



City of Rockport

CITY COUNCIL REGULAR MEETING AGENDA

FRIDAY, JULY 12, 2024 ~ 10:00 A.M.
ROCKPORT SERVICE CENTER
2751 STATE HIGHWAY 35 BYPASS
ROCKPORT, TEXAS 78382

Mayor Tim Jayroe

Mayor Pro Tem (Ward 4) Andrea Hattman
Councilmember (Ward 1) Stephanie Rangel

Councilmember (Ward 2) Matt Anderson
Councilmember (Ward 3) Brad Brundrett
Vanessa Shrauner, City Manager

Notice is hereby given that Rockport City Council will hold a regular meeting on the above-mentioned date, time, and location. The meeting will be held in person at the location mentioned above. The live stream link to view the meeting is <https://www.youtube.com/@rockporttxgov>.

The City Council welcomes citizen participation and comments at all City Council Meetings on any Agenda item or any subject matter.



Written comments submitted by 8:30 a.m. on the day of the meeting.

- i. Complete the Speaker Card – locate the card by scanning the QR Code or online at <https://rockport.seamlessdocs.com/f/CouncilCitizenParticipation>
- ii. Written Comments received by the deadline will be read.

Sign up in person.

- i. Speaker's cards are located at the entrance of the meeting room and must be delivered to the City Secretary before the meeting begins.
- ii. Any citizen with handouts should provide them to the City Secretary before the meeting. If you wish the City Council to receive your handouts for the meeting, please provide 8 copies; if not, the City Council will receive your handouts the following day.

Rules for Citizen Participation

- i. Speakers will be limited to three minutes.
- ii. 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.

NOTE: The City Council may adjourn into Executive Session to consider any item listed on this agenda if a matter is raised that is appropriate for discussion. An announcement will be made based on the Executive Session discussion. The City Council may also publicly discuss any item listed on the agenda for the Executive Session.

Notice is hereby given that other elected or appointed officials may attend the City Council Meeting at the date and time above in numbers that may constitute a quorum. No action or minutes will be taken by such in attendance.

This facility is wheelchair-accessible and accessible parking spaces are available. Requests for accommodation or interpretive services must be made 48 hours before this meeting. Please get in touch with the City Secretary's office at (361) 729-2213, ext. 225, or FAX (361) 790-5966 or email sgoodwin@rockporttx.gov for further information. Braille is not available.

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. CEREMONIAL MATTERS/PROCLAMATIONS/EMPLOYEE RECOGNITION

IV. CITIZENS TO BE HEARD

Speaker participation instructions are provided in writing at the beginning of the agenda. **NOTE:** The Texas Open Meetings Act permits a member of the public or a member of the governmental body to raise a subject that has not been included in the notice for the meeting. However, any discussion of the subject must be limited to a proposal to place the subject on the agenda for a future meeting, and any response to a question posed to the City Council is limited to either a statement of specific factual information or a recitation of existing policy. TEX. GOV'T CODE § 551.042 has not been posted on the agenda.

V. CONSENT

The following items may be acted upon in a single motion. No separate discussion or action on any of these items will be held unless pulled at the request of a member of the City Council.

1. Consider the approval of the City Council Minutes for the June 25, 2024, City Council Regular Meeting (Shelley Goodwin, City Secretary)
2. Consider the approval of the City Council Minutes for the June 205, 2024, City Council Workshop (Shelley Goodwin, City Secretary)
3. Consider the approval of cancelling the following three City Council Regular Meetings due to conflicts (Shelley Goodwin, City Secretary)
 - October 8, 2024, Regular Meeting
 - November 26, 2024, Regular Meeting
 - December 24, 2024, Regular Meeting

VI. ORDINANCES, RESOLUTIONS AND PUBLIC HEARINGS

4. Consider the approval on the second and final readings of Ordinance 1937 of the City of Rockport, Texas, amending the Code of Ordinances to provide a process for petitions for release from the City's Extraterritorial Jurisdiction; providing a savings clause; providing that this Ordinance is cumulative of all ordinances; amending appendix A, "Fee Schedule." Article 5.500, "Application Fees, "to add a fee to process for a petition for the Release of Extraterritorial Jurisdiction, and amend Article A severability clause; providing for publication; and providing an effective date (Shelley Goodwin, City Secretary)
5. Consider the approval on the second and final readings of Ordinance 1938 of the City of Rockport, Texas, amending Ordinance No. 1911 which adopted the 2023-2024 Budget beginning October 1, 2023, and ending September 30, 2024; repealing all prior Ordinances in conflict herewith; providing for publication; and providing for an effective date (Budget amendment #5) (Robbie Sorrell, Finance Director).
6. Consider the approval on the second and final readings of Ordinance 1939 granting a Conditional Use Permit for the purpose of building an accessory use structure prior to the residential dwelling on the property located at 125 Lamar Dr; also known as Lot 3, ayres acres,

being 19.2809 acres, City of Rockport, Aransas County, Texas; subject to compliance with the conditions stated within this Ordinance, as well as those stipulated in the City Of Rockport Code of Ordinances; repealing all ordinances in conflict therewith; providing for severability; and providing an effective date (Carey Dietrich- Asst. Director Building & Development/ Community Planner)

7. Consider the approval on first of two readings of Ordinance 1940 amending Code of Ordinances Chapter 86, Streets, Sidewalks and other public places, by deleting Article V, Parades and replacing said Article V As Special Events in the attached form, and as may be modified in the future by Ordinances; adopting penalties for violation of this Ordinance in an amount not to exceed \$500.00 per violation; repealing all other Ordinances in conflict therewith; providing for severability, effective date, and publication (Shelley Goodwin, City Secretary)

VII. OTHER ACTION ITEMS AND UPDATES

8. Consider approval of Order 2024-01-O Renewing the Disaster Declaration of Local Disaster of the Mayor of the City of Rockport (Vanessa Shrauner, City Manager).
9. Consider the approval of a Construction Change Directive #2 related to the new City Hall project in the amount currently estimated to be a credit of \$1,561.10 (Kimberly Henry, Assistant to the City Manager).
10. Consider the approval to award a bid to Raw Demo for an amount not to exceed \$9,850.00 for the demolition and removal of the existing concrete and asphalt located at the Main Street Visitors Kiosk and Art Installation site, not to exceed \$9,850.00 (Kimberly Henry, Assistant to the City Manager).

VIII. CITY MANAGER'S UPDATE

IX. CITY COUNCIL REPORT

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.

X. EXECUTIVE SESSION

The City Council will recess its open meeting and reconvene in Executive Session pursuant to Texas Government Code Section - (551.071 Consultations with Attorney) and (551.074 Personnel Matters

11. Seek the advice of an 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: 1) City Hall; 2) Concho Street 3) General Land Office (GLO) drainage projects; and 4) Data Pros Settlement.

12. To deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of an employee; (City Manager)

XI. BUSINESS ITEM

The City Council will reconvene into Regular Session upon the conclusion of the Executive Session; the City Council may take action on any item posted in the Executive Session as necessary.

13. Consider the approval of Resolution 2024-14R finding and reaffirming that a public necessity exists to acquire a Drainage Easement and/or fee simple for municipal purposes to upgrade and install drainage facilities for the purpose of drainage collection, disposal, emptying, and such appurtenant facilities as may be necessary, and other public uses in real property on portions or whole of tracts of land crossing Veteran's Memorial Park and continuing through a possible street or right-of-way to the waterfront east of Austin/Broadway Streets and Veteran's Memorial Park with said street or right-of way known as Veterans Memorial Drive, in the Smith and Wood Addition bordering on Rockport Harbor, to the City of Rockport, according to the map recorded in Volume "E", pages 272-273, Deed Records of Aransas County, Texas, and generally described as a portion of the approximately 102.5 acre tract conveyed to the Aransas County Navigation District No. 1, now known as Aransas County Navigation District, by deed dated October 15, 1936, and recorded in Volume Q-2, page 270, Deed Records of Aransas County, Texas, and revised and amended on August 15, 1953, and recorded in Volume M-3, page 499, Deed Records of Aransas County, Texas, said property owned wholly or partially by Aransas County Navigation District, formerly known as Aransas County Navigation District No. 1; providing and reaffirming notice of an official determination to acquire real property for a Drainage Easement and/or fee simple for municipal purposes; providing and reaffirming authorization for the City Manager to obtain the necessary Appraisal Report and the making of bona fide offers of just compensation for the easement and/or fee simple; ratifying prior documents and acts made for acquisition of the easement and/or fee simple; authorizing and/or reaffirming the authority of Legal Counsel to Institute Eminent Domain proceedings on behalf of the City for the acquisition of the easements and/or fee simple on said tracts if negotiations are unsuccessful; authorizing and reaffirming seeking all legal means necessary to enter upon said property for work necessary to effectuate the need or ability to seek Eminent Domain proceedings and studies incident thereto; authorizing and reaffirming appropriation of funds from a lawful source; and providing for an effective date (Art Rodriguez, City Attorney)

XII. ADJOURN

CERTIFICATION

This is to certify that I, Kimberly Henry, posted this Agenda at 8:30 a.m. on July 9, 2024, on the bulletin board of the City of Rockport Service Center, 2751 S. H. 35 Bypass, Rockport, Texas 78382.



Kimberly Henry, Assistant to the City Manager



City of Rockport

CITY COUNCIL REGULAR MEETING AGENDA

TUESDAY, JUNE 25, 2024 ~ 6:30 P.M.
ROCKPORT SERVICE CENTER
2751 STATE HIGHWAY 35 BYPASS
ROCKPORT, TEXAS 78382

City Councilmembers Present:

Mayor Tim Jayroe
Mayor Pro Tem (Ward 4) Andrea Hattman
Councilmember (Ward 1) Stephanie Rangel
Councilmember (Ward 2) Danielle Hale
Councilmember (Ward 3) Brad Brundrett

City Councilmembers Absent:

None

City Staff Present:

Vanessa Shrauner, City Manager
Art Rodriguez, City Attorney (via Zoom)
Bob Argetsinger Director of Information Technology
Lee Brown, Director of Communications Center
Mike Donoho, Director of Public Works and Building & Development Services
Kimberly Henry, Assistant to the City Manager
Nathan Anderson, Police Chief
Robbie Sorrell, Director of Finance
Shelley Goodwin, City Secretary

I. CALL TO ORDER

Mayor Jayroe called the June 25, 2024, Regular Meeting to order at 6:30 p.m. and announced that a quorum had been met.

II. PLEDGE OF ALLEGIANCE

Mayor Jayroe led the Pledge of Allegiance to the United States flag.

III. CEREMONIAL MATTERS/EMPLOYEE RECOGNITION

1. Proclaiming July 5, 2024, as Anita Diebel Day

Mayor Jayroe read the Proclamation and proclaimed July 5, 2024, as Anita Diebel Day.

2. Proclaiming the Month of July as Parks and Recreation Month

Mayor Jayroe read the Proclamation and proclaimed the month of July as Parks and Recreation Month.

IV. CITIZENS TO BE HEARD

Andrew Kane spoke in opposition to the use of Hotel Occupancy Tax Funds for Agenda Item VII. 12. He also spoke on Agenda Item VII. 10. and requested the City of admit their role in the utility increase notification, so he can dismiss the lawsuit he filed against the City.

V. CONSENT

The following items may be acted upon in a single motion. No separate discussion or action on any of these items will be held unless pulled at the request of a member of the City Council.

3. Consider the approval of the City Council Minutes for the June 11, 2024, City Council Regular Meeting

Motion: Upon a motion made by Councilmember Brundrett and a second by Mayor Pro Tem Hattman to approve Consent Agenda Items V. 3. The City Council voted by roll call:

Councilmember (Ward 1) Rangel aye
Councilmember (Ward 2) Hale aye
Councilmember (Ward 3) Brundrett aye
Mayor Pro Tem (Ward 4) Hattman aye

The motion to approve passed unanimously; five (5) for and none (0) against.

VI. ORDINANCES, RESOLUTIONS AND PUBLIC HEARINGS

4. Consider the approval on the first of two readings of Ordinance 1937 of the City of Rockport, Texas, amending the Code of Ordinances to provide a process for petitions for release from the City's Extraterritorial Jurisdiction; providing a savings clause; providing that this Ordinance is cumulative of all ordinances; amending appendix A, "Fee Schedule." Article 5.500, "Application Fees, "to add a fee to process for a petition for the Release of Extraterritorial Jurisdiction, and amend Article A severability clause; providing for publication; and providing an effective date

Shelley Goodwin, City Secretary, announced that Senate Bill 203.8 was passed during the Texas 88th Legislative Session. This bill establishes a procedure for property owners in the Extraterritorial Jurisdiction (ETJ) to petition for release from the City's ETJ. The bill outlines the required processes and specifies that the petition must be filed with the City Secretary. She highlighted that the Ordinance details the duties, processes, and responsibilities for handling the petition and the subsequent steps. Additionally, the Ordinance introduces a \$1,000.00 fee to offset the expenses incurred by the City due to this bill. She urged the City Council to approve the Ordinance on its first reading

Motion: Upon a motion made by Mayor Pro Tem Hattman and a second Councilmember Brundrett by to approve on first reading Ordinance 1937 of the City of Rockport, Texas, amending the Code of Ordinances to provide a process for petitions for release from the City's Extraterritorial Jurisdiction; providing a savings clause; providing that this Ordinance is cumulative of all ordinances; amending appendix A, "Fee Schedule." Article 5.500, "Application Fees, "to add a fee to process for a petition for the Release of Extraterritorial Jurisdiction and amend Article A severability clause; providing for publication; and providing an effective date. The City Council voted by roll call:

Councilmember (Ward 1) Rangel aye
Councilmember (Ward 2) Hale aye
Councilmember (Ward 3) Brundrett aye
Mayor Pro Tem (Ward 4) Hattman aye

The motion to approve passed unanimously; five (5) for and none (0) against.

5. Consider the approval on the first of two readings of Ordinance 1938 of the City of Rockport, Texas, amending Ordinance No. 1911 which adopted the 2023-2024 Budget beginning October 1, 2023, and ending September 30, 2024; repealing all prior Ordinances in conflict herewith; providing for publication; and providing for an effective date (Budget amendment #5)

Robbie Sorrell, Finance Director, stated on May 28, 2024, the City Council approved moving forward with the contract with Deckard Technologies, Inc. using the Rentalscape Platform. The

contract provides for annual software access, a tax collection portal; and a short-term rental registration & licensing portal, which will benefit the Hotel Occupancy Tax Revenues.

Motion: Upon a motion made by Councilmember Brundrett and a second by Mayor Pro Tem Hattman to approve on first reading 1938 of the City of Rockport, Texas, amending Ordinance No. 1911 which adopted the 2023-2024 Budget beginning October 1, 2023, and ending September 30, 2024; repealing all prior Ordinances in conflict herewith; providing for publication; and providing for an effective date (Budget amendment #5). The City Council voted by roll call:

Councilmember (Ward 1) Rangel aye
Councilmember (Ward 2) Hale aye
Councilmember (Ward 3) Brundrett aye
Mayor Pro Tem (Ward 4) Hattman aye

The motion to approve passed unanimously; five (5) for and none (0) against.

6. Consider the request for a Conditional Use Permit (CUP) for property located at 125 Lamar Dr; also known as Lot 3, Block 230 Burton & Danforth Subdivision currently zoned R1 (1st Single Family Dwelling District)

Carey Dietrich- Asst. Director Building & Development/ Community Planner stated the Planning & Zoning Commission, voted unanimously to recommend approval of the first reading of an Ordinance amending the Official Zoning Map as stipulated under Article 4.1 of the City of Rockport Zoning Ordinance Number 1027 by granting a Conditional Use Permit (CUP) for property located at 125 Lamar Dr; also known as Lot 3, Ayres Acres to build an accessory use structure before the construction of the residential dwelling for property located at 125 Lamar Dr; also known as Lot 3, Ayres Acres, with the stipulation that the residential dwelling have an active building permit for construction by year end of 2025.

Ryan Ayers, the property owner, spoke to the City Council by phone. He noted he requested a Conditional Use Permit (CUP) to build an accessory-use building on his property before creating the residential dwelling. He stated that the building is to protect and store building materials before the home is built, by the end of 2025.

The City Council discussed the following:

- Accessory- use building
- Building permits
- Setting a precedent
- The Conditional Use Permit (CUP)
- Timeline for building the home

a. Hold a public hearing to receive comments for or against the request

Mayor Jayroe opened the public hearing at 7:05 p.m. and asked if anyone wished to speak. No one did, so Mayor Jayroe closed the public hearing at 7:06 p.m.

b. Consider the approval on the first of two readings of the Ordinance 1939 granting a Conditional Use Permit for the purpose of building an accessory use structure prior to the residential dwelling on the property located at 125 Lamar Dr; also known as Lot 3, ayres acres, being 19.2809 acres, City of Rockport, Aransas County, Texas; subject to compliance with the conditions stated within this Ordinance, as well as those stipulated in the City Of Rockport Code of Ordinances; repealing all ordinances in conflict therewith; providing for severability; and providing an

effective date.

Motion: Upon a motion made by Councilmember Brundrett and a second by Mayor Pro Tem Hattman to approve on first reading 1939 granting a Conditional Use Permit for the purpose of building an accessory use structure prior to the residential dwelling on the property located at 125 Lamar Dr; also known as Lot 3, ayres acres, being 19.2809 acres, City of Rockport, Aransas County, Texas; subject to compliance with the conditions stated within this Ordinance, as well as those stipulated in the City Of Rockport Code of Ordinances; repealing all ordinances in conflict therewith; providing for severability; and providing an effective date. The City Council voted by roll call:

Councilmember (Ward 1) Rangel	aye
Councilmember (Ward 2) Hale	aye
Councilmember (Ward 3) Brundrett	aye
Mayor Pro Tem (Ward 4) Hattman	aye

The motion to approve passed unanimously; five (5) for and none (0) against.

7. Consider the approval of Resolution 2024-12R authorizing the Rockport Police Department to apply for and operate an Office of Community Policing Services Grant (COPS), administered by the U. S. Department of Justice, Cops Hiring Program (CHP), for the fiscal year 2024; and authorizing the Mayor to act as the Executive Officer and authorized representative in all matters pertaining to the participation in this grant program

Nathan Anderson, Police Chief, reviewed the Community Policing Services Grant and the requirements to apply for the grant. He noted the objective of the Office of Community Oriented Policing Services grant (COPS) is to advance public safety through community policing by providing funding to law enforcement agencies to hire and/or rehire additional career law enforcement officers in an effort to increase the community policing capacity and crime prevention efforts. He also noted this grant is a 25% cost sharing or matching grant that will cover up to a maximum \$125,000 per officer for a three-year period.

The City Council discussed the following:

- Number of officers the City is requesting as part of this grant
- Process for accepting grant

Motion: Upon a motion made by Mayor Pro Tem Hattman and a second by Councilmember Rangel to approve Resolution 2024-12R authorizing the Rockport Police Department to apply for and operate an Office of Community Policing Services Grant (COPS), administered by the U. S. Department of Justice, Cops Hiring Program (CHP), for the fiscal year 2024; and authorizing the Mayor to act as the Executive Officer and authorized representative in all matters pertaining to the participation in this grant program. The City Council voted by roll call:

Councilmember (Ward 1) Rangel	aye
Councilmember (Ward 2) Hale	aye
Councilmember (Ward 3) Brundrett	aye
Mayor Pro Tem (Ward 4) Hattman	aye

The motion to approve passed unanimously; five (5) for and none (0) against.

8. Consider the approval of Resolution 2024-13R authorizing the Rockport Police Department to utilize Restricted Texas Opioid Settlement Funds to purchase an Incinerator 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.

Nathan Anderson, Police Chief, stated the Police Department is seeking a fiscally responsible, safe

method of destroying narcotics seized by officers and during the scheduled drug take-back events. He reviewed the cost of the incinerator and the different uses it will provide. The Texas Comptroller has distrusted Opioid Settlement Funds and this purchase is one of the eligible expenditures programs.

The City Council discussed the potential of the Sheriff's Department being able to use the incinerator.

