CITY COUNCIL AGENDA

Notice is hereby given that the Rockport City Council will hold a regular meeting on Tuesday, May 26, 2020, at 6:30 p.m. The meeting will be held at Rockport Service Center, 2751 State Highway 35 Bypass, Rockport, Texas. The matters to be discussed and acted upon are as follows:

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

Opening Agenda

1. Call meeting to order.

2. Pledge of Allegiance.


4. Citizens to be heard.
   At this time, comments will be taken from the audience on any subject matter that is not on the agenda. To address the Council, please sign the speaker’s card located on the table in the back of the Training Room of the Service Center and deliver to the City Secretary before the meeting begins. Limit comments to three (3) minutes. In accordance with the Open Meetings Act, Council may not discuss or take action on any item that has not been posted on the agenda. While civil public criticism is not prohibited; disorderly conduct or disturbance of the peace as prohibited by law shall be cause for the chair to terminate the offender’s time to speak.

5. Presentation of Certificates of Election to re-elected official for Ward 2 and newly-elected official for Ward 4.
   (Presentación de certificados de elección para reelegido oficial de Barrio 2 y recién elegido oficial de Barrio 4).

6. Administration of Oath of Office to re-elected official for Ward 2 and newly-elected official for Ward 4.
   (Administración de se juramento del cargo el reelegido oficial de Barrio 2 y recién elegido oficial de Barrio 4.)

7. Deliberate and act on election by Council of Mayor Pro-Tem.

Consent Agenda

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


9. Deliberate and act on second & final reading of an Ordinance extending a moratorium, for 120 days, on the submission, acceptance, processing, and approval necessary for the creation of development plats, construction or facilities related to recreational vehicle (RV) parks for land within the City of Rockport; providing a savings clause; providing a severability clause; finding and determining that the meeting at which the Ordinance was passed was open to the public as required by law; and providing an effective date.
10. Deliberate and act on an Ordinance of the City Council of the City of Rockport, Texas, extending a Declaration of Local Disaster for the period of May 26 – June 9, 2020; establishing rules and regulations for the duration of the disaster; restricting certain activities; and establishing penalties for violations.


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

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

13. Section 551.071(2) Consultation with Attorney: 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 – memorandum of agreement regarding Kline Building.

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


Special Accommodations
This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary’s office at (361) 729-2213, ext. 225 or FAX (361) 790-5966 or email citysec@cityofrockport.com for further information. Braille is not available. The City of Rockport reserves the right to convene into executive session under Government Code §§ 551.071- §551.074 and §551.086.

Certification
I certify that the above notice of meeting was posted on the bulletin board at the Rockport Service Center, 2751 State Highway 35 Bypass, Rockport, Texas on Friday, May 22, 2020, by 1:00 p.m. and on the City’s website at www.cityofrockport.com. I further certify that the following News Media were properly notified of this meeting as stated above: The Rockport Pilot and Corpus Christi Caller Times.

Teresa Valdez, City Secretary
CITY COUNCIL AGENDA  
Regular Meeting: Tuesday, May 26, 2020  

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<th>AGENDA ITEM:</th>
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Proclamation: Mayor Jimmy Kendrick  

SUBMITTED BY: Mayor Patrick R. Rios  

APPROVED FOR AGENDA: PKC  

BACKGROUND: The Proclamation will be presented at the meeting.  

FISCAL ANALYSIS: N/A  

RECOMMENDATION: Not an action item.
AGENDA ITEM: 5

Presentation of Certificates of Election to re-elected official for Ward 2 and newly-elected official for Ward 4.

(Presentación de certificados de elección para reelegido oficial de Barrio 2 y recién oficial de Barrio 4.)

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

APPROVED FOR AGENDA: PKC

BACKGROUND: Texas Election Code §67.016 requires that, after the completion of a canvass, the presiding officer of the local canvassing authority shall prepare a certificate of election for each candidate who is elected to an office for which the official result is determined by that authority's canvass.

(De la Elección de Tejas §67.016 Código requiere que después de la terminación de un sondeo, el oficial presidente de la autoridad local que solicita preparará un certificado de elección para cada candidato que es elegido a una oficina para que el resultado oficial es determinado por el sondeo de esa autoridad.)

