Notice is hereby given that the Rockport City Council will hold a regular meeting on Tuesday, July 14, 2020, at 6:30 p.m. The meeting will be held using the video conferencing application ZOOM. **No in-person meeting will be conducted at the Rockport Service Center.** A temporary suspension of the Open Meetings Act to allow telephone or video conference public meetings has been granted by Governor Greg Abbott. These actions are being taken to mitigate the spread of COVID-19 by avoiding meetings that bring people into a group setting and in accordance with Section 418.016 of the Texas Government Code. **Video conferencing capabilities will be utilized to allow individuals to address the City Council. Members of the public can participate in the meeting remotely via Zoom at [https://us02web.zoom.us/j/83727838950](https://us02web.zoom.us/j/83727838950) or scan the QR code to the right.**

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

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

**Opening Agenda**

1. Call meeting to order.

2. Pledge of Allegiance.

3. Presentation: Spirit of Rockport Award.

4. Presentation: Items from 1970 Centennial Time Capsule

5. Proclamation: In recognition and thanks to Kathy Roberts-Douglas for her constant dedication and commitment to the Texas Maritime Museum and the community.

6. 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.

**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 3rd quarter Report from Rockport Center for the Arts for Fiscal Year

11. Deliberate and act on a resolution in support of Aransas County’s Economic Development Administration Public Works and Economic Adjustment Assistant Program grant application for funding of the proposed TEAM workforce development and entrepreneurship center.

**Regular Agenda**

12. Hear and deliberate update on Downtown Anchor Project and City Hall.

13. Hear and deliberate on Comprehensive Plan Update.


15. Deliberate and act to direct which tax calculation method for the Aransas County Tax Assessor-Collector to use in calculating the voter-approval tax rate.

16. 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 July 14 – July 28, 2020; establishing rules and regulations for the duration of the disaster; restricting certain activities; and establishing penalties for violations.


18. 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:

19. Section 551.072 Deliberation Regarding Real Property - To deliberate the purchase, exchange, lease, or value of real property: Right of way and easement acquisitions necessary for the Key Allegro Bridge project.
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.

20. Adjournment.

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

Certification
I certify that the above notice of meeting was posted on the bulletin board at the Rockport Service Center, 2751 State Highway 35 Bypass, Rockport, Texas on Friday, July 10, 2020, by 5:30 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.

Ruby Beaven, Assistant City Secretary
AGENDA ITEM:  3

Presentation: Spirit of Rockport Award

SUBMITTED BY:  Mayor Patrick R. Rios

APPROVED FOR AGENDA:  PKC

BACKGROUND:  The "Spirit of Rockport" award was developed to recognize individuals and organizations who exemplify the unique spirit of Rockport. Nominees are those who go above and beyond to make our community a better place. Nominations are reviewed by the Sesquicentennial Committee with awards presented throughout the year at City Council meetings and other events. Each recipient will receive a limited-edition, commemorative medal that was designed specifically for the Sesquicentennial, shown at right.

Our next awards go to Tana Neel and James Smith. Tana is responsible for starting the non-profit Another Chance Rescue in late 2016, which facilitates fostering, adoption, and relocation of dogs from the Aransas County Animal Control. Thanks to the group’s efforts more than 1,300 dogs have been saved.

James is a welcome attendee at City Council meetings – often the only individual in the audience. He fell in love with Rockport after stopping here on his way back to Colorado after visiting an elderly uncle in Brownville. He is a volunteer with the Coastal Fishery Division of TX Parks and Wildlife, a regular blood donor, and stepped up to buy gifts cards for needy families when the ACISD free lunch program ended.

The City of Rockport is accepting additional nominations for the “Spirit of Rockport” award and presentations will be made at future Council meetings. Also, the City seeks to recognize the oldest living resident and the first child to be born in 2020. Nomination forms are available on the Sesquicentennial page of the City’s web site https://cityofrockport.com/722/Sesquicentennial.

FISCAL ANALYSIS:  N/A

RECOMMENDATION:  Not an action item.
AGENDA ITEM: 4

PRESENTATION: Items from 1970 Sesquicentennial Time Capsule.

SUBMITTED BY: Kimberly Henry, Assistant to the City Manager

APPROVED FOR AGENDA: PKC

BACKGROUND: Since opening the time capsule from 1970, staff have been recovering various documents and we plan to bring additional items to the Council throughout the remainder of 2020.

Attached are photos of a high school class ring that was placed in the time capsule by Jacqueline “Jackie” Ann Plummer Hattenbach (Exhibit A), photos of various coins (Exhibit B), and photos of the Centennial plat and glass mug (Exhibit C).

The City will present Mrs. Hattenbach with her ring during the Council Meeting. Ms. Hattenbach was a Rockport city employee for almost 30 years with the Parks and Recreation Department. She worked her way from the Entry Booth Supervisor position, to the Administrative & Recreation Program Assistant, and eventually to the Administrative and Special Events Assistant in the Parks Department. She was instrumental in coordinating the Tropical Christmas Parade and various other special events held by the City during her tenure. She was known for putting her personal touch on helping to make sure that all beach related venues were treated to the highest quality, especially wedding venues. She made a new bride to feel comfortable, offered many ideas for decorating, always showcased Rockport as a jewel, and the best location to visit. Mrs. Hattenbach was passionate and devoted about her job during her tenure with the City of Rockport.

Due to a lot of the envelopes and paper items being damaged beyond repair with condensation from within the time capsule, we are not sure where all of the coins came from or who may have placed them in the time capsule. Some of them are very interesting.

Also within the time capsule were the Centennial glass mug and plate. The plate includes artistic depictions of the following historical markers:

- The Big Tree – Lamar 2,000 Years Old
- Old Court House 1889
- Del Mar Hotel Formerly Aransas Hotel 1889
- Fulton Harbor and Meat Packing Plan 1875
- Austin Street 1900
- Mathis House 1867
- Rockport Harbor and Dance Pavillon 1910
- Fulton Mansion 1872
FISCAL ANALYSIS:  N/A

RECOMMENDATION:  Not an action item.
Exhibit A
1961 High School Class Ring of
Jacqueline “Jackie” Ann Plummer Hattenbach
Exhibit B
Various Coins found within the time capsule.

100th Anniversary Challenge Coin

1921 Morgan Silver Dollar
1912 Barber Half Dollar

1893 Barber Quarter

1941 Mercury Dime
1912 Liberty Head Nickle
Quarters from:

1965  1966  1967
Dimes from:

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1901  1904  1905  1905

Wheat Pennies from:

1917  1918  1928  1945  1957
Pennies from:


Exhibit C

Centennial Plate and Glass Mug.
Exhibit A

1961 High School Class Ring of

Jacqueline “Jackie” Ann Plummer Hattenbach
Exhibit B
Various Coins found within the time capsule.

100th Anniversary Challenge Coin

1921 Morgan Silver Dollar
1912 Barber Half Dollar

1893 Barber Quarter

1941 Mercury Dime
1912 Liberty Head Nickle
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Quarters from:
Dimes from:


1965  1966  1967  1968
Nickels from:

|------|------|------|------|------|------|

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Indian Head Pennies from:

1901   1904   1905   1905

Wheat Pennies from:

1917   1918   1928   1945   1957
Pennies from:

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Exhibit C
Centennial Plate and Glass Mug.
AGENDA ITEM:  5

Proclamation: In recognition and thanks to Kathy Roberts-Douglas for her constant dedication and commitment to the Texas Maritime Museum and the community.

SUBMITTED BY:  Mayor Pat Rios

APPROVED FOR AGENDA:  PKC

BACKGROUND:  Please see the accompanying resolution.

FISCAL ANALYSIS:  N/A

RECOMMENDATION:  Not an action item.
PROCLAMATION

WHEREAS, Kathy Roberts-Douglass graduated from Texas Tech University in Lubbock Texas; and

WHEREAS, Kathy Roberts-Douglass served as Administrator for the Department of Psychiatry at her beloved Texas Tech Health Sciences Center of Medicine in Lubbock for nearly two decades; and

WHEREAS, Kathy is always in motion either on the tennis courts playing U.S. Tennis Association League tennis or teaching free-to-the-community aerobics for over 30 years; and

WHEREAS, Kathy moved to Rockport to join her husband Grant, and on November 1, 1999 she became the Chief Executive Officer of the Texas Maritime Museum; and

WHEREAS, through Kathy’s skills building a team, she, staff and the Museum’s Board of Trustees worked diligently for the Museum to become accredited in 2005 by the American Alliance of Museums in Arlington, Virginia, and in February 2020 received reaccreditation; and

WHEREAS, under Kathy’s guidance and leadership the Lighthouse addition to the Museum was completed in 2002; the Maritime Collection & Education Center was added, Robert J. Hewitt/O’Connor & Hewitt Foundation Building was completed in 2012. All these additions have been completed by capital campaigns and the Museum through Kathy’s guidance is and has been through her administration debt free; and

WHEREAS, Kathy has served on the Board of Directors of Rockport County Club and currently serves as a peer reviewer with the American Alliance of Museum and is a member of the Texas Association of Museum; and

WHEREAS, the Texas Maritime Museum celebrated its 30th Anniversary on June 1, 2019 and Kathy has been its beacon for 21 of those years;

WHEREAS, Kathy Roberts-Douglass retired as the Chief Executive Officer of the Texas Maritime Museum on June 30, 2020; and

WHEREAS, it is most appropriate that we recognize the accomplishment of Kathy Roberts-Douglass and her efforts to protect and preserve the maritime history of Rockport.

NOW, THEREFORE, I, Patrick R. “Pat” Rios, Mayor of the City of Rockport, recognize, acknowledge and thank Kathy Roberts-Douglass for her constant dedication and commitment to the Texas Maritime Museum and the community.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Rockport, Texas, to be affixed this 11th day of July 2020.

Patrick R. Rios, Mayor
AGENDA ITEM:  7


SUBMITTED BY:  City Secretary Teresa Valdez

APPROVED FOR AGENDA:  PKC

BACKGROUND:  Please see the accompanying minutes of the Regular Meeting of June 23, 2020.

FISCAL ANALYSIS:  N/A

RECOMMENDATION:  Staff recommends Council approve the Minutes, as presented.
CITY OF ROCKPORT

MINUTES

CITY COUNCIL REGULAR MEETING
6:30 p.m., Tuesday, June 23, 2020
Via Video Conferencing Application ZOOM

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

Due to the COVID-19 pandemic, the attorney general has said: “statutes that may be interpreted to require face-to-face interaction between members of the public and public officials are suspended; provided, however, that the governmental bodies must offer alternative methods of communicating with their public officials.” Public participation is valued and citizens wishing to express their views on any topic or Agenda item can 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 23rd day of June 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 Michael Sasaki, Ward 1
Council Member Bob Cunningham, Ward 3
Council Member Andrea Hattman, Ward 4

CITY COUNCIL MEMBER(S) ABSENT

STAFF MEMBERS PRESENT
City Manager Kevin Carruth
City Secretary Teresa Valdez
Finance Director Katie Griffin
Police Chief Greg Stevens
Parks & Leisure Services Director Rick Martinez
Public Works Director Mike Donoho
Information Technology Director Bob Argetsinger

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 6:33 p.m. on Tuesday, June 23, 2020, via video conferencing application ZOOM.
2. **Pledge of Allegiance.**

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

3. **Presentation: Items from 1970 Centennial Time Capsule.**

Assistant to the City Manager Kimberly Henry stated there were a lot of fun activities planned throughout the year to help celebrate Rockport’s 150th anniversary but due to COVID-19 staff has had to adjust the plans and we are still hoping to enjoy the history of Rockport as it was presented to us from the 1970 Time Capsule. Ms. Henry said tonight she is bringing you the first of some of the personal letters that staff was able to salvage from the Time Capsule. Ms. Henry called the Council’s attention to a copy of a letter included in the Council Agenda packet which is a very touching letter from J.W. and Agnes Harden to their son Adam Harden, along with some person items for Adam. Ms. Henry said Mr. Adam Harden and his wife were present at the meeting tonight and she presented Mr. Harden his parent’s letter and personal items and a City of Rockport 150th Anniversary lapel pin. Ms. Henry added Mr. Harden has brought to the meeting some memorabilia his mother had left for him.

Mayor Rios thanked Mr. Harden and his wife for making the trip from Spring, Texas, to attend the Council meeting.

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 Rockport 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 any action on any item that has not been posted on the agenda. While civil public criticism is not prohibited; disorderly conduct or disturbance of the peace as prohibited by law shall be cause for the chair to terminate the offender’s time to speak.

There were no citizen comments.

**Consent Agenda**

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

5. **Deliberate and act on approval of Regular Meeting Minutes of June 9, 2020.**

6. **Deliberate and act on request from Wendell Family Fireworks for approval of hanging street banners near 2405 Highway 35 Business North and near 1202 FM 3036 for Wendell Family July 4 Fireworks from July 1 through July 5, 2020.**

7. **Deliberate and act on request for temporary signage at various locations for the Seafair Festival and HummerBird Celebration, including a street banner at the Walmart entryway on Highway 35 North, and FM 3036 at Broadway, and various off-street directional signs, from August 1 through October 15, 2020.**

8. **Deliberate and act on request for closure of certain sections of S. Ann Street, E. Market**
Street, and S. Magnolia Street for the Seafair parade on October 10, 2020 and closure of Laurel Street, from Business 35 to Seabreeze, on October 5-11, 2020 for Seafair Festival.

9. Deliberate and act on second and final reading of an Ordinance of the City of Rockport, Texas, declaring a six month Moratorium on the acceptance of applications for the issuance of permits for the use of a location as an internet sweepstakes cafe or similar gaming machine establishments in the City of Rockport; directing City staff to study and make a recommendation to City Council regarding appropriate regulations for internet sweepstakes cafes or similar gaming machine establishments; providing for a method of repeal of this Moratorium; providing for severability; providing for a repealer clause and an effective date.

10. Deliberate and act on 1st and 2nd quarter reports from Mission-Aransas National Estuarine Research Reserve & The University of Texas Marine Science Institute for Fiscal Year 2019-2020 Bay Education Center marketing expenditures.

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

Mayor Rios stated Consent Agenda Item 10 needed to be pulled for separate discussion.

MOTION: Mayor Pro-Tem Villa moved to approve Consent Agenda, minus Item 10, as presented. Council Member Cunningham seconded the motion. Motion carried unanimously.

Consent Agenda Item 10.

City Secretary Teresa Valdez explained the amount to be disbursed should be $7,500 for the 2nd and 3rd quarters ($3,750 per quarter), instead of $10,299.85, because the 1st quarter’s payment of $3,750 is paid in advance upon receipt of the signed Agreement and the remaining quarters are paid upon approval of the expenditure reports.

MOTION: Mayor Pro-Tem Villa moved to approve Consent Agenda Item 10 with the correction to the disbursement amount being $7,500 for the 2nd and 3rd quarters. Council Member Saski seconded the motion. Motion carried unanimously.

Regular Agenda

11. Deliberate and act on a Resolution authorizing publication and posting of notice of intention to issue certificates of obligation to finance various public improvements.

The City’s Financial Advisor, Bob Henderson of RBC Capital Markets gave a PowerPoint presentation (below) on the City’s debt capacity and the potential for future bond sales. Mr. Henderson stated City staff developed a list of capital projects to be funded with the issuance of Certificates of Obligation Bonds.

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Mr. Henderson explained over the past several years, the City has been able to pay down outstanding debt, resulting in a decrease in the Interest & Sinking (I&S) tax rate and this decrease in tax rate expected in Fiscal Year 2020-2021 provides an opportunity to issue approximately $20 million in Certificates of Obligation Bonds (COs) in the late summer of 2020 with minimal impact on the City’s I&S tax rate. Mr. Henderson said the Fiscal Year 2019-2020 tax rate is approximately $.1720 and the proposed CO issuance will increase the tax rate approximately $0.012 to approximately $0.185; substantially lower than in the previous fiscal year. Mr. Henderson added that in addition to the increase to the I&S rate, there will be a minimum increase in the base water rate for the portion of the CO that will service the utility fund.
City Manager Kevin Carruth stated the item on the Agenda tonight is just authorization to publish and post the City’s Notice of Intention to issue certificate of obligation to finance various public improvements. Mr. Carruth said the individual projects will have to be approve before moving forward with them.

Discussion was held among Council, Mr. Henderson and Mr. Carruth.

**MOTION:** Council Member Saski moved to adopt a Resolution authorizing publication and posting of notice of intention to issue certificates of obligation to finance various public improvements. Mayor Pro-Tem Villa seconded the motion. Motion carried unanimously.

12. **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 June 23 – July 14, 2020; establishing rules and regulations for the duration of the disaster; restricting certain activities; and establishing penalties for violations.**

Mayor Rios explained this is an extension of the Declaration of Local Disaster for the period of June 23 – July 14, 2020. Mayor Rios said this is the 7th extension, to ensure the City stays in compliance and is eligible to receive FEMA monies for disaster related expenses.

**MOTION:** Mayor Pro-Tem Villa moved to adopt an Ordinance of the City Council of the City of Rockport, Texas, extending a Declaration of Local Disaster for the period of June 23 – July 14, 2020; establishing rules and regulations for the duration of the disaster; restricting certain activities; and establishing penalties for violations. Council Member Saski seconded the motion.
Motion carried unanimously.

13. **Deliberate and act on the Texas Municipal League Health Benefits Pool Rerate Notice for active employees and Pre-65 retired employees not eligible for Medicare.**

Assistant City Secretary Ruby Beaven addressed the Council. Ms. Beaven stated this is the annual renewal of the City’s health insurance plan. Ms. Beaven said there was a 6% increase from last year resulting in a $36.76 per month increase per employee. Ms. Beaven added there is one major change in the plan for the 2020-2021 plan year; Texas Municipal League Health Benefits has partnered with Navitus a pharmacy benefit manager (PBM) which will go into effect on January 1, 2021, and will have more favorable rates for prescription drugs; however, the pharmacy network will be narrower – HEB and Wal-Mart Pharmacies will continue to be in the network but Walgreens will be dropped. Ms. Beaven said there were no changes to the Dental and Vision plans.

**MOTION:** Mayor Pro-Tem Villa moved to approve the Texas Municipal League Health Benefits Pool Rerate for active employees and Pre-65 employees not eligible for Medicare. Council Member Cunningham seconded the motion. Motion carried unanimously.

14. **Deliberate and act on Section 125 Flexible Spending Arrangement agreement with Texas Municipal League Health Benefits Pool.**

Assistant City Secretary Ruby Beaven addressed the Council. Ms. Beaven stated this is the annual renewal of the City’s Section 125 Flexible Spending Arrangement agreement with the Texas Municipal League Health Benefits Pool. Ms. Beaven said the current contribution limit is $2,700 but the IRS allows for a maximum of $2,750. Ms. Beaven informed the Council there are currently 43 employees enrolled in the Flexible Spending Arrangement and the City’s cost is a fee of $3.70 per employee per month.

**MOTION:** Council Member Hattman moved to approve the Section 125 Flexible Spending Arrangement agreement with Texas Municipal League Health Benefits Pool. Council Member Saska seconded the motion. Motion carried unanimously.

15. **Deliberate and act on an Interlocal Agreement with the Alliance for Community Solutions (ACS) related to expanded participation in ACS services and authorizing the City Manager to negotiate and execute all necessary documents.**

City Manager Kevin Carruth stated the Alliance for Community Solutions (ACS) is a community-based non-profit association that uses a combination of organizational membership and individual participant models to establish the level of subscription pricing for each member agency. Mr. Carruth said this unique value-cost model provides the lowest cost options for any agency to connect with groups of interest, access solutions and proven practices that are available to members and over-time expand their access to more solutions for more of their staff in increments, as needs and benefits are recognized. Mr. Carruth explained the annual subscription model is designed to cover all traditional costs associated with providing the selected technologies and proven practices for our member agencies; the City is already a member of the Coastal Bend Coordination and Alert network, which is a chapter of the ACS but must execute an interlocal agreement in order to access products and services offered by ACS. Mr. Carruth
stated some of the products and services provided by ACS include integrated access control to facilities and credentialing and generating identification cards and staff has been looking at ACS for these solutions prior to Harvey and determined that they were likely to be the lowest cost provided both for acquisition cost and overall lifecycle cost. Mr. Carruth expressed the access control system at one of our facilities is at its end-of-life cycle and will need to be replaced; more importantly, the construction of City Hall is an opportunity for significant savings on this part of the project – replacing the obsolete system at the same time as new building is also prudent.

**MOTION:** Council Member Cunningham moved to approve an Interlocal Agreement with the Alliance for Community Solutions (ACS) related to expanded participation in ACS services and authorizing the City Manager to negotiate and execute all necessary documents. Council Member Saski seconded the motion. Motion carried unanimously.

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

Mayor Rios stated the City was notified today of case numbers eight, nine, and ten in Aransas County. Mayor Rios said he currently knows of seven confirmed cases in the County that has not shown up on the Texas Department of State Health Services (DSHS) reports. Mayor Rios reported there are three confirmed City employee cases. Mayor Rios informed the Council he has talked to Aransas County Judge Mills and Senator Kolkhorst about DSHS not having correct information on confirmed cases in Aransas County. Mayor Rios stated Senator Kolkhorst charged one of her staff to check into this matter.

Discussion was held among Council regarding the increase in the number of confirmed cases in Aransas County and across the State of Texas.

Public Works Director Mike Donoho informed the Council there had been a telephone call this afternoon with DSHS to get further advice on what to do since the City has employees that have tested positive and others are being tested. Mr. Donoho said the City will be checking with the local doctor’s offices to ensure they are following proper procedures and filing paperwork with DSHS.

17. **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 Rios said the protest march last Thursday was handled well by law enforcement. Mayor Rios stated there were probably 60-80 people at the old city hall location; 40 marchers began, and it ended with approximately 25-30 marchers. Mayor Rios expressed gratitude to the City’s Police Department and local law enforcement.

Council Member Saski thanked Police Chief Greg Stevens and his staff for an excellent job during
the protest march.

Mayor Pro-Tem Villa said he was planning on attending the annual Chamber banquet next week but has since changed his mind due to the increase in COVID cases. Mayor Pro-Tem Villa announced he has been appointed as a public member by the Texas Supreme Court for the Commission for Lawyer Discipline; he had previously served six years on the Grievance Committee.

Council Member Cunningham said he attended the 1st Annual Pirate Fest on the weekend and it was well attended. Council Member Cunningham stated he listened, via YouTube, to the Aransas County Commissioners Court meeting yesterday. Council Member Cunningham said *The Rockport Pilot* did a good job of summarizing the meeting.

Council Member Hattman informed the Council the project competing for points with Gulf Shore Villas has dropped 40 points, so the Gulf Shore project is in good standing by only losing 2 points thus far. Council Member Hattman stated Saturday is Lemonade Day so there will be lots of young people selling lemonade. Council Member Hattman asked everyone support these young citizens.

City Manager Kevin Carruth stated the three employees who have tested positive for COVID are employees of the gas department. Mr. Carruth said staff notified customers who may have had contact with these employees.

18. Adjournment.

At 7:49 p.m., Mayor Pro-Tem Villa moved to adjourn. Motion was seconded by Council Member Hattman. Motion carried unanimously.

APPROVED:

____________________________
Patrick R. Rios, Mayor

ATTEST:

____________________________
Teresa Valdez, City Secretary
AGENDA ITEM:  8


SUBMITTED BY:  City Secretary Teresa Valdez

APPROVED FOR AGENDA:  PKC

BACKGROUND:  Historically, some workshop and regular meetings have been cancelled in September or October due to conflicts with the Texas Municipal League Annual Conference. The 2020 Texas Municipal League Conference being held in Grape Vine is scheduled for October 14-16, 2020. Council and Department Directors will be attending the Conference and will not be available for a Council Meeting on October 13, 2020. There is the possibility that the in-person conference could be cancelled and changed to online only or the conference cancelled in its entirety; however, no decision has been made yet.