Motion: Upon a motion made by Councilmember Brundrett and a second by Councilmember Anderson to approve Resolution 2024-13R authorizing the Rockport Police Department to utilize Restricted Texas Opioid Settlement Funds to purchase an Incinerator 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. The City Council voted by roll call:

Councilmember (Ward 1) Rangel	aye
Councilmember (Ward 2) Hale	aye
Councilmember (Ward 3) Brundrett	aye
Mayor Pro Tem (Ward 4) Hattman	aye

The motion to approve passed unanimously; five (5) for and none (0) against.

VII. OTHER ACTION ITEMS AND UPDATES

9. Consider the approval of a request from Andrew Bazner for temporary street closures of Cornwall between North Austin and North Magnolia Streets in downtown Rockport for the weekend of July 13-14, 2024

Shelley Goodwin, City Secretary, reviewed the application from Andrew Bazner request for a street closure. She noted that all required documents are part of your Agenda Packet.

Andrew Bazner, requestor, stated he is requesting this closure for a Farmers Market. He noted that he will be making additional requests in the future for Farmer's Market, but will wait until the Special Event Ordinance has been approved.

Motion: Upon a motion made by Councilmember Rangel and a second by Mayor Pro Tem Hattman to approve the request from Andrew Bazner for temporary street closures of Cornwall between North Austin and North Magnolia Streets in downtown Rockport for the weekend of July 13-14, 2024. The City Council voted five (5) for and none (0) against. The City Council voted by roll call:

Councilmember (Ward 1) Rangel	aye
Councilmember (Ward 2) Hale	aye
Councilmember (Ward 3) Brundrett	aye
Mayor Pro Tem (Ward 4) Hattman	aye

The motion to approve passed unanimously; five (5) for and none (0) against.

10. Consider the approval of changing utility billing providers from DataProse and award the utility billing services to XepdientMail

Robbie Sorrell, Finance Director, provided the history of the utility billing services and announced that due to issues, the City has obtained three quotes for replacement billing services. Quotes were obtained from XepdientMail, USIO Output Solutions, and InfoSend, He stated staff is requesting the City Council award the utility billing services to XepdientMail.

Mayor Pro Tem Hattman addressed the City's ongoing issues with DataProse, including the reimbursement of funds to both the City and its customers. She mentioned that a lawsuit was filed, and although both DataProse and the City have publicly acknowledged their mistakes, the lawsuit remains active, continuing to burden taxpayers with additional expenses. She expressed hope that this matter can soon be resolved so that everyone can move forward.

Motion: Upon a motion made by Councilmember Brundrett and a second by Mayor Pro Tem Hattman to approve changing utility billing providers from DataProse and award the utility billing services to XepdientMail. The City Council voted by roll call:

Councilmember (Ward 1) Rangel	aye
Councilmember (Ward 2) Hale	aye
Councilmember (Ward 3) Brundrett	aye
Mayor Pro Tem (Ward 4) Hattman	aye

The motion to approve passed unanimously; five (5) for and none (0) against.

11. Consideration and possible approval to authorize the City Manager to enter into a contract with RBC Capitol to solicit bids for the Gas System

Vanessa Shrauner, City Manager, reported that she would like to receive approval to enter into a contract with RBC Capital Markets, LLC. She reviewed the history of the Gas System and the need for selling the system.

The City Council discussed the marketing process.

Motion: Upon a motion made by Councilmember Brundrett and a second by Mayor Pro Tem Hattman to authorize the City Manager to enter into a contract with RBC Capitol to solicit bids for the Gas System. The City Council voted by roll call:

Councilmember (Ward 1) Rangel	aye
Councilmember (Ward 2) Hale	aye
Councilmember (Ward 3) Brundrett	aye
Mayor Pro Tem (Ward 4) Hattman	aye

The motion to approve passed unanimously; five (5) for and none (0) against.

12. Consider the rejection of the only bid for the Main Street Visitors Kiosk and Art Installation

Kimberly Henry, Assistant to the City Manager, stated the City did a second attempted for Request for Proposals for a Visitors Kiosk and Art Installation area on Main Street between Live Oak Street and Magnolia Street. She noted the City budgeted \$500,000 for this project, there is a remaining \$194,633. The first RFP resulted in no one submitting a request and the second attempt resulted in a bid that exceeded both the budgeted funds and engineers' estimate for this project. She noted that staff recommends rejecting this bid and allowing further efforts to seek separate bids for different aspect of this project.

Motion: Upon a motion made by Mayor Pro Tem Hattman and a second by Councilmember Rangel rejection of the only bid for the Main Street Visitors Kiosk and Art Installation and allow separate bids for this project. The City Council voted by roll call:

Councilmember (Ward 1) Rangel	aye
Councilmember (Ward 2) Hale	aye
Councilmember (Ward 3) Brundrett	abstained, Conflict Affidavit was filed
Mayor Pro Tem (Ward 4) Hattman	aye

The City Council voted four (4) for, none (0) against, and one (1) abstain.

VIII. CITY MANAGER'S UPDATE

13. City Manager's Monthly Update

Vanessa Shrauner, City Manager, provided the attached City Manager's Monthly Update PowerPoint. She stated that the Update will be provided at the second meeting of the month and will be posted on the City Manager's webpage after the meeting. She also asked the City Council to let her know if there is anything else they wish to see to let her know.

Anthony Allen, Urban Engineering Co., provided the attached update on City projects. He also stated that at the next monthly report, he will try to include it in the City Manager's Monthly Update.

IX. CITY COUNCIL REPORT

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.

Councilmember Rangel (Ward 1) reported that she attended the Merchant Meeting and Archive Meeting.

Councilmember Anderson (Ward 2) reported that he attended the Fulton Neighborhood Watch Meeting.

Councilmember Brundrett (Ward 3) reported after Tropical Storm Alberto he drove around the City. He noted some of the issues that occurred and the plan to get those corrected.

Mayor Pro Tem Hattmann reported she attended the Rockport Country Club HOA Meeting, where a decision was made to lower the speed limit. She also stated the Golf Course and the Country Club did well during Tropical Storm Alberto.

Mayor Jayroe thanked Mike Donoho and Chief Anderson for their hard work during

X. EXECUTIVE SESSION

The City Council will recess its open meeting and reconvene in Executive Session pursuant to Texas Government Code Section - (551.071 Consultations with Attorney)

14. Seek the advice of an 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: 1) City Hall; 2) Concho Street 3) General Land Office (GLO) drainage projects; and 4) Data Pros Settlement.

The City Council did not convene into Executive Session.

XI. BUSINESS ITEM

XII. ADJOURN

With no other business, Mayor Jayroe adjourned the Tuesday, June 25, 2024, City Council Regular Meeting at 7:45 p.m.

Tim Jayroe
Mayor

Shelley Goodwin, TRMC/CMC
City Secretary



City of Rockport

CITY COUNCIL REGULAR MEETING AGENDA

TUESDAY, JUNE 25, 2024 ~ 5:00 P.M.

ROCKPORT SERVICE CENTER

2751 STATE HIGHWAY 35 BYPASS

ROCKPORT, TEXAS 78382

City Councilmembers Present:

Mayor Tim Jayroe

Mayor Pro Tem (Ward 4) Andrea Hattman

Councilmember (Ward 1) Stephanie Rangel

Councilmember (Ward 2) Danielle Hale

Councilmember (Ward 3) Brad Brundrett

City Councilmembers Absent:

None

City Staff Present:

Vanessa Shrauner, City Manager

Bob Argetsinger Director of Information Technology

Kimberly Henry, Assistant to the City Manager

Shelley Goodwin, City Secretary

I. CALL TO ORDER

Mayor Jayroe called the June 25, 2024, Workshop Meeting to order at 5:00 p.m. and announced that a quorum had been met.

II. TAX INCREMENT REINVESTMENT ZONE (TIRZ)

1. Presentation and discussion

Travis James, TXP, provided a PowerPoint presentation on the differences between a Tax Increment Reinvestment Zone and a Tax Increment Fund. He also reviewed the benefits and the processes for creating a TIRZ

Scarlett Olsen-Embry provided a PowerPoint presentation of her history in Rockport. She also provided a project that she has been working on for downtown. She reviewed what can and cannot be done with TIRZ funding. She also provided renderings of the projects and her vision. She also noted that she has the Bass property under consignment.

2. Citizen Comments

Luis Purin, Executive Director of Rockport Center of the Arts, provided the benefits of using TIRZ. He also provided benefits to the downtown area and Rockport.

John Jackson read a letter of support for the use of TIRZ. He also reviewed the history of the property. He provided four reasons why this project is a better opportunity now.

Tony Hutton, NAB District, spoke in support of the TIRZ and the proposed project.

III. ADJOURN

With no other business, Mayor Jayroe adjourned the Tuesday, June 25, 2024, City Council Workshop Meeting at 5:50 p.m.

Tim Jayroe
Mayor

Shelley Goodwin, TRMC/CMC
City Secretary

CITY COUNCIL AGENDA
Regular Meeting: Tuesday, July 12, 2024

AGENDA ITEM: 3.

Consider the approval of cancelling the following three City Council Regular Meetings due to conflicts (Shelley Goodwin, City Secretary)

October 8, 2024, Regular Meeting
November 26, 2024, Regular Meeting
December 24, 2024, Regular Meeting

SUBMITTED BY: Shelley Goodwin, City Secretary

APPROVED FOR AGENDA: SG

BACKGROUND:

City of Rockport Charter Section 3.08 (1)

The City Council is required to hold at least one regular meeting each month, with additional meetings as necessary to conduct city business.

Due to scheduling conflicts in October, November, and December with the Texas Municipal League and various holidays, staff is requesting the cancellation of the regular meetings mentioned above.

FISCAL ANALYSIS: The Financial Impact will be discussed as part of the 2024-2025 Budget process.

RECOMMENDATION:

While the City Charter requires that the City Council hold at least one meeting each month, which will be held, staff is requesting the Council's approval to cancel three meetings due to scheduling conflicts.

CITY COUNCIL AGENDA

Regular Meeting: Tuesday, July 12, 2024

AGENDA ITEM: 4

Consider the approval on the second reading of Ordinance 1937 of the City of Rockport, Texas, amending the Code of Ordinances to provide a process for petitions for release from the City's Extraterritorial Jurisdiction; providing a savings clause; providing that this Ordinance is cumulative of all ordinances; amending appendix A, "Fee Schedule." Article 5.500, "Application Fees, "to add a fee to process for a petition for the Release of Extraterritorial Jurisdiction and amend Article A severability clause; providing for publication; and providing an effective date.

SUBMITTED BY: Shelley Goodwin, City Secretary

APPROVED FOR AGENDA: VRS

BACKGROUND:

In the 2023 Legislative Session Senate Bill 2038 was passed and took effect September 1, 2023. While some cities have filed lawsuits against this bill stating that it is unconstitutional, it is still in effect. This bill allows landowners to file a petition to be "Released for the Extraterritorial Jurisdiction".

SB 2038 mandates several required documents, steps, and procedures for each petition filed. I request the City Council to adopt Ordinance 1937, which clarifies the bill's procedures and required documents. Additionally, I propose a \$1,000 filing fee to cover the City's expenses for the mandated processes, reviews, and creation of maps.

FISCAL ANALYSIS: The petitioner would be required to pay a \$1,000 filing fee, which would cover most of the mandated process expenses of the City instead of the taxpayers covering this fee.

RECOMMENDATION:

Staff recommends the adoption of Ordinance 1937.

ORDINANCE NO. 1937

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKPORT, TEXAS, AMENDING THE CODE OF ORDINANCES TO PROVIDE A PROCESS FOR PETITIONS FOR RELEASE FROM THE CITY'S EXTRATERRITORIAL JURISDICTION; PROVIDING A SAVINGS CLAUSE; PROVIDING THAT THIS ORDINANCE IS CUMULATIVE OF ALL ORDINANCES; AMENDING APPENDIX A, "FEE SCHEDULE." ARTICLE 5.500, "APPLICATION FEES, "TO ADD A FEE TO PROCESS A PETITION FOR RELEASE OF EXTRATERRITORIAL JURISDICTION; AND AMEND ARTICLE A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Rockport, Texas is a Home Rule municipal corporation located in Aransas County, created in accordance with the provisions of Chapter 9 if the Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the Texas Legislature passed Senate Bill 2038, which allows residents of a city's extraterritorial jurisdiction to petition for release from the municipality's extraterritorial jurisdiction; and

WHEREAS, Senate Bill 2038 provides a timeline for approving the release of property from the extraterritorial jurisdiction after a petition is filed with the municipality; and

WHEREAS, the City Council deems it appropriate to provide procedures for establishing when a petition is considered filed; and

WHEREAS, a petition requesting release must comply with the petition requirements of Chapter 277 of the Texas Election Code; and

WHEREAS, Senate Bill 2038 requires the City Secretary, or designee, to verify the petition signatures; and

WHEREAS, City Council finds it necessary to establish a procedure for the City Secretary to verify the signature of corporate owners; and

WHEREAS, the City Council desires to amend the fee schedule to require an appropriate fee for

appropriate fee for processing extraterritorial release requests, including updating municipal maps; and

WHEREAS, the fee is not intended and shall not pay for the costs of holding an election on the question of whether to release an area from the municipality's extraterritorial jurisdiction if a petition for election to receive by the City; and

WHEREAS, the Texas Legislature passed House Bill 3492, which prohibits cities from basing any application, review, inspection, or related fees for constructing or improving public infrastructure for a subdivision lot on the cost or value of the infrastructure project; and

WHEREAS, the City of Rockport finds it necessary to amend the fees schedule to comply with House Bill 3492: and

WHEREAS, the City Council finds that the amendments as outlined herein are in the best interest of the health, safety, and general welfare of the citizens of the City and the general public.

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

Section 1. All the above premises are true and correct legislative and factual findings of the City Council and they are hereby approved, ratified, and incorporated into the body of this ordinance as if copied in their entirety.

Section 2. The Code of Ordinances is hereby amended by adding the following:

Petitions for Release from Extraterritorial Jurisdiction.

- (a) A petition for release or a petition to hold an election for release from the City's extraterritorial jurisdiction may be filed by a resident or land owner within the extraterritorial jurisdiction, as provided by Chapter 42 of the Texas Local Government Code, as amended.
- (b) A petition either for release or requesting an election is considered filed when it meets the following requirements:
 - (1) The petition must comply with the signature requirements of Chapter 42 of the Texas Local Government Code, as amended, and Chapter 277 of the Texas Election Code, as amended;
 - (2) The petition must include a map of the land to be released and describe the boundaries of the land by either:
 - i. Metes and bounds, or
 - ii. Lot and block number, if there is a recorded map or plat; and
 - (3) To permit the City Secretary to verify the petition, the petition of a corporate owner must be accompanied by the following:
 - i. Date of birth of the signor;
 - ii. Personal residence address of the signor;

- iii. Business entity's Certificate of Good Standing from the Texas Secretary of State;
- iv. Business entity's Articles of incorporation, certificate of formation, partnership agreement, or other corporate formation document;
- v. Business entity's Bylaws; and
- iv. Resolution of the business entity authorizing the petition for release be executed and filed by the entity representative.

(c) Upon receipt of a petition, the City must verify the petition.

- (1) The City shall notify the resident and landowners of the area described by the petition of its results. This may be satisfied by notifying the party who filed the petition.

(d) If the petition for release contains the requisite number of signatures, the City shall release the area from its extraterritorial jurisdiction by the later of the 45th day after the date the petition was filed or the next meeting of the City Council that occurs after the 30th date after the petition was filed.

(e) If the resident or landowner submits a verified petition to hold an election for release, the city may either:

- (1) Voluntarily release the area for which the election is to be held from the City's extraterritorial jurisdiction before the date on which the election would have been held; or
- (2) Order an election for release, which must comply with Texas Election Code and Chapter 42 of the Local Government Code, as amended.

(f) This section does not apply to the following properties in the extraterritorial jurisdiction:

- (1) In an area designated as an Industrial District under Section 42.044 of the Texas Local Government Code, as amended;
- (2) In an area subject to a strategic partnership agreement with the city; or
- (3) Any other exceptions to release of an area by petition of a landowner or resident as described by Chapter 42 of the Local Government Code."

Section 3. This Ordinance shall be cumulative of all provisions of Ordinances of the City of Rockport, Texas except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

Section 4. Chapter 2 Administration, Article XII "Petition for Release from Extraterritorial Jurisdiction, " of the Code of Ordinance, City of Rockport is hereby amended to read as follows:

Application Fees.

(a) General fees.

Petition for Release from Extraterritorial Jurisdiction \$1,000

Section 5. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such

unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

Section 6. This Ordinance shall be in full force and effect from and after its passage and publication.

APPROVED ON FIRST READ on this the _____ day of _____ 2024, at a Regular Meeting of the City Council of the City of Rockport, Texas.

PASSED AND APPROVED on this the _____ day of _____ 2024, at a Regular Meeting of the City Council of the City of Rockport, Texas.

Tim Jayroe, Mayor

ATTEST:

Shelley Goodwin, TRMC/CMC
City Secretary

APPROVED AS TO FORM:

Art Rodriguez
City Attorney

CITY COUNCIL AGENDA

Regular Meeting: Tuesday, July 12, 2024

AGENDA ITEM: 5

Consider the approval on the second reading of Ordinance 1938 of the City of Rockport, Texas, amending Ordinance No. 1911 which adopted the 2023-2024 Budget beginning October 1, 2023, and ending September 30, 2024; repealing all prior Ordinances in conflict herewith; providing for publication; and providing for an effective date (Budget amendment #5)

SUBMITTED BY: Robbie Sorrell, Director of Finance

APPROVED FOR AGENDA: vrs

BACKGROUND:

On May 28, 2024, Carey Dietrich presented, and Council approved moving forward with the contract with Deckard Technologies, Inc. using the Rentalscape Platform. The contract provides for:

- 1) annual software access;
- 2) three-letter outreach campaign;
- 3) tax collection portal; and
- 4) short-term rental registration & licensing portal

All the above help manage short-term rentals for the benefit of Hotel/Motel funds.

FISCAL ANALYSIS:

This agenda item provides the funding to support moving forward with Deckard Technologies, Inc. The attached contract outlines an annual payment not to exceed \$48,750 in year one with payment due up front. This funding would come from HOT reserves as per attached.

RECOMMENDED ACTION:

Staff recommends approval of this ordinance on the first reading.

ORDINANCE NO. 1938

AN ORDINANCE OF THE CITY OF ROCKPORT, TEXAS AMENDING ORDINANCE NO. 1911 WHICH ADOPTED THE 2023-2024 BUDGET BEGINNING OCTOBER 1, 2023 AND ENDING SEPTEMBER 30, 2024; REPEALING ALL PRIOR ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR PUBLICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on September 12, 2023, Council approved Ordinance No. 1911 establishing the original budget for 2023-2024, and

WHEREAS, the original budget was amended via Ordinance No. 1932 on April 23, 2024;

WHEREAS, on May 28, 2024, Council approved moving forward with the contract with Deckard Technologies, Inc. to use the Rentalscape Platform to help manage short-term rentals for an initial annual amount not to exceed \$48,750;

WHEREAS, the contract is for the benefit of collecting Hotel/Motel funds; and

WHEREAS, the City needs to fund the contract, which stipulates that annual funds are due in advance

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

SECTION 1.

For municipal purposes, to amend the Hotel Occupancy Tax Fund budget for an anticipated \$48,750 in expenditures for the Deckard Technologies, Inc. contract utilizing the Rentalscape platform. The following budget amendment is proposed to be funded with reserves.

Fund: 27 - Hotel Occupancy Tax Fund**Budget Summary****Resources vs Expenditures Summary**

		FY 21-22	FY 22-23	FY 22-23	FY 23-24
		<u>Actual</u>	<u>Budget</u>	<u>Projected</u>	<u>Approved</u>
Revenues					
Hotel Occupancy Tax Revenues	\$1,552,155	\$1,355,000	\$ 1,275,000	\$ 1,159,262	
Use HOT Reserves	-	253,393	360,367	289,314	
Use HOT Reserves - Downtown	-	-	-	500,000	
Use HOT Reserves - RENTALSCAPE				48,750	
Total Fund Revenues	\$ 1,552,155	\$ 1,608,393	\$ 1,635,367	\$ 1,997,326	
Expenses					
Tax Administration	\$ 805,501	\$1,608,393	\$ 1,614,135	\$ 1,448,576	
Information Center - Downtown	-	-	-	500,000	
RENTALSCAPE				48,750	
Non-Departmental	-	-	21,232	-	
Total Fund Expenses	\$ 805,501	\$ 1,608,393	\$ 1,635,367	\$ 1,997,326	
Revenues Over(Under) Expenses	\$ 746,654	\$ (0)	\$ -	\$ (0)	

SECTION 2.

