Qualifications for City Attorney Services (included in this Agenda Packet) and received six (6) qualification packets. City Council reviewed and scored each qualification packet as shown below:

City Attorney Score Tally						
	Messer Fort McDonald	Davidsson, Troilo	Guevara	Gwosdz	Randle	Voth
	95	95	72	81	55	68
	77	71	63	41	64	46
	100	95	95	65	80	50
	87	73	70	75	70	78
	78	75	64	80	55	63
Total	437	409	364	342	324	305

Interviews were conducted on Friday, April 21, 2023, at a Special City Council meeting, with the top three (3).

FISCAL ANALYSIS:

RECOMMENDATION: Staff recommends approval.