City Council has also cancelled the standing workshop and regular meetings near the Thanksgiving and Christmas holidays due to scheduling conflicts with all of those involved. This year there is not a conflict with Thanksgiving. In the event there is time-sensitive business that cannot wait for the regular meeting in the following month, special workshops or meetings can be called.

FISCAL ANALYSIS:  None

RECOMMENDATION:  Staff recommends City Council approve cancellation of October 13, 2020, Council Regular Meeting, and the Council Workshop and Regular Meeting for December 22, 2020, as presented.
AGENDA ITEM: 9

Deliberate and act on 3rd quarter Report from Rockport Center for the Arts for Fiscal Year 2019-2020 marketing expenditures.

SUBMITTED BY: City Secretary Teresa Valdez

APPROVED FOR AGENDA: PKC

BACKGROUND: The Rockport Center for the Arts has been allocated $128,000 in Fiscal Year 2019-2020 Hotel Occupancy Tax (HOT) funds. According to our agreement with Rockport Center for the Arts, fiscal quarterly reports are required to be submitted to the City Council for approval. See the accompanying 3rd Quarter HOT Expenditure Report for additional information.

FISCAL ANALYSIS: Charged to account 6602040. The budgeted amount is $128,000 and year to date expenses are $66,242.17.

RECOMMENDATION: Staff recommends Council approve the Rockport Center for the Arts Fiscal Year 2019-2020 Hotel Occupancy Tax funds 3rd quarter expenditures and authorization to disburse 4th quarter funds in the amount of $32,000.00, as presented.
Hotel Occupancy Tax Grant Report for the City of Rockport
April-June 2020

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

OUR SLOGAN
Explore. Discover. Express.

OUR PROMISES
To provide a facility that is free and open to the public six days a week, year-round.
To provide free art education programming to Aransas County students.
To provide a space where cultural enrichment is available to the community and its visitors.
To conduct activities and host events that attract cultural tourism.
To maintain a growing sculpture garden collection.
Upcoming Activities
Designed to Draw Cultural Tourism
& Promote Economic Development
52nd Annual Rockport Art Festival
July 4-5, 2020
Rockport’s Blockbuster Event Amended due to COVID-19

CANCELED EVENTS

Rockport Art Festival
July 4 & 5
rockportartfest.com
Keeping Arts Alive in the COVID Era:
Virtual Programming Demographics
April-June 2020
# Analytics

<table>
<thead>
<tr>
<th>Metric</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Programs</td>
<td>13</td>
</tr>
<tr>
<td>Unique Viewers Total (FB impressions)</td>
<td>65,385</td>
</tr>
<tr>
<td>Total Unique Viewers YouTube Only</td>
<td>5,185</td>
</tr>
<tr>
<td>YouTube Impressions</td>
<td>22,800</td>
</tr>
<tr>
<td>YouTube Click Through Rate</td>
<td>8%</td>
</tr>
<tr>
<td>Minutes Watched</td>
<td>47,538</td>
</tr>
<tr>
<td>Hours Watched</td>
<td>792</td>
</tr>
<tr>
<td>Engagements (Facebook likes, comments, shares)</td>
<td>4,304</td>
</tr>
<tr>
<td>Geography - USA Viewership</td>
<td>77% USA Viewership</td>
</tr>
<tr>
<td>Geography - Texas Viewership</td>
<td>54.9% Texas Viewership</td>
</tr>
<tr>
<td>Geography - Outside Texas, other states</td>
<td>45.1% Viewership Outside Texas</td>
</tr>
<tr>
<td>Furthest Viewers</td>
<td>Canada, England, Italy</td>
</tr>
<tr>
<td>Average watch time</td>
<td>9 minutes and 10 seconds</td>
</tr>
<tr>
<td>Age</td>
<td>100% aged 65 or over</td>
</tr>
<tr>
<td>Gender</td>
<td>75% Female, 25% Male</td>
</tr>
</tbody>
</table>
### Key Metrics

- **Total # Shows:** 7
- **Total Impressions:**
  - V Vaughan: 16,374
  - Richard James: 15,460
  - H & R Studio: 10,038
  - Greg Reuter: 9,684
  - Curators of "Earthborn": 7,872
  - Annalise Gratovich: 6,584
  - Johanna Mueller: 5,349

- **Unique Viewers:**
  - V Vaughan: 11,600
  - Richard James: 7,875
  - H & R Studio: 6,126
  - Greg Reuter: 5,348
  - Curators of "Earthborn": 4,211
  - Annalise Gratovich: 3,732
  - Johanna Mueller: 3,274

- **Engagement (Comments, Likes, Shares):**
  - V Vaughan: 319
  - Richard James: 121
  - H & R Studio: 170
  - Greg Reuter: 78
  - Curators of "Earthborn": 60
  - Annalise Gratovich: 55
  - Johanna Mueller: 45

- **Total Minutes Viewed:**
  - V Vaughan: 6,400
  - Richard James: 4,500
  - H & R Studio: 3,500
  - Greg Reuter: 4,000
  - Curators of "Earthborn": 2,500
  - Annalise Gratovich: 2,200
  - Johanna Mueller: 1,900

### Age and Gender Distribution

- **Women:**
  - 18-24: 60%
  - 25-34: 44%
  - 35-44: 54%
  - 45-54: 43%
  - 55-64: 57%
  - 65+: 59%

- **Men:**
  - 18-24: 37%
  - 25-34: 54%
  - 35-44: 43%
  - 45-54: 33%
  - 55-64: 27%
  - 65+: 43%

- **Texas:**
  - 94%

- **Other USA:**
  - 5%

- **International Participation:**
  - 1%

- **Total Minutes Viewed:**
  - V Vaughan: 319
  - Richard James: 121
  - H & R Studio: 163
  - Greg Reuter: 170
  - Curators of "Earthborn": 78
  - Annalise Gratovich: 60
  - Johanna Mueller: 55
Visual Arts Program
Visual Arts Program
April 2020

April 3 - May 3, 2020
Rockport Center for the Arts

POSTPONED
2021
Visual Arts Program
May 2020
35 Printmakers from Across the United States

POSTPONED

2021

E A R T H B O R N
Impressions of Our Natural World
Curated by Ryan O’Malley & Cassie Normandy
Visual Arts Program
June 2020

28th Annual Rockport Art Festival Poster Artist, Opened to the Public June 19, 2021

Coastlands
At the Boundary of Light
work by V .... Vaughan

June 19 - August 1, 2020
Economic Development
2020 Art Loop Galleries
1. The Gallery at Anita Diebel Studio
   111 N. Austin St
2. The Gallery at Latitude 28' 02' Restaurant
   105 N. Austin St
3. Coast Modern
   1012 E. North St
4. Wind Way Gallery
   203 S. Austin St.
5. Salt Flats Gallery
   415 S. Austin St #10
6. Rockport Gallery
   415 S. Austin St #2
7. Rockport Center for the Arts
   406 S. Austin St
8. John Martell Photography
   302 S. Austin St
9. Stan Irvin Unique Clay Works
   215 Water St

2020 Art Loop Dates
Feb 8, Mar 7, Apr 4, May 9, Jun 20, Aug 8, Sept 12, Oct 24, Dec 5

51

POSTPONED THROUGH END OF 2020

2021
Art Education Program
Art Educator Days 2020
February 2020
Reaching out Across the State of Texas through In-service & CEU Training

30 art educators and participants
8 school districts
2 non-profits
1 university student

Aransas County ISD
Austin Private School
Beeville Art Museum
Corpus Christi ISD
Taft ISD
TAMUCC

Aransas Pass ISD
Bay City ISD
Camp Aranzazu
Orange Grove ISD
United ISD
Art Education Program: Spring 2020
Free Family Saturdays

STARTING MARCH 16
-> UNTIL FALL

POSTPONED
Art Education Program: June 2020
Free Educational Programming
22nd Annual Summer Camp

ArtSpace
Youth Summer Art Explorations
Rockport Center for the Arts

In session Starting June 15
Expanded and Amended due to COVID-19

ArtSpace 2020

Total Enrollment to Date = 213 vs. 336 in 2019, 302 in 2018 & 429 in 2017) (1,380 total contact hours)

18 Sessions instead of 8 to make groups smaller and still serve as many children as enrolled.

1 college student instructional lead from the BFA program at Southwest School of Art in San Antonio (SWSA)
3 lead instructors from the BFA Program at SWSA
2 college candidates interns from local high school

ArtSpace is supported by an endowment and annual grants from the National Endowment for the Arts, Texas Commission on the Arts, the Margaret Sue Rust Foundation, the Coastal Bend Community Foundation, the Nystrom Family Foundation, the Blance David Moore Foundation, the Les and Mary Puckett Children’s Foundation and contributions from Art Center patrons and individuals.

Participation
June Session 1: 54
June Session 2: 45
June Session 3: 39
July Session 4: 35
July Session 5: 14
July Session 6: 11
Attendance Impact
# Rockport Center for the Arts

## Highlights of Tourism Activities, Data for April-June 2020

*(Zip codes are requested from every single visitor at the Art Center)*

<table>
<thead>
<tr>
<th>Visitor Data at Rockport Center for the Arts</th>
<th>Apr-20</th>
<th>May-20</th>
<th>Jun-20</th>
<th>Quarterly Total</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Total Attendance (n)</strong></td>
<td></td>
<td>585</td>
<td>944</td>
<td>1,529</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Visitor Data Distribution</th>
<th>Apr-20</th>
<th>May-20</th>
<th>Jun-20</th>
</tr>
</thead>
<tbody>
<tr>
<td>Outside of 75 Miles*</td>
<td>0.00%</td>
<td>62.40%</td>
<td>64.50%</td>
</tr>
<tr>
<td>Local**</td>
<td>0.00%</td>
<td>37.60%</td>
<td>35.50%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>0.00%</td>
<td>100.00%</td>
<td>100.00%</td>
</tr>
</tbody>
</table>

*Highlights of Tourism > 75+ miles and major metropolitan areas in Texas*

<table>
<thead>
<tr>
<th></th>
<th>Apr-20</th>
<th>May-20</th>
<th>Jun-20</th>
</tr>
</thead>
<tbody>
<tr>
<td>Austin</td>
<td>0.00%</td>
<td>7.00%</td>
<td>10.00%</td>
</tr>
<tr>
<td>Dallas / Ft. Worth</td>
<td>0.00%</td>
<td>3.80%</td>
<td>4.60%</td>
</tr>
<tr>
<td>Houston</td>
<td>0.00%</td>
<td>9.10%</td>
<td>10.00%</td>
</tr>
<tr>
<td>San Antonio</td>
<td>0.00%</td>
<td>23.00%</td>
<td>17.90%</td>
</tr>
<tr>
<td><strong>Total major metro areas</strong></td>
<td>0.00%</td>
<td>42.90%</td>
<td>42.50%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Apr-20</th>
<th>May-20</th>
<th>Jun-20</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tourism from outside of Texas</td>
<td>0.00%</td>
<td>3.60%</td>
<td>7.00%</td>
</tr>
<tr>
<td>Rural tourism beyond 75 miles</td>
<td>0.00%</td>
<td>15.90%</td>
<td>15.00%</td>
</tr>
<tr>
<td><strong>Total tourism from beyond 70 miles</strong></td>
<td>0.00%</td>
<td>62.40%</td>
<td>64.50%</td>
</tr>
</tbody>
</table>

** Local Visitors < 70 miles

<table>
<thead>
<tr>
<th></th>
<th>Apr-20</th>
<th>May-20</th>
<th>Jun-20</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rockport / Fulton</td>
<td>0.00%</td>
<td>25.50%</td>
<td>20.90%</td>
</tr>
<tr>
<td>Corpus Christi</td>
<td>0.00%</td>
<td>7.00%</td>
<td>6.30%</td>
</tr>
<tr>
<td>Victoria</td>
<td>0.00%</td>
<td>0.80%</td>
<td>1.10%</td>
</tr>
<tr>
<td>Rural Areas</td>
<td>0.00%</td>
<td>4.30%</td>
<td>7.20%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>0.00%</td>
<td>37.60%</td>
<td>35.50%</td>
</tr>
</tbody>
</table>
## Rockport Center for the Arts
### Highlights of Tourism Activities, Data for April-June 2019
*(Zip codes are requested from every single visitor at the Art Center)*

<table>
<thead>
<tr>
<th>Visitor Data at Rockport Center for the Arts</th>
<th>Apr-19</th>
<th>May-19</th>
<th>Jun-19</th>
<th>Quarterly Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Attendance (n)</td>
<td>1,761</td>
<td>928</td>
<td>3,254</td>
<td>5,943</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Visitor Data Distribution</th>
<th>Apr-19</th>
<th>May-19</th>
<th>Jun-19</th>
<th>Quarter Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Outside of 70 Miles*</td>
<td>50.10%</td>
<td>48.50%</td>
<td>62.80%</td>
<td>9.2% &gt; vs 2018</td>
</tr>
<tr>
<td>Local**</td>
<td>49.90%</td>
<td>51.50%</td>
<td>37.20%</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>100.00%</td>
<td>100.00%</td>
<td>100.00%</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>*Highlights of Tourism &gt; 70+ miles and major metropolitan areas in Texas</th>
<th>Apr-19</th>
<th>May-19</th>
<th>Jun-19</th>
<th>Quarter Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Austin</td>
<td>6.20%</td>
<td>7.50%</td>
<td>4.00%</td>
<td>2nd Market in April/May</td>
</tr>
<tr>
<td>Dallas / Ft. Worth</td>
<td>2.60%</td>
<td>2.00%</td>
<td>3.50%</td>
<td></td>
</tr>
<tr>
<td>Houston</td>
<td>5.40%</td>
<td>6.80%</td>
<td>7.90%</td>
<td>2nd Market in June</td>
</tr>
<tr>
<td>San Antonio</td>
<td>10.40%</td>
<td>12.80%</td>
<td>15.70%</td>
<td>Top Metro Market</td>
</tr>
<tr>
<td>Total major metro areas</td>
<td>24.60%</td>
<td>29.10%</td>
<td>31.10%</td>
<td></td>
</tr>
<tr>
<td>Tourism from outside of Texas</td>
<td>12.00%</td>
<td>6.80%</td>
<td>8.40%</td>
<td></td>
</tr>
<tr>
<td>Rural tourism beyond 70 miles</td>
<td>13.50%</td>
<td>12.60%</td>
<td>23.20%</td>
<td></td>
</tr>
<tr>
<td>Total tourism from beyond 70 miles</td>
<td>50.10%</td>
<td>48.50%</td>
<td>62.70%</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Local Visitors &lt; 70 miles</strong></th>
<th>Apr-19</th>
<th>May-19</th>
<th>Jun-19</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rockport / Fulton</td>
<td>39.30%</td>
<td>43.50%</td>
<td>31.30%</td>
</tr>
<tr>
<td>Corpus Christi</td>
<td>7.20%</td>
<td>5.20%</td>
<td>4.20%</td>
</tr>
<tr>
<td>Rural Areas</td>
<td>3.40%</td>
<td>2.80%</td>
<td>1.70%</td>
</tr>
<tr>
<td>Total</td>
<td>49.90%</td>
<td>51.50%</td>
<td>37.20%</td>
</tr>
</tbody>
</table>
**Rockport Center for the Arts**

**2020 Exhibits & Special Events to Promote Tourism from 75+ Miles = **26,718

**Annual Attendance and Visitation June 2019 – May 2020**

<table>
<thead>
<tr>
<th>Events and Special Attractions Promoted to Attract Tourism from 75+ Miles</th>
<th>Attendance to Special Events, and Festivals (n)</th>
<th>Visitors at the Art Center (n)</th>
<th>Gallery Exhibits</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Continuation: <strong>Currents: All Members Show</strong></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Gaye Lynne &amp; Michael Hodgson: <strong>New Work</strong></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>13th Annual Rising Eyes of Texas Exhibit &amp; Rockport Fulton High School Show</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Richard W. James: <strong>Icon.</strong></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Earthborn: Impressions of our Natural World Printmaking Exhibit: Ryan O’Malley and Cassie Normandy Curators</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Angalee DeForest: <strong>Taking Flight &amp; Past Poster Artists Exhibit</strong></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Debbie Stevens: Illuminated Reflections &amp; Past Poster Artists Exhibit</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Standing Out: The Merit Artists Show</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Greg Reuter: <strong>Fundamental Facets</strong></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Caryl Gaubatz &amp; Anne Katrosh: The Personal and the Global</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Women on the Verge of a Silver Meltdown Part 2: Silversmith Fashion Event</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td><strong>Currents: All Members Show</strong></td>
</tr>
</tbody>
</table>

*Due to COVID-19, the galleries were closed the entire month of April 2020.*

Visitation from markets >75+ miles is 60%, up 12 points as compared to same period in 2019.

June and July continue to be the highest visitation months in the calendar year. Art Festival 2019 attendance grew 23% as compared to 2019.

*Statistician: Nancy Raley*
Marketing Expenditures
# City of Rockport - Hotel Occupancy Tax Report
## FY2020 Detail of Expenditures per Quarter

<table>
<thead>
<tr>
<th>Approved Budget Expense Category</th>
<th>Approved Budget Amount per Category</th>
<th>1st Quarter</th>
<th>2nd Quarter</th>
<th>3rd Quarter</th>
<th>4th Quarter</th>
<th>Total</th>
<th>Variance by Line Item</th>
<th>Expenditures by Expense Category</th>
</tr>
</thead>
<tbody>
<tr>
<td>Advertising</td>
<td>$33,000.00</td>
<td>$3,320.00</td>
<td>$2,072.24</td>
<td>$3,350.00</td>
<td></td>
<td>$8,742.24</td>
<td>$24,257.76</td>
<td></td>
</tr>
<tr>
<td>Tour of Studios</td>
<td>$10,000.00</td>
<td></td>
<td></td>
<td>$3,880.93</td>
<td></td>
<td>$3,880.93</td>
<td>$6,119.07</td>
<td></td>
</tr>
<tr>
<td>Art Festival</td>
<td>$33,000.00</td>
<td></td>
<td></td>
<td>$9,096.48</td>
<td></td>
<td>$9,096.48</td>
<td>$23,903.52</td>
<td></td>
</tr>
<tr>
<td>Exhibitions</td>
<td>$30,000.00</td>
<td>$5,463.44</td>
<td>$10,795.64</td>
<td>$6,896.00</td>
<td></td>
<td>$23,155.08</td>
<td>$6,844.92</td>
<td></td>
</tr>
<tr>
<td>Workshops &amp; Classes</td>
<td>$13,000.00</td>
<td>$7,673.96</td>
<td>$4,562.99</td>
<td></td>
<td></td>
<td>$12,236.95</td>
<td>$763.05</td>
<td></td>
</tr>
<tr>
<td>Sculpture Garden</td>
<td>$9,000.00</td>
<td>$622.50</td>
<td>$7,167.99</td>
<td>$1,340.00</td>
<td></td>
<td>$9,130.49</td>
<td>(130.49)</td>
<td></td>
</tr>
<tr>
<td>Total Funds Used</td>
<td>$17,079.90</td>
<td>$24,598.86</td>
<td>$24,563.41</td>
<td></td>
<td></td>
<td>$66,242.17</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Requested / Approved</td>
<td>$128,000.00</td>
<td>$32,000.00</td>
<td>$32,000.00</td>
<td>$32,000.00</td>
<td></td>
<td>$96,000.00</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
## Rockport Center for the Arts
### Actual Administrative Expenses vs. Annual Budget FY2020

<table>
<thead>
<tr>
<th>Description of Administrative Expenses</th>
<th>Fiscal Year Administrative Expenses YTD May 31, 2020 Actual</th>
<th>Projected Administrative Expenses (FY2020 Budget)</th>
<th>% of Total Fiscal Year 2020 Budget Projection</th>
</tr>
</thead>
<tbody>
<tr>
<td>Advertising &amp; Promotion</td>
<td>1,345</td>
<td>3,500</td>
<td>38%</td>
</tr>
<tr>
<td>Awards, Honorariums &amp; Gifts</td>
<td>-156</td>
<td>1,500</td>
<td>-10%</td>
</tr>
<tr>
<td>Bank Service Charges</td>
<td>1,258</td>
<td>500</td>
<td>252%</td>
</tr>
<tr>
<td>Conservation</td>
<td>3,555</td>
<td>0</td>
<td>100%</td>
</tr>
<tr>
<td>Contract services</td>
<td>762</td>
<td>1,500</td>
<td>51%</td>
</tr>
<tr>
<td>Credit Card Fees</td>
<td>1,264</td>
<td>6,000</td>
<td>21%</td>
</tr>
<tr>
<td>Depreciation Expense</td>
<td>5,819</td>
<td>0</td>
<td>100%</td>
</tr>
<tr>
<td>Dues and Subscriptions</td>
<td>3,968</td>
<td>4,250</td>
<td>93%</td>
</tr>
<tr>
<td>Food &amp; Beverage</td>
<td>668</td>
<td>2,500</td>
<td>27%</td>
</tr>
<tr>
<td>Insurance</td>
<td>5,132</td>
<td>22,750</td>
<td>23%</td>
</tr>
<tr>
<td>Interest</td>
<td>97</td>
<td>0</td>
<td>100%</td>
</tr>
<tr>
<td>Licenses, Fees and Permits</td>
<td>23</td>
<td>300</td>
<td>8%</td>
</tr>
<tr>
<td>Maintenance &amp; Repairs</td>
<td>792</td>
<td>1,000</td>
<td>79%</td>
</tr>
<tr>
<td>Marketing</td>
<td>1,984</td>
<td>2,500</td>
<td>79%</td>
</tr>
<tr>
<td>Payroll Expenses</td>
<td>65,300</td>
<td>140,192</td>
<td>47%</td>
</tr>
<tr>
<td>Postage and Delivery</td>
<td>447</td>
<td>3,000</td>
<td>15%</td>
</tr>
<tr>
<td>Printing and Reproduction</td>
<td>780</td>
<td>2,000</td>
<td>39%</td>
</tr>
<tr>
<td>Professional Fees</td>
<td>12,273</td>
<td>24,350</td>
<td>50%</td>
</tr>
<tr>
<td>Rental</td>
<td>9,608</td>
<td>15,912</td>
<td>60%</td>
</tr>
<tr>
<td>Scholarships</td>
<td>2,845</td>
<td>0</td>
<td>100%</td>
</tr>
<tr>
<td>Security</td>
<td>611</td>
<td>0</td>
<td>100%</td>
</tr>
<tr>
<td>Staff Training &amp; Development</td>
<td>124</td>
<td>0</td>
<td>100%</td>
</tr>
<tr>
<td>Supplies &amp; Materials</td>
<td>3,858</td>
<td>7,500</td>
<td>51%</td>
</tr>
<tr>
<td>Taxes</td>
<td>42</td>
<td>100</td>
<td>42%</td>
</tr>
<tr>
<td>Telephone</td>
<td>373</td>
<td>1,860</td>
<td>20%</td>
</tr>
<tr>
<td>Transportation</td>
<td>131</td>
<td>720</td>
<td>18%</td>
</tr>
<tr>
<td>Travel</td>
<td>775</td>
<td>2,000</td>
<td>39%</td>
</tr>
<tr>
<td>Utilities</td>
<td>3,193</td>
<td>6,000</td>
<td>53%</td>
</tr>
<tr>
<td><strong>Total Expense</strong></td>
<td><strong>126,872</strong></td>
<td><strong>249,934</strong></td>
<td><strong>51%</strong></td>
</tr>
</tbody>
</table>
Hotel Occupancy Tax Report for April-June 2020

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

Respectfully Submitted,

Luis Purón
Executive Director
AGENDA ITEM: 10

Deliberate and act on 3rd quarter report from the Texas Maritime Museum for Fiscal Year 2019-2020 marketing expenditures.