FISCAL ANALYSIS: N/A

STAFF RECOMMENDATION: Staff recommends presentation of Certificates of Election to re-elected official and newly-elected official by Mayor Patrick Rios.

(El personal recomienda presentación de Certificados de Elección al funcionario reelegido y al funcionario recién electo por el Alcalde Patrick Rios.)
Certificate of Election

IN THE NAME AND BY THE AUTHORITY OF
THE STATE OF TEXAS

This to certify that

Joe David (J.D.) Villa

was duly elected

Council Member Ward 2

of the City of Rockport, Texas

pursuant to the City of Rockport Resolution No. 2020-10 canceling the unopposed election that was scheduled to be held on

May 2, 2020

In testimony whereof, I have hereunto signed my name and caused the Seal of Rockport to be affixed, this the 26th day of May 2020.

__________________________
Mayor Patrick R. Rios
Certificate of Election

IN THE NAME AND BY THE AUTHORITY OF
THE STATE OF TEXAS

This to certify that

Andrea Hattman

was duly elected

Council Member Ward 4

of the City of Rockport, Texas

pursuant to the City of Rockport Resolution No. 2020-10 canceling the unopposed election that was scheduled to be held on
May 2, 2020

In testimony whereof, I have hereunto signed my name and caused the Seal of Rockport to be affixed, this the 26th day of May 2020.

_________________________________
Mayor Patrick R. Rios
AGENDA ITEM:  6

Administration of Oath of Office to re-elected official for Ward 2 and newly-elected official for Ward 4.

(Administración de se juramento del cargo el reelegido oficial de Barrio 2 y recién elegido oficial de Barrio 4.)

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

APPROVED FOR AGENDA: PKC

BACKGROUND: Article XVI §1, Texas Constitution prescribes an oath that all officers must take before they enter upon the duties of their offices.

(El artículo XVI §1, Constitución de Tejas prescribe un juramento que todos los oficiales deben tomar antes que entren sobre los deberes de sus oficinas.)

FISCAL ANALYSIS: N/A

STAFF RECOMMENDATION: Staff recommends Oaths of Office be administered to re-elected City Council Member for Ward 2 and newly-elected City Council Member for Ward 4.

(El personal recomienda juramentos de oficina se administra a reelegido miembro del Consejo de la ciudad de Barrio 2 y recién elegido miembro de Barrio 4).
In the name and by the authority of

The State of Texas

OATH OF OFFICE

I, Joe David (J.D.) Villa, do solemnly swear (or affirm), that I will faithfully execute the duties of the office of City Council Member Ward 2 of the City of Rockport, of the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this State, so help me God.

_____________________
J.D. Villa

SWORN TO and subscribed before me by affiant on this 26th day of May 2020.

______________________
Patrick R. Rios, Mayor
City of Rockport, Texas
In the name and by the authority of

The State of Texas

OATH OF OFFICE

I, Andrea Hattman, do solemnly swear (or affirm), that I will faithfully execute the duties of the office of City Council Member Ward 4 of the City of Rockport, of the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this State, so help me God.

_____________________
J.D. Villa

SWORN TO and subscribed before me by affiant on this 26th day of May 2020.

_____________________
Patrick R. Rios, Mayor
City of Rockport, Texas
AGENDA ITEM: 7

Deliberate and act on election by Council of Mayor Pro-Tem.

SUBMITTED BY: City Secretary Teresa Valdez

APPROVED FOR AGENDA:

BACKGROUND: Section 3.04 of the City of Rockport Home Rule Charter (below) states the Mayor Pro-Tem shall be a Councilperson elected by the City Council at the first regular meeting after each election of Council Member and/or Mayor.

Sec. 3.04 Mayor and Mayor Pro-Tem.

(1) The Mayor shall be the official head of the City Government. He shall be the chairman and shall preside at all meetings of the City Council. The Mayor shall have the same right to vote, as do other Council Members. He shall, when authorized by the City Council, sign all official documents; such as, ordinances, resolutions, conveyances, official plats and bonds. He shall perform such other duties consistent with this Charter as may be imposed upon him by the City Council.