All ordinances and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein. If any provision, section, sentence, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances is, for any reason held to be unconstitutional, void, or invalid, the validity of the remaining portions of this Ordinance shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof, or provisions or regulations contained herein, shall become inoperative or fail by reason of any unconstitutionality of any other portion hereof, and all provisions of this Ordinance are declared severable for that purpose.

SECTION 3.

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

SECTION 4.

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

SECTION 5.

This Ordinance shall become effective upon adoption by the second reading by the Rockport City Council.

APPROVED on first reading the 9th day of July 2024.

CITY OF ROCKPORT, TEXAS

Tim Jayroe,
Mayor

ATTEST:

Shelley Goodwin, City Secretary

APPROVED on second reading the 23rd day of July 2024.

CITY OF ROCKPORT, TEXAS

Tim Jayroe,
Mayor

ATTEST:

Shelley Goodwin, City Secretary

CITY COUNCIL AGENDA

Regular Meeting: Tuesday, July 12, 2024

AGENDA ITEM: 6

Consider the approval on second 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 granting a Conditional Use Permit (CUP) for property located at 125 Lamar Dr; also known as Lot 3, Ayres Acres; 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, Ryan Ayers, is requesting a Conditional Use Permit (CUP) for the purpose of building an accessory use building on his property prior to building the residential dwelling. The property is zoned R1 (1st Single Family Dwelling District) which does not allow accessory use structures without an established residential dwelling.

A public notice regarding this item was published in The Rockport Pilot in the Saturday, May 25, 2024 edition and mailed out to twenty seven (27) property owners within a 200-foot radius of the property. Two (2) letters For and One (1) Against the request have been received at this time.

Please see the accompanying zoning change request application and Section 118-23 and 118-24.2.3 of the Code of Ordinances for detail information.

FISCAL ANALYSIS: N/A

RECOMMENDATION: The Planning & Zoning Commission, by unanimous vote, recommends approval of the first reading of an Ordinance amending the Official Zoning Map as stipulated under Article 4.1 of the City of Rockport Zoning Ordinance Number 1027 by granting a Conditional Use Permit (CUP) for property located at 125 Lamar Dr; also known as Lot 3, Ayres Acres for the purpose of building an accessory use structure prior to the construction of the residential dwelling for property located at 125 Lamar Dr; also known as Lot 3, Ayres Acres, with the stipulation that the residential dwelling have an active building permit for construction by year end of 2025.



PUBLIC HEARING

Planning & Zoning Commission
and City Council

NOTICE is hereby given that the Planning & Zoning Commission will hold a Public Hearing on Monday, June 17, 2024, at 5:30 p.m. and the Rockport City Council will hold a Public Hearing on Tuesday, June 25, 2024, at 6:30 p.m., at the Rockport Service Center, 2751 State Highway 35 Bypass, Rockport, Texas, to consider a request for a Conditional Use Permit (CUP) to allow construction of a shop to store tools and equipment for personal use on the property located at 125 Lamar Dr; also known as Lot 3, Block 230 Burton & Danforth Subdivision currently zoned R1 (1st Single 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 June 17, 2024, and the City Council Agenda of June 25, 2024, 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 24th day of May 2024 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, May 25, 2024, Edition, in accordance with the City of Rockport Code of Ordinances.

CITY OF ROCKPORT, TEXAS

Carey Dietrich
Carey Dietrich, Asst. Director Building & Development

ORDINANCE NO. 1939

AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT FOR THE PURPOSE OF BUILDING AN ACCESSORY USE STRUCTURE PRIOR TO THE RESIDENTIAL DWELLING ON THE PROPERTY LOCATED AT 125 LAMAR DR; ALSO KNOWN AS LOT 3, AYRES ACRES, BEING 19.2809 ACRES, CITY OF ROCKPORT, ARANSAS COUNTY, TEXAS; SUBJECT TO COMPLIANCE WITH THE CONDITIONS STATED WITHIN THIS ORDINANCE, AS WELL AS THOSE STIPULATED IN THE CITY OF ROCKPORT CODE OF ORDINANCES; REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, On May 24, 2024, notice was posted on the bulletin board at the Rockport Service Center, 2751 State Highway 35 Bypass and on the City's webpage www.cityofrockport.com; and

WHEREAS, on June 6, 2024 notice was mailed to affected property owners within 200' of subject property; and

WHEREAS, on May 25, 2024, 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 June 17, 2024, at 5:30 p.m., the Planning & Zoning Commission did hold a Public Hearing; and

WHEREAS, on June 17, 2024, the Planning & Zoning Commission did meet and said Commission by unanimous vote of approval, recommends Council to accept and approve this request for a Conditional Use Permit (CUP) for property located at 125 Lamar Dr, and

WHEREAS, on June 25, 2024, at 6:30 p.m., the Rockport City Council did hold a Public Hearing; and

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

SECTION 1 – CONDITIONAL USE PERMIT

That, pursuant to Section 118-23 "Conditional Use Permit" (CUP), of the Rockport Code of Ordinances, a Conditional Use Permit is hereby granted to property located at 125 Lamar Dr for the purpose of building an accessory use structure prior to the residential dwelling, subject to

compliance with the following conditions and all applicable regulations and conditions contained in the City of Rockport Code of Ordinances:

1. Must meet requirements of the City of Rockport Code of Ordinances, including, but not limited to Chapter 118, Sec 118-23 and Sec 118-24;
2. Must have an active building permit for the construction of the residential dwelling on the property prior to the end of year 2025;
3. Any use other than that granted herein or permitted by right in the “B-1” zoning district shall be treated as an amendment to the Conditional Use Permit and shall be required to re-submit a Conditional Use Permit request as outlined in the Zoning Ordinance.

SECTION 2

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

SECTION 3

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance be severable, and, if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared invalid by judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Ordinance and the remainder of this Ordinance shall be enforced as written.

SECTION 4

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

SECTION 5

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

SECTION 6

The repeal or amendment of any ordinance or part of ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of

such ordinance or as discontinuing, abating, modifying, or altering any penalty accruing or to accrue or as affecting any rights of the City under any section or provisions of any ordinances in effect at the time of passage of this Ordinance.

SECTION 7

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

SECTION 8

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

APPROVED on first reading the _____ day of _____, 2024.

APPROVED, PASSED and ADOPTED on second and final reading, this _____ day of ___, 2024.

CITY OF ROCKPORT, TEXAS

Tim Jayroe, Mayor

ATTEST:

Shelley Goodwin, 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**

125 Lamar Dr.

APPLICANT/PROPERTY OWNER

Ryan Ayres, Owner

PUBLIC HEARING DATE

P&Z – Monday, June 17, 2024
 CC – Tuesday, June 25, 2024

P&Z DATE

P&Z – Monday, June 17, 2024

CITY COUNCIL DATE(S)

1st Reading - Tuesday, June 25, 2024
 2nd Reading – Tuesday, July 9, 2024,

BRIEF SUMMARY OF REQUEST

Property owner, Ryan Ayres, is requesting a Conditional Use Permit (CUP) for the purpose of building an accessory use building on his property prior to building the residential dwelling. The property is zoned R1 (1st Single Family Dwelling District) which does not allow accessory use structures without an established residential dwelling.

A public notice regarding this item was published in The Rockport Pilot in the Saturday, May 25, 2024 edition and mailed out to twenty seven (27) property owners within a 200-foot radius of the property. Two (2) letters For and One (1) Letter Against the request have been received at this time.



MAP SOURCE: Pictometry

EXISTING ZONING	EXISTING LAND USE	SURROUNDING ZONING & LAND USE N – CUP – RV Park S – R-1 (1 st Single Family Dwelling District) E – R-1 (1 st Single Family Dwelling District) W – R-1 (1 st Single Family Dwelling District)	SITE IMPROVEMENTS	SIZE OF PROPERTY
R-1 – 1 st Single Family Dwelling District	Vacant property with one existing accessory use structure	Existing Accessory Use Building	19.2809 acres Lot Size: 756.05 X 1551.56	

STAFF RECOMMENDATION

APPROVE

APPROVE WITH CONDITIONS

DENY

COMPATIBILITY with the ZONING ORDINANCE	PROPERTY HISTORY
The Current Future Land Use Map suggests Residential Use	<p>There was an existing Accessory Use Building on the property when Mr. Ayers purchased and cleaned up the old Manufactured Home Park and subsequently re-platted the property</p> <p>Planning & Zoning Commission, by unanimous vote, recommends approval of the CUP with the stipulation that the residential dwelling will be permitted for construction by the end of 2025.</p>

ATTACHMENTS
(CIRCLE)

SUBMITTED PLANS

PUBLIC HEARING PETITION/
APPLICATION FORM

LEGAL NOTICE

LEGAL DESCRIPTION

PUBLIC COMMENTS

AGENCY COMMENTS

RESPONSE TO STANDARDS

OTHER (DESCRIBE)



PUBLIC HEARING
Planning & Zoning Commission
and City Council

Received
6/18/24
(day after
P&Z Meeting)

NOTICE is hereby given that the Planning & Zoning Commission will hold a Public Hearing on Monday, June 17, 2024, at 5:30 p.m. and the Rockport City Council will hold a Public Hearing on Tuesday, June 25, 2024, at 6:30 p.m., at the Rockport Service Center, 2751 State Highway 35 Bypass, Rockport, Texas, to consider a request for a Conditional Use Permit (CUP) to allow construction of a shop to store tools and equipment for personal use on the property located at 125 Lamar Dr; also known as Lot 3, Blk 1, 230 Burton & Danforth Subdivision currently zoned R1 (1st Single Family Dwelling District).

Members of the public can view the meeting  at the address that will be provided on the Planning & Zoning Commission Agenda of June 17, 2024, and the City Council Agenda of June 25, 2024, 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.

CITY OF ROCKPORT, TEXAS
Carey Dietrich, Community Planner

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.

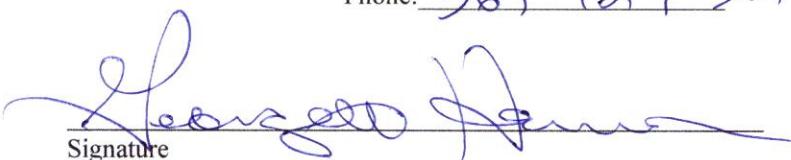
NOTE: In accordance with the Open Meetings Act and Public Information Act, no discussion shall be held by a member or members of this Commission, either at home or office, or in person, by telephone call or by letter.

Printed Name: Georgette Harrison
Address: 212 Portia Ave PO Box 48 City/State: Rockport TX

IN FAVOR IN OPPOSITION

Phone: 361 729 3233

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, June 17, 2024, at 5:30 p.m. and the Rockport City Council will hold a Public Hearing on Tuesday, June 25, 2024, at 6:30 p.m., at the Rockport Service Center, 2751 State Highway 35 Bypass, Rockport, Texas, to consider a request for a Conditional Use Permit (CUP) to allow construction of a shop to store tools and equipment for personal use on the property located at 125 Lamar Dr; also known as Lot 3, Block 230 Burton & Danforth Subdivision currently zoned R1 (1st Single 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 June 17, 2024, and the City Council Agenda of June 25, 2024, 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.

CITY OF ROCKPORT, TEXAS
 Carey Dietrich, Community Planner

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.

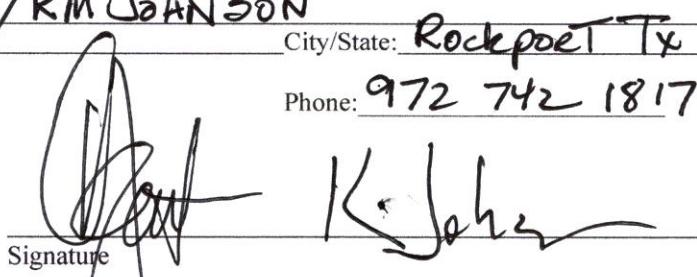
NOTE: In accordance with the Open Meetings Act and Public Information Act, no discussion shall be held by a member or members of this Commission, either at home or office, or in person, by telephone call or by letter.

Printed Name: CANDACE SARGENT / KM JOHNSON
 Address: 214 PORTIA AVE City/State: Rockport Tx

IN FAVOR IN OPPOSITION

REASON:

BECAUSE HE'S A
 GREAT NEIGHBOR.


 Signature: C. Sargent K. Johnson
 See map on reverse side.



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 _____
125 Lamar Dr, Rockport, Texas 78382

C. CURRENT ZONING OF PROPERTY: _____ R1

D. PRESENT USE OF PROPERTY: One Storage Building/Vacant Land

E. ZONING DISTRICT REQUESTED: _____

F. CONDITIONAL USE REQUESTED: To build an accessory use building before the dwelling is built in order to store tools and equipment

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

- Lot or Tract Lot 3 Block 230
- Tract _____ of the Burton & Danforth Subdivision _____ 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) _____

I. TOTAL ACREAGE OR SQ. FT. OF SITE(S): 18.853 acres

J. REASON FOR REQUEST AND DESCRIPTION OF DEVELOPMENT:
(Please be specific)
I am requesting a cup permit to construct a shop to store tools and equipment in. This is for personal equipment and not for commercial use.

K. OWNER'S NAME: (Please print) Ryan Ayres
ADDRESS: 11281 126TH STREET
CITY, STATE, ZIP CODE: OSKALOOSA, KS 66066-5216
PHONE NO 816/260-3156

L. REPRESENTATIVE: (If Other Than Owner) _____
ADDRESS: _____
CITY, STATE, ZIP CODE: _____
PHONE NO _____

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

M. FILING FEE:

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

(Make check payable to the City of Rockport)

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

Signed: Ryan Ayres
(Owner or Representative)

(FOR CITY USE)

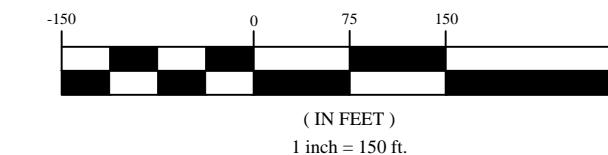
Received by: _____ Date: _____ Fees Paid: \$ _____
Submitted Information (____ accepted) (____ rejected) by: _____
If rejected, reasons why: _____

Receipt No. _____

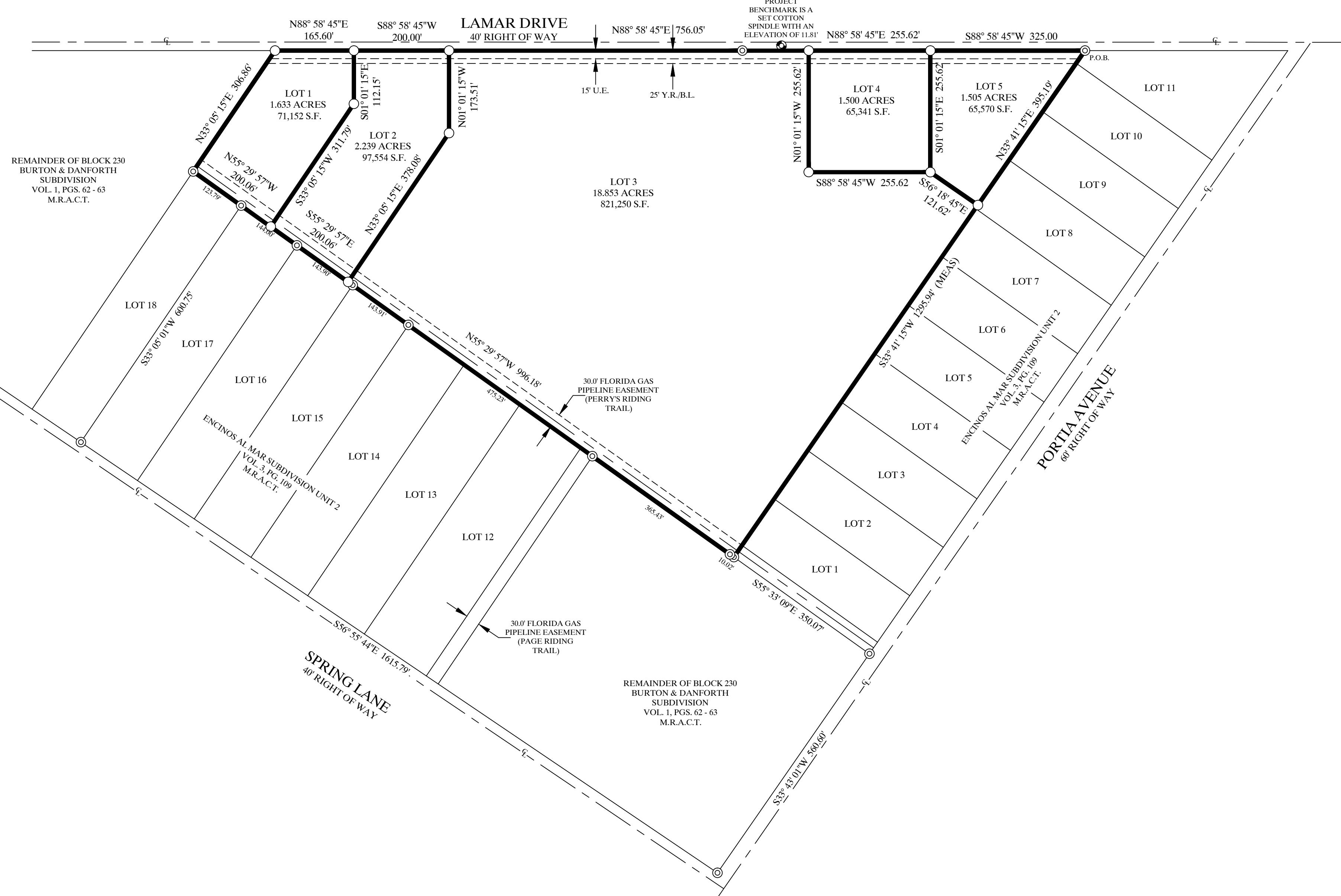
SITE MAP
NOT TO SCALEPLAT OF
AYRES ACRES

A PLAT OF 25.733 ACRE TRACT OUT OF LOTS 1, 2 AND 3, BLOCK 230, BURTON AND DANFORTH SUBDIVISION, AS SHOWN ON THE PLAT RECORDED IN VOLUME 1, PAGES 62 - 63, MAP RECORDS ARANSAS COUNTY, TEXAS. SAID 25.733 ACRE TRACT INCLUDES ALL OF THE MOBIL ESTATES SUBDIVISION UNIT 1, AS SHOWN ON THE PLAT RECORDED IN VOLUME 4, PAGE 96, MAP RECORDS ARANSAS COUNTY, TEXAS. SAID 25.733 ACRE TRACT ALSO BEING THE SAME TRACT DESCRIBED IN A DEED RECORDED IN DOCUMENT NO. 346934, DEED RECORDS ARANSAS COUNTY, TEXAS.