SUBMITTED BY: City Secretary Teresa Valdez

APPROVED FOR AGENDA: PKC

BACKGROUND: The Texas Maritime Museum has been allocated $75,000.00 in FY 2019-2020 Hotel Occupancy Tax (HOT) funds. According to our agreement with the Museum, fiscal quarterly financial reports are required to be submitted to the City Council for approval. See the accompanying 3rd quarter HOT expenditure report for additional information.

FISCAL ANALYSIS: Charged to account 6602002. The budgeted amount is $75,000.00 and YTD expenses are $44,324.00.

STAFF RECOMMENDATION: Staff recommends Council approve the Texas Maritime Museum’s FY 2019-2020 Hotel Occupancy Tax funds 3rd quarter expenditures and authorization to disburse 4th quarter funds in the amount of $18,750.00, as presented.
EXHIBIT "B"

**HOT FUNDING EXPENSE REPORT FY 2019-2020**

<table>
<thead>
<tr>
<th>Description of Expense</th>
<th>Approved Budget</th>
<th>1st Quarter Expenses</th>
<th>2nd Quarter Expenses</th>
<th>3rd Quarter Expenses</th>
<th>4th Quarter Expenses</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Advertising Expenses</td>
<td>$25,000</td>
<td>$2,791</td>
<td>$2,266</td>
<td>$2,908</td>
<td></td>
<td>$7,965</td>
</tr>
<tr>
<td>Curatorial Expenses</td>
<td>4,000</td>
<td>1,764</td>
<td>867</td>
<td>738</td>
<td></td>
<td>$3,369</td>
</tr>
<tr>
<td>Educational Expenses</td>
<td>6,000</td>
<td>243</td>
<td>1,231</td>
<td>398</td>
<td></td>
<td>$1,872</td>
</tr>
<tr>
<td>Website Maintenance</td>
<td>5,000</td>
<td>1,250</td>
<td>1,250</td>
<td>1,250</td>
<td></td>
<td>$3,750</td>
</tr>
<tr>
<td>Office Supply Expenses</td>
<td>6,000</td>
<td>1,075</td>
<td>3,191</td>
<td>1,352</td>
<td></td>
<td>$5,618</td>
</tr>
</tbody>
</table>

**TOTAL REQUESTED**

- Approved Budget: $46,000
- 1st Quarter Expenses: $7,123
- 2nd Quarter Expenses: $8,805
- 3rd Quarter Expenses: $6,646
- 4th Quarter Expenses: $
- TOTAL: $22,574

<table>
<thead>
<tr>
<th>Description of Administrative Expenses</th>
<th>Current Fiscal Year Administrative Expenses Projection</th>
<th>Fiscal Year Administrative Actual Expenses</th>
<th>Percentage of Fiscal Year Projections</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salary Expenses</td>
<td>$29,000</td>
<td>21,750</td>
<td>75%</td>
</tr>
</tbody>
</table>

**TOTALS**

- Current Fiscal Year Administrative Expenses Projection: $29,000
- Fiscal Year Administrative Actual Expenses: 21,750
- Percentage of Fiscal Year Projections: 75%
AGENDA ITEM:  11

Deliberate and act on a resolution in support of Aransas County’s Economic Development Administration Public Works and Economic Adjustment Assistance Program grant application for funding of the proposed TEAM workforce development and entrepreneurship center.

SUBMITTED BY:  City Manager Kevin Carruth

APPROVED FOR AGENDA:  PKC

BACKGROUND:  Aransas County is applying to the U.S. Economic Development Administration’s Public Works and Economic Adjustment Assistance Program for $4.5 million to fund a workforce development and entrepreneur center, in partnership with Del Mar College. Please see the accompanying July 9, 2020 memo from the Long-Term Recovery Team’s Kim Foutz and the USDA program description for additional detail.

Ms. Foutz will give a PowerPoint presentation at the council meeting and be available to answer any questions.

FISCAL ANALYSIS:  No matching funds are required from the County and nothing is being asked of from the City.

RECOMMENDATION:  Staff recommends Council approve the Resolution, as presented.
RESOLUTION NO.

A RESOLUTION IN SUPPORT OF ARANSAS COUNTY'S ECONOMIC DEVELOPMENT ADMINISTRATION PUBLIC WORKS AND ECONOMIC ADJUSTMENT ASSISTANCE PROGRAM GRANT APPLICATION FOR FUNDING OF THE PROPOSED TEAM WORKFORCE DEVELOPMENT AND ENTREPRENEURSHIP CENTER.

WHEREAS, the City of Rockport and all other local governmental entities in the county have developed and adopted an Economic Development Plan, the goal of which includes development of the workforce and diversification of the economy; and

WHEREAS, Aransas County and Del Mar College have worked collaboratively to develop workforce development and entrepreneurship programming that will meet the needs of the community and surrounding regional communities; and

WHEREAS, Aransas County desires to apply for a U.S. Department of Commerce, Economic Development Administration, Public Works and Economic Adjustment Assistance Program grant for funding of a workforce development and entrepreneurship center; and

WHEREAS, such center will include the TEAM (Technology, Entrepreneurship, Arts, and Maker space) concept as recommended by the College of Business at Texas A&M University-Corpus Christi, the Texas A&M Coastal Bend Business Innovation Center, and IC² of the University of Texas at Austin; and

WHEREAS, the TEAM center will create jobs, apprenticeships, and internships which will further economic development and diversification of the economy of the City of Rockport and Aransas County as a whole, as well as provide temporary jobs during construction of the project.

NOW, THEREFORE, BE IT RESOLVED that the City of Rockport, for the importance of the foregoing reasons to our community, fully supports Aransas County’s creation of a workforce development and entrepreneurship center and the associated grant application.

PASSED AND APPROVED by City Council of the City of Rockport, Texas on the 14th day of July, 2020.

CITY OF ROCKPORT, TEXAS

________________________________________
Patrick R. Rios, Mayor

ATTEST:

________________________________________
Ruby Beaven, Assistant City Secretary
Memorandum

From: Kim Foutz, Long Term Recovery Team
To: Honorable Judge Mills and County Commissioners
Date: July 9, 2020
Subject: Resolution authorizing a grant application to the Economic Development Administration for a workforce development and entrepreneurship center

The Exploratory Committee for the US Department of Commerce, Economic Development Administration (EDA) grant has substantially completed its work regarding a workforce development and entrepreneurship center. The application is due into the federal electronic system before the end of the month. In order to apply, the County needs to pass a resolution authorizing its support of filing the application. For your reference, please see the attached resolution. Also, below is a description of the proposed grant.

Grant Source

Applicants:
Aransas County and Del Mar College as co-applicant

Project Goals:
To provide multi-faceted career training and diversify the economy to facilitate recovery.

Description:
We propose to develop a “Workforce Development and Entrepreneur Center”. The proposed facility involves renovation of two existing buildings. Purchase and renovation costs are estimated at $4.5M. Educational programming and space planning has been developed to meet short- and long-term needs.

Location:
The facility will be located in Rockport but will serve a multi-county area.

Educational Programs:
A variety of training programs will be available. Programs will change over time based upon industry need and community priorities. Initial programs include but are not limited to: industrial technology, merchant marine, geospatial technology (drones), health science and allied health, and public safety. Classes will be offered as continuing education, dual credit (for ACISD students), certifications, and college credit. Apprenticeships and internships will also be available.

Ownership and Operations:
The facility would be owned by Aransas County. Del Mar College would be responsible for operations and operational expenses for programs and courses. Training costs are paid for by tuition and fees and industry/business scholarships. Please note: this proposal essentially represents an extension and
expansion of the relationship already established between ACISD and Del Mar College. The facility will be located in the Del Mar College service area but is not in the Del Mar tax district (and cannot be without petition and election).

**Background/Need:**
The need for a workforce development center and economic diversification was first identified in the community-wide, adopted Economic Development Action Plan as well as the Long-Term Recovery Plan. Subsequent to these initiatives, the Texas A&M Coastal Bend Business Innovation Center, College of Business at Texas A&M University-Corpus Christi and IC² of the University of Texas at Austin conducted a series of community meetings, focus groups, and interviews as part of their “Communities as a Start-Up” initiative. The outcome of this initiative was a recommendation to develop a workforce development and entrepreneurship center with a “TEAM” concept (technology, entrepreneurship, arts, and maker space). Please see the attached TEAM Center description.

**Due Date and Timeframe:**
This grant application is due before July 30, 2020. The application will be entered into the Grants.gov prior to then to make sure there are no technical difficulties. Our application will be considered in August by the EDA funding committee. The projected timeline for the project will be 18-24 months to opening (award, environmental, purchase, renovation, move-in etc.).

**Matching Fund Requirement:**
Due to the community being struck hard twice (Hurricane Harvey and COVID), there are no available cash sources for matching funds. We will be requesting 100% funding assistance with the possibility of some in-kind contributions of training and educational equipment and furniture coming from Del Mar. Matching funds are typically required for EDA projects, generally 20-50%. However, this EDA program will allow for up to 100% funding if need is demonstrated since it is authorized under a special appropriation to address the impacts of COVID-19. Please note: it is unlikely that 100% funding assistance will be available in the future, therefore timing of this application is critical.

In closing, if you have any technical questions regarding this request, please contact Kim Foutz (254-493-1293) on the Aransas County Long-Term Recovery Team. We appreciate your consideration of this important project for the community’s recovery. We would really appreciate receiving back your resolution of support by July 23, 2020.
**GENERAL INFORMATION**

<table>
<thead>
<tr>
<th>Document Type:</th>
<th>Grants Notice</th>
</tr>
</thead>
<tbody>
<tr>
<td>Funding Opportunity Number:</td>
<td>PWEAA2020</td>
</tr>
<tr>
<td>Funding Opportunity Title:</td>
<td>FY 2020 EDA Public Works and Economic Adjustment Assistance Programs including CARES Act Funding</td>
</tr>
<tr>
<td>Opportunity Category:</td>
<td>Discretionary</td>
</tr>
<tr>
<td>Funding Instrument Type:</td>
<td>Cooperative Agreement</td>
</tr>
<tr>
<td>Category of Funding Activity:</td>
<td>Other (see text field entitled &quot;Explanation of Other Category of Funding Activity&quot; for clarification)</td>
</tr>
<tr>
<td>Category Explanation:</td>
<td><strong>This section reflects the availability of financial assistance for CARES Act Recovery Assistance Projects.</strong> The Economic Development Administration's (EDA's) mission is to lead the Federal economic development agenda by promoting innovation and competitiveness, preparing American regions for economic growth and success in the worldwide economy. EDA fulfills this mission through strategic investments and partnerships that create the regional economic ecosystems required to foster globally competitive regions throughout the United States. EDA supports development in economically distressed areas of the United States by fostering job creation and attracting private investment. Under this NOFO, EDA solicits applications from applicants in order to provide investments that support construction, non construction, planning, technical assistance, and revolving loan fund projects under EDA's Public Works program and EAA program (which includes Assistance to Coal Communities and Nuclear Closure Communities). Grants and cooperative agreements made under these programs are designed to leverage existing regional assets and support the implementation of economic development strategies that advance new ideas and creative approaches to advance economic prosperity in distressed communities, including those negatively impacted by changes to the coal economy and nuclear power plant closures. Details about financial assistance for CARES Act Recovery Assistance Projects are located in the addendum released 05/07/2020.</td>
</tr>
<tr>
<td>Expected Number of Awards:</td>
<td>3000</td>
</tr>
</tbody>
</table>
| CFDA Number(s):         | 11.300 -- Investments for Public Works and Economic Development Facilities  
                          | 11.307 -- Economic Adjustment Assistance       |
| Cost Sharing or Matching Requirement: | Yes                                              |
| Version:                | Synopsis 3                                       |
| Posted Date:            | Oct 18, 2019                                     |
| Last Updated Date:      | May 07, 2020                                     |
| Original Closing Date for Applications: | There are no submission deadlines under this opportunity. Applications will be accepted on an ongoing basis until the publication of a new PWEAA NOFO. |
| Current Closing Date for Applications: | There are no submission deadlines under this opportunity. Applications will be accepted on an ongoing basis until the publication of a new PWEAA NOFO. |
| Archive Date:           |                                                  |
| Estimated Total Program Funding: |                                                  |
| Award Ceiling:          | $30,000,000                                      |
| Award Floor:            | $100,000                                         |

**ELIGIBILITY**
Eligible Applicants:
Native American tribal governments (Federally recognized)
Private institutions of higher education
City or township governments
Public and State controlled institutions of higher education
County governments
Nonprofits having a 501(c)(3) status with the IRS, other than institutions of higher education
State governments
Special district governments

Additional Information on Eligibility:
Eligible applicants for EDA financial assistance under the Public Works and EAA programs include a(n): (i) District Organization of a designated Economic Development District; (ii) Indian Tribe or a consortium of Indian Tribes; (iii) State, county, city, or other political subdivision of a State, including a special purpose unit of a State or local government engaged in economic or infrastructure development activities, or a consortium of political subdivisions; (iv) institution of higher education or a consortium of institutions of higher education; or (v) public or private non-profit organization or association acting in cooperation with officials of a political subdivision of a State. See Section 3 of the Public Works and Economic Development Act of 1965 (PWEDA) (42 U.S.C. § 3122) and 13 C.F.R. § 300.3. EDA is not authorized to provide grants or cooperative agreements to individuals or to for profit entities. Requests from such entities will not be considered for funding. For ACC funding, projects must be located within and targeted to communities or regions that have been impacted, or can reasonably demonstrate that they will be impacted, by coal mining or coal power plant employment loss, or employment loss in the supply chain industries of either. For NCC funding, eligible regions have been impacted, or can reasonably demonstrate that they will be impacted, by one or more nuclear power plant closures. For CARES Act funding, applicants must explain clearly in their application how the proposed project would "prevent, prepare for, and respond to coronavirus" or respond to "economic injury as a result of coronavirus."

ADDITIONAL INFORMATION
Agency Name: Economic Development Administration
Description: Under this NOFO, EDA solicits applications from applicants in rural and urban areas to provide investments that support construction, non-construction, technical assistance, and revolving loan fund projects under EDA's Public Works and EAA programs. Grants and cooperative agreements made under these programs are designed to leverage existing regional assets and support the implementation of economic development strategies that advance new ideas and creative approaches to advance economic prosperity in distressed communities. EDA provides strategic investments on a competitive-merit basis to support economic development, foster job creation, and attract private investment in economically distressed areas of the United States. If you are interested in applying for a project of national impact/scope under the CARES Act; please inquire at RNTA@eda.gov.

Link to Additional Information: EDA Website
Grantor Contact Information: If you have difficulty accessing the full announcement electronically, please contact:
http://www.eda.gov/contact/
AGENDA ITEM:  12

Hear and deliberate update on Downtown Anchor Project and City Hall.

SUBMITTED BY:  Kevin Carruth

APPROVED FOR AGENDA:  PKC

BACKGROUND:  The Mayor and staff have been working with the PGAL architect team and Broaddus and Associates for the last few months on the Downtown Anchor and City Hall projects. Mr. Paul Bonnette with PGAL update council on the projects and present the accompanying PowerPoint.

FISCAL ANALYSIS:  N/A

RECOMMENDATION:  Not an action item.
ARANSAS COUNTY COURTOUSE/ CITY HALL COMPLEX
DOWNTOWN ANCHOR PROJECT

July 13, 2020
FUNDING SCOPE
SITE PLAN

MISSION STREET

TOTAL PARKING REQUIRED: 178 SPACES
TOTAL PARKING PROVIDED: 213 SPACES

ARARAS COUNTY COUNCIL
49,418 SF

COMMUNITY BUILDING
4,700 SF

ROCKPORT CITY HALL
27,000 SF

STAFF PARKING SPACES
COURTYARD 44 SF
LEVEL 2 FLOOR PLAN
NORTH ELEVATION
EAST ELEVATION
NORTH ELEVATION - OPTION
EAST ELEVATION - OPTION
CONCEPTUAL BUDGET ESTIMATE

CONSTRUCTION COST $10 - $11 m

SOFT COSTS / FURNITURE $2 m
FIXTURES & EQUIPMENT /
CONTINGENCIES

TOTAL PROJECT COST $12 - 13 m
AGENDA ITEM: 13

Hear and deliberate on draft Comprehensive Plan update.

SUBMITTED BY: Community Planner Amanda Torres

APPROVED FOR AGENDA: PKC

BACKGROUND: In February, Texas A&M University submitted a complete draft of the Comprehensive Plan update for the community’s review. Staff has only received one comment from the public about the plan, which accompanies this briefing sheet. This agenda item is to allow further discussion on any specific topic within the comprehensive plan prior to presenting to City Council for adoption. Texas A&M and Texas Sea Grant staff will be in attendance via Zoom to assist with answering any questions.

Please see the accompanying PowerPoint presentation for a review of the comp plan and process.

FISCAL ANALYSIS: N/A

RECOMMENDATION: Not an action item.
Amanda Torres

Community Planner
City of Rockport

City Council
July 14, 2020
Presentation Outline

Review of Plan Process

Review of Plan Chapters
Comprehensive Plan Update

- Texas A&M’s Texas Target Communities working on project since summer 2018
- Task force developed from community members with diverse interests
Texas Target Communities

• High-impact service learning and community outreach program at TAMU
• Partners with small communities to assist with needs that would otherwise go unmet
Connecting to Faculty and Students

- 5 Courses in TAMU CS
- 1 Course in TAMU CC
- 1 Course in TAMU School of Law
- 1 Course in Texas Tech

Land use
Housing
Transportation
Economy
Community Facilities
Environment
Engagement
Community Resilience Collaborative

2 Planning Specialists

Joint venture with Texas Sea Grant Program
Working with the Task Force

10
Task force Members

6
Meetings
Connecting with the Community

- 4 Public Meetings
- 2 Story Maps
- 200 Participants
Connecting with Experts

Five expert planning professionals with the American Planning Association’s Community Planning Assistance Team provided recommendation on the downtown recovery.
Integrated Impact
Vision Statement & Themes

“Rockport is a friendly, culturally diverse and economically vibrant community that embraces the arts and humanities and preserves the best of small town life on the water, including health, beauty, comfort, and safety.”

<table>
<thead>
<tr>
<th>Inclusive Community</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Create a sense of belonging/community outreach</td>
</tr>
<tr>
<td>• Increase representation of marginalized populations</td>
</tr>
<tr>
<td>• Partnerships between elderly and youth</td>
</tr>
<tr>
<td>• Youth and multi-family programs/activities and participatory planning</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Responsible Growth</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Building resilience</td>
</tr>
<tr>
<td>• Fortified Standards</td>
</tr>
<tr>
<td>• Infrastructure</td>
</tr>
<tr>
<td>• Renewable energy</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Connected Rockport</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Recreational mobility options</td>
</tr>
<tr>
<td>• Medical facilities and senior care facilities</td>
</tr>
<tr>
<td>• Housing affordability</td>
</tr>
<tr>
<td>• Maintain small town feel with Mom &amp; Pop shops</td>
</tr>
</tbody>
</table>
Vision Statement & Themes

“Rockport is a friendly, culturally diverse and economically vibrant community that embraces the arts and humanities and preserves the best of small town life on the water, including health, beauty, comfort, and safety.”

- Increase diversity of economy
- Strong workforce
- Promote tourism

Strong Economy

- Arts and entertainment for all
- Night life for youth, young adults, and families
- Activities for residents and visitors of all ages

Diverse Culture and Art

- Promote conservation and protection of natural resources and environment, including the flora and fauna
- Affordable activities and spaces for public engagement with the water

Coastal Charm
The Introduction chapter gives a snapshot of our community demographics and other background information.

The Plan Process chapter explains how the public meeting process and how data was gathered to inform the comprehensive plan.
Recommendation Topics

- Future Land Use
  - Future Land Use Map on following slide
- RV Parks
  - Modifying regulations impacting location, utilities, landscaping/screening
- Conservation Subdivision
  - Incorporating incentives to protect environmentally sensitive areas into subdivision development proposals
- Heritage District
  - Re-evaluating and modifying the Heritage District Zoning Overlay Code
- Floodplain Management
  - Continuation of higher standards and participation in the Community Rating System
- Green Infrastructure/Low Impact Development
  - Encouraging natural methods of stormwater management in development
Recommendation Topics

• Expand Housing Variety
  • Amending development ordinances to allow smaller homes on infill lots and accessory dwellings; working with partners such as Habitat for Humanity; and providing economic incentives for developers.

• Resilient Homes, Safe Neighborhoods, and Enhanced Community Character
  • Adopting latest and enhanced building codes, as well as building maintenance codes
Recommendation Topics

• Safe and Efficient Roadway Network
  • Evaluate areas for safety and quality of roads
• Future Thoroughfare Plan
  • Plan for multi-modal transportation (i.e. sidewalks, bicycle paths, etc.)
• Maintenance and Network Inventory
  • Inventory and evaluate city streets for level of maintenance
• Complete Street Policies
  • Adopt policies to build streets accommodating for multi-modal transportation
• Hike and Bike Paths
  • Partner with local groups to expand hike and bike paths
• Public Transportation
  • Evaluate a regional approach to serve public transportation needs of community
• Transportation Demand Management
  • Incentivize businesses and residences to use shared transportation
Recommendation Topics

- **Diverse and Resilient Economy**
  - Evaluate new industry sectors to diversify the economy while complementing existing business sectors

- **Strategies and Programs to Foster a Skilled Workforce**
  - Assess current workforce and connect them to targeted industries/employers

- **Support for Existing Economic Assets**
  - Provide assistance to current businesses by assessing needs, providing marketing support, etc.
Recommendation Topics

- Natural Resource Preservation and Protection
  - Review, revise, and/or establish regulations protecting critical habitat such as wildlife corridors, trees, and wetlands
- Disaster Preparation and Community Protection
  - Invest in shoreline stabilization and other disaster mitigation projects to protect the community
- Maximize Benefits of Ecotourism Industry
  - Partner with the Chamber and local environmental groups to educate the community on sustainability and resiliency
• Efficient Infrastructure
  • Invest in public parks and spaces by coordinating with existing trails and easements; ensure public facilities are built to resilient standards.

• Promote and Protect the Heritage and Culture of Rockport
  • Involve citizens of all ages into participating in activities revolving around the community’s core assets and values, such as environment, history, and the arts.
## Development Consideration

<table>
<thead>
<tr>
<th>Objective</th>
<th>Action</th>
<th>Notes</th>
<th>Timetable</th>
<th>Action Type</th>
<th>Action Leaders</th>
<th>Other Planning</th>
<th>Funding</th>
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<tbody>
<tr>
<td>Goal 3.1.1. Provide for a Balance of Land Uses &amp; Associated Regulations to Enhance Quality of Life</td>
<td><strong>Action 3.1.1.1.</strong> Revise and amend the Zoning Ordinance in accordance with the recommendations indicated in this plan.</td>
<td>X</td>
<td>X</td>
<td>CPTF; RCM; TSG</td>
<td>CS; CC; P&amp;Z</td>
<td></td>
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<td></td>
<td><strong>Action 3.1.1.2.</strong> Monitor and report the plan progress to City Council and Planning and Zoning Commission annually.</td>
<td>X</td>
<td>X</td>
<td>CPTF; RCM; TSG</td>
<td>CS; CC; P&amp;Z</td>
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<td></td>
<td><strong>Action 3.1.1.3.</strong> Conduct a thorough review and potential revision of the plan every 5 years.</td>
<td>X</td>
<td>X</td>
<td>CPTF; RCM; TSG</td>
<td>CS; CC; P&amp;Z</td>
<td></td>
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<tr>
<td></td>
<td><strong>Action 3.1.1.4.</strong> Encourage development in areas that are served by existing municipal services and infrastructure and outside the Special Flood Hazard Area.</td>
<td>X</td>
<td>X</td>
<td>CPTF; RCM; TSG</td>
<td>CS; CC; P&amp;Z</td>
<td></td>
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<td></td>
<td><strong>Action 3.1.1.5</strong> Adopt and implement the preferred land use scenario as to help grow Rockport to the desired place over the next several decades.</td>
<td>X</td>
<td>X</td>
<td>CPTF; RCM; TSG</td>
<td>CS; CC; P&amp;Z</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Thanks!
Any Questions?
To: Amanda Torres, COR Community Planner  
Kevin Carruth, COR City Manager  
Michael Donoho, Director

Re: City of Rockport Comprehensive Plan – 2020 (COR CP)

Thank you for giving me time to read the COR CP draft. It was a large, multi-faceted undertaking, producing an ambitious plan. My question: Realistically, how will it be used? Who will be responsible for assuring the Implementation Guidelines are respected and implemented, i.e. WHO will drive HOW zoning orders will be changed/modified to encourage growth in the community – and, Will it be: Business as Usual, Growing Outward or Coastal Buzz for development?