(2) The Mayor Pro-Tem shall be a Councilperson elected by the City Council at the first regular meeting after each election of Council Member and/or Mayor. The Mayor Pro-Tem shall act as Mayor during the disability or absence of the Mayor and in this capacity shall have the rights conferred upon the Mayor.

FISCAL ANALYSIS: N/A

STAFF RECOMMENDATION: Staff recommends election of a Mayor Pro-Tem, as required by Charter.
AGENDA ITEM: 8

Deliberate and act on approval of City Council Regular Meeting Minutes of May 12, 2020.

SUBMITTED BY:  City Secretary Teresa Valdez

APPROVED FOR AGENDA:  PKC

BACKGROUND:  Please see the accompanying minutes of the Regular Meeting of May 12, 2020.

FISCAL ANALYSIS:  N/A

RECOMMENDATION:  Staff recommends Council approve the Minutes, as presented.
A temporary suspension of the Open Meetings Act to allow telephone or video conference public meetings was granted by Governor Greg Abbott. These actions were being taken to mitigate the spread of COVID-19 by avoiding meetings that bring people into a group setting and in accordance with Section 418.016 of the Texas Government Code.

Due to the COVID-19 pandemic, the attorney general has said: “statutes that may be interpreted to require face-to-face interaction between members of the public and public officials are suspended; provided, however, that the governmental bodies must offer alternative methods of communicating with their public officials.” Public participation is valued and citizens wishing to express their views on any topic or Agenda item can either electronically submit a Citizen Participation Form or provide written comments to the City Secretary by 4:00 p.m. on the day of the meeting. The Mayor will read the comments and they will be entered in the minutes of the meeting.

On the 12th day of May 2020, the City Council of the City of Rockport, Aransas County, Texas, convened in Regular Session at 6:30 p.m., via video conferencing application ZOOM and notice of meeting giving time, place, date and subject was posted as described in V.T.C.A., Government Code § 551.041.

**CITY COUNCIL MEMBERS PRESENT**
Mayor Patrick R. Rios
Mayor Pro-Tem J.D. Villa, Ward 2
Council Member Bob Cunningham, Ward 3
Council Member Barbara Gurtner, Ward 4

**CITY COUNCIL MEMBER(S) ABSENT**
Council Member Michael Saski, Ward 1 - was unable to log in to ZOOM meeting but did attend Executive Session via teleconference.

**STAFF MEMBERS PRESENT**
Assistant to City Manager Kimberly Henry
City Secretary Teresa Valdez
Public Works Director Mike Donoho
Finance Director Katie Griffin

**ELECTED OFFICIALS PRESENT**

**Opening Agenda**

1. **Call to Order.**

   With a quorum of the Council Members present, the Regular Meeting of the Rockport City Council was called to order by Mayor Rios at 6:30 p.m. on Tuesday, May 12, 2020, via video conferencing application ZOOM.

2. **Pledge of Allegiance.**

   Council Member Cunningham led the Pledge of Allegiance to the U.S. flag.
3. **Citizens to be heard.**
At this time, written comments received by 4:00 p.m. on the day of the meeting, on any subject matter that is not on the Agenda, will be read by the Mayor and entered in the minutes of the meeting. In accordance with the Open Meetings Act, Council may not discuss or take action on any item that has not been posted on the Agenda.

There were no citizens comments submitted.

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

4. **Deliberate and act on approval of Regular Meeting Minutes of April 28, 2020.**

5. **Deliberate and act on 2nd quarter report from the Rockport Cultural Arts District for Fiscal Year 2019-2020 marketing expenditures.**

6. **Deliberate and act on second & final reading of an Ordinance amending the Official Zoning Map as stipulated under Article 4.1 of the City of Rockport Zoning Ordinance Number 1027 by granting a Conditional Use Permit allowing the continuation of a recreational vehicle (RV) and manufactured home (MH) park on properties located 1233 and 1301 Jim’s Smokehouse Road; also known as Lot 13-D, Block 247, Foor & Swickheimer Tracts, Charles Zenn Survey, A-226, and 22.60 acres being out of Tracts 12 & 13 out of Landblock 247 of the Foor and Swickheimer Subdivision, Volume 1, Page 28, Plat Records of Aransas County, City of Rockport, Aransas County, Texas; currently zoned R-1 (1st Single Family Dwelling District); repealing all ordinances in conflict therewith; providing for severability; and providing for an effective date.**