GRAPHIC SCALE



Brister Surveying
4455 South Padre Island Drive Suite 51
Corpus Christi, Texas 78411
Office 361-850-1800
Fax 361-850-1802
bristersurveying@corpus.twbc.com
Firm Registration No. 10072800





PUBLIC HEARING

Planning & Zoning Commission
and City Council

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CITY OF ROCKPORT, TEXAS
Carey Dietrich, Community Planner

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Printed Name: Leon Shields and Debbie Shields
Address: 150 Spring Lane City/State: Rockport Texas

IN FAVOR IN OPPOSITION

Phone: 361-816-8902

REASON

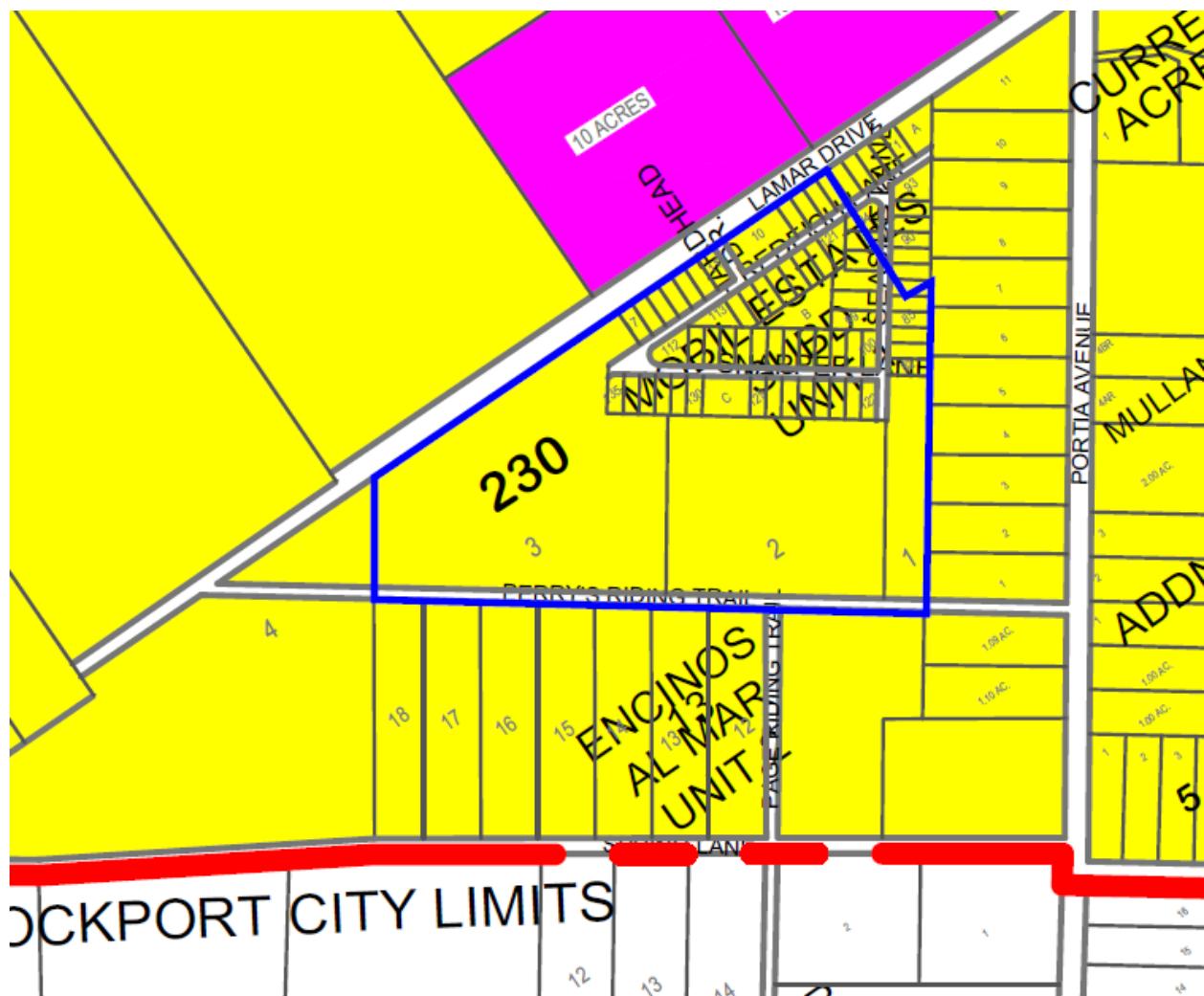
Leon Shields Debbie Shields
Signature

See map on reverse side.

Property ID	Property Owner	Situs Address	Mailing Address	City	State	ZIP
8823797	Ryan David Ayers	125 Lamar Dr.	11281 126th St.	Oskaloosa	KS	66066
8823798	Ryan David Ayers	115 Lamar Dr.	11281 126th St.	Oskaloosa	KS	66066
8823799	Ryan David Ayers	107 Lamar Dr.	11281 126th St.	Oskaloosa	KS	66066
8823796	Ryan David Ayers	141 Lamar Dr.	11281 126th St.	Oskaloosa	KS	66066
47487	Ryan David Ayers	145 Lamar Dr.	11281 126th St.	Oskaloosa	KS	66066
8821290	George Webb, Fisher's of Men	120 Lamar Dr.	P.O. Box 2593	Rockport	TX	78381
62309	George Webb, Fisher's of Men	110 Lamar Dr.	P.O. Box 2593	Rockport	TX	78381
69120	George D. Webb	130 Lamar Dr.	P.O. Box 2593	Rockport	TX	78381
51505	Chance & Lannie Keener	224 Portia Ave.	P.O. Box 1162	Rockport	TX	78381
18744	Adam & Ky Nesloney	222 Portia Ave.	P.O. Box 2699	Rockport	TX	78381
18743	Carlos & Kim Resendez	220 Portia Ave.	218 Portia Ave.	Rockport	TX	78382
18742	Juan & Kim Resendez	218 Portia Ave.	218 Portia Ave.	Rockport	TX	78382
18741	Kathryn & Joseph Wilson	216 Portia Ave.	216 Portia Ave.	Rockport	TX	78382
8809969	C. Sargent & K. Johnson	214 Portia Ave.	P.O. Box 2656	Rockport	TX	78381
18739	Dennis & Georgette Harrison	212 Portia Ave.	P.O. Box 48	Rockport	TX	78381
70304	Kevin Kalmar	210 Portia Ave.	210 Portia Ave.	Rockport	TX	78382
14782	Mr. & Mrs. Richard Sparks	206 Portia Ave.	P.O. Box 844	Rockport	TX	78381
8812994	Clyde Rollins	204 Portia Ave.	P.O. Box 43	Rockport	TX	78381
14781	Mr. & Mrs. D.L. Norrell	116 Spring Ln.	300 Mockingbird Plz. #409	Houston	TX	77077
18748	Claude & Amy Wilson	130 Spring Ln.	130 Spring Ln.	Rockport	TX	78382
18749	Jeffrey Massengill	134 Spring Ln.	134 Spring Ln.	Rockport	TX	78382
18750	Joey Dominique	138 Spring Ln.	138 Spring Ln.	Rockport	TX	78382
64969	Aaron & Kimberly Starling	142 Spring Ln.	142 Spring Ln.	Rockport	TX	78382
64970	Jason & Stacey Darnold	146 Spring Ln.	146 Spring Ln.	Rockport	TX	78382
18753	Leon & Debbie Shields	150 Spring Ln.	P.O. Box 2623	Rockport	TX	78381
8818761	Keith & Jennifer Ibrom	156 Lamar Dr.	148 Copper Ridge Dr.	La Vernia	TX	78121
62711	Keith & Jennifer Ibrom	146 Lamar Dr.	148 Copper Ridge Dr.	La Vernia	TX	78121

Ruth Davis	Planning and Zoning Commi	Po Box 706	Fulton	TX	78358
Ric Young	Planning and Zoning Commi	123 Royal Oaks Dr	Rockport	Tx	78382
Kim Hesley	Planning and Zoning Commi	2003 Tule Park Drive	Rockport	TX	78382
Warren Hassinger	Planning and Zoning Commi	2517 Turkey Neck Circle	Rockport	TX	78382
Thomas Blazek	Planning and Zoning Commi	102 St Andrews St	Rockport	Tx	78382

ZONING MAP (ZONED R-1)



FUTURE LAND USE MAP



CITY COUNCIL AGENDA

Regular Meeting: Tuesday, July 12, 2024

AGENDA ITEM: 7.

Consider the approval on the first of two readings of Special Event Ordinance 1940 amending Code of Ordinance Chapter 86, Streets, Sidewalks and other public places, by deleting Article V, Parades and replacing said Article V as Special Events in the attached form, and as may be modified in the future by Ordinances; adopting penalties for violation of this Ordinance in an amount not to exceed \$500.00 per violation; repealing all other Ordinances in conflict therewith; providing for severability effective date, and publication.

SUBMITTED BY: Shelley Goodwin, City Secretary

APPROVED FOR AGENDA: SG

BACKGROUND:

Several City staff members discussed the Special Events Ordinance to ensure that all concerns were covered. The attached proposed Ordinance provides for an Application, Special Event Guideline, and Fees. The proposed Ordinance also includes the process that will take place for reviewing Applications and the required documents and include an appeal process.

The PowerPoint will be presented at the City Council to highlight the necessity for implementing a Special Event Ordinance in the City limits of Rockport.

FISCAL ANALYSIS:

The proposed Ordinance includes fees that will cover the staff's time and City equipment.

RECOMMENDED ACTION:

Staff recommends approval of this ordinance on the first reading.

ORDINANCE NO. 1940

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKPORT, TEXAS AMENDING CODE OF ORDINANCES CHAPTER 86, STREETS, SIDEWALKS AND OTHER PUBLIC PLACES, BY DELETING ARTICLE V, PARADES AND REPLACING SAID ARTICLE V AS SPECIAL EVENTS IN THE ATTACHED FORM, AND AS MAY BE MODIFIED IN THE FUTURE BY ORDINANCES; ADOPTING PENALTIES FOR VIOLATION OF THIS ORDINANCE IN AN AMOUNT NOT TO EXCEED \$500.00 PER VIOLATION; REPEALING ALL OTHER ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR SEVERABILITY, EFFECTIVE DATE, AND PUBLICATION.

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

SECTION 1. AMENDMENT

That Chapter 86, Streets, Sidewalks and Other Public Places, Article V Parades be deleted in its entirety and is hereby amended to wit.

ARTICLE V. SPECIAL EVENTS

Sec. 86-100. Purpose.

Standards for special events are set forth to minimize adverse effects to the public health, safety, or convenience; to ensure compatibility with nearby uses; to avoid creating traffic hazards or congestion; and to curtail any interruptions with the normal conduct of uses and activities in the vicinity; while providing opportunities for hosting limited events.

Sec. 86-101. Definitions.

As used in this article, the following words and terms shall have the meaning ascribed thereto:

Applicant means a person who has filed a written application for a permit.

Carnival means and includes amusement activities, rides, merry-go-rounds, booths for the conduct of games of skill, food dispensing facilities, and sideshows. A carnival shall not include gambling devices, games of chance, lotteries, or other activities in violation of State law.

Circus means and includes public entertainment consisting of, but not limited to, performances by people and/or animals.

Commercial parade means a parade sponsored other than by a nonprofit organization, the purpose of which is to advertise a product, whether tangible or intangible, to advertise or promote an exhibition or theatrical performance, or otherwise operate to the pecuniary benefit of the sponsor.

Event means a temporary event, gathering or activity, including but not limited to bike race, carnival, circus, concert, festival, firework display, marathons, menagerie, sideshow, concession, parade, walk-a-thon, or special event that involve one or more of the following activities:

- (1) Closing or partial closing of a public street; or
- (2) Blocking or restricting city-owned property; or
- (3) An event, gathering, or activity held on city-owned property that is open or advertised to the general public; or
- (4) Sale of merchandise, food, or beverages on city-owned property; or
- (5) Erection of a tent equal to or greater than 200 square feet in area on city-owned property; or
- (6) Installation of a stage, band-shell, trailer, van, grandstand, bleachers, or other portable building or structure on city-owned property; or
- (7) Placement of portable toilets on city-owned property; or
- (8) Private event, gathering, or activity held on city-owned property, reasonably expected to have attendance of 100 or more people, per day; or
- (9) Placement or temporary no-parking signs in a public right-of-way or on Property within the City limits; or
- (10) Placement of pedestrian boundary markers on city-owned property.

Menagerie means and includes a collection of live animals on exhibition.

Nonprofit association means an association in which no part of its income is distributed to its members, directors or officers.

Parade means an assembly of three or more persons gathering for the common design of moving in or upon any public street from one location to any other location, whether on foot, on horseback, or by mechanical conveyance, as a part of a procession, march, pageant, ceremony, or like event.

This term does not include:

- (1) Funeral processions supervised by a licensed mortuary proceeding by a reasonable route from a funeral home, church, or residence of a deceased to a memorial service or place of interment;
- (2) Sidewalk processions conducted in accordance with all traffic regulations and other applicable laws and ordinances;
- (3) Processions, convoys, marches, or similar activities conducted by members of the armed forces of the United States or the State of Texas while acting in the regular course and scope of their duties;
- (4) Processions, convoys, or the like conducted by members of the Rockport Police Department while acting in the regular course and scope of their duties;
- (5) Wedding processions preceding by a reasonable route by and between the residence of a member of the matrimonial party, the place of performance of the matrimonial service, the place of the reception or matrimonial celebration;
- (6) Official motorcades escorted by members of the Rockport Police Department.

Permit means a written consent or permit to conduct an event or parade issued pursuant to written application and approval hereunder.

Permittee means a person to whom a permit has been granted under this article.

Sideshows and concessions mean and include circuses, menageries, carnivals, and other amusement enterprises, which are open to the public and for which a fee is charged for admission.

Seasonal Special Event means an event that occurs in a specific season and is scheduled throughout the season on non-sequential days and may use a single Special Event Permit.

Special Event means a temporary event, gathering or activity, including but not limited to parades, bike races, marathons, walk-a-thons, fireworks display, concerts, carnivals other types of races and festivals, which involve one or more of the following activities:

- (1) Closing or partial closing of a public street;
- (2) Blocking or restricting City-owned property;
- (3) An event, gathering, or activity held on City-Owned property, that is open or advertised to the general public;
- (4) Sale of merchandise, food or beverages on City-owned property;
- (5) Erection of a tent equal to or greater than 200 square feet in area on City-owned property;
- (6) Installation of a stage, band-shell, trailer, van, grandstand, bleachers or other portable building or structure on City-owned property;
- (7) Placement of portable toilets on City-owned property;
- (8) Private event, gathering, or activity held on properties within the City limits, reasonably expected to have an attendance of 100 or more people, per day;
- (9) Placement of temporary no-parking signs in a public right-of-way or on City-owned property; or
- (10) Placement of pedestrian boundary markers on City-owned property.

Special Event Permit means written authorization from the City Manager to hold a Special Event.

Special Event Rules and Regulations means the guidelines, rules, regulations, policies and procedures developed pursuant to this Chapter 86, Article V. Special Event Rules and Regulations may include, but are not limited to, the following: processes; procedures; cost recovery for City-provided services; safety regulations; resource requirements; and surety and insurance requirements. Special Events must additionally adhere to the Special Events Planning Guide adopted by the City, and all other relevant City Ordinances and local, state, or Federal law.

Street means the entire width between the boundary lines of every road or way publicly maintained when any part thereof is open to the use of the public for vehicular traffic.

¹*Street closure* means the closing or denying access or the ability to drive through a street for an event or for temporary use (not pertaining to City Street Closures for work).

Sec. 86-102. Applications Required

(a) It shall be unlawful for any person or entity to hold a Special Event, sponsor a Special Event, or cause a Special Event to be held, without first having submitted an Application.

(b) An Application is not required for:

- (1) events conducted entirely on the property of a religious institution, educational institution, college, or university campus. City, State, or Federal streets or parking lots for multi-tenant buildings, regardless of location, shall not be considered part of a religious institution, educational institution, or college or university campus;
- (2) events on property owned or controlled by the City subject to a contract, lease or management/operating agreement with a person or entity where the agreement addresses events on the property or the event is included within the permitted uses in the agreement;
- (3) processions of vehicles operated in compliance with traffic laws or a procession of pedestrians excluding organized walks, runs, parades and the like, in compliance with traffic laws along or upon public sidewalks, public parks, or private property;
- (4) events held for National Night Out;
- (5) funerals and funeral processions;
- (6) Activities conducted entirely on sidewalks, in public parks or on private property in compliance with traffic laws and any other applicable City Ordinances (for example, handbills, placing property in rights-of-way, health laws etc.);
- (7) events conducted under the supervision of or with the permission of a governmental entity on property owned, leased, or operated by a governmental entity other than the City; or
- (8) Private events, gatherings, or activities on private property with anticipated attendance of less than 300 people, per day.

Sec. 86-103. Contents of Special Event Application

(a) An Applicant shall file a Special Event Application with the City upon forms promulgated by the City.

(b) The Special Event Application shall set forth a minimum requirement in the Application Appendix A

(c) The Applicant is responsible for updating the Special Event Application information as necessary prior to the event. The City requirements may be amended based on changes in the expected number of attendees or other circumstances. The minimum attendance will be determined by the number of advance sales or registrations for the event.

(d) Within 30 days following the submission of the Special Event Application, the City Manager shall notify the Applicant of any supplemental information requested, using the contact information on the Application.

Sec. 86-104. Permit required.

(a) It shall be unlawful for any person or entity to hold a Special Event, sponsor a Special Event, or cause a Special Event to be held, without first having obtained a Special Event Permit from the City.

(b) No Special Event Permit shall be denied nor shall the Applicant be given less favorable consideration as to time, manner, or place-based upon:

(1) race, color, creed, religion, gender, domestic relationship status, parental status, sexual orientation, transgender status, gender identity or expression, national origin, political affiliation, or any other prohibited characteristic of the Applicant and/or participants of the Special Event. All must comply with Ordinance No. 1940; or

(2) the message of the Special Event, or the identity or associational relationships of the Applicant and/or participants; or

(3) any assumption or predictions as to the amount of hostility which may be aroused in the public by the content of speech or message conveyed by the Special Event, provided that reasonable accommodation as to time, manner, and place may be required in order for the City to provide the resources necessary for police, fire and emergency services to preserve and protect public health, safety and welfare.

(c) A permit will be issued by the city manager based upon the information submitted in the application. The City Manager may reasonably interpret the information in the application and may consider past experience with the type of event and inaccuracies or omissions in the application.

Sec. 86-105. - Complete Application for a permit or Street Closure Request is required.

A Special Event Permit shall not be issued until a completed Special Event Application, together with any additional information requested, proof of insurance, and payments of all applicable fees, if any, are received by the City.

The Special Event Application must demonstrate compliance with this ordinance, the Special Event Rules and Regulations, the Special Events Planning Guide, and all other applicable law.

A Street Closure Request shall not be presented to the City Council until a completed Application, together with any additional information requested and payment; if any, are received by the City.

Sec. 86-106. - Fees and costs.

- (a) Applicable Special Events Permit fees will be found in Appendix B Fees.
- (b) Applicant shall pay all required fees, including site rental, with the Special Event Permit Application, and Applicant shall at the same time be required to pay all fees and costs required by other City ordinances to conduct specific activities in conjunction with or as part of a Special Event.
- (c) If the City determines that a Special Event may require the special attention and involvement of City personnel or City facilities, the City shall notify the Applicant. Prior to issuance of a Special Event Permit:
 - (1) Applicant and City shall agree upon the additional costs the City will incur as a result of the Special Event and Applicant shall pay those costs to the City; and
 - (2) Applicant shall agree in writing to pay any additional costs to the City incurred as a result of the Special Event within five days of the date upon which the City informs the Applicant of the amount of such additional costs, but in no event less than seven business days prior to the event.
- (d) Special Event Permits may be canceled by the Applicant, in writing. The first day rental fee for all events which reserve an entire park or another City property will not be refunded if the City receives written notice of cancellation less than 30 days prior to the event. Subject to the foregoing sentence, if an event does not occur, fees paid in advance for City services which have not already been performed by City shall be refunded. No refund of security deposits, reservation fees, pavilion fees, or other fees will be granted due to inclement weather unless the cancellation is a decision made by the City.
- (e) Application fees for events under this article shall be used for the purpose of defraying the expenses of the City in regulating and inspecting the event and cleaning any public facilities used by the permittee. The fees prescribed in Appendix B are in addition to any other fees, taxes, or other charges imposed by law. The City Manager can waive fees required in this section if the applicant is a nonprofit corporation engaged solely in public purpose activities.

Sec. 86-107. - Timeframes and deadlines.

Special Event

(a) A Special Event Application must be filed no earlier than 365 calendar days before the commencement of the proposed Special Event, and no later than 60 calendar days before the commencement of the proposed Special Event. The City Manager may consider an Application that is filed less than 60 calendar days before the commencement of the proposed Special Event if the Applicant could not have met the deadline because the event had not been planned for more than 60 days, the event will not place an undue burden on the City staff or resources, and all applicable expedited application fees are paid.

(b) When a timeframe or deadline established in this Chapter results in an Application or other information is due on a weekend or a day the City is closed for business, the Application or other information shall be due on the first business day immediately following said weekend or day the City is closed for business.