Will any individual or group of Stakeholders be empowered to see that it is used to guide growth and development of our community? My thinking is too few people have been exposed to the new Comprehensive Plan document. There is a listing of meetings and attendees included, but after the first few, little was heard about it.

Why am I making these comments - I have been involved in the Rockport community for 18 years. Prior to coming to Rockport, I spent 5 years as a Manager with the City of Corpus Christi interacting with other departments of the City’s organization. These years plus graduate Public Administration courses created an interest in community development. Here are some of my comments:

GREAT TO SEE:

1. Emphasis on sidewalks in new subdivisions and when redoing subdivisions. Our community started without sidewalks and the developers of our larger single family (SF) subdivisions followed suit. Coming from communities with sidewalks, it breaks your heart when you first realize your sidewalk is the busy street. Many of the Rockport community’s development Plan(s) put emphasis on walk-able communities but how do we get started where people live? It will take a strong hand with Developers to make that come about.

2. The Tree ordinance should be reviewed and encouragement to retain understory will be included. Understory where the berries grow, is important to bird population, both migratory and permanent. Without them, our attractive bird population will disappear.

3. Many more points, too numerous to mention.

NUTS & BOLTS:

a. Page 64, you mention Fortified building standards, is this same as Windstorm Building code or more? Can you simplify that somewhat. Within this area is the Recommendation that Homeowners should be taught Flood Mitigation Techniques for protecting property without harming neighbors. Should we include developers in this recommendation?

b. Loved Cottage Housing- this was introduced in Corpus Christi in 2002-05 to deal with small lost parcels of land – Rockport has a number of attractive small parcels.

c. Guidelines Economic Development are dynamite – we need TIF’s & TIRZ’s in some areas to spur development.

d. Also the tree ordinance will be enforced and mitigation encouraged when trees must be removed. However, it takes more than trees to maintain our legacy.
e. Under Transportation, it states “a maintenance plan should be established for maintaining a number of things including drainage systems to assure they are maintained to assure their life. This is my soapbox – In our community we keep developing and doing away with the trees and undeveloped land without putting in the $$ necessary to maintain our main drainage corridors. We, Rockport citizens, will pay unless these important assets that drain our peninsula are maintained as the plan recommends.

f. The Implementation Section has a Timeline for implementation of goals. 1ST one is (0-5 yrs.) Some actions have not been rated, (i.e. 3-1 – 3.3.) & Who will monitor and help prioritize all of the actions listed in just the Short Term - 0 – 5 years?

MISSING:

1. A good glossary explaining the different Plans already adopted for the community and the acronyms used to refer to them in the CP. I used acronyms in this paper to attempt to give you an idea of what happens to readers in the CP. Not knowing what the different plans are or what they cover makes it difficult to follow. There is a small glossary page 154 for the Plans, but you just come up on this while reading the plan. Readers would benefit from knowing it was there to refer to, from the start of the plan.

2. The above Glossary should include who the abbreviations stand for, in “Other Action Parties” in the Implementation Section.

3. The Design Guidelines in our existing Comprehensive Plan, helped our citizens and the Building Development Dept. guide subdivision developers who are developing new communities. I did not see anything similar in this plan. Should we presume they will be moved to Zoning ordinances, but who owns that project and when will that occur?

4. The Plan talks about creating walk-able communities, yet fails to bring forward cost effective alternatives to the “chip-seal” street surfaces in Transportation. This unfriendly surface & busy streets discourage walking in many areas. Is this being addressed in any way?

5. The Land use map is board-based and “large areas” titled multi-use do little to guide potential home purchasers on peripheral areas of existing subdivisions. Purchasers are left with the possibility of having little guidance as to what will be appropriate development to see next door.

Summary: The amount of information/data/recommendations presented is immense. There were many more comments I made to myself while reading, but I cut them down to these. If the Plan is adopted and we give up the current known plan, the main question to address is: “What Now – how do we present it to the community so implementation is welcomed as our future.”
Adelaide Marlatt
Past COR City Council representative
Past Rockport CC Estates HOA President/BOD
AGENDA ITEM: 14

Deliberate and act on a resolution adopting a revised Drought Contingency and Emergency Plan.

SUBMITTED BY: Public Works Director Michael Donoho

APPROVED FOR AGENDA: PKC

BACKGROUND: The City’s contract with San Patricio Municipal Water District (SPMWD) requires the City’s plan to mirror SPMWD’s Drought Contingency and Emergency Plan, which by their contract with the City of Corpus Christi must also match Corpus Christi’s plan. In June of 2019 staff made revisions to the City of Rockport Drought Contingency and Emergency Plan to mirror minor updates to the plan from the SPMWD; however, the revised plan never made it to Council for review and approval. Aside from typographical corrections, the only substantive changes involve changing responsibilities in a few areas from Public Works Director to City Manager, who can access fire hydrants, and lowering the thresholds that trigger conservation measures.

Please see the accompanying Corpus Christi and Rockport drought contingency plans for more information.

FISCAL ANALYSIS: N/A

RECOMMENDATION: Staff recommends Council adopt the resolution enacting a revised Drought Contingency and Emergency Plan, as presented.
ORDINANCE NO. ____________

AN ORDINANCE OF THE CITY OF ROCKPORT AMENDING CODE OF ORDINANCES CHAPTER 102 'UTILITES', ARTICLE II, WATER SERVICE', DELETING THE CONTENT OF DIVISION 4, 'DROUGHT CONTINGENCY AND EMERGENCY PLAN' AND REPLACING SAID DIVISION 4 CONTENTS BY REFERRING TO AND ADOPTING A COMPREHENSIVE DROUGHT CONTINGENCY PLAN IN THE ATTACHED FORM, AND AS MAY BE MODIFIED IN THE FUTURE BY RESOLUTION OR MINUTE ORDER; REPEALING ALL OTHER ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. AMENDMENT

That Chapter 102 'Utilities', Article II 'Water Service', Division 4 'Drought Contingency and Emergency Plan' deleted in its entirety and is hereby amended to wit.

DIVISION 4. DROUGHT CONTINGENCY AND EMERGENCY PLAN

Sec. 102-71. Adoption of Drought Contingency and Emergency Plan

It is hereby declared that the City of Rockport (the "City") Drought Contingency and Emergency Plan, in the form attached hereto, entitled "Drought Contingency Plan 2019" and as it may be modified in the future by resolution or minute order, is adopted as the City's Drought Contingency and Emergency Plan.

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 effected 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 this the 14th day of July 2020.

City of Rockport, Texas

_________________________________________________________________
Patrick R. Rios, Mayor

ATTEST:
_________________________________________________________________
Teresa Valdez, City Secretary

APPROVED on the second reading this the 28th day of July 2020.

City of Rockport, Texas

_________________________________________________________________
Patrick R. Rios, Mayor

ATTEST:
_________________________________________________________________
Teresa Valdez, City Secretary
Drought Contingency Plan

2019
# City of Rockport Drought Contingency Plan

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A. TCEQ 2001 Agreed Order on Freshwater Inflows to the Nueces Bay and Estuary

B. Reservoir Operating Plan
1. Introduction

This document is the Drought Contingency Plan (DCP) for the City of Rockport (City). This DCP was created so that the City can cut back demand when supplies are low so that the customers of the City have enough water to make it through a drought. This DCP clearly explains the triggers initiated by a drought and the steps to be taken during each stage of a drought.

There is also information in this DCP which explains the steps to be taken in a water emergency, such as when supplies are cut off or contaminated.

This DCP is different from the Water Conservation Plan (WCP) because it only takes effect when there are drought conditions. The WCP is a year-round guide, regardless of the drought conditions, and contains several regular best management practices.

The DCP has been prepared in accordance with Texas Administrative Code Title 30 Chapter 288 Subchapter B Rule §288.20 for Municipal Uses by Public Water Suppliers. Since the City serves wholesale water customers, a Drought Contingency Plan for Wholesale Water Suppliers has also been included in Section 16 in accordance with Texas Administrative Code Title 30 Chapter 288 Subchapter B Rule §288.22.

2. Declaration of Policy and Reason

In order to conserve the available water supply, to protect the integrity of water supply facilities with particular regard for domestic water use, sanitation, and fire protection, to protect and preserve public health, welfare, and safety, and to minimize the adverse impacts of water-supply shortage or other water-supply emergency conditions, the City hereby adopts the following regulations and restrictions on the delivery and consumption of water. By contract with the San Patricio Municipal Water District, the City is obligated to impose similar drought contingency and water conservation measures as those instituted by Corpus Christi and subsequently, the City’s contractual partners are required to do the same. Consequently, the City has adopted a Water Conservation and a Drought Contingency Plan that is substantively identical to Corpus Christi.

Water uses regulated or prohibited under this DCP are considered to be non-essential, and continuation of such uses during times of water shortage or other emergency water-supply conditions are deemed to constitute a waste of water, which may subject the offender(s) to penalties as defined in Section 13 of this DCP.

Since the City first started supplying its customers with water in the 1950’s, the region has experienced several periods of drought. Over the years, supplies have been added and conservation measures have been strengthened to ensure water security for the residents and businesses of the region. However, with the variability of weather patterns in South Texas and a continually growing population, it is critical that the City plans for future drought conditions.
Currently, the City’s water supply system is comprised of three reservoirs and one river water right: Lake Corpus Christi, Choke Canyon Reservoir and Lake Texana and the Lower Colorado River. However, the criteria to trigger reservoir system response stages are based on the combined capacity of Lake Corpus Christi and Choke Canyon Reservoir. (See Section 8). Since Choke Canyon Reservoir filled in June 1987, the combined storage of Choke Canyon Reservoir and Lake Corpus Christi has exceeded 60% capacity only about 62% of the time. The water storage levels in Choke Canyon Reservoir and Lake Corpus Christi have generally been 2% to 4% higher since Lake Texana supplies were added in October 1998.

Because of the frequency of drought in south Texas, the following DCP has been developed. This DCP adopts measures that will dramatically cut water consumption in order to conserve water supplies.

3. Public Education

The City will periodically provide the public with information about the DCP, including information about the conditions under which each stage of the DCP is to be initiated or terminated, and the drought response measures to be implemented in each stage. This information will be provided by utility bill inserts, notices in The Rockport Pilot the City’s official newspaper of record, and notice on the City’s website (www.cityofrockport.com).

Notification to the public about when reservoir system stages go into effect or when restrictions are lifted is explained in more detail in Section 9.

4. Coordination with Regional Water Planning Groups

The service area of the City is located within the Coastal Bend Regional Water Planning Area (Region N) and the City has provided a copy of this DCP to Region N in care of the Nueces River Authority.

The City of Corpus Christi shall review and update, as appropriate, the DCP at least every five years based on new or updated information, such as the adoption or revision of the regional water plan. Subsequently, the City will review and update, as appropriate, the DCP.

5. Authorization

The Director of Public WorksCity Manager, or designee, is hereby authorized and directed to implement the applicable provisions of the DCP upon determination that such implementation is necessary to protect public health, safety, and welfare. The Director of Public WorksCity Manager, or designee, shall have the authority to initiate or terminate drought or other water supply emergency responses as described in this DCP. However, the Director of Public WorksCity Manager, in the exercise of the Director of Public WorksCity Manager’s discretion, may initiate or terminate any stage when the Director of Public WorksCity Manager deems necessary at any particular time. The Director of Public WorksCity Manager shall notify the City Manager, Mayor and City Council before implementing any measures.
6. Application

The provisions of this DCP shall apply to all persons, customers, and property utilizing water provided by the City. The terms “person” and “customer” as used in the DCP include individuals, corporations, partnerships, associations, and all other legal entities.

7. Definitions

For the purposes of this Chapter in this DCP, the following definitions shall apply:

**Aesthetic water use**: water use for ornamental or decorative purposes such as fountains, reflecting pools, and water gardens.

**Commercial and institutional water use**: water use which is integral to the operations of commercial, non-profit establishments and governmental entities such as retail establishments, hotels and motels, restaurants, and office buildings.

**Conservation**: those practices, techniques, and technologies that reduce the consumption of water, reduce loss or waste of water, improve the efficiency in the use of water, or increase the recycling and reuse of water so that a supply is conserved and made available for future or alternative uses.

**Contract (end-user) water customers**: a private entity that has a contract with the City to receive raw or treated water supplies for its sole use (i.e. does not resell to other users).

**Customer**: any person, company, or organization using water supplied by the City and paying a retail water bill.

**Domestic water use**: water use for personal needs or for household or sanitary purposes such as drinking, bathing, heating, cooking, sanitation, or for cleaning a residence, business, industry, or institution.

**Industrial water use**: the use of water in processes designed to convert materials of lower value into forms having greater usability and use.

**Institutional water use**: the use of water by an establishment dedicated to public service, such as a school, university, church, hospital, nursing home, prison, or government facility. All facilities dedicated to public service are considered institutional regardless of ownership.

**Landscape irrigation use**: water used for the irrigation and maintenance of landscaped areas, whether publicly or privately owned, including residential and commercial lawns, gardens, golf courses, parks, rights-of-way, and medians.

**Non-essential water use**: water uses that are not essential or not required for the protection of public health, safety, and welfare, including:
- irrigation of landscape areas, including parks, athletic fields, and golf courses, except as otherwise provided under this DCP;
- use of water to wash any motor vehicle, motorbike, boat, trailer, or other vehicle;
- use of water to wash down any impervious cover including sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
use of water to wash down buildings or structures for purposes other than immediate fire protection or health reasons;
flushing gutters or permitting water to run or accumulate in any gutter or street;
use of water to fill, refill, or add to any indoor or outdoor swimming pools or jacuzzi-type pools;
use of water in an aesthetic feature including fountain or pond except where necessary to support aquatic life;
failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak; and
use of water from hydrants for construction purposes or any other purposes other than firefighting or flushing needed to maintain chlorination levels and protect public health.

**Reservoir Capacity**: the combined reservoir storage levels of Choke Canyon Reservoir and Lake Corpus Christi, as measured in percentage of the full combined volume.

**Wholesale customers**: any public or private utility that has a contract with the City to receive raw or treated water supplies and authority (through contracts) to resell this water to other users.

**8. Criteria for Initiation and Termination of Reservoir System Response Stages**

The Director of Public Works, or designee, shall monitor the City of Corpus Christi’s actions, water supply and/or demand conditions on a weekly basis and shall determine when conditions warrant initiation or termination of each stage of the DCP, that is, when the specified “triggers” are reached. However, the Director of Public Works, in the exercise of the Director of Public Works’ discretion, may initiate or terminate any stage when the Director of Public Works deems necessary at any time. This section explains the triggers of each stage. Best management practices and water use restrictions for each reservoir system stage are described in Section 10.

The triggering criterion to be monitored for determining reservoir system response stages is the combined reservoir storage levels of Choke Canyon Reservoir and Lake Corpus Christi, based on the TCEQ 2001 Agreed Order (amended April 17, 2001) relating to inflows into Nueces Bay and Estuary. The full Agreed Order is located in Appendix A.

**8.1. Stage 1 – Mild Water Shortage Watch**

Requirements for initiation – Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses described in Section 10 when the combined storage level declines to below 40%.

Requirement for termination – Stage 1 of the DCP may be rescinded when the combined storage level increases above 50%.

**8.2. Stage 2 – Moderate Water Shortage Condition**

Requirements for initiation – Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 2 of this DCP when the combined storage level declines to below 30%.
Requirement for termination – Stage 2 of the DCP may be rescinded when the combined storage level increases above 40% for a period. Upon termination of Stage 2, Stage 1 becomes operative.

8.3. Stage 3 – Critical Water Shortage Condition

Requirements for initiation – Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 3 of this DCP when the combined storage levels declines to below 20%.

Requirement for termination – Stage 3 of the DCP may be rescinded when the combined storage level increases above 30%. Upon termination of Stage 3, Stage 2 becomes operative.

8.4. Stage 4 – Emergency Water Shortage Condition

Requirements for initiation – Customers shall be required to comply with requirements and restrictions for Stage 4 of this DCP when the Director of Public Works, or designee, determines that a water supply emergency exists based on:

- A major water line breaks, or pump or system failures occur, which causes unprecedented loss of capability to provide water service; or
- Water production or transmission system limitations; or
- Natural or man-made contamination of the water supply source occurs.

Requirement for termination – The emergency water shortage condition may be rescinded when the Director of Public Works, or designee, deems appropriate.

9. Reservoir System Stages Response Notification

The Director of Public Works, or designee, shall monitor Corpus Christi’s actions, water supply and/or demand conditions on a weekly basis and, in accordance with the triggering criteria set forth in Section 8 of this Plan, shall determine that a mild, moderate, critical, or emergency water shortage condition exists and shall implement the following notification procedures.

Notification of the Public:
The Director of Public Works or designee, shall notify the public for every change in reservoir system stage status by any or all of the following:
- City’s website (www.cityofrockport.com)
- Publication in The Rockport Pilot, the City’s official newspaper of record
- Notice on the monthly billing
- Signs posted in public places

Additional Notification:
The Director of Public Works or designee shall, at a minimum, notify directly, or cause to be notified directly, the following individuals and entities for every change in drought stage status:
- Mayor and City Council
- Wholesale water customers
10. Reservoir System Best Management Practices Per Stage

A summary of water use reduction targets for each reservoir system stage response is presented in the following table. Further discussion on best management practices and implementation practices associated with each stage of response is included below. During Stages 1, 2, and 3, requests for exceptions may be presented to the Director of Public Works or designee.

<table>
<thead>
<tr>
<th>Reservoir System Stage Response</th>
<th>CCR/LCC Combined Reservoir Storage Level</th>
<th>Target Demand Reduction Levels</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stage 1- Mild</td>
<td>&lt;40%</td>
<td>10%</td>
</tr>
<tr>
<td>Stage 2- Moderate</td>
<td>&lt;30%</td>
<td>20%</td>
</tr>
<tr>
<td>Stage 3- Critical</td>
<td>&lt;20%</td>
<td>30%</td>
</tr>
<tr>
<td>Stage 4- Emergency</td>
<td>Not Applicable</td>
<td>50%</td>
</tr>
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10.1. Stage 1 Response – Mild Water Shortage Watch

Target: During Stage 1, achieve a 10% reduction in daily treated water demand relative to treated water demand with the water use restrictions below.

Best Management Practices for Supply Management:
Under Stage 1, the City will:
- Use more repair crews if necessary to allow for a quicker response time for waterline leak repair; and
- Begin monitoring customers’ compliance with Stage 1 restrictions during the course of their daily rounds

Water Use Restrictions for Reducing Demand
Under threat of penalty for violation, the following water use restrictions shall apply to all persons during Stage 1:

a. Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems shall be limited to once per week. The watering schedule will be determined by the Director of Public Works or designee. Customers will be made aware of their designated watering day in accordance with Section 9. However, irrigation of landscaped areas is permitted on any day if it is by means of a hand-held hose (with positive shutoff nozzle), a faucet filled bucket or watering can of five (5) gallons or less, or drip irrigation system with a positive shutoff device. Exceptions for this restriction may be permitted, upon review and approval by the Director of Public Works or designee, for the following uses: new plantings (for up to 60 days), vegetable gardens,
athletic playing fields, and botanical gardens. In addition, this restriction does not apply to customers irrigating with well water or an aerobic septic system. Customers irrigating with well water or an aerobic septic system should provide a legible sign prominently posted on the premises within two (2) feet of the street number located on the premises.

b. Use of water from hydrants shall be limited to fire fighting, related activities, or other activities necessary to maintain public health, safety, and welfare, except that use of water from designated fire hydrants for construction purposes may be allowed under special permit from the City. Use of water for the irrigation of golf course greens, tees, and fairways is prohibited except on designated watering days. However, if the golf course utilizes a water source other than that provided through City of Rockport or one of its wholesale customer’s infrastructure, the facility shall not be subject to these regulations.

c. The use of water to maintain integrity of building foundations is limited to designated watering days and is only permitted by use of hand-held hose or drip irrigation.

10.2. Stage 2 Response – Moderate Water Shortage Conditions

Target: During Stage 2, achieve a 20% reduction in total daily treated water demand relative to treated water demand with the water use restrictions below.

Best Management Practices for Supply Management:
In addition to the best management practices for supply management listed under Stage 1, the City will also do the following during Stage 2:

- Eliminate the flushing of water mains unless required for decontamination and/or public safety; and
- The Public Works Director, or designee, shall review customers' water usage for compliance based on the previous month’s water use and notify violators verbally or in writing as the situation dictates

Water Use Restrictions for Demand Reduction

a. All requirements of Stage 1 shall remain in effect during Stage 2 except as modified below:

b. Irrigation of landscaped areas shall be limited to once every other week. The watering schedule will be determined by the Director of Public Works or designee. Customers will be made aware of their designated watering day. However, irrigation of landscaped areas is permitted on any day if it is by means of a hand-held hose (with positive shutoff nozzle), a faucet filled bucket or watering can of five (5) gallons or less, or drip irrigation system with a positive shutoff device. Exceptions for this restriction may be permitted, upon review and approval by the Director of Public Works or designee, for the following uses: new plantings (for up to 60 days), vegetable gardens, athletic playing fields, and botanical gardens. In addition, this restriction does not apply to customers irrigating with well water or an aerobic septic system. Customers irrigating with well water or an aerobic septic system should provide a legible sign prominently posted on the premises within two (2) feet of the street number located on the premises.

c. The watering of golf course fairways with potable water is prohibited. The watering of greens and tees are limited to once every other week unless the golf course utilizes a water source other than that provided through City of Rockport or one of
its wholesale customer’s infrastructure or done by means of hand-held hoses, hand-held buckets, or drip irrigation.

Optional Measures:
During Stage 2, the following measures are optional water use restrictions that may be implemented by the Director of Public Works, or designee, following similar actions implemented by the City of Corpus Christi and with prior Rockport City Council notification, as conditions warrant:

a. For residential and multi-unit customers, a drought surcharge of up to and including 100% of the total monthly water bill over the monthly allocation may be added to the customers’ bill to deter discretionary water use, as explained in Section 11.

10.3. Stage 3 Response – CRITICAL Water Shortage Conditions

Target: During Stage 3, achieve a 30% or greater reduction in daily treated water demand relative to treated water demand with the water use restrictions below. An additional surcharge will be added to each utility bill during Stage 3 water shortage conditions to discourage discretionary water use, as described in Section 11 for retail customers and Section 16.10 for wholesale customers.

Best Management Practices for Supply Management:
In addition to the best management practices for supply management listed under Stage 1 and 2, the City will also do the following during Stage 3:

- Upon written notice, disconnect the water meters of willful violators if absolutely necessary to prevent the deliberate wasting of water.