7. **Deliberate and act on a Resolution of the City of Rockport, Texas, authorizing the Rockport Police Department to apply for and operate a Coronavirus Emergency Supplemental Funding Grant Program (CESF) administered by the Office of the Governor, Public Safety Office Criminal Justice grants division; and authorizing the Mayor to act as the Executive Officer and authorized representative in all matters pertaining to the participation in this grant program.**

8. **Deliberate and act on a request from Aransas County Independent School District for temporary closure of sections of South Ann Street, East Market Street, Austin Street, Concho Street, and Live Oak Street for the Class of 2020 vehicle parade on May 15, 2020, at 6:00 P.M.**

9. **Deliberate and act on a resolution approving an agreement with the Key Allegro Canal and Property Owners Association authorizing improvements to certain city sanitary sewer lift station locations and authorizing the City Manager to negotiate and execute all necessary documents.**

10. **Deliberate and act on a Resolution of the City Council of Rockport, Texas, repealing and replacing Resolution No. 2020-14 conditionally accepting sanitary sewer facility improvements and accepting a public utility easement related to a wastewater service
and connection agreement with Rockport Coral Reef LLC.

Mayor Rios read the caption of the Ordinance listed as Consent Agenda Item 6.

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

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

Mayor Rios took a roll call vote. Motion carried unanimously.

Public Hearing

11. Conduct a Public Hearing on the extension of a moratorium on the submission, acceptance, processing, and approval necessary for the creation of development plans, construction of facilities related to recreational vehicle (RV) parks for land within the City of Rockport.

At 6:36 p.m., Mayor Rios opened the Public Hearing.

There were no public comments.

At 6:38 p.m., Mayor Rios closed the Public Hearing.

Regular Agenda

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

Mayor Rios stated this Ordinance is an extension of the current moratorium. Mayor Rios said that due to the COVID-19 disaster, things have slowed down and he is looking forward to reviewing the Comprehensive Plan update.

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

Council Member Cunningham commented he is frustrated with the postponement of the review of the Update to the Comprehensive Plan, but he understands this is the better option.
Mayor Rios took a roll call vote. Motion carried unanimously.

13. Deliberate and act on an Ordinance of the City Council of the City of Rockport, Texas, extending a Declaration of Local Disaster for the period of May 12 – May 26, 2020; establishing rules and regulations for the duration of the disaster; restricting certain activities; and establishing penalties for violations.

Mayor Rios stated this Ordinance is an extension of the Disaster Declaration for the period of May 12-May 26, 2020. Mayor Rios said this is the fourth extension, to ensure the City stays in compliance and is eligible to receive FEMA monies for disaster related expenses.

Council Member Cunningham said he had sent some questions to the City Manager, but he now understands this Disaster Declaration is not equivalent to the Stay at Home Order issued.

MOTION: Mayor Pro-Tem Villa moved to approve an Ordinance of the City Council of the City of Rockport, Texas, extending a Declaration of Local Disaster for the period of May 12 – May 26, 2020; establishing rules and regulations for the duration of the disaster; restricting certain activities; and establishing penalties for violations. Council Member Gurtner seconded the motion.

Mayor Rios took a roll call vote. Motion carried unanimously.


Mayor Rios said he is spending 4-5 hours a day reading and on telephone calls with other entities around the region. Mayor Rios stated there was a call yesterday with the Governor’s office detailing the CARES Act. Mayor Rios expressed there were cities who thought they would be receiving funds with no strings attached but that is not true; there are federal strings attached. Mayor Rios added the City is keeping tract of all expenses related to COVID-19 and will submit for FEMA reimbursement if the expenses are eligible. Mayor Rios stated there is a call every Wednesday at Noon with the Whitehouse briefing staff. Mayor Rios said another round of local testing is being conducted today and there are approximately 120 people scheduled for testing. Mayor Rios expressed there may be another round of testing. Mayor Rios informed everyone Aransas County received notification that two individuals identified by Nueces County, with Aransas County addresses, may have tested positive, but that has not yet been confirmed; they are being quarantined through May 21, 2020, and they have separate addresses.