Sec. 86-107A. Street Closure

(a) Applications must be filed no earlier than 365 calendar days before the commencement of the proposed Street Closure, and no later than 60 calendar days before the commencement of the proposed Street Closure.

(b) When a timeframe or deadline established in this results in an Application or other information is due on a weekend or a day the City is closed for business, the Application or other information shall be due on the first business day immediately following said weekend or day the City is closed for business.

Sec. 86-108. - Application process and review.

The Special Event Permit Application will be processed and reviewed pursuant to the Special Events Rules and Regulations and the Special Events Planning Guide, which shall be promulgated by the City Manager based on health and safety concerns, the reasonable availability of City resources which may be required, and on other applicable City Ordinances or Code provisions.

Sec.86-109. - Standards/requirements for issuance of special event permit.

(a) Special Event Permit will be issued only if the City Manager finds that the following requirements, as applicable to the Special Event, have been met or that adequate provision therefor will be made:

- (1) requirements of City Ordinances/Code provisions and of the State and Federal Governments are met;
- (2) the Special Event will not unnecessarily interrupt the safe and orderly movement of traffic near its location or route;

- (3) the Special Event will not require the diversion of a number of police officers to properly police the Special Event locale or movement of a procession or parade along the route and the adjacent areas which will significantly impair adequate police protection for the City as a whole;
- (4) the concentration of people, animals, and vehicles at assembly points will not significantly impair proper fire and police protection or ambulance service to areas at or near such assembly points or the City or County as a whole;
- (5) A parade is scheduled to move from its point of origin to its point of termination without unreasonable delays in route;
- (6) all licenses and permits, restrictions, regulations, fees for the City services, if any, safeguards or conditions as set forth in any Special Event Rules and Regulations as promulgated by the City Manager have been submitted, and approved; and
- (7) successful completion of all required pre-event inspections.

(b) The City Manager is authorized to interpret the requirements in this Article, and has the authority to modify the same, to fit individual circumstances where the standard cannot be strictly met, is inapplicable to the specific Special Event, or if additional modifications are deemed necessary by individual City departments for the safe and orderly conduct of a Special Event. The City Manager is further authorized to require an Applicant to institute other safeguards or activities to protect the public's safety from circumstances that may arise from a specific Special Event or Street Closure.

(c) It is understood that no Applicant is assured the ability to close a street. All street closures are subject to approval by, and authorization from, the City Council, as set forth in the City's Code of Ordinances and applicable City policy.

Sec. 86-110-197. - Public conduct during parades.

Interference. No person shall unreasonably hamper, obstruct or interfere with any parade or parade assembly or with any person, vehicle or animal participating or used in a parade.

Driving through parades. No driver of any vehicle, except an authorized emergency vehicle as defined in V.T.C.A., Transportation Code § 541.201, shall drive between the vehicles or persons comprising a parade when such vehicles or persons are in motion and are conspicuously designated as a parade.

Parking on a parade route. The city manager, director of public works, and police chief, or their designees shall have authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a highway or part hereof constituting a part of the route of a parade and post signs to such effect. It shall be unlawful for any person to park or leave unattended any vehicle in violation thereof.

Sec. 86-110. - Denial or revocation of a permit.

(a) The City Manager shall deny issuance of a Special Event Permit if:

- (1) The Special Event will conflict in time or location with another Special Event or event for which an Application has been submitted or approved prior to the one subsequently requested;
- (2) The Special Event, if held, would violate the Special Event Rules and Regulations, the Special Event Planning Guide, any City ordinance or any other applicable law;
- (3) The City Manager determines that there is a false or misleading statement or omission of material fact on a Special Event Application, and the same is not corrected within the time for submission of an application;
- (4) The Applicant has violated this ordinance or has had a Special Event Permit revoked within the preceding 12 months;
- (5) The Applicant fails to provide proof of a license or permit required by any City ordinance or other applicable law for the Special Event;
- (6) The Applicant fails to provide proof that the insurance requirements for the Special Event have been met; or
- (7) The Special Event would significantly impair the delivery of normal or emergency public services or constitute a public health or safety threat.

(b) If the City Manager determines that the Special Event Permit shall be denied, the City Manager shall consider alternatives to the time, place or manner of the Special Event that would allow the Special Event to occur.

(c) Revocation of a Special Event Permit:

- (1) If the Police Chief, Public Works, Building Official, Code Enforcement Officer, or Director of Parks and Recreation (known collectively as "City Official"), or their designee, finds that any of the provisions of this ordinance, another City ordinance, Special Event Rule or Regulation, Special Event Planning Guide, or other applicable law is being violated, he or she shall immediately notify the City Manager and based on that information, the City Manager shall attempt to solve the issue at hand and if it cannot be resolved, the City Manager will determine whether the Special Event Permit shall be revoked. Notice and an opportunity to be heard by the City Manager shall be given to the Applicant prior to revocation if reasonably possible and if the cause for revocation does not involve an imminent threat to the health and safety of any individual or property. If revoked, the Special Event shall immediately terminate and cease activity upon notification to the Applicant. Failure to terminate the activity following revocation of said permit shall constitute a separate offense.

(2) When, in the judgment of any of the above designated City Official, a violation exists which requires immediate abatement, and the Applicant does not abate the violation immediately upon notice from said City Official, the City Official shall have authority to revoke a Special Event Permit in the absence or unavailability of the City Manager. If revoked, the Special Event shall immediately terminate and cease activity upon notification to the Applicant.

(3) The City Manager, or other City Official in the absence of the City Manager as described above, may revoke a permit wherein a material false or misleading statement or omission of material fact on a Special Event Application is discovered after the Special Event Permit was issued, so that the terms of the permit would require significant revision or if the scope of the Special Event has so changed that the terms of the original permit require significant revision which presents an unreasonable burden on the City resources.

Sec. 86-111. - Appeal.

(a) If the City Manager denies the issuance of a Special Event Permit, or revokes an issued Special Event Permit, the Applicant shall promptly be notified in writing. Such written notice shall include the reasons for the decision to deny or revoke the Special Event Permit. The Applicant may appeal the denial or revocation to the City Council which shall make a ruling on the appeal, if time permits prior to the event. The City Council shall not be required to call a special meeting to accommodate an appeal.

(b) If a City Official other than the City Manager revokes an issued Special Events Permit, the Applicant shall promptly be notified in writing. Such written notice shall include the reasons for the decision to deny or revoke the Special Event Permit. The Applicant may appeal the denial or revocation to the City Manager which shall make a ruling on the appeal and attempt to resolve the issue if time permits prior to the event. If no resolution can be made, the Applicant may appeal the revocation to the City Council which shall make a ruling on the appeal if time permits prior to the event. The City Council shall not be required to call a special meeting to accommodate an appeal.

(c) If a Special Event Permit is revoked the event shall cease. No fees, whether they are application fees, or fees paid for City services shall be refunded if a Special Event Permit is revoked. The City shall not be liable for any costs or damages associated with denial of or revocation of a Special Events Permit.

Sec. 86-112. Penalty; enforcement.

Any person conducting, commencing, aiding or engaging in an event without a permit, or otherwise violating any provisions of this article, is guilty of a misdemeanor and, upon conviction, shall be punished by a fine not to exceed \$500.00.

The Chief of Police or any officer of the Rockport Police Department is hereby authorized to issue

summons and citations, as applicable, for violations of this article.

Sec. 86-113. Cumulative effect.

The provisions of this article are cumulative, and nothing herein shall prevent, alter or diminish the applicability or enforcement of other ordinances restricting, regulating or governing the subject matter hereof.

Sec 86-114 Permit Bond and/or Insurance and/or Cash Deposit

(a) Submission Requirements:

- (1) The applicant must submit a permit bond, insurance, and/or a cash deposit before a permit is issued.
- (2) The bond and/or insurance must be valued up to \$20,000.00 City Managers discretion pending the complexity of the event.
- (3) The cash deposit up to \$10,000, City Managers discretion pending the complexity of the event.

(b) Purpose of Bond/Insurance/Cash Deposit:

- (1) These funds are intended to cover the estimated cost of cleaning up debris or other personal or property damages created from the event.
- (2) They also cover required City services and potential property damage or injury.

(c) Validity and Usage:

- (1) The bond must remain valid for at least 30 days after the event ends.
- (2) The City can use the bond, insurance, or cash deposit to cover the costs of cleaning and repairing the City property or other personal or property damage created from the event or by the applicant or their employees due to the event.

(d) Refund Conditions:

- (1) If the City uses the bond, insurance, or cash deposit any remaining amount, after deducting incurred costs, will be refunded to the applicant.

This ensures that the City is financially protected against any expenses related to the event's aftermath.

Sec. 86-115 Contract

The applicant, in tendering an application and receiving a permit, agrees and contracts with the City not to exclude at any time any authorized City official on duty for the purpose of inspecting, maintaining, and assuring the health, safety, and welfare of the City.

Sec.– 86-116 Reserved.

SECTION 2. REPEALER

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

SECTION 3. SEVERABILITY

If any provision, section, sentence, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances is, for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof, or provisions or regulations contained herein, shall become inoperative or fail by reason of any unconstitutionality of any other portion hereof, and all provisions of this ordinance are declared severable for that purpose.

SECTION 4. EFFECTIVE DATE

This ordinance shall become effective upon adoption on second reading by the Rockport City Council.

APPROVED on the first reading the _____ day of _____, 2024.

ADOPTED on the second and final reading the _____ day of _____, 2024.

City of Rockport, Texas

Tim Jayroe Mayor

ATTEST:

Shelley Goodwin, City Secretary

Street Closure/Event Application

Completed applications are due at least 60 days in advance of the event. Applications are to be submitted to the City Secretary.



APPLICATION INFORMATION

Name of Organization/Business _____

Applicant Name/Event Organizer _____

Full Address _____

City _____ State _____

Zip Code _____ Phone # _____

Email Address _____

Organization/
Business Type: For-Profit; Event Proceeds go to : _____
 Non-Profit; attach IRS letter, Form 990

EVENT INFORMATION & LOCATION

Event Name _____ Event date (s) _____

Event History (Number of years) _____ Estimated attendance _____

Move-in & set up

First day of move-in: Date _____ Start Time _____ End Time _____

Indicate Date/Times Open to Attendees

Event Date (first day): _____ Start Time _____ End Time _____

Event Date (second day): _____ Start Time _____ End Time _____

Event Date (third day): _____ Start Time _____ End Time _____

Event Date (fourth day): _____ Start Time _____ End Time _____

Move-out (final day):

Move Out Date: _____ Start Time _____ End Time _____

On-Site Event Contact Name _____ Phone _____

Event Website: _____

Is the event free and open to the general public? _____

EVENT COMPONENTS

Animals _____	Bike Race _____	Car Show _____
Carnival _____	Concert/Live Music _____	Cook-Off _____
Company Picnic _____	Demonstration/Rally _____	Fair/Festival _____
Family Reunion _____	Fireworks _____	Fundraiser _____
Parade _____	Run/Race/Walk/Ride _____	Sporting Event/Tournament _____

Trade, Vendor, or Art Show _____ Wedding _____

Other _____

Event Size: _____

Parking Locations: _____

Overflow Parking Locations: _____

STREET CLOSUREClosure Area: Entire Street Parking Lane Only Partial Street Blocking City-owned property
Side of street: _____ (N,S,E,W) Side of street: _____

Location: _____

Additional details (attach additional pages as needed for more streets and describe details of use below):

_____**Street Closure Details**

Street Name	Between (cross street)	And (cross street)	Start Date	Start Time	End Time	End Date
Example: Cornwall	Austin	Magnolia	6-20-2024	8:00 a.m.	11:30 p.m.	6-21-2024

COMMUNICATIONS

If the event will impact surrounding property owners, please have all those that are impacted sign the attached notification letter 60 days before the event date. The notification letter(s) must be submitted with your application.

SECURITY

The Rockport Police Department Office Duty Employment Coordinator must be contacted at (361) 790-1110 to make security arrangements.

A Traffic Plan and Parking Plan must be submitted with your Application. You will also need to schedule a meeting with the Police Department.

A Safety Plan will also be required to be attached to your Application.

Do you plan to have alcohol at your event? _____ If yes, then a copy of your TABC Alcohol Beverage Permit is required to be attached to your Application.

EQUIPMENT

If you supplement the on-site restrooms with portable toilets and handwash/sanitizer stations, please indicate below by adding the quantities of each, along with delivery, servicing, and pick-up details. The event organizer or representative must be present for the delivery of equipment to ensure proper placement.

Regular Portable Restrooms _____

Sanitation Company Name & Phone Number: _____

Equipment will be delivered on (enter date): _____ Picked up on _____

Trash and clean-up are the responsibility of the event organizer. Depending on the size and scope of the event, additional trash receptacles or dumpsters may be required at the event organizer's expense.

Will a dumpster be delivered? _____
Yes; If yes, list the size(s) below and indicate the location on a site map

Street location for barricades _____
Public Works will let you know if you need additional barricades and signage to ensure the traffic flows.
Barricades cost is \$100.00 per day per street.

A Trash Plan must be attached to your application. Additional trash cans or dumpsters must be provided through Republic Trash Company and at the expense of the applicant.

Miscellaneous

General Liability Insurance is required naming the City of Rockport (2751 S.H. 35 Bypass, Rockport, Texas 78382) as the certificate holder and additional insured. Insurance must be received at least 10 days prior to move-in. A bond or cash deposit may be accepted in addition to or in place of the Insurance.

Printed Name: _____

Signature: _____ Date: _____

CITY OF ROCKPORT USE ONLY

Application Fee Paid: _____

Date Received: _____ Signature: _____

Street Closure Request Additional Documents

_____ Attached Neighborhood Communication Form(s) including a copy of the notification letter and list of addresses to the letter will be sent to

_____ Attached a Traffic Management Plan _____ Attached a Safety Plan
_____ Attached a Trash Plan _____ Fee for barricades paid, if applicable
_____ Attached copy of the General Liability Insurance and/or Bond and/or receipt for cash deposit

Police Department: _____ Date: _____

Public Works Department: _____ Date: _____

Parades and Special Events Additional Documents

_____ Attached a Traffic Management Plan _____ Attached a Trash Plan
_____ Attached a Safety Plan _____ Fee for barricades paid, if applicable
_____ Attached copy of the TABC Alcohol Beverage Permit
_____ Attached Site Plan with dumpster location (s) are identified
_____ Attached copy of the General Liability Insurance and/or Bond and/or receipt for cash deposit
_____ Fee (s) for permit paid

Police Department: _____ Date: _____

Parks Department: _____ Date: _____

Public Works Department: _____ Date: _____

City Manager: _____ Date: _____

Appendix B - Fees

Special Event Application Processing Fees	
Special Event Application	\$100 non-refundable
Expedited Special Event Application Fee (application submitted less than 60 days in advance of the event date)	\$300 non-refundable
Security Deposits	
100 to 1,000 (City-owned property)	\$1,000
1,000 and above (City-owned property)	\$3,000
Swimming Pool Special Events	
Parties 1-50 people	
Parties 51 + people	
Instructional Class Usage	
Other Fees	
Barricade	\$100 per barricade per day
Clean-up	\$50.00 per person per hour

Peace Officers Rate Table

<i>Number of Participants and Spectators at the Event</i>	<i>Minimum Number of Peace Officers Required</i>	<i>Hourly Rate/Daily Rate</i>
0 to 100	1	**\$55.00 per officer
100 to 300	2	**\$55.00 per officer
301 to 1,000	4	**\$55.00 per officer
1,001 to 5,000	6	**\$55.00 per officer
Over 5,000	6, plus 1 Peace Officer for every 1,000 participants and spectators over 5,000 at the event	**\$55.00 per officer

*Peace Officer fees will be paid directly to officers working the event

The Chief of Police or designee may increase or decrease the number of certified Peace Officers from those required in the table above, if:

- a. Any alcoholic beverage is sold, served, or otherwise made available at the event.
- b. Event or Special Event requiring traffic control will be based upon the route and required street closures.

Appendix B - Fees

- c. Special needs for an increase or decrease in security, crowd control, or traffic control are created by:
 - i. The topography of the site or size of the event; or
 - ii. Weather conditions during the event; or
 - iii. The time of day during which the event is conducted.

Additional Cost

Food Handler Permits-Contact Aransas County

Texas Alcoholic Beverage Commission (TABC) Permit- Contact TABC

Trash Cans and Dumpsters-Contact Texas Disposal

CITY COUNCIL AGENDA
Regular Meeting: Tuesday, July 12, 2024

AGENDA ITEM: 8

Consider the approval of Order 2024-01-O renewing the Disaster Declaration of Local Disaster of the Mayor of the City of Rockport, Texas.

SUBMITTED BY: Shelley Goodwin, City Secretary

APPROVED FOR AGENDA: SG

BACKGROUND:

Vanessa Shrauner, City Manager, was asked by Mike Greer, Emergency Management Coordinator, for the City of Rockport to write their own Declaration for Tropical Storm Alberto.

FISCAL ANALYSIS:

The proposed Declaration will assist the City with any possible reimbursement from the damage the storm may have caused.

RECOMMENDED ACTION:

Staff recommends approval of the Declaration.

**DISASTER DECLARATION OF LOCAL DISASTER AND
RENEWAL ORDER OF THE MAYOR OF CITY OF ROCKPORT**

ORDER 2024-01-O

WHEREAS, Rockport, Texas, beginning on the 19th day of June, 2024, suffers imminent threat of widespread or severe damage, injury, or loss of life or property, resulting from flooding, damaging wind, and heavy rainfall Tropical Storm Alberto; and

WHEREAS, the Mayor of Rockport has determined that extraordinary measures must be taken to protect the public health, safety, and general wellbeing of Rockport citizens, to alleviate the suffering of its people, and to protect or rehabilitate property; and

WHEREAS, Section 418.108(a) of the Texas Government Code provides that the presiding officer of the governing body of a political subdivision may declare a state of local disaster; and

WHEREAS, Mayor Tim Jayroe of Rockport, Texas declared a local state of disaster on June 21, 2024; and

WHEREAS, the Rockport City Council issued its consent on July 9, 2024, to continue the local state of disaster;

**NOW THEREFORE, I, PRESIDING OFFICER OF THE CITY COUNCIL OF THE CITY OF
ROCKPORT, HEREBY PROCLAIM AND DECLARE:**

SECTION 1. That a state of disaster is hereby declared and renewed for Rockport, Texas;

SECTION 2. That this declaration of local disaster shall be in effect for seven days from this date unless earlier terminated.

SECTION 3. That this declaration activates the recovery and rehabilitation aspects of all applicable local or interjurisdictional emergency management plans and authorizes the furnishing of all aid and assistance as deemed necessary or desirable by those administering such plans and activates the preparedness and response aspects of such plans as provided therein.

SECTION 4. That this declaration shall be filed promptly with the City Secretary and shall be given prompt and general publicity.

SECTION 5. That this proclamation shall take effect immediately from and after its issuance.

DECLARED AND ORDERED this the _____ day of _____ 2024.

Tim Jayroe, Mayor

ATTEST:

Shelley Goodwin, TRMC/CMC

City Secretary

City Council Regular Meeting Agenda Packet

July 12, 2024

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CITY COUNCIL AGENDA

Regular Meeting: Tuesday, July 12, 2024

AGENDA ITEM: 9

Consider the approval of a Construction Change Directive #2 related to the new City Hall project in the amount currently estimated to be a credit of \$1.561.10.

SUBMITTED BY: Kimberly Henry, Assistant to the City Manager

APPROVED FOR AGENDA: SG

BACKGROUND: The new City Hall project is approximately 89% complete. Due to differing opinions and days requested for the work, we are currently using Construction Change Directives instead of Change Orders to continue the work while we are negotiating the related expenses. A construction change order is a formal amendment to the contract that alters the scope, cost, or schedule of a project, while a change directive is an interim directive that authorizes a change before the details are fully agreed upon.