Water Use Restrictions for Demand Reduction:
All requirements of Stage 1 and 2 shall remain in effect during Stage 3 except as modified below:

- Irrigation of landscaped areas shall be prohibited at all times.
- Use of water to wash any motor vehicle, motorbike, boat, trailer, or other vehicle not occurring on the premises of a commercial car wash stations and not in the immediate interest of public health, safety, and welfare is prohibited.
- The filling, refilling, or adding of water to swimming pools, wading pools, and jacuzzi-type pools, and water parks (unless non-city, alternative source) is prohibited.
- The use of water to maintain the integrity of a building foundation is still permitted on the designated Stage 2 watering day and shall be done by hand or drip irrigation method.
- All fountains shall only operate to circulate water in order to maintain equipment.

Optional Measures:
During Stage 3, the following measures are optional water use restrictions that may be implemented by the Director of Public Works or designee, following similar actions implemented by the City of Corpus Christi and with prior Rockport City Council notification, as conditions warrant:

a. No application for new, additional, expanded, or increased-in-size water service connections, meters, service lines, pipeline extensions, mains, or water service
facilities of any kind shall be approved, and time limits for approval of such applications are hereby suspended for such time as this reservoir system response stage shall be in effect.

b. For residential and multi-unit customers, a reservoir system surcharge of up to and including 100% of the total monthly water bill over the monthly allocation may be added to the customers' bill to deter discretionary water use, as explained in Section 11.

10.4. Stage 4 Response – EMERGENCY Water Shortage Conditions

Target: During Stage 4, achieve a 50% or greater reduction in daily treated water demand relative to treated water demand with the below water use restrictions. Surcharges and reduced allocations are enforceable during Stage 4 water shortage conditions, as described in Section 13.

During emergency conditions such as system outage or supply source contamination, or supply sources draining empty, alternative water sources and/or alternative delivery mechanisms may be necessary with prior approval of the Director of Public Works or designee. For emergency water shortage conditions associated with contamination of the Nueces Basin stored supplies, the City, under the Director of Public Works or designee's direction, will cease pumping from the San Patricio Municipal Water District.

Best Management Practices for Supply Management:
In addition to the best management practices for supply management listed under Stage 1, 2, and 3, the City will also do the following:

- Call the wholesale water customers.

Water Use Restrictions for Demand Reduction:
During Stage 4, all requirements of Stage 1, 2, and 3 shall remain in effect except as modified below:

a. Irrigation of landscaped areas is absolutely prohibited.

b. Use of water to wash any motor vehicle, motorbike, boat, trailer, or other vehicle is absolutely prohibited.

c. Associated uses of water not related to business process which are discretionary, such as equipment washing, shall be deferred until the Stage 4 emergency has been terminated.

Optional Measure:
During Stage 4, the following measure is an optional water use restriction that may be implemented by the Director of Public Works, or designee, following similar actions implemented by the City of Corpus Christi (when appropriate) and with prior Rockport City Council notification, as conditions warrant:

a. For residential and multi-unit customers, a drought surcharge of up to and including 100% of the total monthly water bill over the monthly allocation may be added to the customers' bill to deter discretionary water use, as explained in Section 11.

11. Surcharges for Reservoir System Stages 2 – 4 and Service Measures

a. General

1) The surcharges established herein are solely intended to regulate and deter the use of water during a period of serious drought in order to achieve
necessary water conservation. The City expressly finds that the drought poses a serious and immediate threat to the public and economic health and general welfare of this community, and that the surcharges and other measures adopted herein are essential to protect said public health and welfare.

2) This section, and the surcharges and measures adopted herein are an exercise of the City's regulatory power, and the surcharges and connection fees are conservation rates intended to meet fixed costs as a result of lost revenue.

3) Following similar actions of the City of Corpus Christi and with prior Rockport City Council approval, the Director of Public Works is authorized to determine trigger points or allocations and surcharges during Stages 2, 3, and 4 Emergency Water Shortage conditions.

4) In this section, institutional customer means City/City utility customer which operates as a not-for-profit entity.

5) A customer may appeal an allocation or reservoir system surcharge triggering point established under this Section to the Director of Public Works or designee on grounds of unnecessary hardship, through the process outlined in Section 12.

6) Reservoir system surcharge funds will first be applied towards annual debt service as reflected in the City’s operating budget to offset revenue loss due to drought conditions. Additional funds will be reported to the City Council for direction.

b. Residential water customers, who are not billed through a master water meter.

1) A monthly base amount of 3,000 gallons shall be established as a trigger point for each customer. Water consumption up to and including this amount will not include a drought surcharge.

2) Above the 3,000 gallon consumption trigger point, following similar actions of the City of Corpus Christi and San Patricio Municipal Water District, with Rockport City Council approval, a reservoir system surcharge shall be added up to and including 100% of the customer’s total monthly water bill over the allocation.

c. Residential customers who are billed from a master water meter.

1) Once Stage 1 condition has been declared, property managers of multi-tenant units shall notify the Director of Public Works of the number of residential units in their facility for determination of allocations. Until so notified, the City shall calculate the allocation based on two residential units per master water meter. A monthly base amount of 3,000 gallons shall be established as a trigger point for each residential unit.

2) When consumption for the month is less than or equal to 3,000 gallons times the number of residential units, there will be no surcharge.

3) Following similar actions of the City of Corpus Christi and San Patricio Municipal Water District Board and with Rockport City Council approval, when consumption is above the 3,000 gallons times the number of units, a drought surcharge shall be added up to and including 100% of the customer’s total monthly water bill over the allocation.

4) The customer is responsible for passing the demand charge onto the tenant.

d. Commercial or institutional customer
1) A monthly water usage allocation shall be established by the Director of Public Works or designee for each commercial or institutional customer.

2) Method of establishing allocation:
   (a) When the combined reservoir capacity is less than 20% of total capacity (Stage 3), the commercial or institutional customer's allocation shall be 90% of the customer's usage for the corresponding month's billing period during previous 12 months prior to the implementation of Stage 2.
   (b) If the customer's billing history is shorter than 12 months, the monthly average for the period for which there is a record shall be used for any monthly period for which no history exists.
   (c) Provided, however, a customer, 90% of whose monthly usage is less than 6,000 gallons, shall be allocated 6,000 gallons.
   (d) The Director of Public Works shall give best effort to see that notice of each commercial or institutional customer's allocation is mailed to such customer.
   (e) If, however, the customer does not receive such notice, it shall be the customer's responsibility to contact the City's Utility Billing Office to determine the allocation, and the allocation shall be fully effective notwithstanding lack of receipt of written notice.
   (f) Upon request of the customer or at the initiative of the Director of Public Works, the allocation may be reduced or increased,
      (1) if one nonresidential customer agrees to transfer part of its allocation to another nonresidential customer, or
      (2) if other objective evidence demonstrates that the designated allocation is inaccurate under present conditions.

e. Industrial customers, who use less than 100,000 gallons of water per day for processing.

1) A monthly water usage allocation shall be established by the Director of Public Works or designee for each an industrial customer, which uses less than 100,000 gallons of water per day for processing (e.g., an industrial customer).

2) Method of establishing allocation.
   (a) When the combined reservoir capacity is less than 20% of total capacity (Stage 3), the industrial customer allocation shall be 90% of the customer's usage for the corresponding month's billing period during the previous 12 months prior to the implementation of Stage 1.
   (b) If the customer's billing history is shorter than 12 months, the monthly allocation shall be 1/12 of 90% of the customer's maximum annual contracted amount until 12 months of billing history are established. However, if the industrial customer does not have a water contract and does not have at least 12 months of billing history, then the new industrial customer will provide data regarding expected water use and the City will determine allocation based on 90% of expected use to determine initial allocation until 12 months of billing history are established.
   (c) The Director of Public Works shall give his/her best effort to see that notice of each industrial customer's allocation is mailed to such customer.
   (d) If, however, the customer does not receive such notice, it shall be the customer's responsibility to contact the City's Utility Billing Office to determine the allocation, and the allocation shall be fully effective notwithstanding lack of receipt of written notice.
(e) Upon request of the customer or at the initiative of the Director of Public Works, the allocation may be reduced or increased, if:
   (1) The designated period does not accurately reflect the customer's normal water usage because customer had shut down a major processing unit for overhaul during the period.
   (2) The customer has added or is in the process of adding significant additional processing capacity.
   (3) The customer has shut down or significantly reduced the production of a major processing unit.
   (4) The customer has previously implemented significant permanent water conservation measures.
   (5) The customer agrees to transfer part of its allocation to another industrial customer.
   (6) Other objective evidence demonstrates that the designated allocation is inaccurate under present conditions.

f. Commercial customers, institutional customers, and industrial customers who use less than 100,000 gallons of water per day for processing shall pay the following surcharges:
   1) Customers whose allocation is 6,000 gallons through 20,000 gallons per month:
      (a) $5.00 per 1,000 gallons for the first 1,000 gallons over allocation.
      (b) $8.00 per 1,000 gallons for the second 1,000 gallons over allocation.
      (c) $16.00 per 1,000 gallons for the third 1,000 gallons over allocation.
      (d) $40.00 for each additional 1,000 gallons over allocation.
   2) Customers whose allocation is 21,000 gallons per month or more:
      (a) One times the block rate for each 1,000 gallons in excess of the allocation up through 5% above allocation.
      (b) Three times the block rate for each 1,000 gallons from 5% through 10% above allocation.
      (c) Five times the block rate for each 1,000 gallons from 10% through 15% above allocation.
      (d) Ten times the block rate for each 1,000 gallons more than 15% above allocation.
      (e) The surcharges shall be cumulative.
      (f) As used herein, "block rate" means the charge to the customer per 1,000 gallons at the regular water rate schedule at the level of the customer's allocation.

g. Industrial customers, who use 100,000 gallons or more of water per day for processing.
   1) A monthly water usage allocation shall be established by the Director of Public Works or designee for each industrial customer, which uses water for processing (e.g., an industrial customer).
   2) Method of establishing allocation.
      (a) When the combined reservoir capacity of Choke Canyon Reservoir and Lake Corpus Christi is less than thirty (30) percent of total capacity (Stage 2), the industrial customer allocation shall be eighty (80) percent of the customer's usage for the corresponding month's billing period during the previous twelve (12) months prior to the implementation of Stage 1 condition.
(b) If the customer's billing history is shorter than twelve (12) months, the monthly allocation shall be one-twelfth of eighty (80) percent of the customer's maximum annual contracted amount until twelve (12) months of billing history are established. However, if the industrial customer does not have a water contract and does not have at least twelve (12) months of billing history, then the new industrial customer will provide data regarding expected water use and the City will determine allocation based on eighty (80) percent of expected use to determine initial allocation until twelve (12) months of billing history are established.

(c) The Director of Public Works shall give his best effort to see that notice of each industrial customer's allocation is mailed to such customer.

(d) If, however, the industrial customer does not receive such notice, it shall be the customer's responsibility to contact the City's Utilities Billing Office to determine the allocation, and the allocation shall be fully effective notwithstanding lack of receipt of written notice.

(e) Upon request of the industrial customer or at the initiative of the Director of Public Works, the allocation may be reduced or increased by the Director of Public Works, if:

1. The designated period does not accurately reflect the customer's normal water usage because customer had to shut down a major processing unit for overhaul during the period.
2. The customer has added or is in the process of adding significant additional processing capacity.
3. The customer has shut down or significantly reduced the production of a major processing unit.
4. The customer has previously implemented significant permanent water conservation measures.
5. The customer agrees to transfer part of its allocation to another industrial customer.
6. Other objective evidence demonstrates that the designated allocation is inaccurate under present conditions.

h. Industrial customers using 100,000 gallons or more of water per day for processing shall pay the following drought surcharges:

1) Customers whose allocation is Eighty thousand (80,000) gallons per month or more:

   a. Three (3) times the block rate for each one thousand (1,000) gallons in excess of the allocation up through five (5) percent above allocation.

   b. Six (6) times the block rate for each one thousand (1,000) gallons from five (5) per cent through ten (10) percent above allocation.

   c. Nine (9) times the block rate for each one thousand (1,000) gallons from ten (10) per cent through fifteen (15) percent above allocation.

   d. Twelve (12) times the block rate for each one thousand (1,000) gallons more than fifteen (15) percent above allocation.

   e. The surcharges shall be cumulative.

   f. As used herein, "block rate" means the charge to the customer per one thousand (1,000) gallons at the regular water rate schedule at the level of the customer's allocation.

i. Nonresidential customer is billed from a master meter.
1) When a nonresidential customer is billed from a master meter which jointly measures water to multiple residential dwelling units (for example: apartments, mobile homes), the customer may pass along any surcharges assessed under this DCP to the tenants or occupants, provided that:
   (a) The customer notifies each tenant in writing:
       1) That the surcharge will be passed along.
       2) How the surcharge will be apportioned.
       3) That the landlord must be notified immediately of any plumbing leaks.
       4) Methods to conserve water (which shall be obtained from the City).
   (b) The customer diligently maintains the plumbing system to prevent leaks.
   (c) The customer installs water saving devices and measures (ideas for which are available from the City) to the extent reasonable and practical under the circumstances.

j. Water service to the retail water customer may be terminated under the following conditions:
   1) Monthly residential water usage exceeds allocation by 4,000 gallons or more two or more times for any individual month after the implementation of Stage 3. Also, the two months need not be consecutive months.
   2) Monthly water usage on a master meter which jointly measures water usage to multiple residential dwelling units exceeds allocation by 4,000 gallons times the number of dwelling units or more two or more times (which need not be consecutive months).
   3) Monthly nonresidential water usage for a customer whose allocation is 6,000 gallons through 20,000 gallons exceeds its allocation by 7,000 gallons or more two or more times (which need not be consecutive months).
   4) Monthly nonresidential water usage for a customer whose allocation is 21,000 gallons or more exceeds its allocation by 15% or more two or more times (which need not be consecutive months).
   5) For residential customers and nonresidential customers whose allocation does not exceed 20,000 gallons, after the first disconnection water service shall be restored upon request for a fee of $50.
   6) For such customers, after the second disconnection, water service shall be restored within 24 hours of the request for a fee of $500.
   7) If water service is disconnected a third time for such customer, water service shall not be restored until the City re-enters a level of water conservation less than Stage 2.
   8) For master meter customers, the service restoration fees shall be the same as above times the number of dwelling units.
   9) For nonresidential customers whose allocation is 21,000 gallons per month or more:
       (a) After the first disconnection water service shall be restored upon request for a fee in the amount of "X" in the following formula:
           \[ X = \$ 50 \times \frac{Customer's Allocation in gallons}{20,000 gallons} \]
       (b) After the second disconnection for said customers, water service shall be restored within 24 hours of the request for a fee of 10 times "X".
       (c) If water service is disconnected a third time for such customer, water service shall not be restored until the City re-enters a level of water conservation less than Stage 2.
(d) The Director of Public Works is directed to institute written guidelines for disconnection of water service under this provision, which will satisfy minimum due process requirements, if any.

k. It shall be a defense to imposition of a surcharge hereunder, or to termination of service, that water used over allocation resulted from loss of water through no fault of the customer (for example, a major water line break) for the following conditions:
   1) The customer shall have the burden to prove such defense by objective evidence (for example, a written certification of the circumstances by a plumber).
   2) A sworn statement may be required of the customer.
   3) This defense shall not apply if the customer failed to take reasonable steps for upkeep of the plumbing system, failed to reasonably inspect the system and discover the leak, failed to take immediate steps to correct the leak after discovered, or was in any other way negligent in causing or permitting the loss of water.

l. When this section refers to allocation or water usage periods as "month," "monthly," "billing period," and the like, such references shall mean the period in the City’s ordinary billing cycle which commences with the reading of a meter one month and concludes with the next reading of that meter which is usually the next month.
   1) The goal for the length of such period is 30 days, but a variance of two days, more or less, will necessarily exist as to particular meters.
   2) If the meter reader system is prevented from timely reading a meter by any obstacle which is attributable to the customer, the original allocation shall apply to the longer period without modification.

12. Requests for Exemptions and Variances

a. The Director of Public Works or designee may, in writing, grant a temporary variance to any of the provisions for water users found in this DCP upon determination that failure to grant such variance would cause an emergency condition adversely affecting the public health, sanitation, or fire protection for the public or person requesting such a variance.

b. A person requesting an exemption or variance from the provisions of this DCP shall file request on City-provided application for exemption/variance with the City within 5 days after a particular drought response stage has been invoked. All request forms shall be reviewed by the Director of Public Works or designee, and shall include the following:
   1) Name and address of the water user(s).
   2) Purpose of water use.
   3) Specific provision(s) of the Drought Contingency Plan from which the water user is requesting relief.
   4) Detailed statement as to how the specific provision of the Drought Contingency Plan adversely affects the water user or what damage or harm will occur to the water user or others if water user complies with this DCP.
   5) Description of the exemption requested
   6) Period of time for which the exemption is sought.
7) Alternative water use restrictions or other measures the water user is taking or proposes to take to meet the intent of this DCP and the compliance date.
8) Other pertinent information; or as required on permit application

c. No exemption nor variance shall be retroactive or otherwise justify any violation of this DCP occurring prior to the issuance of the exemption/variance.

d. The Director of Public WorksCity Manager or designee shall consider requests of water users for special consideration to be given as to their respective particular circumstances and is hereby authorized to, in special cases, grant such variance from the terms of this DCP if such compliance would cause an emergency condition adversely affecting the public health, sanitation, or fire protection for the public or person requesting such a variance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this DCP will result in unnecessary hardship, and so that the spirit of this DCP shall be observed and substantial justice done.

e. Should a permit for special exception be granted, it shall be in effect from the time of granting through the termination of the then current stage, unless revoked by the Director of Public WorksCity Manager or designee for noncompliance; provided, that the permit is prominently posted on the premises within two (2) feet of the street number located on the premises.

f. A person denied request for permit or exception from these rules may appeal the decision to the Director of Public WorksCity Manager by submitting written request for appeal to the Director of Public WorksCity Manager within five business days from issuance of denial. The decision of the Director of Public WorksCity Manager shall be final.

g. Violations of any permit conditions may be enforced under Section 13.

13. Enforcement

a. No person or entity may knowingly or intentionally allow the use of water from the City for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provision of this DCP, or in an amount in excess of that permitted by any drought response stage in effect at the time.

b. The provisions of this Plan constitute rules adopted under the authority set forth in Section 11.1272 of the Texas Water Code and 30-Texas Administrative Code Title 30 Subchapter B Rule 288.20. Any person who violates any provision of this Plan will be subject to the payment of a fine in an amount per violation that does not exceed the jurisdiction of justice court, as provided by Section 27.031, of the Government Code, as permitted under Section 49.004 of the Texas Water Code. Each day of violation will constitute a separate offense. In addition, the offending party will be liable to the City for any costs incurred by the City in connection with any violation. Compliance with this DCP may also be sought through injunctive relief in the City court. In accordance with the foregoing authority, any person that violates any provision of this DCP shall be subject to a fine of not more than five hundred dollars ($500.00) per violation per day.
c. If any person or a second person in the same household or premises commits a second violation of this article, the Director of Public Works shall be authorized to discontinue water service to the premises where such violation occurs.

d. Any person, including a person classified as a customer of the City, who is in apparent control of the property where a violation occurs or originates is presumed to be the violator, and proof that a violation occurred on a person’s property constitutes a rebuttable presumption that the person committed the violation. Parents are responsible for violations of their minor children and proof that a violation, committed by a child, occurred on property within the parents’ control constitutes a rebuttable presumption that the parent committed the violation.

14. Variances

A temporary variance for existing water uses otherwise prohibited under this DCP may be obtained through the process outlined in Section 12.

15. Severability

It is hereby declared to be the intention of the City that the sections, paragraphs, sentences, clauses, and phrases of this DCP are severable and, if any phrase, clause, sentence, paragraph, or section of this DCP shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such declaration shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this DCP, since the same would not have been enacted by the City without the incorporation into this DCP of any such unconstitutional phrase, clause, sentence, paragraph, or section.

16. Wholesale Drought Contingency Plan

16.1. Declaration of Policy, Purpose, and Intent

In order to conserve the available water supply and/or to protect the integrity of water supply facilities, with particular regard for domestic water use, sanitation, and fire protection, and to protect and preserve public health, welfare, and safety and minimize the adverse impacts of water supply shortage or other water supply emergency conditions, the City of Rockport (City) adopts the following Wholesale Drought Contingency Plan (the Plan).

16.2. Public and Wholesale Customer Involvement

Public and wholesale customers may contact the City of Rockport at (361)-790-1160.

16.3. Wholesale Water Customer Education

The City will periodically provide wholesale customers with information about the Plan, including information about conditions under which each stage of the Plan is to be initiated or terminated and drought response measures to be implemented in each stage. This information will be distributed by providing a copy of the Plan to each wholesale water customer.
16.4. Coordination with Regional Water Planning Groups

The water service area of the City of Rockport and its wholesale water customers is located within the Coastal Bend Planning Region (Region N) and the City has provided a copy of the Plan to Region N.

The City of Corpus Christi shall review and update, as appropriate, the drought contingency plan at least every five years based on new or updated information, such as the adoption or revision of the regional water plan. Subsequently, the City will review and update, as appropriate, the DCP in the same manner.

16.5. Authorization

The Director of Public Works, City Manager, or designee, is hereby authorized and directed to implement the applicable provisions of this Plan upon determination that such implementation is necessary to protect public health, safety, and welfare. Wholesale customers are subject to the Plan under their contracts with the City. The Director of Public Works, City Manager, or designee, shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in this Plan. The Director of Public Works, City Manager shall notify the TCEQ within five (5) business days of any mandatory water use restrictions being enacted.

16.6. Application

The provisions of this Plan shall apply to all customers utilizing water provided by the City on a wholesale basis. The terms “person” and “customer” as used in the Plan include individuals, corporations, partnerships, associations, and all other legal entities. The provisions of this Plan shall apply to all customers utilizing water provided by the City on a wholesale basis. Every wholesale water contract entered into, renewed or modified after official adoption of this Plan (by either ordinance, resolution, or tariff) shall include language relating to the City of Rockport Water Conservation Plan and Drought Contingency Plan, and shall require the imposition of similar restrictions, surcharges or rationing measures on their customers. To the extent of its legal authority, the City of Rockport shall require its wholesale customers to implement outdoor watering restrictions similar to those of the City for each drought response stage. The City requires that any contract for the resale of water furnished to wholesale water contractors shall contain a similar condition.

16.7. Triggering Criteria for Initiation and Termination of Reservoir System Response Stages

The Director of Public Works, or designee, shall monitor water supply and/or demand conditions on a weekly basis and shall determine when conditions warrant initiation or termination of each stage of the Plan. Customer notification of the initiation or termination of reservoir system response stages will be made by email, mail, or telephone. The news media will also be informed by the City of Corpus Christi.