Council Member Cunningham stated the money through the CARES Act is only for the increased cost for responding to COVID-19 and not for any shortfall of revenue.

Mayor Rios stated that was correct and there is no word on any type of help from the federal government on revenue shortfalls across the United States. Mayor Rios said in discussion with the City Manager and Finance they are going to wait another month and then the Council will hold a workshop to discuss revenue shortfall.

Finance Director Katie Griffin stated Sales Tax is holding steady and the information for April will be available in June. Ms. Griffin said hotel occupancy fund revenue is 25%-50% behind where we should be.
15. Reports from Council.

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

Mayor Pro-Tem Villa stated it is obvious that some of the restrictions have been lifted because traffic is steady, and the beach was well occupied this weekend.

Council Member Cunningham stated he attended the Commissioners’ Court meeting via YouTube. Council Member Cunningham said they authorized the Judge to move forward with the Bay Shore project. Council Member Cunningham commented that he has noticed in his one year as a Council Member that when there are multiple entities involved it takes quite some time to get projects approved and moving forward.

Mayor Rios said the Commissioners’ Court, yesterday, honored Town of Fulton Mayor Jimmy Kendrick for his service.

Council Member Gurtner said she attended a ZOOM meeting of the newly formed Aransas County Partnership Economic Development Corporation. Council Member Gurtner stated Neill Amsler has been named the new president and chief executive officer.

Executive Session

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

16. Section 551.071(1)(A) Consultation with Attorney: Pending or contemplated litigation – Ameresco.

17. Section 551.071(2) Consultation with Attorney: 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 – Broaddus and Associates construction manager agent agreement.

At 6:58 Mayor Rios convened the Rockport City Council into an Executive Session pursuant to the provisions of Chapter 551 of the Texas Government Code, in accordance with the authority contained in Section 551.071(1)(A) Consultation with Attorney: Pending or contemplated litigation – Ameresco; and Section 551.071(2) Consultation with Attorney: 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 – Broaddus and Associates construction manager agent agreement.
Open Session

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

At 8:24 p.m., Mayor Rios reconvened the Rockport City Council into open session pursuant to the provisions of Chapter 551 of the Texas Government Code to take any necessary actions related to the executive sessions noted herein, or regular items, noted above, and/or related items.

**MOTION:** Mayor Rios moved to authorize the City’s legal counsel, Denton Navarro Rocha Bernal & Zech, PC to contact Ameresco on behalf of the City of Rockport to resolve identified issues with ITRON. Mayor Pro-Tem Villa seconded the motion.

Mayor Rios took a roll call vote. Motion carried unanimously.

**MOTION:** Mayor Rios moved to authorize the City Manager and or Mayor to negotiate and enter into a contract with Broaddus and Associates as the Construction Manager Agent for the Downtown Anchor - City Hall project for the City of Rockport. Council Member Sassi seconded the motion.

Mayor Rios took a roll call vote. Motion carried unanimously.

15. Adjournment.

At 8:26 p.m., Mayor Pro-Tem Villa moved to adjourn. Motion was seconded by Council Member Cunningham. Motion carried unanimously.

**APPROVED:**

____________________________________
Patrick R. Rios, Mayor

**ATTEST:**

____________________________________
Teresa Valdez, City Secretary
AGENDA ITEM: 9

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

SUBMITTED BY: Community Planner Amanda Torres

APPROVED FOR AGENDA: PKC

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

The final draft of the update has been out for public input and comments were recently received from one person, but they did not pertain to RV parks.

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

There have been no changes in format or content since Council approved the first reading of the Ordinance on May 12, 2020.

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

FISCAL ANALYSIS: N/A.

RECOMMENDATION: Staff recommends the City Council approve the second & final reading of an Ordinance extending the temporary moratorium for 120 days on the submission, acceptance, processing, and approval necessary for the creation of development plats, construction or facilities related to recreational vehicle (RV) parks for land within the City of Rockport, as presented.
ORDINANCE NO.