Below is a summary of the Change Orders with the inclusion of the Change Directive as it is currently presented:

Submitted Bid/Award	\$16,380,000.00	
CO1 - Value Engineering	-\$900,000.00	7/8/2022
Change Order 2	-\$32,175.87	7/14/2022
Change Order 3	-\$25,477.96	2/24/2023
Change Order 4	\$11,648.00	4/28/2023
Change Order 5	\$81,856.24	6/27/2023
Change Order 6	\$10,196.34	8/8/2023
Change Order 7	787.73	10/24/2023
Change Order 8	\$5,584.00	1/23/2024
Change Order 9	\$205,481.56	4/15/24
Change Directive 1	\$124,735.31	5/28/24
Change Directive 2	-\$1,561.10	Pending
Construction Funding:	\$15,861,074.25	

FISCAL ANALYSIS: Because Change Directive #2 is still being negotiated we are not asking for the transfer of funds at this time. Once we have concluded the negotiations, we will bring back a request for transfer of funds.

An overview of project revenue and expenditures to date are attached. It does show a negative \$124,735.31 because of this Change Directive #1 and #2 still being negotiated.

RECOMMENDATION: Staff recommends approval of Change Directive #2, as presented.

Capital Improvement Project

DTAP - New City Hall

Revenues

	Status	Notes	Source	Amount	
9%	Pending	LL working on	FEMA	\$1,683,042.73	Revised conservative estimate
4%	Rec'd		Windstorm Bldg	\$132,918.04	(\$569,869.96 rec'd already and removed from calculation)
	Rec'd		Rebuild Texas	\$0.00	(\$20,748 rec'd already and removed from calculation)
60%	Rec'd		2020 Tax Note	\$11,770,000.00	
27%	Rec'd		2022 Tax Note	\$5,385,492.00	
Pending	LL working on		Windstorm Conte	\$170,000.00	estimate
Rec'd			Court Funds	\$15,000.00	
			Transfer from Reserves	\$102,514.27	as of 4/15/24 Council Meeting

Total Revenue: **\$19,258,967.04**

Budget

Comparison

\$19,747,069.73 if we had all of the funds from above)

Expenses

	Category	Contractor	Presented to Council 1/19/22	Contract w/ Change Orders as of 12/1/22	Approved by Council 12/13/22	With Change Orders as of 5/28/24	Spent/ Committed to Date	% of Contract spent/committed
82%	Construction	Teal	\$16,380,000.00	\$15,480,000.00	\$15,480,000.00	\$15,862,635.35	\$13,860,526.10	87.38%
4%	Professional Services	PGAL	\$1,356,706.00	\$616,179.00	\$866,179.00	\$866,179.00	\$857,246.70	98.97%
2%		Broaddus		\$375,000.00	\$475,000.00	\$475,000.00	\$450,451.28	94.83%
6%	A/V & Security	ACS	\$1,000,000.00	\$0.00	\$1,100,000.00	\$1,100,000.00	\$1,050,000.00	95.45%
6%	Soft Costs	Misc	\$1,079,888.00	\$1,079,888.00	\$1,079,888.00	\$1,079,888.00	\$1,008,862.54	93.42%

\$19,816,594.00 **\$17,551,067.00** **\$19,001,067.00** **\$19,383,702.35** **\$17,227,086.62** **88.87%**

	Presented to Council 1/19/22	Contract w/ Change Orders as of 12/1/22	Approved by Council 12/13/22	With Change Orders as of 5/28/24	Spent/ Committed to Date	% of Contract spent/committed

Delta

-\$124,735.31

\$363,367.38

(Delta if we had the funds from above)

TEAL

			40-699-8020
Submitted Bid/Award		\$16,380,000.00	
CO1 - Value Engineering	-\$900,000.00	4/8/2022	
Change Order 2	-\$32,175.87	7/14/2022	
Change Order 3	-\$25,477.96	2/24/2023	
Change Order 4	\$11,648.00	4/28/2023	
Change Order 5	\$81,856.24	6/27/2023	
Change Order 6	\$10,196.34	8/8/2023	
Change Order 7	\$787.73	10/24/2023	
Change Order 8	\$5,584.00	1/23/2024	
Change Order 9	\$205,481.56	4/15/2024	
Change Directive 1	\$124,735.31	5/28/2024	
Change Directive 2	-\$1,561.10	pending	

Change Order

Construction Funding: \$15,861,074.25

Period Covered	Date Written	Check #	Amount	Running Balance	% of Funding
Pay App 1	7/14/2022	849175	\$1,610,438.68	\$1,610,438.68	10.15%
Pay App 2	8/25/2022	849644	\$623,235.68	\$2,233,674.36	14.08%
Pay App 3	9/29/2022	850019	\$567,748.65	\$2,801,423.01	17.66%
Pay App 4	11/3/2022	850419	\$534,148.41	\$3,335,571.42	21.03%
Pay App 5	12/6/2022	850743	\$680,735.89	\$4,016,307.31	25.32%
Pay App 6	1/5/2023	851076	\$945,934.30	\$4,962,241.61	31.29%
Pay App 7	1/20/2023	851211	\$1,653,429.12	\$6,615,670.73	41.71%
Pay App 8	2/17/2023	851494	\$733,509.42	\$7,349,180.15	46.33%
Pay App 9	3/8/2023	851898	\$319,233.80	\$7,668,413.95	48.35%
Pay App 10	4/11/2023	852119	\$682,805.00	\$8,351,218.95	52.65%
Pay App 11	5/11/2023	852596	\$273,118.87	\$8,624,337.82	54.37%
Pay App 12	6/22/2023	853005	\$576,985.77	\$9,201,323.59	58.01%
Pay App 13	7/20/2023	853347	\$721,528.86	\$9,922,852.45	62.56%
Pay App 14	7/31/2023	853601	\$736,316.86	\$10,659,169.31	67.20%
Pay App 15	9/14/2023	853934	\$579,711.04	\$11,238,880.35	70.86%
Pay App 16	10/26/2023	854334	\$423,218.11	\$11,662,098.46	73.53%
Pay App 17	11/21/2023	854668	\$197,376.69	\$11,859,475.15	74.77%
Pay App 18	1/4/2023	855106	\$191,406.39	\$12,050,881.54	75.98%
Pay App 19	1/12/2024	855168	\$368,952.18	\$12,419,833.72	78.30%
Pay App 20	2/22/2024	855537	\$257,917.37	\$12,677,751.09	79.93%
Pay App 21	3/27/2024	855923	\$339,267.71	\$13,017,018.80	82.07%
Pay App 22	4/26/2024	856200	\$236,301.55	\$13,253,320.35	83.56%
Pay App 23	5/16/2024	856458	\$376,733.92	\$13,630,054.27	85.93%
Pay App 24	6/6/2024	856726	\$230,471.83	\$13,860,526.10	87.39%

\$13,860,526.10 Running Total

Available Balance

\$2,000,548.15



Construction Change Directive

PROJECT: (name and address) City of Rockport City Hall 212 N. Live Oak, Rockport, TX 77382	CONTRACT INFORMATION: Contract For: General Construction Date: 5/11/22	CCD INFORMATION: Directive Number: 002 Date: 07/01/24
OWNER: (name and address) City of Rockport 2840 Highway 35N Bypass Rockport, TX 77382	ARCHITECT: (name and address) PGAL, Inc. 3131 Briarpark, Suite 200 Houston, TX 77042	CONTRACTOR: (name and address) Teal Construction 5110-B SH 35 Corpus Christi, TX 78407

The Contractor is hereby directed to make the following change(s) in this Contract:

(Insert a detailed description of the change and, if applicable, attach or reference specific exhibits.)

Item No. 1: Proceed with work on CPR #72.1 to install raceways for the building signage.

Expected Cost Increase: **\$6,780.00**

Expected Time Increase:

Item No. 2: Proceed with work on CPR #75.1 to install buff integral color concrete (field) and gray sandblast concrete (accent) at the plaza.

Expected Cost Decrease: **\$12,652.00**

Expected Time Increase:

Item No. 3: Proceed with work on CPR #85 to install lighting at Display Case and Time Capsule Display.

Expected Cost Increase: **\$4310.90**

Expected Time Increase:

PROPOSED ADJUSTMENTS

1. The proposed basis of adjustment to the Contract Sum or Guaranteed Maximum Price is:

Lump Sum decrease of \$0.00
 Unit Price of \$ per
 Cost, as defined below, plus the following fee:
(Insert a definition of, or method for determining, cost)

As follows:

2. The Contract Time is proposed to remain unchanged. The proposed adjustment, if any, is (0 days).

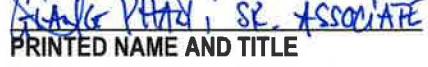
NOTE: The Owner, Architect and Contractor should execute a Change Order to supersede this Construction Change Directive to the extent they agree upon adjustments to the Contract Sum, Contract Time, or Guaranteed Maximum price for the change(s) described herein.

When signed by the Owner and Architect and received by the Contractor, this document becomes effective IMMEDIATELY as a Construction Change Directive (CCD), and the Contractor shall proceed with the change(s) described above.

PGAL, Inc.

ARCHITECT *(Firm name)*


SIGNATURE


PRINTED NAME AND TITLE

07.01.2024

DATE

City of Rockport

OWNER *(Firm name)*


SIGNATURE


PRINTED NAME AND TITLE

DATE

Contractor signature indicates agreement with the proposed adjustments in Contract Sum and Contract Time set forth in this CCD.

Teal Construction

CONTRACTOR *(Firm name)*


SIGNATURE

Justin McComb, Director of South Texas Operations


PRINTED NAME AND TITLE

DATE



1335 Brittmoore Rd.
Houston, TX 77043-4093
Ph : (713)465-8306

Change Request

To: PGAL
3131 Briarpark, Suite 200
Houston, TX 77042
Ph: (713)622-1444 Fax: (713)968-9333

Number: 72.1
Date: 3/12/24
Job: 22-1649 Rockport City Hall
Phone:

Description: Building Signage PR15R

We are pleased to offer the following specifications and pricing to make the following changes:

We are pleased to offer the following specifications and pricing to make the following changes:
SPARQ:

Lead time is 6 to 8 weeks upon receipt of all approvals
Fabricate (3) custom raceways to recess into brick for exterior building letter.
Install custom raceways for exterior building letter.

Additional General Conditions are being negotiated separately with the project Owner and Owners Rep for both time and dollars for work after 1/31/2024.

The total amount to provide this work is \$6,780.00

The schedule will be TBD.

Submitted by: Heaven Vasquez

Approved by: _____

Date: _____



1335 Brittmoore Rd.
Houston, TX 77043-4093
Ph : (713)465-8306

Change Request 72.1 Price Breakdown
Continuation Sheet

Description: Building Signage PR15R

Description	Labor	Material	Equipment	Subcontract	Other	Price
Signage & Graphics				\$6,780.00		\$6,780.00
						Subtotal: \$6,780.00
						Total: \$6,780.00



5151 Milwee Street, Houston, Texas 77092 713-956-4166(P)

Proposal - PR 14

TEAL CONSTRUCTION

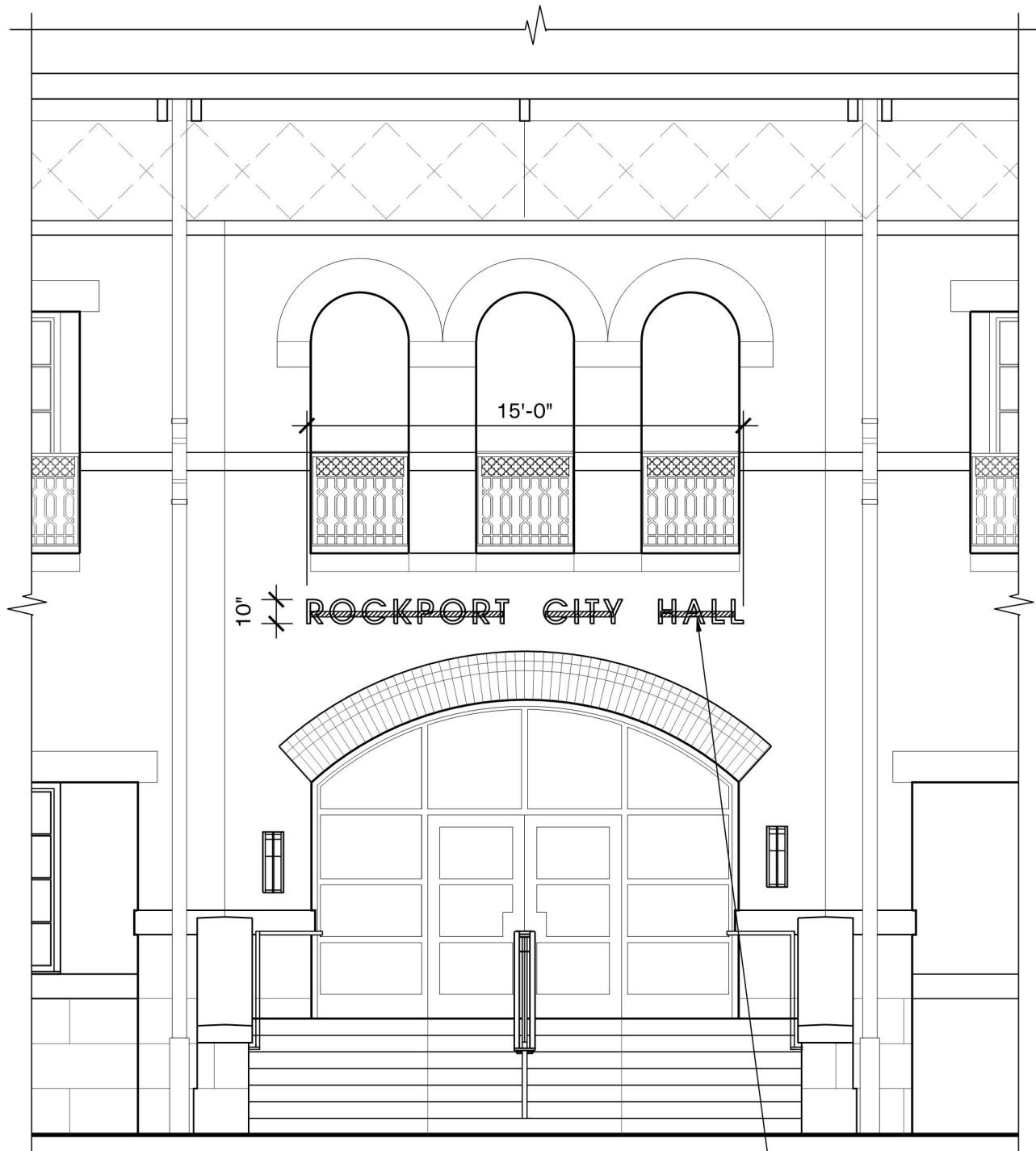
Heaven Vasquez
1335 Brittnoore
Houston TX 77043 USA

DATE: **6/3/2024**
PROPOSAL NO.: **20210580-6**

CUSTOMER PO	REQUESTED BY
Rockport City Hall	Heaven Vasquez
SALES REPRESENTATIVE	PROJECT MANAGER
Jill Landis	Maritza Gonzalez
DESCRIPTION OF SERVICES	

Electrical runs to sign location by others. Installation during normal business hours. Lead time is 6 to 8 weeks upon receipt of all approvals

QTY.	DESCRIPTION	PRICE	TOTAL COST
1.0	Fabricate (3) custom raceways to recess into brick for exterior building letters	\$4,580.00	\$4,580.00
1.0	Install custom raceways for exterior building letters	\$2,200.00	\$2,200.00
APPROVAL SIGNATURE			
AUTHORIZED BY:		SUBTOTAL	\$6,780.00
PRINTED NAME:	DATE:	SALES TAX	\$0.00
		TOTAL	\$6,780.00



RACEWAY FOR PRE-WIRED
LETTERS, ONE PER WORD.
INSTALL RACEWAY FLUSH WITH
FACE OF ADJACENT BRICK AND
PAINT TO MATCH BRICK.

Architexas

2900 S. Congress Ave.
Suite 200
Austin, Texas 78704
p 512.444.4220

PROJECT: Rockport City Hall

REF: PR 14

DATE: 12/20/23

JOB NO.: 2008

SCALE: $\frac{3}{16}$ " = 1'-0"

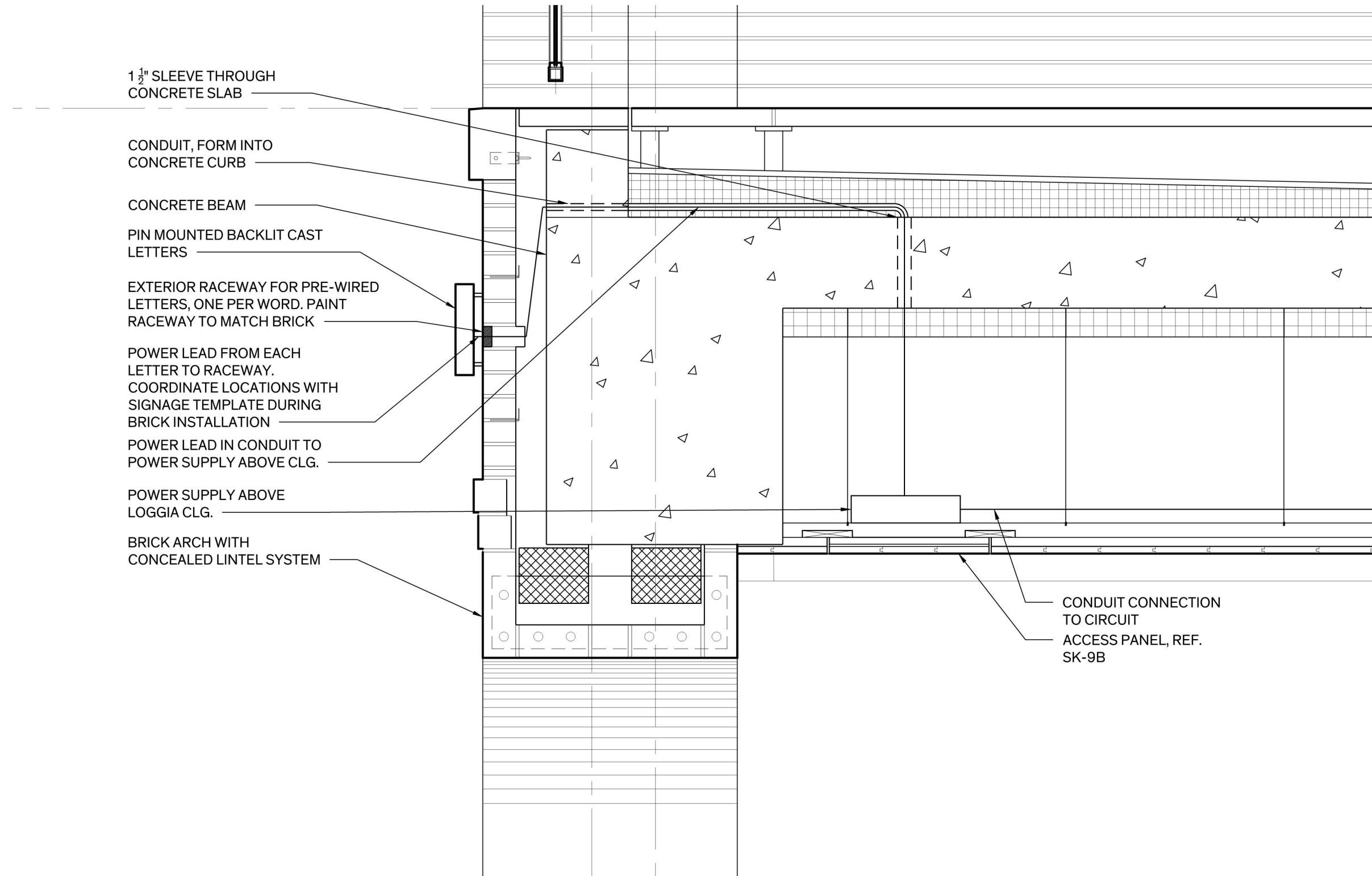
City Council Regular Meeting Agenda Packet

REFERENCE PAGE

July 12, 2024

SK-06R

Page 70



Architexas

2900 S. Congress Ave.
Suite 200
Austin, Texas 78704
City Council Regular Meeting Agenda Packet
p 512.444.4220

PROJECT: Rockport City Hall

DRAWING TITLE: Backlit Lettering Section Detail

REFERENCE PAGE: 2/AR-7.51 July 12, 2024

REF: PR 14

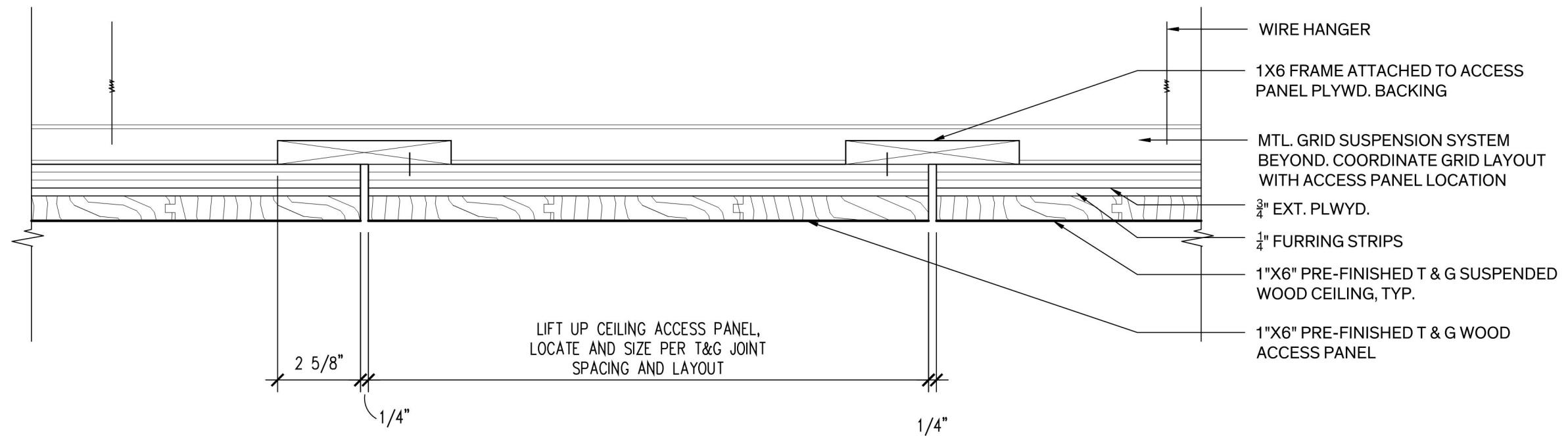
DATE: 12/20/23

JOB NO.: 2008

SCALE: 1" = 1'-0"

SK-9A

Page 71



T&G CEILING ACCESS PANEL DET.