The triggering criterion to be monitored for determining reservoir system response stages is the combined reservoir storage levels of Choke Canyon Reservoir and Lake Corpus Christi. The combined storage levels selected are based on the TCEQ 2001 Agreed Order on Freshwater Inflows to the Nueces Bay and Estuary (amended April 17, 2001). See Appendix A. The triggering criterions in this section are minimum standards for initiation and maximum standards for termination, and the Director of Public Works, or designee, can initiate or terminate each stage when conditions warrant.
a. **Stage 1 – MILD Water Shortage Watch**
   Requirements for initiation – The City will recognize that a mild water shortage watch exists when the combined storage level declines below 40% or Lake Texana storage level declines below 40%.
   Requirement for termination – Stage 1 of the Plan may be rescinded when the combined storage level increases above 50%. The City will notify its wholesale customers of the termination of Stage 1 in the same manner as the notification of initiation of Stage 1 of the Plan.

b. **Stage 2 – MODERATE Water Shortage Condition**
   Requirements for initiation – The City will recognize that a moderate water shortage condition exists when the combined storage level declines below 30%.
   Requirement for termination – Stage 2 of the Plan may be rescinded when the combined storage level increases above 40%. Upon termination of Stage 2, Stage 1 becomes operative. The City will notify its wholesale customers of the termination of Stage 2.

c. **Stage 3 – CRITICAL Water Shortage Condition**
   Requirements for initiation – The City will recognize that a critical water shortage condition exists when the combined storage levels declines to below 20%.
   Requirement for termination – Stage 3 of the Plan may be rescinded when the combined storage level increases above 30%. Upon termination of Stage 3, Stage 2 becomes operative. The City will notify its wholesale customers of the termination of Stage 3.

d. **Stage 4 – EMERGENCY Water Shortage Condition**
   Requirements for initiation – The City will recognize that an emergency water shortage condition exists when any of the following occur:
   1) A major water line breaks, or pump or system failures occur, which cause unprecedented loss of capability to provide water service; or
   2) Water production or transmission system limitations; or
   3) Natural or man-made contamination of the water supply source occurs.
   Requirement for termination – The emergency water shortage condition may be rescinded when the Director of Public Works or City Manager, or designee, deems appropriate. The City will notify its wholesale customers of the termination of emergency shortage condition in the same manner as the notification of initiation of Stage 1 of the Plan.

16.8. **Reservoir System Response Stages**

The Director of Public Works or City Manager, or designee, shall monitor water supply and/or demand conditions and, in accordance with the triggering criteria set forth in Section 16.7, shall determine that mild, moderate, or critical water shortage conditions exist or that an emergency condition exists and shall implement best management practices accordingly.

For water contracts between the City and wholesale customers with specific reductions based on stage, wholesale water customers are to implement measures to achieve water use reduction targets specified in the contract. For other contracts, required adoption of a Drought Contingency Plan should strive to achieve the water use reduction targets for each reservoir system stage response presented in the following table. Further discussion on best management practices and implementation practices associated with each stage of response is described below.
### Reservoir System Stage Response

**CCR/LCC Combined Reservoir Storage Level**

<table>
<thead>
<tr>
<th>Stage Response</th>
<th>CCR/LCC Combined Reservoir Storage Level</th>
<th>Target Demand Reduction Levels</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stage 1 - Mild</td>
<td>&lt;40%</td>
<td>10%</td>
</tr>
<tr>
<td>Stage 2 - Moderate</td>
<td>&lt;30%</td>
<td>20%</td>
</tr>
<tr>
<td>Stage 3 - Critical</td>
<td>&lt;20%</td>
<td>30%</td>
</tr>
<tr>
<td>Stage 4 - Emergency</td>
<td>Not Applicable</td>
<td>50%</td>
</tr>
</tbody>
</table>

### Stage 1 – MILD Water Shortage Watch

**Target:** Achieve a 10% reduction in daily water demand for each wholesale customer utilizing City's water supply system.

**Best Management Practices for Supply Management:**

- The City of Corpus Christi will coordinate with the necessary agencies to ensure that unnecessary releases of water from the Reservoir System are minimized.
- The City of Rockport will encourage each wholesale water customer to utilize alternative water sources such as interconnections with another water system, temporary use of a water supply other than from the City's system, or use of reclaimed water for non-potable purposes, etc.

**Water Use Restrictions for Reducing Demand:**

- The Director of Public Works, or designee, will initiate contact with wholesale water customers to discuss water supply and/or demand conditions and the possibility of pro rata curtailment of water diversions and/or deliveries.
- The Director of Public Works, or designee will request wholesale water customers to initiate mandatory measures to reduce non-essential water use (e.g. implement Stage 1 of the customer's drought contingency plan).
- The Director of Public Works, or designee, will provide a regular report with information regarding current water supply and/or demand conditions, projected water supply and demand conditions if drought conditions persist, and consumer information on water conservation measures and practices.

**Other Actions to be Taken:**

- The City of Corpus Christi will notify, in writing, operators of recreational facilities to consider issuance of signs near boat ramps and in public parks notifying the public that the Reservoir System is operating at less than 40% of its conservation pool volume, and that a Stage 1 Reservoir System Response level has been declared. The City will recommend that operators post information to the public regarding Stage 1 of the Drought
Contingency Plan and possible boating safety hazards due to decreasing Reservoir levels.

b. **Stage 2 – MODERATE Water Shortage Conditions**
   **Target:** Achieve a 20% reduction in daily water demand for each wholesale customer utilizing City’s water supply system.

   **Best Management Practices for Supply Management:**
   - The City of Corpus Christi will coordinate with the necessary agencies to ensure that unnecessary releases of water from the Reservoir System are minimized.
   - The City of Rockport will encourage each wholesale water customer to utilize alternative water sources such as interconnections with another water system, temporary use of a water supply other than from the City’s system, use of reclaimed water for non-potable purposes, etc.

   **Water Use Measures for Reducing Demand:**
   - The Director of Public Works, or designee, will initiate contact with wholesale water customers to discuss water supply and/or demand conditions and will request that wholesale water customers initiate additional mandatory measures to reduce non-essential water use (e.g. implement Stage 2 of the customer’s drought contingency plan). The Director of Public Works, or designee, will initiate preparations for the implementation of pro rata curtailment of water diversions and/or deliveries in accordance with Texas Water Code §11.039 by preparing a monthly water usage allocation baseline for each wholesale customer according to procedures specified in Section 16.9 of the Plan.
   - The City of Corpus Christi or San Patricio Municipal Water District will provide a regular report to the news media with information regarding current water supply and/or demand conditions, projected water supply and demand conditions if drought conditions persist, and consumer information on water conservation measures and practices.

   **Other Actions to be Taken:**
   - The City of Corpus Christi will notify, in writing, operators of recreational facilities to consider issuance of signs near boat ramps and in public parks notifying the public that the Reservoir System is operating at less than 30% of its conservation pool volume, and that a Stage 2 Reservoir System Response level has been declared. The City will recommend that operators post information to the public regarding Stage 2 of the Drought Contingency Plan and possible boating safety hazards due to decreasing Reservoir levels.

c. **Stage 3 – CRITICAL Water Shortage Conditions**
   **Target:** Achieve a 30% reduction in daily water demand for each wholesale customer utilizing City’s water supply system.

   **Best Management Practices for Supply Management:**
• The City of Corpus Christi will coordinate with the necessary agencies to ensure that unnecessary releases of water from the Reservoir System are minimized.

• The City of Rockport will encourage each wholesale water customer to utilize alternative water sources such as interconnections with another water system, temporary use of a water supply other than from the City’s system, use of reclaimed water for non-potable purposes, etc.

Water Use Measures for Reducing Demand:
• The Director of Public Works, or designee, will contact wholesale water customers to discuss water supply and/or demand conditions and will request that wholesale water customers initiate additional mandatory measures to reduce non-essential water use (e.g. implement Stage 3 of the customer’s drought contingency plan).

• The Director of Public Works, or designee, will initiate pro rata curtailment of water diversions and/or deliveries for each wholesale customer according to procedures specified in Section 16.9 of the Plan in accordance with Texas Water Code §11.039.

• The City of Corpus Christi or San Patricio Municipal Water District will provide a regular report to the news media with information regarding current water supply and/or demand conditions, projected water supply and demand conditions if drought conditions persist, and consumer information on water conservation measures and practices.

Other Actions to be Taken:
• The City of Corpus Christi will notify, in writing, operators of recreational facilities to consider issuance of signs near boat ramps and in public parks notifying the public that the Reservoir System is operating at less than 20% of its conservation pool volume, and that a Stage 3 Reservoir System Response level has been declared. The City will recommend that operators post information to the public regarding Stage 3 of the Drought Contingency Plan and possible boating safety hazards due to decreasing Reservoir levels.

d. Stage 4 – EMERGENCY Water Shortage Conditions
• Whenever emergency water shortage conditions exist as defined in Section 16.7 of the Plan, the Director of Public Works City Manager, or designee, shall:
  • Assess the severity of the problem and identify the actions needed and the time required to solve the problem.
  • Inform the utility coordinator or other responsible official of each wholesale water customer and major industrial users by telephone, email, or in person and suggest actions, as appropriate to alleviate problems (e.g., notification of the public to reduce water use until service is restored).
  • If appropriate, notify city, county, and/or state emergency response officials for assistance.
  • Undertake necessary actions, including repairs and/or clean-up as needed.
  • Prepare a post-event assessment report on the incident and critique of emergency response procedures and actions.
16.9. Pro Rata Water Allocation

In the event that the triggering criteria specified in Section 16.7 of the Plan, the Director of Public Works, or designee, is hereby authorized to implement allocation of water supplies on a pro rata basis to raw water and treated wholesale customers in accordance with Texas Water Code §11.039. The initiation of pro rata allocation preparations shall begin during Stage 2. A provision will be included in every wholesale water contract entered into or renewed after adoption of the Plan, including contract extensions, that in case of a shortage of water resulting from drought, the water to be distributed shall be divided in accordance with Texas Water Code §11.039.

a. A raw water or wholesale treated water customer's monthly allocation shall be a percentage of the customer's water usage baseline. The percentage will be set by resolution of the City Council based on the San Patricio Municipal Water District’s allocation to the City and the Director of Public Works’ assessment of the severity of the water shortage condition and the need to curtail water diversions and deliveries and may be adjusted periodically by resolution of the City Council as conditions warrant. Once pro rata allocation is in effect, water diversions by or deliveries to each raw water or wholesale treated water customer shall be limited to the allocation established for each month.

b. A monthly water usage allocation shall be established by the Director of Public Works, or designee, for each raw water or wholesale treated water customer. The raw water or wholesale treated water customer's water usage baseline will be computed on the average water usage by month for the previous five-year period. If the raw water or wholesale treated water customer's billing history is less than five (5) years, the monthly average for the period for which there is a record shall be used for any monthly period for which no billing history exists.

c. The Director of Public Works shall provide notice, by certified mail, to each raw water or wholesale treated water customer informing them of their monthly water usage allocations and shall notify the news media and the Executive Director of the Texas Commission on Environmental Quality upon initiation of pro rata water allocation.

d. Upon request of the raw water or wholesale treated water customer or at the initiative of the Director of Public Works, the allocation may be reduced or increased if:
   1) The designated period does not accurately reflect the raw water or wholesale treated water customer's normal water usage;
   2) The customer agrees to transfer part of its allocation to another raw water or wholesale treated water customer; or
   3) Other objective evidence demonstrates that the designated allocation is inaccurate under present conditions. A customer may appeal an allocation established under this section to the City Council.

16.10. Pro Rata Surcharges and Enforcement

During any period when pro rata allocation of available water supplies is in effect, wholesale customers, not including large volume industrial users participating in the Drought Surcharge Exemption Fee shall pay the following surcharges on excess water diversions:
• 2.0 times the normal water rate per unit in excess of the monthly allocation up through 5% above the monthly allocation.
• 2.5 times the normal water rate in excess of the monthly allocation from 5% through 10% above the monthly allocation.
• 3.0 times the normal water rate in excess of the monthly allocation from 10% through 15% above the monthly allocation.
• 3.5 times the normal water rate more than 15% above the monthly allocation.

16.11. Variances

The Director of Public Works or designee, may, in writing, grant a temporary variance to the pro rata water allocation policies provided by this Plan if it is determined that failure to grant such variance would cause an emergency condition adversely affecting the public health, welfare, or safety and if one or more of the following conditions are met:

a. Compliance with this Plan cannot be technically accomplished during the duration of this water supply shortage or other condition for which the Plan is in effect.

b. Alternative methods can be implemented which will achieve the same level of reduction in water use.

Persons requesting an exemption from the provisions of this Plan shall file a petition for variance with the Director of Public Works or designee, or City Manager within 5 days after pro rata allocation has been invoked. All petitions for variances shall be reviewed by the Director of Public Works or City Manager, or designee, and shall include the following:

a. Name and address of the petitioner(s).

b. Detailed statement with supporting data and information as to how the pro rata allocation of water under the policies and procedures established in the Plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this Plan.

c. Description of the relief requested.

d. Period of time for which the variance is sought.

e. Alternative measures the petitioner is taking or proposes to take to meet the intent of this Plan and the compliance date.

f. Other pertinent information.

Variances granted by the City shall be subject to the following conditions, unless waived or modified by the City.

a. Variances granted shall include a timetable for compliance with allocation requirements.

b. Variances granted shall expire when the Plan is no longer in effect, unless the petitioner has failed to meet specified requirements.
No variance shall be retroactive or otherwise justify any violation of this Plan occurring prior to the issuance of the variance.

16.12. Severability
It is hereby declared to be the intention of the City that the sections, paragraphs, sentences, clauses, and phrases of this Plan are severable and, if any phrase, clause, sentence, paragraph, or section of this Plan shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such declaration shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Plan, since the same would not have been enacted by the City without the incorporation into this Plan of any such unconstitutional phrase, clause, sentence, paragraph, or section.

16.13. Reservoir System Operating Plan
Because all of the wholesale customers rely on the reservoir systems for their supplies, they are subject to the Reservoir Operating Plan. A copy of this is included in Appendix B.
Drought Contingency Plan

2019
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2. Declaration of Policy and Reason
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5. Authorization
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Appendices

A. TCEQ 2001 Agreed Order on Freshwater Inflows to the Nueces Bay and Estuary

B. Reservoir Operating Plan
City of Rockport
Drought Contingency Plan

1. Introduction

This document is the Drought Contingency Plan (DCP) for the City of Rockport (City). This DCP was created so that the City can cut back demand when supplies are low so that the customers of the City have enough water to make it through a drought. This DCP clearly explains the triggers initiated by a drought and the steps to be taken during each stage of a drought.

There is also information in this DCP which explains the steps to be taken in a water emergency, such as when supplies are cut off or contaminated.

This DCP is different from the Water Conservation Plan (WCP) because it only takes effect when there are drought conditions. The WCP is a year-round guide, regardless of the drought conditions, and contains several regular best management practices.

The DCP has been prepared in accordance with Texas Administrative Code Title 30 Chapter 288 Subchapter B Rule §288.20 for Municipal Uses by Public Water Suppliers. Since the City serves wholesale water customers, a Drought Contingency Plan for Wholesale Water Suppliers has also been included in Section 16 in accordance with Texas Administrative Code Title 30 Chapter 288 Subchapter B Rule §288.22.

2. Declaration of Policy and Reason

In order to conserve the available water supply, to protect the integrity of water supply facilities with particular regard for domestic water use, sanitation, and fire protection, to protect and preserve public health, welfare, and safety, and to minimize the adverse impacts of water-supply shortage or other water-supply emergency conditions, the City hereby adopts the following regulations and restrictions on the delivery and consumption of water. By contract with the San Patricio Municipal Water District, the City is obligated to impose similar drought contingency and water conservation measures as those instituted by Corpus Christi and subsequently, the City’s contractual partners are required to do the same. Consequently, the City has adopted a Water Conservation and a Drought Contingency Plan that is substantively identical to Corpus Christi.

Water uses regulated or prohibited under this DCP are considered to be non-essential, and continuation of such uses during times of water shortage or other emergency water-supply conditions are deemed to constitute a waste of water, which may subject the offender(s) to penalties as defined in Section 13 of this DCP.

Since the City first started supplying its customers with water in the 1950’s, the region has experienced several periods of drought. Over the years, supplies have been added and conservation measures have been strengthened to ensure water security for the residents and businesses of the region. However, with the variability of weather patterns in South Texas and a continually growing population, it is critical that the City plans for future drought conditions.
Currently, the City’s water supply system is comprised of three reservoirs and one river water right: Lake Corpus Christi, Choke Canyon Reservoir and Lake Texana and the Lower Colorado River. However, the criteria to trigger reservoir system response stages are based on the combined capacity of Lake Corpus Christi and Choke Canyon Reservoir. (See Section 8). Since Choke Canyon Reservoir filled in June 1987, the combined storage of Choke Canyon Reservoir and Lake Corpus Christi has exceeded 60% capacity only about 62% of the time. The water storage levels in Choke Canyon Reservoir and Lake Corpus Christi have generally been 2% to 4% higher since Lake Texana supplies were added in October 1998.

Because of the frequency of drought in south Texas, the following DCP has been developed. This DCP adopts measures that will dramatically cut water consumption in order to conserve water supplies.

3. Public Education

The City will periodically provide the public with information about the DCP, including information about the conditions under which each stage of the DCP is to be initiated or terminated, and the drought response measures to be implemented in each stage. This information will be provided by utility bill inserts, notices in the Rockport Pilot, the City’s official newspaper of record, and notice on the City’s website (www.cityofrockport.com).

Notification to the public about when reservoir system stages go into effect or when restrictions are lifted is explained in more detail in Section 9.

4. Coordination with Regional Water Planning Groups

The service area of the City is located within the Coastal Bend Regional Water Planning Area (Region N) and the City has provided a copy of this DCP to Region N in care of the Nueces River Authority.

The City of Corpus Christi shall review and update, as appropriate, the DCP at least every five years based on new or updated information, such as the adoption or revision of the regional water plan. Subsequently, the City will review and update, as appropriate, the DCP.

5. Authorization

The Director of Public Works City Manager, or designee, is hereby authorized and directed to implement the applicable provisions of the DCP upon determination that such implementation is necessary to protect public health, safety, and welfare. The Director of Public Works City Manager, or designee, shall have the authority to initiate or terminate drought or other water supply emergency responses as described in this DCP. However, the Director of Public Works City Manager, in the exercise of the Director of Public Works City Manager’s discretion, may initiate or terminate any stage when the Director of Public Works City Manager deems necessary at any particular time. The Director of Public Works City Manager shall notify the City Manager, Mayor and City Council before implementing any measures.
6. Application

The provisions of this DCP shall apply to all persons, customers, and property utilizing water provided by the City. The terms “person” and “customer” as used in the DCP include individuals, corporations, partnerships, associations, and all other legal entities.

7. Definitions

For the purposes of this Chapter in this DCP, the following definitions shall apply:

Aesthetic water use: water use for ornamental or decorative purposes such as fountains, reflecting pools, and water gardens.

Commercial and institutional water use: water use which is integral to the operations of commercial, non-profit establishments and governmental entities such as retail establishments, hotels and motels, restaurants, and office buildings.

Conservation: those practices, techniques, and technologies that reduce the consumption of water, reduce loss or waste of water, improve the efficiency in the use of water, or increase the recycling and reuse of water so that a supply is conserved and made available for future or alternative uses.

Contract (end-user) water customers: a private entity that has a contract with the City to receive raw or treated water supplies for its sole use (i.e. does not resell to other users).

Customer: any person, company, or organization using water supplied by the City and paying a retail water bill.

Domestic water use: water use for personal needs or for household or sanitary purposes such as drinking, bathing, heating, cooking, sanitation, or for cleaning a residence, business, industry, or institution.

Industrial water use: the use of water in processes designed to convert materials of lower value into forms having greater usability and use.

Institutional water use: the use of water by an establishment dedicated to public service, such as a school, university, church, hospital, nursing home, prison, or government facility. All facilities dedicated to public service are considered institutional regardless of ownership.

Landscape irrigation use: water used for the irrigation and maintenance of landscaped areas, whether publicly or privately owned, including residential and commercial lawns, gardens, golf courses, parks, rights-of-way, and medians.

Non-essential water use: water uses that are not essential or not required for the protection of public health, safety, and welfare, including:

- irrigation of landscape areas, including parks, athletic fields, and golf courses, except as otherwise provided under this DCP;
- use of water to wash any motor vehicle, motorbike, boat, trailer, or other vehicle;
- use of water to wash down any impervious cover including sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
- use of water to wash down buildings or structures for purposes other than immediate fire protection or health reasons;
- flushing gutters or permitting water to run or accumulate in any gutter or street;
- use of water to fill, refill, or add to any indoor or outdoor swimming pools or jacuzzi-type pools;
- use of water in an aesthetic feature including fountain or pond except where necessary to support aquatic life;
- failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak; and
- use of water from hydrants for construction purposes or any other purposes other than firefighting or flushing needed to maintain chlorination levels and protect public health.

Reservoir Capacity: the combined reservoir storage levels of Choke Canyon Reservoir and Lake Corpus Christi, as measured in percentage of the full combined volume.

Wholesale customers: any public or private utility that has a contract with the City to receive raw or treated water supplies and authority (through contracts) to resell this water to other users.

8. Criteria for Initiation and Termination of Reservoir System Response Stages

The Director of Public Works, or designee, shall monitor the City of Corpus Christi’s actions, water supply and/or demand conditions on a weekly basis and shall determine when conditions warrant initiation or termination of each stage of the DCP, that is, when the specified “triggers” are reached. However, the Director of Public Works, in the exercise of the Director of Public Works’ discretion, may initiate or terminate any stage when the Director of Public Works deems necessary at any time. This section explains the triggers of each stage. Best management practices and water use restrictions for each reservoir system stage are described in Section 10.

The triggering criterion to be monitored for determining reservoir system response stages is the combined reservoir storage levels of Choke Canyon Reservoir and Lake Corpus Christi, based on the TCEQ 2001 Agreed Order (amended April 17, 2001) relating to inflows into Nueces Bay and Estuary. The full Agreed Order is located in Appendix A.

8.1. Stage 1 – Mild Water Shortage Watch

Requirements for initiation – Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses described in Section 10 when the combined storage level declines to below 40%.

Requirement for termination – Stage 1 of the DCP may be rescinded when the combined storage level increases above 50%.

8.2. Stage 2 – Moderate Water Shortage Condition

Requirements for initiation – Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 2 of this DCP when the combined storage level declines to below 30%.
Requirement for termination – Stage 2 of the DCP may be rescinded when the combined storage level increases above 40% for a period. Upon termination of Stage 2, Stage 1 becomes operative.

8.3. Stage 3 – Critical Water Shortage Condition

Requirements for initiation – Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 3 of this DCP when the combined storage levels declines to below 20%.

Requirement for termination – Stage 3 of the DCP may be rescinded when the combined storage level increases above 30%. Upon termination of Stage 3, Stage 2 becomes operative.

8.4. Stage 4 – Emergency Water Shortage Condition

Requirements for initiation – Customers shall be required to comply with requirements and restrictions for Stage 4 of this DCP when the Director of Public Works, or designee, determines that a water supply emergency exists based on:

- A major water line breaks, or pump or system failures occur, which causes unprecedented loss of capability to provide water service; or
- Water production or transmission system limitations; or
- Natural or man-made contamination of the water supply source occurs.

Requirement for termination – The emergency water shortage condition may be rescinded when the Director of Public Works, or designee, deems appropriate.

9. Reservoir System Stages Response Notification

The Director of Public Works, or designee, shall monitor Corpus Christi’s actions, water supply and/or demand conditions on a weekly basis and, in accordance with the triggering criteria set forth in Section 8 of this Plan, shall determine that a mild, moderate, critical, or emergency water shortage condition exists and shall implement the following notification procedures.

Notification of the Public:

The Director of Public Works, City Manager, or designee, shall notify the public for every change in reservoir system stage status by any or all of the following:

- City’s website (www.cityofrockport.com)
- Publication in The Rockport Pilot, the City’s official newspaper of record
- Notice on the monthly billing
- Signs posted in public places

Additional Notification:

The Director of Public Works, City Manager, or designee shall, at a minimum, notify directly, or cause to be notified directly, the following individuals and entities for every change in drought stage status:

- Mayor and City Council
- Wholesale water customers
• Texas Commission on Environmental Quality (TCEQ) – note TCEQ executive director MUST be informed within five (5) business days of mandatory water use restrictions being imposed

10. Reservoir System Best Management Practices Per Stage

A summary of water use reduction targets for each reservoir system stage response is presented in the following table. Further discussion on best management practices and implementation practices associated with each stage of response is included below. During Stages 1, 2, and 3, requests for exceptions may be presented to the Director of Public Works or designee.