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

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

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

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

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

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

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

WHEREAS, the existing provisions of the City Code are inadequate and antiquated given the health, safety, and welfare concerns of the public and time is needed to review, study, and revise the City Code to fully consider the impacts related to the location and regulations dictating the development of recreational vehicle and manufactured housing parks; and
WHEREAS, multiple recreational vehicle or manufactured home park developments would create a significant shortage of current essential public facilities; and

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

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

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

i. Create land use conflicts and incompatibilities with adjacent current and future land uses;

ii. Create visual and aesthetic blights and potential safety concerns arising from excessive size, layout, noise, or lack of appropriate screening of recreational vehicle or manufactured housing parks;

iii. Create traffic and pedestrian safety hazards due to inadequate and antiquated regulations regarding the current allowances for the size and layout of ingress/egress easements;

iv. Negatively impact the predominately residential quality and character of the City; and

v. Due to the nature of this type of development, it will create such a shortage of essential public facilities that it is a detriment to the health, safety and welfare of the community

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

WHEREAS, the City Council finds that there is a current and immediate threat to the public health, safety, and welfare based on the above findings, and upon that basis has
determined that an urgency ordinance prohibiting the issuance of new permits or approvals for recreational vehicle or manufactured housing parks within the City is warranted; and

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

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

SECTION 1.

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

SECTION 2.

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

SECTION 3.

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

SECTION 4.

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

SECTION 5.

In the case of any conflict between the provisions of this ordinance and any existing ordinances of the City the provision of this ordinance will control during the moratorium period.
SECTION 6.

If any section, paragraph, sentence, clause, phrase or word of this ordinance is declared unconstitutional or invalid for any purpose, the remainder of this ordinance shall not be affected thereby and to this end the provisions of this ordinance are declared to be severable.

SECTION 7.

It is hereby found and determined that the meetings at which this ordinance was passed were open to the public, as required by Section 551.001, et seq., of the Texas Government Code, and that advance public notice of the time, place and purpose of said meetings was given, pursuant to all applicable law.

SECTION 8.

That this ordinance shall take effect immediately upon second and final reading.

PRESENTED AND APPROVED on first reading of the 12th day of May 2020, at a meeting of the City Council of the City of Rockport, Texas; and given second reading.

CITY OF ROCKPORT:

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Patrick R. Rios, Mayor

ATTEST:

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Teresa Valdez, City Secretary

APPROVED, PASSED, and ADOPTED on the 28th day of January 2020, by a vote of 5 ayes and 0 nays at a regular meeting of the City Council of the City of Rockport, Texas.

CITY OF ROCKPORT:

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Patrick R. Rios, Mayor
ATTEST:

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Teresa Valdez, City Secretary

APPROVED AS TO FORM:  
Terry E. Baiamonte, City Attorney
AGENDA ITEM: 10

Deliberate and act on an Ordinance of the City Council of the City of Rockport, Texas, extending a Declaration of Local Disaster for the period of May 26 – June 9, 2020; establishing rules and regulations for the duration of the disaster; restricting certain activities; and establishing penalties for violations.

SUBMITTED BY: City Manager Kevin Carruth

APPROVED FOR AGENDA: PKC

BACKGROUND: Mayor Rios declared the original state of disaster for the City of Rockport beginning March 16, 2020. Texas Government Code Section 418.108(b) states that the state of disaster shall continue for a period of not more than seven days from the date of this declaration unless continued or renewed with the consent of the governing body of the political subdivision. The original Disaster Declaration expired on March 22, 2020. On March 24, 2020, City Council adopted an Ordinance continuing and renewing the Disaster Declaration for the period of March 23 – April 14, 2020; on April 14, 2020, they adopted an Ordinance continuing and renewing the Disaster Declaration for the period of April 14, 2020 – May 4, 2020; on April 28, 2020, they adopted an Ordinance continuing and renewing the Disaster Declaration for the period of May 4, 2020 – May 12, 2020, and on May 12, 2020 adopted an Ordinance continuing and renewing the Disaster Declaration for the period of May 12, 2020 – May 26, 2020. The proposed Ordinance continues and renews the Disaster Declaration for the period of May 26, 2020 – June 9, 2020, matches other orders that will also be extended.