3" = 1'-0"

1

Architexas

2900 S. Congress Ave.
Suite 200
Austin, Texas 78704
p 512.444.4220
City Council Regular Meeting Agenda Packet

PROJECT: Rockport City Hall

DRAWING TITLE: Backlit Lettering - Loggia Ceiling Access Panel

REFERENCE PAGE: 8, 9/AR 10/20, 2024

REF: PR 14

DATE: 12/20/23

JOB NO.: 2008

SCALE: 3" = 1'-0"

SK-9B

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1335 Brittmoore Rd.
Houston, TX 77043-4093
Ph : (713)465-8306

Change Request

To: PGAL
3131 Briarpark, Suite 200
Houston, TX 77042
Ph: (713)622-1444 Fax: (713)968-9333

Number: 75.1
Date: 5/16/24
Job: 22-1649 Rockport City Hall
Phone:

Description: Concrete paving

We are pleased to offer the following specifications and pricing to make the following changes:

Please see attached cost for Concrete paving.

This is for review only on Sub Cost and Backup. As Change Requests 78 is Pending for Time and Cost.

The total amount to provide this work is \$-12,652.00

(Please refer to attached sheet for details.)

The schedule will be TBD.

Submitted by: Heaven Vasquez

Approved by: _____

Date: _____



1335 Brittmoore Rd.
Houston, TX 77043-4093
Ph : (713)465-8306

Change Request 75.1 Price Breakdown
Continuation Sheet

Description: Concrete paving

Description	Labor	Material	Equipment	Subcontract	Other	Price
Concrete Subcontractor				\$-12,652.00		\$-12,652.00

Subtotal: \$-12,652.00

Total: \$-12,652.00



PROPOSAL

Date: 5-14-2024

Ambrose Construction, Ltd.
15041 Northwest Blvd
Corpus Christi, TX 78410
Phone: 361-299-6262
Fax: 361-299-6263

Company: Teal Construction
Attn: Justin
Address:
City, St. Zip: Corpus Christi, TX
Office:
Fax:

Referencing:
Shell Crete Rockport City Hall

ALL OF THE WORK LISTED HEREIN SHALL BE PERFORMED IN STRICT ACCORDANCE WITH ALL PLANS & SPECIFICATION INCLUDING ADDEND NUMBER _____
& ACCEPTANCE OF ALTERNATES NUMBER N/A

DESCRIPTION

A.C.I. SHALL INCLUDE ALL LABOR, MATERIALS, AND EQUIPMENT NECESSARY TO COMPLETE THE FOLLOWING SCOPE OF WORK

Original Plaza concrete cost per plans	\$80,467.00
Delete shell	-\$16,750.00
Delete color at borders areas only	-\$2,030.00
Sand blast non colored borders	+\$3,728.00
Additional Mock Ups	+\$2,400.00
Total Credit	-\$12,652.00

***NOTE-- ANY ADDITIONAL WORK PERFORMED BY THE HOUR WILL BE BILLED \$42.00 PER MAN HOUR FOR STRAIGHT TIME ONLY. ADDITIONAL CHARGE FOR TIME AND A HALF. ***

ITEMS FURNISHED BY OTHERS AND, OR QUALIFICATIONS:

FOR THE SUM OF:

See Above

NOTES:

All materials are guaranteed to be as specified. All work will be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only written orders and will become an extra charge. All agreements contingent upon strikes, accidents or delays beyond our control. Unless otherwise specified, this proposal is based on a forty hour work week. Owner to carry fire\tornado, and other necessary insurance. Our workers are fully covered by Workman's Compensation. This Proposal may be withdrawal by us if not accepted within 30 days.

SPECIAL PROVISIONS: IF THIS WORK IS AWARDED TO US, A COPY OF THIS PROPOSAL WILL BE MADE A PART OF THE CONTRACTUAL AGREEMENT AND WILL TAKE PRECEDENCE IN THE EVENT OF CONFLICT WITH ANY OTHER CONTRACT DOCUMENTS.**ALL BIDS BASED ON A 45 HOUR WORK WEEK******

PAYMENT: NET 30 DAYS. If retainage is withheld, it is to be paid within 30 days of completion of our work, not upon completion of entire project.

STATE SALES TAXES Included in above amount **XX** Not included in above amount
If you have any question, please call: (361) 299-6262.

Authorized Signature: **AMBROSE CONSTRUCTION, LTD.:**

ACCEPTED:

BY: Don R Boyd
DATE: 5-14-2024

BY:
DATE: _____



1335 Brittmoore Rd.
Houston, TX 77043-4093
Ph : (713)465-8306

Change Request

To: PGAL
3131 Briarpark, Suite 200
Houston, TX 77042
Ph: (713)622-1444 Fax: (713)968-9333

Number: 85
Date: 6/17/24
Job: 22-1649 Rockport City Hall
Phone:

Description: RFI 162 Display Case Lighting

We are pleased to offer the following specifications and pricing to make the following changes:

We propose to furnish and install all necessary material, labor and supervision for the electrical installation of the abovementioned change. Our sum for this change is listed.

FIXTURES HAVE A 4-6 WEEK LEADTIME. (Effective once Change is approved.)

This is for review only on Sub Cost and Backup. As Change Requests 96 is Pending for Time and Cost.

Submitted by: Heaven Vasquez

Approved by: _____

Date: _____



1335 Brittmoore Rd.
Houston, TX 77043-4093
Ph : (713)465-8306

Change Request 85 Price Breakdown
Continuation Sheet

Description: RFI 162 Display Case Lighting

Description	Labor	Material	Equipment	Subcontract	Other	Price
Electrical Subcontractor				\$3,919.00		\$3,919.00
						Subtotal: \$3,919.00
	Fee			\$3,919.00	10.00%	\$391.90
						Total: \$4,310.90

Wendt Services, Inc.

June 11, 2024

Teal Construction
5110-B IH 37
Corpus Christi, TX 78407
Attn: Justin McComb; justinmccomb@tealcon.com

**Re: City of Rockport – New City Hall
RFI#0162 – Display & Time Capsule Case Lighting**

We propose to furnish and install all necessary material, labor and supervision for the electrical installation of the above-mentioned change. Our sum for this change is listed below.

1. Pricing to add lighting to display and time capsule cases.



2. Included:
 - a. Material and labor to add (4) recessed downlight fixtures. (2) fixtures per display case.
 - Fixture = Zaniboni Cat# D1-LUN2A-03-30-A-6-F-BZ-N-00-0.)
 - **FIXTURES HAVE A 4-6 WEEK LEADTIME. (Effective once Change is approved.)**
 - b. Fixtures will be circuited to BE1HA-13 relay "d" that serves the Vestibule downlights.
3. NOT included:
 - a. Lighting controls or lighting control changes of any kind.
 - b. Painting/patching/repairing/etc. of surfaces or items damaged as a result of work within this change, or of exposed electrical work.
 - c. All concrete cut, formed, poured or removed. (Including, but not limited to; pads, rebar, saw-cutting, core-drilling, boring, concrete/asphalt repairs, etc.)
4. Disclosures
 - a. Change Order work adds approximately 1 working day to our scope.
 - b. Pricing valid for 30 days.

Material:	\$1,225
Equipment/Tools/Rentals:	\$0



9685 US Hwy. 87 N
Victoria, TX 77904
Phone: 361-573-7344
TECL 38576

Labor/Non-Productive Labor/Plan Review & Coordination:	\$2,183
Overhead/Profit (15%):	\$511
TOTAL:	\$3,919

Respectfully,

Kristi Wagner



Index	Description	Reference Type	Ref...	Ref Amount	Operati...	Rate	Amount	Ref Only
1	*MISC MATERIAL:							<input type="checkbox"/>
2	MATERIAL TOTAL:	Material	Total	251.02	*	1.00	251.02	<input type="checkbox"/>
3	SUBTOTAL						251.02	<input type="checkbox"/>
4								<input type="checkbox"/>
5	*MAJOR QUOTATIONS:							<input type="checkbox"/>
6	CED - DOWNLIGHT FIXTURES	Calculated		974.20	*	1.00	974.20	<input type="checkbox"/>
7		Calculated		0.00	*	1.00		<input type="checkbox"/>
8	SUBTOTAL						974.20	<input type="checkbox"/>
9								<input type="checkbox"/>
10	*DIRECT LABOR:							<input type="checkbox"/>
11	AVERAGE RATE	Labor	Total	18.90	*	36.72	693.86	<input type="checkbox"/>
12	LABOR BURDEN	Component	11	693.86	%	30.00	208.16	<input type="checkbox"/>
13	SUBTOTAL						902.02	<input type="checkbox"/>
14								<input type="checkbox"/>
15	*FUEL CALCULATIONS:							<input checked="" type="checkbox"/>
16	WORK WEEKS (2MEN @ 40HRS/WEEK)	Labor	Total	18.90	/	80.00	0.24	<input checked="" type="checkbox"/>
17	WORK DAYS/# OF TRIPS (4DAYS/WEEK)	Component	16	0.24	*	4.00	0.94	<input checked="" type="checkbox"/>
18	---							<input checked="" type="checkbox"/>
19	MILES ROUND TRIP (ENTER MILES 1 WAY * 2)	Calculated		75.00	*	2.00	150.00	<input checked="" type="checkbox"/>
20	FUEL PER DAY (14MPG @ \$5/GAL)	Component	19	150.00	/	2.80	53.57	<input checked="" type="checkbox"/>
21								<input type="checkbox"/>
22	*NON-PROD. LABOR:							<input type="checkbox"/>
23	RS MEANS - PLAN STUDY (POST-INST 6%)	Component	13	902.02	%	6.00	54.12	<input type="checkbox"/>
24	RS MEANS - MATERIAL PROCUREMENT (POST-INST 3%)	Component	13	902.02	%	3.00	27.06	<input type="checkbox"/>
25	RS MEANS - RECEIVING _STORING (POST-INST 3%)	Component	13	902.02	%	3.00	27.06	<input type="checkbox"/>
26	RS MEANS - MOBILIZATION (POST-INST 5%)	Component	13	902.02	%	5.00	45.10	<input type="checkbox"/>
27	RS MEANS - SITE MOVEMENT (POST-INST 8%)	Component	13	902.02	%	8.00	72.16	<input type="checkbox"/>
28	RS MEANS - LAYOUT _MARKING (POST-INST 12%)	Component	13	902.02	%	12.00	108.24	<input type="checkbox"/>
29	RS MEANS - CLEANUP (POST-INST 3%)	Component	13	902.02	%	3.00	27.06	<input type="checkbox"/>
30	RS MEANS - WORK OVER 10' (10%)	Component	13	902.02	%	10.00	90.20	<input checked="" type="checkbox"/>
31	RS MEANS - CONGESTED/COMPLETED AREA (15%)	Component	13	902.02	%	15.00	135.30	<input type="checkbox"/>
32		Calculated		0.00	*	1.00		<input type="checkbox"/>
33	RENTALS	Calculated		0.00	*	1.00		<input type="checkbox"/>
34		Calculated		0.00	*	1.00		<input type="checkbox"/>
35	CREW TRUCK/TRANSPORTATION (PER DAY RS MEANS COST)	Component	17	0.94	*	170.00	160.62	<input type="checkbox"/>
36	++ FUEL SUR-CHARGE (PER DAY)	Component	17	0.94	*	53.57	50.61	<input type="checkbox"/>
37	ROOM _BOARD (PER WEEK)	Component	16	0.24	*	280.00	66.14	<input type="checkbox"/>
38	PER DIEM (2 MEN @ \$30/DAY)	Component	17	0.94	*	60.00	56.69	<input type="checkbox"/>
39	*** OVERTIME	Component	13	902.02	*	0.50	451.01	<input type="checkbox"/>
40		Calculated		0.00	*	1.00		<input type="checkbox"/>
41	SUBTOTAL						1,281.17	<input type="checkbox"/>
42	-----							<input type="checkbox"/>
43	JOB SUBTOTAL						3,408.41	<input type="checkbox"/>
44	-----							<input type="checkbox"/>
45	*OVERHEAD/PROFIT:							<input type="checkbox"/>
46	OVERHEAD/PROFIT (15% CHANGE ORDERS)	Component	43	3,408.41	%	15.00	511.26	<input type="checkbox"/>
47	-----							<input type="checkbox"/>

Index	Description	Reference Type	Ref...	Ref Amount	Operati...	Rate	Amount	Ref Only
48	BID TOTAL						3,919.67	<input type="checkbox"/>

NOTES

Item				Material	Labor
Size	Item Desc	Qty	UOM	Mat Ext	Lbr Ext
	(RFI#0162) LABOR TO REMOVE HARD CEILINGS/CEILING TILES	1.00		0.00	2.000
	(RFI#0162) RECESSED LED DOWNLIGHT	4.00		0.00	4.760
1/4.	BEAM CLAMP-STEEL	4.00	EACH	3.04	0.600
1/4-20	1/2 MACHINE SCREW	4.00	EACH	0.12	0.004
3/8.	MC CONNECTOR SINGLE	18.00	EACH	21.78	4.284
.050	EC 311 CEILING SUPPORT	20.00	EACH	20.00	1.360
4 SQ BOX	1-1/2D 1/2 KO	4.00	EACH	16.32	1.744
4 SQ	4 SQ BLANK COVER	4.00	EACH	7.12	0.596
16	TFFN CU STRANDED	80.00	FEET	23.20	0.560
#12-3/C	MC CABLE W/GRN GRD	92.00	FEET	158.24	2.668
	SCOTCHLOCKS-RED	8.00	EACH	1.20	0.320
Grand Totals				251.02	18.896

CITY COUNCIL AGENDA

Regular Meeting: Tuesday, July 12, 2024

AGENDA ITEM: 10.

Consider the approval to award a bid to Raw Demo for an amount not to exceed \$9,850.00 for the demolition and removal of the existing concrete and asphalt located at the Main Street Visitors Kiosk and Art Installation site.

SUBMITTED BY: Kimberly Henry, Assistant to the City Manager

APPROVED FOR AGENDA: *SG*

BACKGROUND:

Following two failed attempts to get complete proposals for the Visitors Kiosk and Art Installation area on Main Street between Live Oak Street and Magnolia Street, the staff are seeking bids for individual pieces of the project. We have received three bids to demolish and remove the concrete slab and asphalt areas from the site: Raw Demo at \$9,850.00, Brennen Nguyen at \$10,600.00, and JRL Services, LLC at \$16,550.00.

FISCAL ANALYSIS: Of the original \$500,000 budget for this project, there is a remaining \$194,633 not committed at this time.

RECOMMENDATION:

Staff recommends approving the bid to Raw Demo for an amount not to exceed \$9,850.00 for the demolition and removal of the existing concrete and asphalt located at the Main Street Visitors Kiosk and Art Installation site.

Raw Demo and Construction, LLC
 Po Box 476
 ROCKPORT, TX
 78381
 361-463-7273
 Rawdemoandconstruction@gmail.com



ADDRESS

City Of Rockport
 Main St Visitor Kiosk
 Rockport, TX 78382

Estimate 1374

DATE 06/30/2024

EXPIRATION DATE 07/30/2024

DATE	JOB DESCRIPTION	HOURS	RATE	AMOUNT
	demo out concrete slab and haul off price includes labor equipment and haul off.	1	8,200.00	8,200.00
	demo asphalt and haul off price includes labor and equipment and haul off	1	1,650.00	1,650.00

We Look Forward to Doing Business with SUBTOTAL 9,850.00
 You Any Questions Please Give Us A Call, TAX 0.00
 Please Email Signed Estimate Approval So
 We Can Schedule Job, Hope to Hear from
 You Soon Have a Wonderful Day.

TOTAL \$9,850.00

Accepted By

Accepted Date

RAW DEMO AND CONSTRUCTION LLC

"No Jobs Too Big No Jobs Too Small"

Call On Your Local Company Known to Proudly Serve the Coastal Bend

You received a new estimate! (#\$10,600)

From: Brennen Nguyen (messenger@messaging.squareup.com)

To: warrenhassinger@sbcglobal.net

Date: Tuesday, July 2, 2024 at 03:25 PM CDT



Brennen Nguyen

New Estimate

\$10,600.00

Estimate

[View Estimate](#)

Estimate #\$\$10,600 sent

July 2, 2024

Customer

Warren Hassinger

warrenhassinger@sbcglobal.net

512-247-8352

Message

We look forward to working with you.

Demo and removal

\$10,600.00

Subtotal	\$10,600.00
Total	\$10,600.00

Brennen Nguyen
Brennen Nguyen
1139 heron lane Rockport Tx 78382, Rockport, TX 78382-2204
United States
brennen29@gmail.com
361-463-6077

Please contact Brennen Nguyen about its privacy practices.



JRL Services, LLC
Joe Lopez
126 Tranquility Mountain
Buda, Texas 78610

Rockport Sand n Sea, LLC
Warren Hassinger
2517 Turkey Neck Cir
Rockport TX 78382

Re: City of Rockport for the Main Street Visitor Kiosk project – Main Street / S Magnolia

Warren –

Per the page 002 drawings and our discussions, I propose to demo and haul-off the concrete slab(s) and asphalt paving as described for a total turn-key price of \$16,550.00.

Thank you for the opportunity to bid this project. Call me if you have questions.