<table>
<thead>
<tr>
<th>Reservoir System Stage Response</th>
<th>CCR/LCC Combined Reservoir Storage Level</th>
<th>Target Demand Reduction Levels</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stage 1 - Mild</td>
<td>&lt;40%</td>
<td>10%</td>
</tr>
<tr>
<td>Stage 2 - Moderate</td>
<td>&lt;30%</td>
<td>20%</td>
</tr>
<tr>
<td>Stage 3 - Critical</td>
<td>&lt;20%</td>
<td>30%</td>
</tr>
<tr>
<td>Stage 4 - Emergency</td>
<td>Not Applicable</td>
<td>50%</td>
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10.1. Stage 1 Response – Mild Water Shortage Watch

**Target:** During Stage 1, achieve a 10% reduction in daily treated water demand relative to treated water demand with the water use restrictions below.

**Best Management Practices for Supply Management:**
Under Stage 1, the City will:
- Use more repair crews if necessary to allow for a quicker response time for water-line leak repair; and
- Begin monitoring customers’ compliance with Stage 1 restrictions during the course of their daily rounds

**Water Use Restrictions for Reducing Demand**
Under threat of penalty for violation, the following water use restrictions shall apply to all persons during Stage 1:

a. Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems shall be limited to once per week. The watering schedule will be determined by the Director of Public Works or designee. Customers will be made aware of their designated watering day in accordance with Section 9. However, irrigation of landscaped areas is permitted on any day if it is by means of a hand-held hose (with positive shutoff nozzle), a faucet filled bucket or watering can of five (5) gallons or less, or drip irrigation system with a positive shutoff device. Exceptions for this restriction may be permitted, upon review and approval by the Director of Public Works or designee, for the following uses: new plantings (for up to 60 days), vegetable gardens,
athletic playing fields, and botanical gardens. In addition, this restriction does not apply to customers irrigating with well water or an aerobic septic system. Customers irrigating with well water or an aerobic septic system should provide a legible sign prominently posted on the premises within two (2) feet of the street number located on the premises.

b. Use of water from hydrants shall be limited to firefighting, related activities, or other activities necessary to maintain public health, safety, and welfare, except that use of water from designated fire hydrants for construction purposes may be allowed under special permit from the City. Use of water for the irrigation of golf course greens, tees, and fairways is prohibited except on designated watering days. However, if the golf course utilizes a water source other than that provided through City of Rockport or one of its wholesale customer’s infrastructure, the facility shall not be subject to these regulations.

c. The use of water to maintain integrity of building foundations is limited to designated watering days and is only permitted by use of hand-held hose or drip irrigation.

10.2. Stage 2 Response – Moderate Water Shortage Conditions

Target: During Stage 2, achieve a 20% reduction in total daily treated water demand relative to treated water demand with the water use restrictions below.

Best Management Practices for Supply Management:
In addition to the best management practices for supply management listed under Stage 1, the City will also do the following during Stage 2:

- Eliminate the flushing of water mains unless required for decontamination and/or public safety; and
- The Public Works Director, or designee, shall review customers’ water usage for compliance based on the previous month’s water use and notify violators verbally or in writing as the situation dictates

Water Use Restrictions for Demand Reduction

a. All requirements of Stage 1 shall remain in effect during Stage 2 except as modified below:

b. Irrigation of landscaped areas shall be limited to once every other week. The watering schedule will be determined by the Director of Public Works or designee. Customers will be made aware of their designated watering day. However, irrigation of landscaped areas is permitted on any day if it is by means of a hand-held hose (with positive shutoff nozzle), a faucet filled bucket or watering can of five (5) gallons or less, or drip irrigation system with a positive shutoff device. Exceptions for this restriction may be permitted, upon review and approval by the Director of Public Works or designee, for the following uses: new plantings (for up to 60 days), vegetable gardens, athletic playing fields, and botanical gardens. In addition, this restriction does not apply to customers irrigating with well water or an aerobic septic system. Customers irrigating with well water or an aerobic septic system should provide a legible sign prominently posted on the premises within two (2) feet of the street number located on the premises.

c. The watering of golf course fairways with potable water is prohibited. The watering of greens and tees are limited to once every other week unless the golf course utilizes a water source other than that provided through City of Rockport or one of
its wholesale customer’s infrastructure or done by means of hand-held hoses, hand-held buckets, or drip irrigation.

Optional Measures:
During Stage 2, the following measures are optional water use restrictions that may be implemented by the Director of Public Works, or designee, following similar actions implemented by the City of Corpus Christi and with prior Rockport City Council notification, as conditions warrant:

a. For residential and multi-unit customers, a drought surcharge of up to and including 100% of the total monthly water bill over the monthly allocation may be added to the customers’ bill to deter discretionary water use, as explained in Section 11.

10.3. Stage 3 Response – CRITICAL Water Shortage Conditions

Target: During Stage 3, achieve a 30% or greater reduction in daily treated water demand relative to treated water demand with the water use restrictions below. An additional surcharge will be added to each utility bill during Stage 3 water shortage conditions to discourage discretionary water use, as described in Section 11 for retail customers and Section 16.10 for wholesale customers.

Best Management Practices for Supply Management:
In addition to the best management practices for supply management listed under Stage 1 and 2, the City will also do the following during Stage 3:

• Upon written notice, disconnect the water meters of willful violators if absolutely necessary to prevent the deliberate wasting of water.

Water Use Restrictions for Demand Reduction:
All requirements of Stage 1 and 2 shall remain in effect during Stage 3 except as modified below:

• Irrigation of landscaped areas shall be prohibited at all times.
• Use of water to wash any motor vehicle, motorbike, boat, trailer, or other vehicle not occurring on the premises of a commercial car wash stations and not in the immediate interest of public health, safety, and welfare is prohibited.
• The filling, refilling, or adding of water to swimming pools, wading pools, and jacuzzi-type pools, and water parks (unless non-city, alternative source) is prohibited.
• The use of water to maintain the integrity of a building foundation is still permitted on the designated Stage 2 watering day and shall be done by hand or drip irrigation method.
• All fountains shall only operate to circulate water in order to maintain equipment.

Optional Measures:
During Stage 3, the following measures are optional water use restrictions that may be implemented by the Director of Public Works, or designee, following similar actions implemented by the City of Corpus Christi and with prior Rockport City Council notification, as conditions warrant:

a. No application for new, additional, expanded, or increased-in-size water service connections, meters, service lines, pipeline extensions, mains, or water service
facilities of any kind shall be approved, and time limits for approval of such applications are hereby suspended for such time as this reservoir system response stage shall be in effect.

b. For residential and multi-unit customers, a reservoir system surcharge of up to and including 100% of the total monthly water bill over the monthly allocation may be added to the customers' bill to deter discretionary water use, as explained in Section 11.

10.4. Stage 4 Response – EMERGENCY Water Shortage Conditions

**Target:** During Stage 4, achieve a 50% or greater reduction in daily treated water demand relative to treated water demand with the below water use restrictions. Surcharges and reduced allocations are enforceable during Stage 4 water shortage conditions, as described in Section 13.

During emergency conditions such as system outage or supply source contamination, or supply sources draining empty, alternative water sources and/or alternative delivery mechanisms may be necessary with prior approval of the Director of Public Works or designee. For emergency water shortage conditions associated with contamination of the Nueces Basin stored supplies, the City, under the Director of Public Works or designee's direction, will cease pumping from the San Patricio Municipal Water District.

**Best Management Practices for Supply Management:**
In addition to the best management practices for supply management listed under Stage 1, 2, and 3, the City will also do the following:
- Call the wholesale water customers.

**Water Use Restrictions for Demand Reduction:**
During Stage 4, all requirements of Stage 1, 2, and 3 shall remain in effect except as modified below:
- a. Irrigation of landscaped areas is absolutely prohibited.
- b. Use of water to wash any motor vehicle, motorbike, boat, trailer, or other vehicle is absolutely prohibited.
- c. Associated uses of water not related to business process which are discretionary, such as equipment washing, shall be deferred until the Stage 4 emergency has been terminated.

**Optional Measure:**
During Stage 4, the following measure is an optional water use restriction that may be implemented by the Director of Public Works, or designee, following similar actions implemented by the City of Corpus Christi (when appropriate) and with prior Rockport City Council notification, as conditions warrant:
- a. For residential and multi-unit customers, a drought surcharge of up to and including 100% of the total monthly water bill over the monthly allocation may be added to the customers' bill to deter discretionary water use, as explained in Section 11.

11. Surcharges for Reservoir System Stages 2 – 4 and Service Measures

a. **General**
   1) The surcharges established herein are solely intended to regulate and deter the use of water during a period of serious drought in order to achieve
necessary water conservation. The City expressly finds that the drought poses a serious and immediate threat to the public and economic health and general welfare of this community, and that the surcharges and other measures adopted herein are essential to protect said public health and welfare.

2) This section, and the surcharges and measures adopted herein are an exercise of the City’s regulatory power, and the surcharges and connection fees are conservation rates intended to meet fixed costs as a result of lost revenue.

3) Following similar actions of the City of Corpus Christi and with prior Rockport City Council approval, the Director of Public Works is authorized to determine trigger points or allocations and surcharges during Stages 2, 3, and 4 Emergency Water Shortage conditions.

4) In this section, institutional customer means City/City utility customer which operates as a not-for-profit entity.

5) A customer may appeal an allocation or reservoir system surcharge triggering point established under this Section to the Director of Public Works or designee on grounds of unnecessary hardship, through the process outlined in Section 12.

6) Reservoir system surcharge funds will first be applied towards annual debt service as reflected in the City’s operating budget to offset revenue loss due to drought conditions. Additional funds will be reported to the City Council for direction.

b. Residential water customers, who are not billed through a master water meter.

1) A monthly base amount of 3,000 gallons shall be established as a trigger point for each customer. Water consumption up to and including this amount will not include a drought surcharge.

2) Above the 3,000 gallon consumption trigger point, following similar actions of the City of Corpus Christi and San Patricio Municipal Water District, with Rockport City Council approval, a reservoir system surcharge shall be added up to and including 100% of the customer’s total monthly water bill over the allocation.

c. Residential customers who are billed from a master water meter.

1) Once Stage 1 condition has been declared, property managers of multi-tenant units shall notify the Director of Public Works of the number of residential units in their facility for determination of allocations. Until so notified, the City shall calculate the allocation based on two residential units per master water meter. A monthly base amount of 3,000 gallons shall be established as a trigger point for each residential unit.

2) When consumption for the month is less than or equal to 3,000 gallons times the number of residential units, there will be no surcharge.

3) Following similar actions of the City of Corpus Christi and San Patricio Municipal Water District Board and with Rockport City Council approval, when consumption is above the 3,000 gallons times the number of units, a drought surcharge shall be added up to and including 100% of the customer’s total monthly water bill over the allocation.

4) The customer is responsible for passing the demand charge onto the tenant.

d. Commercial or institutional customer
1) A monthly water usage allocation shall be established by the Director of Public Works or designee for each commercial or institutional customer.

2) Method of establishing allocation:
   (a) When the combined reservoir capacity is less than 20% of total capacity (Stage 3), the commercial or institutional customer's allocation shall be 90% of the customer's usage for the corresponding month's billing period during previous 12 months prior to the implementation of Stage 2.
   (b) If the customer's billing history is shorter than 12 months, the monthly average for the period for which there is a record shall be used for any monthly period for which no history exists.
   (c) Provided, however, a customer, 90% of whose monthly usage is less than 6,000 gallons, shall be allocated 6,000 gallons.
   (d) The Director of Public Works shall give best effort to see that notice of each commercial or institutional customer's allocation is mailed to such customer.
   (e) If, however, the customer does not receive such notice, it shall be the customer's responsibility to contact the City's Utility Billing Office to determine the allocation, and the allocation shall be fully effective notwithstanding lack of receipt of written notice.
   (f) Upon request of the customer or at the initiative of the Director of Public Works, the allocation may be reduced or increased,
      (1) if one nonresidential customer agrees to transfer part of its allocation to another nonresidential customer, or
      (2) if other objective evidence demonstrates that the designated allocation is inaccurate under present conditions.

e. Industrial customers, who use less than 100,000 gallons of water per day for processing.
   1) A monthly water usage allocation shall be established by the Director of Public Works or designee for each an industrial customer, which uses less than 100,000 gallons of water per day for processing (e.g., an industrial customer).
   2) Method of establishing allocation.
      (a) When the combined reservoir capacity is less than 20% of total capacity (Stage 3), the industrial customer allocation shall be 90% of the customer's usage for the corresponding month's billing period during the previous 12 months prior to the implementation of Stage 1.
      (b) If the customer's billing history is shorter than 12 months, the monthly allocation shall be 1/12 of 90% of the customer's maximum annual contracted amount until 12 months of billing history are established. However, if the industrial customer does not have a water contract and does not have at least 12 months of billing history, then the new industrial customer will provide data regarding expected water use and the City will determine allocation based on 90% of expected use to determine initial allocation until 12 months of billing history are established.
      (c) The Director of Public Works shall give his/her best effort to see that notice of each industrial customer's allocation is mailed to such customer.
      (d) If, however, the customer does not receive such notice, it shall be the customer's responsibility to contact the City’s Utility Billing Office to determine the allocation, and the allocation shall be fully effective notwithstanding lack of receipt of written notice.
(e) Upon request of the customer or at the initiative of the Director of Public Works, the allocation may be reduced or increased, if:

1) The designated period does not accurately reflect the customer's normal water usage because customer had shut down a major processing unit for overhaul during the period.

2) The customer has added or is in the process of adding significant additional processing capacity.

3) The customer has shut down or significantly reduced the production of a major processing unit.

4) The customer has previously implemented significant permanent water conservation measures.

5) The customer agrees to transfer part of its allocation to another industrial customer.

6) Other objective evidence demonstrates that the designated allocation is inaccurate under present conditions.

f. Commercial customers, institutional customers, and industrial customers who use less than 100,000 gallons of water per day for processing shall pay the following surcharges:

1) Customers whose allocation is 6,000 gallons through 20,000 gallons per month:
   (a) $5.00 per 1,000 gallons for the first 1,000 gallons over allocation.
   (b) $8.00 per 1,000 gallons for the second 1,000 gallons over allocation.
   (c) $16.00 per 1,000 gallons for the third 1,000 gallons over allocation.
   (d) $40.00 for each additional 1,000 gallons over allocation.

2) Customers whose allocation is 21,000 gallons per month or more:
   (a) One times the block rate for each 1,000 gallons in excess of the allocation up through 5% above allocation.
   (b) Three times the block rate for each 1,000 gallons from 5% through 10% above allocation.
   (c) Five times the block rate for each 1,000 gallons from 10% through 15% above allocation.
   (d) Ten times the block rate for each 1,000 gallons more than 15% above allocation.
   (e) The surcharges shall be cumulative.
   (f) As used herein, "block rate" means the charge to the customer per 1,000 gallons at the regular water rate schedule at the level of the customer's allocation.

g. Industrial customers, who use 100,000 gallons or more of water per day for processing.

1) A monthly water usage allocation shall be established by the Director of Public Works or designee for each industrial customer, which uses water for processing (e.g., an industrial customer).

2) Method of establishing allocation.
   (a) When the combined reservoir capacity of Choke Canyon Reservoir and Lake Corpus Christi is less than thirty (30) percent of total capacity (Stage 2), the industrial customer allocation shall be eighty (80) percent of the customer's usage for the corresponding month's billing period during the previous twelve (12) months prior to the implementation of Stage 1 condition.
(b) If the customer's billing history is shorter than twelve (12) months, the monthly allocation shall be one-twelfth of eighty (80) percent of the customer's maximum annual contracted amount until twelve (12) months of billing history are established. However, if the industrial customer does not have a water contract and does not have at least twelve (12) months of billing history, then the new industrial customer will provide data regarding expected water use and the City will determine allocation based on eighty (80) percent of expected use to determine initial allocation until twelve (12) months of billing history are established.

(c) The Director of Public Works shall give his best effort to see that notice of each industrial customer's allocation is mailed to such customer.

(d) If, however, the industrial customer does not receive such notice, it shall be the customer's responsibility to contact the City's Utilities Billing Office to determine the allocation, and the allocation shall be fully effective notwithstanding lack of receipt of written notice.

(e) Upon request of the industrial customer or at the initiative of the Director of Public Works, the allocation may be reduced or increased by the Director of Public Works, if:

1. The designated period does not accurately reflect the customer's normal water usage because customer had to shut down a major processing unit for overhaul during the period.
2. The customer has added or is in the process of adding significant additional processing capacity.
3. The customer has shut down or significantly reduced the production of a major processing unit.
4. The customer has previously implemented significant permanent water conservation measures.
5. The customer agrees to transfer part of its allocation to another industrial customer.
6. Other objective evidence demonstrates that the designated allocation is inaccurate under present conditions.

h. Industrial customers using 100,000 gallons or more of water per day for processing shall pay the following drought surcharges:

1) Customers whose allocation is Eighty thousand (80,000) gallons per month or more:

   a) Three (3) times the block rate for each one thousand (1,000) gallons in excess of the allocation up through five (5) percent above allocation.
   b) Six (6) times the block rate for each one thousand (1,000) gallons from five (5) per cent through ten (10) percent above allocation.
   c) Nine (9) times the block rate for each one thousand (1,000) gallons from ten (10) per cent through fifteen (15) percent above allocation.
   d) Twelve (12) times the block rate for each one thousand (1,000) gallons more than fifteen (15) percent above allocation.
   e) The surcharges shall be cumulative.
   f) As used herein, "block rate" means the charge to the customer per one thousand (1,000) gallons at the regular water rate schedule at the level of the customer's allocation.

i. Nonresidential customer is billed from a master meter.
1) When a nonresidential customer is billed from a master meter which jointly measures water to multiple residential dwelling units (for example: apartments, mobile homes), the customer may pass along any surcharges assessed under this DCP to the tenants or occupants, provided that:
   (a) The customer notifies each tenant in writing:
      1) That the surcharge will be passed along.
      2) How the surcharge will be apportioned.
      3) That the landlord must be notified immediately of any plumbing leaks.
      4) Methods to conserve water (which shall be obtained from the City).
   (b) The customer diligently maintains the plumbing system to prevent leaks.
   (c) The customer installs water saving devices and measures (ideas for which are available from the City) to the extent reasonable and practical under the circumstances.

j. Water service to the retail water customer may be terminated under the following conditions:
   1) Monthly residential water usage exceeds allocation by 4,000 gallons or more two or more times for any individual month after the implementation of Stage 3. Also, the two months need not be consecutive months.
   2) Monthly water usage on a master meter which jointly measures water usage to multiple residential dwelling units exceeds allocation by 4,000 gallons times the number of dwelling units or more two or more times (which need not be consecutive months).
   3) Monthly nonresidential water usage for a customer whose allocation is 6,000 gallons through 20,000 gallons exceeds its allocation by 7,000 gallons or more two or more times (which need not be consecutive months).
   4) Monthly nonresidential water usage for a customer whose allocation is 21,000 gallons or more exceeds its allocation by 15% or more two or more times (which need not be consecutive months).
   5) For residential customers and nonresidential customers whose allocation does not exceed 20,000 gallons, after the first disconnection water service shall be restored upon request for a fee of $50.
   6) For such customers, after the second disconnection, water service shall be restored within 24 hours of the request for a fee of $500.
   7) If water service is disconnected a third time for such customer, water service shall not be restored until the City re-enters a level of water conservation less than Stage 2.
   8) For master meter customers, the service restoration fees shall be the same as above times the number of dwelling units.
   9) For nonresidential customers whose allocation is 21,000 gallons per month or more:
      (a) After the first disconnection water service shall be restored upon request for a fee in the amount of "X" in the following formula: 
         \[ X = \frac{50 \times \text{Customer's Allocation in gallons}}{20,000 \text{ gallons}} \]
      (b) After the second disconnection for said customers, water service shall be restored within 24 hours of the request for a fee of 10 times "X".
      (c) If water service is disconnected a third time for such customer, water service shall not be restored until the City re-enters a level of water conservation less than Stage 2.
(d) The Director of Public Works is directed to institute written guidelines for disconnection of water service under this provision, which will satisfy minimum due process requirements, if any.

k. It shall be a defense to imposition of a surcharge hereunder, or to termination of service, that water used over allocation resulted from loss of water through no fault of the customer (for example, a major water line break) for the following conditions:
   1) The customer shall have the burden to prove such defense by objective evidence (for example, a written certification of the circumstances by a plumber).
   2) A sworn statement may be required of the customer.
   3) This defense shall not apply if the customer failed to take reasonable steps for upkeep of the plumbing system, failed to reasonably inspect the system and discover the leak, failed to take immediate steps to correct the leak after discovered, or was in any other way negligent in causing or permitting the loss of water.

l. When this section refers to allocation or water usage periods as "month," "monthly," "billing period," and the like, such references shall mean the period in the City’s ordinary billing cycle which commences with the reading of a meter one month and concludes with the next reading of that meter which is usually the next month.
   1) The goal for the length of such period is 30 days, but a variance of two days, more or less, will necessarily exist as to particular meters.
   2) If the meter reader system is prevented from timely reading a meter by any obstacle which is attributable to the customer, the original allocation shall apply to the longer period without modification.

12. Requests for Exemptions and Variances

   a. The Director of Public Works or designee may, in writing, grant a temporary variance to any of the provisions for water users found in this DCP upon determination that failure to grant such variance would cause an emergency condition adversely affecting the public health, sanitation, or fire protection for the public or person requesting such a variance.

   b. A person requesting an exemption or variance from the provisions of this DCP shall file request on City-provided application for exemption/variance with the City within 5 days after a particular drought response stage has been invoked. All request forms shall be reviewed by the Director of Public Works or designee, and shall include the following:
      1) Name and address of the water user(s).
      2) Purpose of water use.
      3) Specific provision(s) of the Drought Contingency Plan from which the water user is requesting relief.
      4) Detailed statement as to how the specific provision of the Drought Contingency Plan adversely affects the water user or what damage or harm will occur to the water user or others if water user complies with this DCP.
      5) Description of the exemption requested
      6) Period of time for which the exemption is sought.
7) Alternative water use restrictions or other measures the water user is taking or proposes to take to meet the intent of this DCP and the compliance date.
8) Other pertinent information; or as required on permit application

c. No exemption nor variance shall be retroactive or otherwise justify any violation of this DCP occurring prior to the issuance of the exemption/variance.

d. The Director of Public Works City Manager or designee shall consider requests of water users for special consideration to be given as to their respective particular circumstances and is hereby authorized to, in special cases, grant such variance from the terms of this DCP if such compliance would cause an emergency condition adversely affecting the public health, sanitation, or fire protection for the public or person requesting such a variance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this DCP will result in unnecessary hardship, and so that the spirit of this DCP shall be observed and substantial justice done.

e. Should a permit for special exception be granted, it shall be in effect from the time of granting through the termination of the then current stage, unless revoked by the Director of Public Works City Manager or designee for noncompliance; provided, that the permit is prominently posted on the premises within two (2) feet of the street number located on the premises.

f. A person denied request for permit or exception from these rules may appeal the decision to the Director of Public Works City Manager by submitting written request for appeal to the Director of Public Works City Manager within five business days from issuance of denial. The decision of the Director of Public Works City Manager shall be final.

g. Violations of any permit conditions may be enforced under Section 13.