FISCAL ANALYSIS: N/A

RECOMMENDATION: Staff recommends Council adopt the Ordinance extending a Declaration of Local Disaster for the period of May 26 – June 9, 2020; establishing rules and regulations for the duration of the disaster; restricting certain activities; and establishing penalties for violations, as presented.
ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKPORT, TEXAS, EXTENDING A DECLARATION OF LOCAL DISASTER FOR THE PERIOD OF MAY 26 – JUNE 9, 2020; ESTABLISHING RULES AND REGULATIONS FOR THE DURATION OF THE DISASTER; RESTRICTING CERTAIN ACTIVITIES; AND ESTABLISHING PENALTIES FOR VIOLATIONS.

WHEREAS, in December 2019 a novel coronavirus, now designated COVID-19, was detected in Wuhan City, Hubei Province, China. Symptoms of COVID-19 include fever, cough, and shortness of breath. Outcomes have ranged from mild to severe illness, and in some cases death; and

WHEREAS, on January 30, 2020, the World Health Organization Director General declared the outbreak of COVID-19 as a Public Health Emergency of International Concern (PHEIC), advising countries to prepare for the containment, detection, isolation and case management, contact tracing and prevention of onward spread of the disease; and

WHEREAS, on March 5, 2020, the World Health Organization Director General urged aggressive preparedness and activation of emergency plans to aggressively change the trajectory of this epidemic; and

WHEREAS, on March 11, 2020, the World Health Organization declared that the COVID-19 outbreak should be characterized as pandemic; and

WHEREAS, the Center for Disease Control and Prevention is closely monitoring the growing number of COVID-19 cases that have spread into the United States; and

WHEREAS, over 1,629 cases of COVID-19 have been reported in the United States, including 41 deaths; and

WHEREAS, a large gathering of unidentifiable individuals without necessary mitigation for the spread of infection may pose a risk of the spread of infectious disease; and

WHEREAS, President Trump declared a national emergency on March 13, 2020; and

WHEREAS, Governor Greg Abbott declared a public health disaster on March 13, 2020; and

WHEREAS, the Center for Disease Control recommends that citizens stop handshaking, clean hands at the door, schedule regular hand washing, avoid touching faces and cover coughs and sneezes, disinfect surfaces like doorknobs, tables, desks, and handrails regularly, and increase ventilation by opening windows or adjusting air conditioning; and

WHEREAS, the Center for Disease Control recommends the use of videoconferencing for meetings when possible, and adjusting or postponing large meetings or gatherings; and
WHEREAS, the Center for Disease Control recommends citizens stay home if they are feeling sick or when they have a sick family member in their home; and

WHEREAS, households with vulnerable seniors and those with underlying health conditions should conduct themselves as if they were a significant risk to the person with underlying conditions; and

WHEREAS, the identification of “community spread” cases of COVID-19 in the United States could have signaled that transmission of the virus is no longer limited to those who traveled to China, or had contact with travelers who have visited China; and

WHEREAS, the COVID-19 virus spreads between people who are in close contact with one another through respiratory droplets produced when an infected person coughs or sneezes; and

WHEREAS, the continued worldwide spread of COVID-19 presents an imminent threat of widespread illness, which requires emergency action; and

WHEREAS, a declaration of local disaster includes the ability to take measures to reduce the possibility of exposure to disease, control the risk, and promote the health and safety of Rockport residents; and

WHEREAS, the City of Rockport will work collaboratively with Aransas County to ensure that all appropriate and necessary measures are taken to limit the development, contraction and spread of COVID-19; and

WHEREAS, pursuant to the Texas Disaster Act of 1975, the Mayor is designated as the emergency management director of the City of Rockport, and may exercise the powers granted to the governor on an appropriate local scale; and

WHEREAS, a declaration of local disaster and public health emergency includes the ability to reduce the possibility of exposure to disease, control the risk, promote health, compel persons to undergo additional health measures that prevent or control the spread of disease, including isolation, surveillance, quarantine, or placement of persons under public health observation, including the provision of temporary housing or emergency shelters for persons misplaced or evacuated and request assistance from the governor of state resources; and