Joe

RESOLUTION NO. 2024-14R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROCKPORT, TEXAS FINDING AND REAFFIRMING THAT A PUBLIC NECESSITY EXISTS TO ACQUIRE A DRAINAGE EASEMENT AND/OR FEE SIMPLE FOR MUNICIPAL PURPOSES TO UPGRADE AND INSTALL DRAINAGE FACILITIES FOR THE PURPOSE OF DRAINAGE COLLECTION, DISPOSAL, EMPTYING, AND SUCH APPURTENANT FACILITIES AS MAY BE NECESSARY, AND OTHER PUBLIC USES IN REAL PROPERTY ON PORTIONS OR WHOLE OF TRACTS OF LAND CROSSING VETERAN'S MEMORIAL PARK AND CONTINUING THROUGH A POSSIBLE STREET OR RIGHT-OF-WAY TO THE WATERFRONT EAST OF AUSTIN/BROADWAY STREETS AND VETERAN'S MEMORIAL PARK WITH SAID STREET OR RIGHT-OF WAY KNOWN AS VETERANS MEMORIAL DRIVE, IN THE SMITH AND WOOD ADDITION BORDERING ON ROCKPORT HARBOR, TO THE CITY OF ROCKPORT, ACCORDING TO THE MAP RECORDED IN VOLUME "E", PAGES 272-273, DEED RECORDS OF ARANSAS COUNTY, TEXAS, AND GENERALLY DESCRIBED AS A PORTION OF THE APPROXIMATELY 102.5 ACRE TRACT CONVEYED TO THE ARANSAS COUNTY NAVIGATION DISTRICT NO. 1, NOW KNOWN AS ARANSAS COUNTY NAVIGATION DISTRICT, BY DEED DATED OCTOBER 15, 1936, AND RECORDED IN VOLUME Q-2, PAGE 270, DEED RECORDS OF ARANSAS COUNTY, TEXAS, AND REVISED AND AMENDED ON AUGUST 15, 1953, AND RECORDED IN VOLUME M-3, PAGE 499, DEED RECORDS OF ARANSAS COUNTY, TEXAS, SAID PROPERTY OWNED WHOLLY OR PARTIALLY BY ARANSAS COUNTY NAVIGATION DISTRICT, FORMERLY KNOWN AS ARANSAS COUNTY NAVIGATION DISTRICT NO. 1; PROVIDING AND REAFFIRMING NOTICE OF AN OFFICIAL DETERMINATION TO ACQUIRE REAL PROPERTY FOR A DRAINAGE EASEMENT AND/OR FEE SIMPLE FOR MUNICIPAL PURPOSES; PROVIDING AND REAFFIRMING AUTHORIZATION FOR THE CITY MANAGER TO OBTAIN THE NECESSARY APPRAISAL REPORT AND THE MAKING OF BONA FIDE OFFERS OF JUST COMPENSATION FOR THE EASEMENT AND/OR FEE SIMPLE; RATIFYING PRIOR DOCUMENTS AND ACTS MADE FOR ACQUISITION OF THE EASEMENT AND/OR FEE SIMPLE; AUTHORIZING AND/OR REAFFIRMING THE AUTHORITY OF LEGAL COUNSEL TO INSTITUTE EMINENT DOMAIN PROCEEDINGS ON BEHALF OF THE CITY FOR THE ACQUISITION OF THE EASEMENTS AND/OR FEE SIMPLE ON SAID TRACTS IF NEGOTIATIONS ARE UNSUCCESSFUL; AUTHORIZING AND REAFFIRMING SEEKING ALL LEGAL MEANS NECESSARY TO ENTER UPON SAID PROPERTY FOR WORK NECESSARY TO EFFECTUATE THE NEED OR ABILITY TO SEEK ENIMENT DOMAIN PROCEEDINGS AND STUDIES INCIDENT THERETO;

**AUTHORIZING AND REAFFIRMING APPROPRIATION OF FUNDS
FROM A LAWFUL SOURCE; AND PROVIDING FOR AN EFFECTIVE
DATE.**

WHEREAS, the City of Rockport, Texas (“City”), by authority of Chapter 251 of the Texas Local Government Code, Chapter 2206 of the Texas Government Code, and Chapter 21 of the Texas Property Code is authorized to initiate eminent domain proceedings to acquire real properties for a public purpose in order to provide, enlarge, or improve drainage facilities and other public uses; and

WHEREAS, the City Council of the City of Rockport (“City Council”) has investigated and determined that there is a public necessity for the acquisition, by eminent domain, of a drainage easement and/or fee simple (hereinafter the drainage easement and/or fee shall be herein referred to as “Easement”) on the following tract of land:

PARTIONS OR WHOLE OF TRACTS OF LAND CROSSING VETERAN’S MEMORIAL PARK AND CONTINUING THROUGH A POSSIBLE STREET OR RIGHT-OF-WAY TO THE WATERFRONT EAST OF AUSTIN/BROADWAY STREETS AND VETERAN’S MEMORIAL PARK WITH SAID STREET OR RIGHT-OF WAY KNOWN AS VETERANS MEMORIAL DRIVE, IN THE SMITH AND WOOD ADDITION BORDERING ON ROCKPORT HARBOR, TO THE CITY OF ROCKPORT, ACCORDING TO THE MAP RECORDED IN VOLUME “E”, PAGES 272-273, DEED RECORDS OF ARANSAS COUNTY, TEXAS, AND GENERALLY DESCRIBED AS A PORTION OF THE APPROXIMATELY 102.5 ACRE TRACT CONVEYED TO THE ARANSAS COUNTY NAVIGATION DISTRICT NO. 1, NOW KNOWN AS ARANSAS COUNTY NAVIGATION DISTRICT, BY DEED DATED OCTOBER 15, 1936, AND RECORDED IN VOLUME Q-2, PAGE 270, DEED RECORDS OF ARANSAS COUNTY, TEXAS, AND REVISED AND AMENDED ON AUGUST 15, 1953, AND RECORDED IN VOLUME M-3, PAGE 499, DEED RECORDS OF ARANSAS COUNTY, TEXAS, SAID PROPERTY OWNED WHOLLY OR PARTIALLY BY ARANSAS COUNTY NAVIGATION DISTRICT, FORMERLY KNOWN AS ARANSAS COUNTY NAVIGATION DISTRICT NO. 1.

The initial drainage easement proposed is identified graphically depicted in Exhibit “A”, attached hereto and incorporated herein for all purposes (“Property”). It is the City’s intent to acquire the necessary Easement on the Property for the purpose of, among other municipal purposes, including but not limited to provide, enlarge, or improve drainage facilities and other public uses; and

WHEREAS, the City Council has investigated and determined that the taking of said real property is necessary for public use; and

WHEREAS, this Resolution affirms, re-affirms, and ratifies, if necessary, the public necessity, public use, and acquisitions expressly authorized by City Council and hereby affirms, re-affirms, and ratifies, if necessary, the filing of eminent domain proceedings against the owner of the identified Property; and

WHEREAS, this Resolution shall be cumulative of all other resolutions of the City of Rockport and shall not repeal any of the provisions of such resolutions, except in those instances where provisions of such resolutions are in direct conflict with the provisions of this resolution; and

WHEREAS, it is necessary to establish procedures for determining the establishment and approval of just compensation for the Easement to be acquired by eminent domain as required by law; and

WHEREAS, the City Manager, or her designee, is required to make a bona fide offer, as defined by and in compliance with Chapter 21 of Texas Property Code, to acquire the Easement on the Property for public use voluntarily from the owner(s) prior to moving forward with acquisition by eminent domain; and

WHEREAS, the City Manager, or her designee, will seek, if not already obtained, third-party appraisal(s), and the City Manager, the law firm of Messer Fort, PLLC (“Legal Counsel”) or their designee will make a bona fide initial offer and a final offer based on the appraisal to the owner of the Property, which may or may not be accepted by the Property’s owner, if not already performed; and

WHEREAS, if the owner of the Property does not agree upon the just compensation to be paid them for with the Property herein described, the City Council hereby authorizes, re-authorizes, affirms and ratifies Legal Counsel instituting proceedings in eminent domain to acquire the Easement on the Property for such public uses stated herein.

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

SECTION 1: The findings set forth above are incorporated into the body of this Resolution as if fully set forth herein.

SECTION 2: The City Council hereby officially determines, affirms, and/or re-affirms that there is a public use and necessity for acquiring the Easement; the public welfare and

convenience will be served by the acquisition, by eminent domain, of the Easement on the Property; it is the City's intent to acquire the Easement for public use and purposes on the Property graphically depicted in Exhibit "A", attached hereto, for the municipal purposes to install drainage facilities, including lines to facilitate drainage collection, conveyance, disposal, emptying, such appurtenant facilities as may be necessary, and the use of eminent domain is hereby authorized to obtain the Easement on the Property.

SECTION 3: The City Council hereby authorizes and/or re-authorizes the City Manager or her designee in obtaining, reviewing, and accepting a third party's appraisal report and updated report(s), if not acquired already, and if already obtained those actions are ratified. The City Manager, Legal Counsel or their designee is authorized and/or re-authorized to make bona fide initial and final offers based on the appraisal to the owner of the Property, and if such actions have already been completed those actions are so ratified. In the event of failed attempts to negotiate with any owner of a portion of the Property after making a bona fide initial offer and making bona fide final offer, the City Council hereby authorizes and/or re-authorizes the City Manager or designee to authorize and direct, on behalf of the City, Legal Counsel to commence and conduct all parts of the condemnation proceedings under the Texas Property Code, and other applicable law, for the acquisition of the Easement on the Property for municipal purposes and other public uses on the Property by eminent domain, and if already performed those actions are ratified. Legal Counsel, or designee, is authorized and/or re-authorized and directed to negotiate for and to acquire the required Easement for the City, and to acquire said rights in compliance with State and Federal law, and if already performed those actions are ratified. Moreover, Legal Counsel, or designee, is specifically authorized and/or re-authorized and directed to do each and every act necessary to acquire the needed Easement including but not limited to, the authority to negotiate, give notices to, make written offers to purchase, prepare contracts, to retain and designate a qualified appraiser(s) of the interests to be acquired, as well as any other experts or consultants deemed necessary for the acquisition process and, if necessary, to institute and complete court proceedings in eminent domain, and if already performed those actions are ratified.

SECTION 4: The City Manager, or his designee, is hereby authorized and/or re-authorized to execute all documents necessary to acquire the Easement on the Property, on behalf of the City, whether by purchase or eminent domain, and if already performed those actions are ratified. The City Council hereby ratifies any and all negotiations, offer letters and all documents executed prior to the effective date of this Resolution, by the City Manager, or her designee, which were necessary for the acquisition of the Easement on the Property.

SECTION 5: It is the intent of the City Council that this Resolution authorizes the condemnation of the Easement on the Property required for this project for the purposes herein stated. If it is determined that there are any errors in the descriptions contained herein or if later surveys contain more accurate revised descriptions (which may include less or slightly more acreage), the City Manager, Legal Counsel or their designee is authorized to have such errors corrected or revisions made and to acquire such property rights without the necessity of obtaining new City Council resolution authorizing condemnation of the corrected or revised property.

SECTION 6: The amount to be paid, if any, for acquiring the Easement on the Property, will be appropriated from any lawful source.

SECTION 7: The City Manager and Legal Counsel is hereby authorized to take all steps to seek legal entry upon the Property to seek surveys, geotechnical information, and appraisal information. Such activities may occur before any bona fide offers are sent to the Property owners.

SECTION 8. In the event that Special Commissioners appointed by the Court during condemnation proceedings return an award for just compensation to be paid by the City, Legal Counsel is hereby authorized to settle the lawsuit for that amount. The City's Finance Director is hereby authorized to issue a check from the appropriate fund in the amount of the Special Commissioners' award made payable to the owner or to the County Clerk of Aransas County, to be deposited into the registry of the Court, to enable the City to take possession of the Easement without further action of the City Council. If the City Manager believes such award should be appealed, the award may still be paid to take possession, but the City Manager shall put the question of whether to appeal on the next available city council agenda for consideration. If there is no such city council meeting before the deadline to appeal, the City Manager may direct Legal Counsel to file the appeal and then place on the next available city council agenda to either pursue or withdraw the appeal.

SECTION 9: Should any section, subsection, sentence, clause, or phrase of this Resolution be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Resolution shall remain in full force and effect. The City hereby declares that it would have passed this Resolution, and each section, subsection, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional or invalid.

SECTION 10: This Resolution shall take effect immediately upon its passage and execution.

PASSED AND APPROVED by record vote this the ____ day of July, 2024, at a regular meeting of the City Council of the City of Rockport in which a quorum was present with the following record vote:

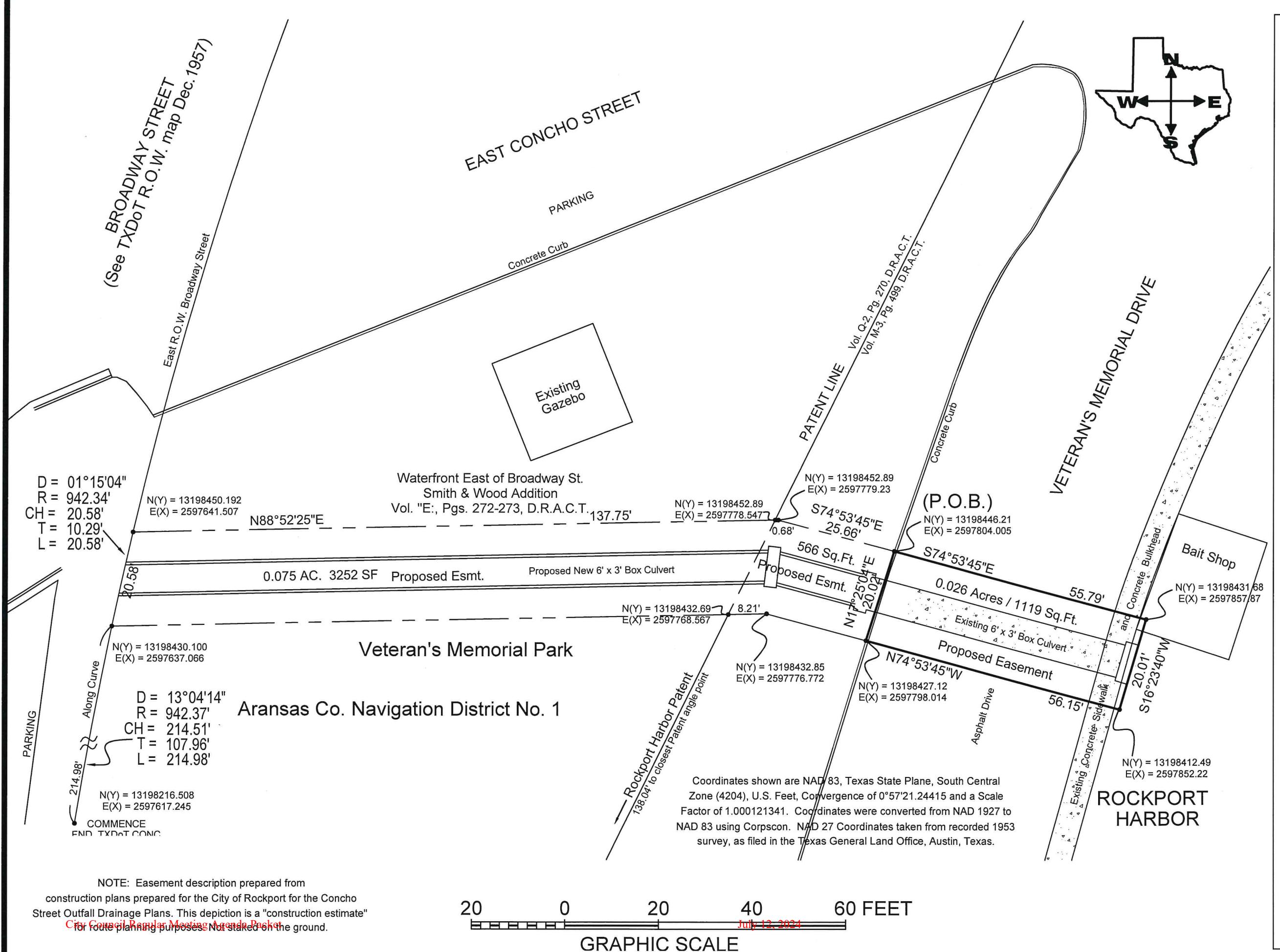
Stephanie Rangel, Ward 1	Aye	Nay
Matt Anderson, Ward 2	Aye	Nay
Brad Brundrett, Place 3	Aye	Nay
Andrea Hattman, Ward 4	Aye	Nay
Lowell Timothy Jayroe, Mayor	Aye	Nay

CITY OF ROCKPORT, TEXAS

Tim Jayroe, Mayor

ATTEST:

Shelley Goodwin, City Secretary



NOTES

- Bearings & Coordinates based on NAD 83, Texas State Plane, South Central Zone (4204).
- This Exhibit is not an "on the ground" survey.
- See Accompanying Field Notes Description for this Exhibit.

GAL DESCRIPTION

AT SHOWING PROPOSED
20.0' WIDE DRAINAGE
EASEMENT CROSSING
VETERAN'S MEMORIAL
RIVE EAST OF VETERAN'S
MEMORIAL PARK TO
ROCKPORT HARBOR

CITY OF ROCKPORT,
ARANSAS COUNTY,
TEXAS

JULY 8, 2024

CURRENT PARTY

PREPARED FOR:
THE CITY OF ROCKPORT

IRM NAME & ADDRESS

GriFFith & Brundrett
Surveying & Engineering, Inc.
411 S. Pearl St., P.O. Box 2322
Rockport, Texas 78381
: 361-729-6479
: 361-729-7933
: jerryb@gbsurveyor.com
: www.gbsurveyor.com
TBPELS Firm No. F-414
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FILE NAME: 24708BB2

EXHIBIT "A"
JULY 8, 2024
PROPOSED DRAINAGE EASEMENT

BEING THE DESCRIPTION OF 0.026 ACRES OR 1119 SQUARE FEET OF LAND EMBRACING A PROPOSED 20.0 FOOT WIDE DRAINAGE EASEMENT, CROSSING VETERAN'S MEMORIAL DRIVE, LYING EAST OF VETERAN'S MEMORIAL PARK TO ROCKPORT HARBOR, AND BEING ON A PORTION OF A 102.5 ACRE TRACT CONVEYED TO THE ARANSAS COUNTY NAVIGATION DISTRICT NO. 1, BY DEED DATED OCTOBER 15, 1936 AND RECORDED IN VOLUME Q-2, PAGE 270, DEED RECORDS OF ARANSAS COUNTY, TEXAS, AND THEN REVISED AND AMENDED ON AUGUST 15, 1953 AS RECORDED IN VOLUME M-3, PAGE 499, DEED RECORDS OF ARANSAS COUNTY, TEXAS, WITH SAID 0.026 ACRES OR 1119 SQUARE FOOT TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCE at a TXDOT concrete R.O.W. monument found at the point of curvature of the East R.O.W. line of Austin / Broadway Street and the West boundary of Veteran's Memorial Park with said point having NAD 83, Texas State Plane Coordinates South Central Zone of 13,198,216.508 North and 2,597,617.245 East; **THENCE**, in a Northerly direction along the East R.O.W. of Austin / Broadway Street, a circular curve to the right with a central angle of 13°04'14", a radius of 942.37; a chord of 214.51 feet, a tangent of 107.96 feet, for an arc distance of 214.98 feet to a point for the Southwest corner of a proposed 0.075 acre drainage easement; **THENCE**, continuing along and with said curve with a central angle of 01°15'04", a radius of 942.34 feet, a chord of 20.58 feet, a tangent of 10.29 feet, for an arc distance of 20.58 feet to a point; **THENCE**, crossing said Veteran's Memorial Park, North 88°52'25" East, a distance of 137.75 feet to an angle point; **THENCE**, South 74°53'45" East, a distance of 25.66 feet to a point with coordinates 13,198,446.21 North and 2,597,804.01 East, and being the **NORTHWEST** corner and **PLACE OF BEGINNING** of this description;

THENCE, crossing said Veteran's Memorial Drive, South 74°53'45" East, a distance of 55.79 feet to a point with coordinates 13,198,431.68 North and 2,597,857.87 East, to a point for the **NORTHEAST** corner of this description;

THENCE, South 16°23'40" West, a distance of 20.01 feet to a point with coordinates 13,198,412.49 North and 2,597,852.22 East, for the **SOUTHEAST** corner of this description;

THENCE, North 74°53'45" West, crossing said Veteran's Memorial Drive, a distance of 56.15 feet to a point with coordinates 13,198,427.12 North and 2,597,798.014 East, and being the **SOUTHWEST** corner of this description;

THENCE, North 17°25'04" East, a distance of 20.02 feet to the **PLACE OF BEGINNING** of this description and containing 0.026 acres or 1119 square feet of land, more or less.

ALL BEARINGS SHOWN ARE NAD 83, TEXAS STATE PLANE, SOUTH CENTRAL ZONE.

SEE ACCOMPANYING EXHIBIT "B" PLAT DATED JULY 8, 2024
FILENAME: 240708BB2

240708BB2FN