WHEREAS, the Mayor has made a Declaration of Public Health Emergency, and further declared all rules and regulations that may inhibit or prevent prompt response to this threat suspended for the duration of the incident; and

WHEREAS, the Mayor, under the Texas Disaster Act of 1975, has authorized the use of all available resources of state government and political subdivisions to assist in the City’s response to this situation; and

WHEREAS, the Mayor has determined that extraordinary and immediate measures must be taken to respond quickly, prevent and alleviate the suffering of people exposed to and those infected with the virus, as well as those that could potentially be infected or impacted by COVID-19.
WHEREAS, Pursuant to §418.108(b) of the Government Code, Mayor Patrick R. Rios, on March 24, 2020, renewed and extended the local state of disaster and public health emergency for the period of March 24 – April 14, 2020, declared for the City of Rockport, Texas, pursuant to §418.108(a) of the Texas Government Code.

WHEREAS, Pursuant to §418.108(b) of the Government Code, Mayor Patrick R. Rios, on April 14, 2020, renewed and extended the local state of disaster and public health emergency for the period of April 14 – May 4, 2020, declared for the City of Rockport, Texas, pursuant to §418.108(a) of the Texas Government Code.

WHEREAS, Pursuant to §418.108(b) of the Government Code, Mayor Patrick R. Rios, on April 28, 2020, renewed and extended the local state of disaster and public health emergency for the period of May 4 – May 12, 2020, declared for the City of Rockport, Texas, pursuant to §418.108(a) of the Texas Government Code.

WHEREAS, Pursuant to §418.108(b) of the Government Code, Mayor Patrick R. Rios, on May 12, 2020, renewed and extended the local state of disaster and public health emergency for the period of May 12 – May 26, 2020, declared for the City of Rockport, Texas, pursuant to §418.108(a) of the Texas Government Code.

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

Section 1. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the City Council.

Section 2. The local state of disaster and public health emergency declared by Mayor Patrick R. Rios for the City of Rockport, Texas, pursuant to §418.108(a) of the Texas Government Code is hereby renewed and extended for a period of May 4, 2020 – May 12, 2020, pursuant to §418.108(b) of the Government Code.

Section 3. Pursuant to §418.108(c) of the Government Code, this declaration of a local state of disaster and public health emergency shall be given prompt and general publicity and shall be filed promptly with the City Secretary.

Section 4. Pursuant to §418.108(d) of the Government Code, this declaration of a local state of disaster and public health emergency activates the City of Rockport emergency management plan.

Section 5. Pursuant to §418.020(c) of the Government Code, this declaration authorizes the City to commandeer or use any private property, temporarily acquire, by lease or other means, sites required for temporary housing units or emergency shelters for evacuees, subject to compensation requirements.

Section 6. Pursuant to §122.006 of the Health and Safety Code, this declaration authorizes the City to take any actions necessary to promote health and suppress disease, including quarantine, examining and regulating hospitals, regulating ingress and egress from the City, and fining those who do not comply with the City’s rules.

Section 7. All ordinances or parts thereof, which are in conflict or inconsistent with any
provision of this Ordinance are hereby repealed to the extent of such conflict, and
the provisions of this Ordinance shall be and remain controlling as to the matters
herein.

Section 8. This Ordinance shall be construed and enforced in accordance with the laws of the
State of Texas and the United States of America.

Section 9. If any provision of this Ordinance or the application thereof to any person or
circumstance shall be held to be invalid, the remainder of this Ordinance and the
application of such provision to other persons and circumstances shall nevertheless
be valid, and the City Council hereby declares that this Ordinance would have been
enacted without such invalid provision.

Section 10. It is officially found, determined, and declared that the meeting at which this
Ordinance is adopted was open to the public and public notice of the time, place,
and subject matter of the public business to be considered at such meeting,
including this Ordinance, was given, all as required by Chapter 551, Texas
Government Code, as amended.

Section 11. This Ordinance shall be in force and effect from and after its final passage, and any
publication required by law.

PASSED, ADOPTED, APPROVED, AND EFFECTIVE THE 26th DAY of MAY 2020.

CITY OF ROCKPORT, TEXAS

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Patrick R. Rios, Mayor

ATTEST:

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Teresa Valdez, City Secretary