13. Enforcement
a. No person or entity may knowingly or intentionally allow the use of water from the City for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provision of this DCP, or in an amount in excess of that permitted by any drought response stage in effect at the time.

b. The provisions of this Plan constitute rules adopted under the authority set forth in Section 11.1272 of the Texas Water Code and 30-Texas Administrative Code Title 30 Subchapter B Rule 288.20. Any person who violates any provision of this Plan will be subject to the payment of a fine in an amount per violation that does not exceed the jurisdiction of justice court, as provided by Section 27.031, of the Government Code, as permitted under Section 49.004 of the Texas Water Code. Each day of violation will constitute a separate offense. In addition, the offending party will be liable to the City for any costs incurred by the City in connection with any violation. Compliance with this DCP may also be sought through injunctive relief in the City court. In accordance with the foregoing authority, any person that violates any provision of this DCP shall be subject to a fine of not more than five hundred dollars ($500.00) per violation per day.
c. If any person or a second person in the same household or premises commits a second violation of this article, the Director of Public Works shall be authorized to discontinue water service to the premises where such violation occurs.

d. Any person, including a person classified as a customer of the City, who is in apparent control of the property where a violation occurs or originates is presumed to be the violator, and proof that a violation occurred on a person’s property constitutes a rebuttable presumption that the person committed the violation. Parents are responsible for violations of their minor children and proof that a violation, committed by a child, occurred on property within the parents’ control constitutes a rebuttable presumption that the parent committed the violation.

14. Variances

A temporary variance for existing water uses otherwise prohibited under this DCP may be obtained through the process outlined in Section 12.

15. Severability

It is hereby declared to be the intention of the City that the sections, paragraphs, sentences, clauses, and phrases of this DCP are severable and, if any phrase, clause, sentence, paragraph, or section of this DCP shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such declaration shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this DCP, since the same would not have been enacted by the City without the incorporation into this DCP of any such unconstitutional phrase, clause, sentence, paragraph, or section.

16. Wholesale Drought Contingency Plan

16.1. Declaration of Policy, Purpose, and Intent

In order to conserve the available water supply and/or to protect the integrity of water supply facilities, with particular regard for domestic water use, sanitation, and fire protection, and to protect and preserve public health, welfare, and safety and minimize the adverse impacts of water supply shortage or other water supply emergency conditions, the City of Rockport (City) adopts the following Wholesale Drought Contingency Plan (the Plan).

16.2. Public and Wholesale Customer Involvement

Public and wholesale customers may contact the City of Rockport at (361)-790-1160.

16.3. Wholesale Water Customer Education

The City will periodically provide wholesale customers with information about the Plan, including information about conditions under which each stage of the Plan is to be initiated or terminated and drought response measures to be implemented in each stage. This information will be distributed by providing a copy of the Plan to each wholesale water customer.
16.4. Coordination with Regional Water Planning Groups

The water service area of the City of Rockport and its wholesale water customers is located within the Coastal Bend Planning Region (Region N) and the City has provided a copy of the Plan to Region N.

The City of Corpus Christi shall review and update, as appropriate, the drought contingency plan at least every five years based on new or updated information, such as the adoption or revision of the regional water plan. Subsequently, the City will review and update, as appropriate, the DCP in the same manner.

16.5. Authorization

The Director of Public Works or designee, is hereby authorized and directed to implement the applicable provisions of this Plan upon determination that such implementation is necessary to protect public health, safety, and welfare. Wholesale customers are subject to the Plan under their contracts with the City. The Director of Public Works or designee, shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in this Plan. The Director of Public Works or designee shall notify the TCEQ within five (5) business days of any mandatory water use restrictions being enacted.

16.6. Application

The provisions of this Plan shall apply to all customers utilizing water provided by the City on a wholesale basis. The terms “person” and “customer” as used in the Plan include individuals, corporations, partnerships, associations, and all other legal entities. The provisions of this Plan shall apply to all customers utilizing water provided by the City on a wholesale basis. Every wholesale water contract entered into, renewed or modified after official adoption of this Plan (by either ordinance, resolution, or tariff) shall include language relating to the City of Rockport Water Conservation Plan and Drought Contingency Plan, and shall require the imposition of similar restrictions, surcharges or rationing measures on their customers. To the extent of its legal authority, the City of Rockport shall require its wholesale customers to implement outdoor watering restrictions similar to those of the City for each drought response stage. The City requires that any contract for the resale of water furnished to wholesale water contractors shall contain a similar condition.

16.7. Triggering Criteria for Initiation and Termination of Reservoir System Response Stages

The Director of Public Works, or designee, shall monitor water supply and/or demand conditions on a weekly basis and shall determine when conditions warrant initiation or termination of each stage of the Plan. Customer notification of the initiation or termination of reservoir system response stages will be made by email, mail, or telephone. The news media will also be informed by the City of Corpus Christi.

The triggering criterion to be monitored for determining reservoir system response stages is the combined reservoir storage levels of Choke Canyon Reservoir and Lake Corpus Christi. The combined storage levels selected are based on the TCEQ 2001 Agreed Order on Freshwater Inflows to the Nueces Bay and Estuary (amended April 17, 2001). See Appendix A. The triggering criterions in this section are minimum standards for initiation and maximum standards for termination, and the Director of Public Works, or designee, can initiate or terminate each stage when conditions warrant.
a. **Stage 1 – MILD Water Shortage Watch**  
Requirements for initiation – The City will recognize that a mild water shortage watch exists when the combined storage level declines below 40%. or Lake Texana storage level declines below 40%.  
Requirement for termination – Stage 1 of the Plan may be rescinded when the combined storage level increases above 50%. The City will notify its wholesale customers of the termination of Stage 1 in the same manner as the notification of initiation of Stage 1 of the Plan.

b. **Stage 2 – MODERATE Water Shortage Condition**  
Requirements for initiation – The City will recognize that a moderate water shortage condition exists when the combined storage level declines below 30%.  
Requirement for termination – Stage 2 of the Plan may be rescinded when the combined storage level increases above 40%. Upon termination of Stage 2, Stage 1 becomes operative. The City will notify its wholesale customers of the termination of Stage 2.

c. **Stage 3 – CRITICAL Water Shortage Condition**  
Requirements for initiation – The City will recognize that a critical water shortage condition exists when the combined storage levels declines to below 20%.  
Requirement for termination – Stage 3 of the Plan may be rescinded when the combined storage level increases above 30%. Upon termination of Stage 3, Stage 2 becomes operative. The City will notify its wholesale customers of the termination of Stage 3.

d. **Stage 4 – EMERGENCY Water Shortage Condition**  
Requirements for initiation – The City will recognize that an emergency water shortage condition exists when any of the following occur:  
1) A major water line breaks, or pump or system failures occur, which cause unprecedented loss of capability to provide water service; or  
2) Water production or transmission system limitations; or  
3) Natural or man-made contamination of the water supply source occurs.  
Requirement for termination – The emergency water shortage condition may be rescinded when the Director of Public Works City Manager, or designee, deems appropriate. The City will notify its wholesale customers of the termination of emergency shortage condition in the same manner as the notification of initiation of Stage 1 of the Plan.

16.8. **Reservoir System Response Stages**  
The Director of Public Works City Manager, or designee, shall monitor water supply and/or demand conditions and, in accordance with the triggering criteria set forth in Section 16.7, shall determine that mild, moderate, or critical water shortage conditions exist or that an emergency condition exists and shall implement best management practices accordingly.

For water contracts between the City and wholesale customers with specific reductions based on stage, wholesale water customers are to implement measures to achieve water use reduction targets specified in the contract. For other contracts, required adoption of a Drought Contingency Plan should strive to achieve the water use reduction targets for each reservoir system stage response presented in the following table. Further discussion on best management practices and implementation practices associated with each stage of response is described below.
Stage 1 – MILD Water Shortage Watch

**Target:** Achieve a 10% reduction in daily water demand for each wholesale customer utilizing City’s water supply system.

**Best Management Practices for Supply Management:**
- The City of Corpus Christi will coordinate with the necessary agencies to ensure that unnecessary releases of water from the Reservoir System are minimized.
- The City of Rockport will encourage each wholesale water customer to utilize alternative water sources such as interconnections with another water system, temporary use of a water supply other than from the City’s system, or use of reclaimed water for non-potable purposes, etc.

**Water Use Restrictions for Reducing Demand:**
- The Director of Public Works, or designee, will initiate contact with wholesale water customers to discuss water supply and/or demand conditions and the possibility of pro rata curtailment of water diversions and/or deliveries.
- The Director of Public Works, or designee will request wholesale water customers to initiate mandatory measures to reduce non-essential water use (e.g. implement Stage 1 of the customer’s drought contingency plan).
- The Director of Public Works, or designee, will provide a regular report with information regarding current water supply and/or demand conditions, projected water supply and demand conditions if drought conditions persist, and consumer information on water conservation measures and practices.

**Other Actions to be Taken:**
- The City of Corpus Christi will notify, in writing, operators of recreational facilities to consider issuance of signs near boat ramps and in public parks notifying the public that the Reservoir System is operating at less than 40% of its conservation pool volume, and that a Stage 1 Reservoir System Response level has been declared. The City will recommend that operators post information to the public regarding Stage 1 of the Drought
Contingency Plan and possible boating safety hazards due to decreasing Reservoir levels.

b. **Stage 2 – MODERATE Water Shortage Conditions**  
**Target:** Achieve a 20% reduction in daily water demand for each wholesale customer utilizing City’s water supply system.

**Best Management Practices for Supply Management:**
- The City of Corpus Christi will coordinate with the necessary agencies to ensure that unnecessary releases of water from the Reservoir System are minimized.
- The City of Rockport will encourage each wholesale water customer to utilize alternative water sources such as interconnections with another water system, temporary use of a water supply other than from the City’s system, use of reclaimed water for non-potable purposes, etc.

**Water Use Measures for Reducing Demand:**
- The Director of Public Works, or designee, will initiate contact with wholesale water customers to discuss water supply and/or demand conditions and will request that wholesale water customers initiate additional mandatory measures to reduce non-essential water use (e.g. implement Stage 2 of the customer’s drought contingency plan). The Director of Public Works, or designee, will initiate preparations for the implementation of pro rata curtailment of water diversions and/or deliveries in accordance with Texas Water Code §11.039 by preparing a monthly water usage allocation baseline for each wholesale customer according to procedures specified in Section 16.9 of the Plan.
- The City of Corpus Christi or San Patricio Municipal Water District will provide a regular report to the news media with information regarding current water supply and/or demand conditions, projected water supply and demand conditions if drought conditions persist, and consumer information on water conservation measures and practices.

**Other Actions to be Taken:**
- The City of Corpus Christi will notify, in writing, operators of recreational facilities to consider issuance of signs near boat ramps and in public parks notifying the public that the Reservoir System is operating at less than 30% of its conservation pool volume, and that a Stage 2 Reservoir System Response level has been declared. The City will recommend that operators post information to the public regarding Stage 2 of the Drought Contingency Plan and possible boating safety hazards due to decreasing Reservoir levels.

c. **Stage 3 – CRITICAL Water Shortage Conditions**  
**Target:** Achieve a 30% reduction in daily water demand for each wholesale customer utilizing City’s water supply system.

**Best Management Practices for Supply Management:**
• The City of Corpus Christi will coordinate with the necessary agencies to ensure that unnecessary releases of water from the Reservoir System are minimized.
• The City of Rockport will encourage each wholesale water customer to utilize alternative water sources such as interconnections with another water system, temporary use of a water supply other than from the City’s system, use of reclaimed water for non-potable purposes, etc.

Water Use Measures for Reducing Demand:
• The Director of Public Works, or designee, will contact wholesale water customers to discuss water supply and/or demand conditions and will request that wholesale water customers initiate additional mandatory measures to reduce non-essential water use (e.g. implement Stage 3 of the customer’s drought contingency plan).
• The Director of Public Works, or designee, will initiate pro rata curtailment of water diversions and/or deliveries for each wholesale customer according to procedures specified in Section 16.9 of the Plan in accordance with Texas Water Code §11.039.
• The City of Corpus Christi or San Patricio Municipal Water District will provide a regular report to the news media with information regarding current water supply and/or demand conditions, projected water supply and demand conditions if drought conditions persist, and consumer information on water conservation measures and practices.

Other Actions to be Taken:
• The City of Corpus Christi will notify, in writing, operators of recreational facilities to consider issuance of signs near boat ramps and in public parks notifying the public that the Reservoir System is operating at less than 20% of its conservation pool volume, and that a Stage 3 Reservoir System Response level has been declared. The City will recommend that operators post information to the public regarding Stage 3 of the Drought Contingency Plan and possible boating safety hazards due to decreasing Reservoir levels.

d. Stage 4 – EMERGENCY Water Shortage Conditions
• Whenever emergency water shortage conditions exist as defined in Section 16.7 of the Plan, the Director of Public Works City Manager, or designee, shall:
  • Assess the severity of the problem and identify the actions needed and the time required to solve the problem.
  • Inform the utility coordinator or other responsible official of each wholesale water customer and major industrial users by telephone, email, or in person and suggest actions, as appropriate to alleviate problems (e.g., notification of the public to reduce water use until service is restored).
  • If appropriate, notify city, county, and/or state emergency response officials for assistance.
  • Undertake necessary actions, including repairs and/or clean-up as needed.
  • Prepare a post-event assessment report on the incident and critique of emergency response procedures and actions.
16.9. Pro Rata Water Allocation

In the event that the triggering criteria specified in Section 16.7 of the Plan, the Director of Public Works or designee, is hereby authorized to implement allocation of water supplies on a pro rata basis to raw water and treated wholesale customers in accordance with Texas Water Code §11.039. The initiation of pro rata allocation preparations shall begin during Stage 2. A provision will be included in every wholesale water contract entered into or renewed after adoption of the Plan, including contract extensions, that in case of a shortage of water resulting from drought, the water to be distributed shall be divided in accordance with Texas Water Code §11.039.

a. A raw water or wholesale treated water customer's monthly allocation shall be a percentage of the customer's water usage baseline. The percentage will be set by resolution of the City Council based on the San Patricio Municipal Water District's allocation to the City and the Director of Public Works' assessment of the severity of the water shortage condition and the need to curtail water diversions and deliveries and may be adjusted periodically by resolution of the City Council as conditions warrant. Once pro rata allocation is in effect, water diversions by or deliveries to each raw water or wholesale treated water customer shall be limited to the allocation established for each month.

b. A monthly water usage allocation shall be established by the Director of Public Works, or designee, for each raw water or wholesale treated water customer. The raw water or wholesale treated water customer's water usage baseline will be computed on the average water usage by month for the previous five-year period. If the raw water or wholesale treated water customer's billing history is less than five (5) years, the monthly average for the period for which there is a record shall be used for any monthly period for which no billing history exists.

c. The Director of Public Works shall provide notice, by certified mail, to each raw water or wholesale treated water customer informing them of their monthly water usage allocations and shall notify the news media and the Executive Director of the Texas Commission on Environmental Quality upon initiation of pro rata water allocation.

d. Upon request of the raw water or wholesale treated water customer or at the initiative of the Director of Public Works, the allocation may be reduced or increased if:
   1) The designated period does not accurately reflect the raw water or wholesale treated water customer's normal water usage;
   2) The customer agrees to transfer part of its allocation to another raw water or wholesale treated water customer; or
   3) Other objective evidence demonstrates that the designated allocation is inaccurate under present conditions. A customer may appeal an allocation established under this section to the City Council.

16.10. Pro Rata Surcharges and Enforcement

During any period when pro rata allocation of available water supplies is in effect, wholesale customers, not including large volume industrial users participating in the Drought Surcharge Exemption Fee shall pay the following surcharges on excess water diversions:
• 2.0 times the normal water rate per unit in excess of the monthly allocation up through 5% above the monthly allocation.
• 2.5 times the normal water rate in excess of the monthly allocation from 5% through 10% above the monthly allocation.
• 3.0 times the normal water rate in excess of the monthly allocation from 10% through 15% above the monthly allocation.
• 3.5 times the normal water rate more than 15% above the monthly allocation.

16.11. Variances

The Director of Public Works, City Manager, or designee, may, in writing, grant a temporary variance to the pro rata water allocation policies provided by this Plan if it is determined that failure to grant such variance would cause an emergency condition adversely affecting the public health, welfare, or safety and if one or more of the following conditions are met:

a. Compliance with this Plan cannot be technically accomplished during the duration of this water supply shortage or other condition for which the Plan is in effect.

b. Alternative methods can be implemented which will achieve the same level of reduction in water use.

Persons requesting an exemption from the provisions of this Plan shall file a petition for variance with the Director of Public Works, City Manager, or designee, within 5 days after pro rata allocation has been invoked. All petitions for variances shall be reviewed by the Director of Public Works, City Manager, or designee, and shall include the following:

a. Name and address of the petitioner(s).

b. Detailed statement with supporting data and information as to how the pro rata allocation of water under the policies and procedures established in the Plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this Plan.

c. Description of the relief requested.

d. Period of time for which the variance is sought.

e. Alternative measures the petitioner is taking or proposes to take to meet the intent of this Plan and the compliance date.

f. Other pertinent information.

Variances granted by the City shall be subject to the following conditions, unless waived or modified by the City.

a. Variances granted shall include a timetable for compliance with allocation requirements.

b. Variances granted shall expire when the Plan is no longer in effect, unless the petitioner has failed to meet specified requirements.
No variance shall be retroactive or otherwise justify any violation of this Plan occurring prior to the issuance of the variance.

16.12. Severability
It is hereby declared to be the intention of the City that the sections, paragraphs, sentences, clauses, and phrases of this Plan are severable and, if any phrase, clause, sentence, paragraph, or section of this Plan shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such declaration shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Plan, since the same would not have been enacted by the City without the incorporation into this Plan of any such unconstitutional phrase, clause, sentence, paragraph, or section.

16.13. Reservoir System Operating Plan
Because all of the wholesale customers rely on the reservoir systems for their supplies, they are subject to the Reservoir Operating Plan. A copy of this is included in Appendix B.
APPENDIX A
AN AGREED ORDER Amending the operational procedures and continuing an Advisory Council pertaining to Special Condition 5.B., Certificate of Adjudication No. 21-3214; Docket No. 2001-0230-WR

On April 4, 2001, came to be considered before the Texas Natural Resource Conservation Commission ("Commission") the Motion by the City of Corpus Christi and Nueces River Authority for the adoption of an amendment to the Agreed Order issued April 28, 1995, establishing operating procedures pertaining to Special Condition 5.B., Certificate of Adjudication No. 21-3214, held by the City of Corpus Christi, the Nueces River Authority, and the City of Three Rivers" (the two cities and river authority shall be referred to herein as "Certificate Holders"). The Certificate Holders and the Executive Director of the Texas Natural Resource Conservation Commission have agreed to the provisions of this Agreed Order.

The City of Corpus Christi (managing entity) requests that Section 2 of this Agreed Order be amended to add further detail to the provisions regarding the use of water for bays and estuaries and to make changes in the required passage of inflows for the bays and estuaries automatic at 40 percent and 30 percent of total reservoir system capacity upon institution of mandatory outdoor watering restrictions. Additionally, Certificate Holders request the most recent bathymetric surveys be used for determining reservoir system storage capacity. The Certificate Holders request details be added regarding provisions for two projects to enhance/augment the amount of freshwater going into the receiving estuary and timelines for those projects.

After considering the proposals and the presentations of the parties, the Commission finds that it has authority to establish operational procedures under Special Condition 5.B. of Certificate of Adjudication No. 21-3214, and that operational procedures previously established should be amended. The Commission finds that, because of the need to continue to monitor the ecological environment and health of related living marine resources of the estuaries to assess the effectiveness of freshwater inflows provided by requirements contained in this Agreed Order relating to releases and spills from Choke Canyon Reservoir and Lake Corpus Christi (collectively referred to as the Reservoir System), as well as return flows, and to evaluate potential impacts which may occur to the reservoirs as well as to the availability of water to meet the needs of the Certificate Holders and their customers which may result from those operational procedures, the existing advisory council should be maintained to consider such additional information and related issues and to formulate recommendations for the Commission's review.

The Commission additionally finds that based on the preliminary application of the Texas Water Development Board's Mathematical Programming Optimization Model, (GRG-2), 138,000 acre-feet of fresh water is necessary to achieve maximum harvest in the Nueces Estuary; and, therefore, when water is impounded in the Lake Corpus Christi-Choke Canyon Reservoir System to the extent greater than 70 percent of the system's storage capacity, the delivery of 138,000...
acre-feet of water to Nueces Bay and/or the Nueces Delta, by a combination of releases and spills, together with diversions and return flows noted below, should be accomplished; and that during periods when the reservoir system contains less than 70 percent storage capacity, reductions in releases and spills, along with diversions and return flows, are appropriate in that a satisfactory level of marine harvest will be sustained and the ecological health of the receiving estuaries will be maintained.

The Commission finds that return flows, other than to Nueces Bay and/or the Nueces Delta, that are delivered to Corpus Christi Bay and other receiving estuaries are currently in the assumed amount of 54,000 acre-feet per annum (per calendar year), and that they shall be credited at this amount until such time as it is shown that actual return flows to Corpus Christi Bay and other receiving estuaries exceed 54,000 acre-feet per annum.

The Commission finds that by contractual relationships, the City of Corpus Christi is the managing entity for operating the Reservoir System.

The Commission finds that the Motion by the City of Corpus Christi and Nueces River Authority to Amend this Agreed Order is reasonable and should be granted. Benefits of the proposed diversion project and operating changes will include increased water supply, increased reservoir storage levels, increased positive flow events for Rincon Bayou and the upper Nueces Delta, increased sources of nitrogen for the upper delta, and lower salinity levels in the upper delta.

When the Commission uses the word "release" in this Order, release means spills, inflow passage, intentional releases, and return flows; provided, however, under this Order no release from storage is required to meet conditions of this Order.

By consenting to the issuance of this Agreed Order, no party admits or denies any claim, nor waives with respect to any subsequent proceeding any interpretation or argument which may be contrary to the provisions of this Agreed Order.

NOW, THEREFORE, BE IT ORDERED BY THE TEXAS NATURAL RESOURCE CONSERVATION COMMISSION THAT:

1. a. The City of Corpus Christi, as operator of the Choke Canyon/Lake Corpus Christi reservoirs (the "Reservoir System"), shall provide not less than 151,000 acre-feet of water per annum (per calendar year) for the estuaries by a combination of releases and spills from the Reservoir System at Lake Corpus Christi Dam and return flows to Nueces and Corpus Christi Bays and other receiving estuaries (including such credits as may be appropriate for diversion of river flows and/or return flows to the Nueces Delta and/or Nueces Bay), as computed and to the extent provided for herein.

b. When water impounded in the Reservoir System is greater than or equal to 70 percent of storage capacity, a target amount of 138,000 acre-feet is to be delivered to Nueces Bay and/or the Nueces Delta by a combination of releases and spills from
the Reservoir System as well as diversions and return flows. In accordance with the monthly schedule and except as provided otherwise in this Agreement Order, target inflows to Nueces Bay and/or the Nueces Delta shall be in the acre-foot amounts as follows:

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It is expressly provided, however, that releases from Reservoir System storage shall not be required to satisfy the above targeted inflow amounts, as calculated in Subparagraph d.

c. When water impounded in the Reservoir System is less than 70 percent but greater than or equal to 40 percent of storage capacity, a targeted amount of 97,000 acre-feet is to be delivered to Nueces Bay and/or the Nueces Delta by a combination of releases and spills from the Reservoir System as well as diversions and return flows. In accordance with the monthly schedule and except as provided otherwise in this Agreement Order, target inflows to Nueces Bay and/or the Nueces Delta shall be in the acre-foot amounts as follows:

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<th>Month</th>
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It is expressly provided, however, that releases from Reservoir System storage shall not be required to satisfy the above targeted inflow amounts as calculated in Subparagraph d.

d. The amounts of water required in subparagraphs 1.b. and 1.c. will consist of return flows, and intentional diversions, as well as spills and releases from the Reservoir System as defined in this subparagraph. For purposes of compliance with monthly targeted amounts prescribed above, the spills and releases described in this paragraph shall be measured at the U.S. Geological Survey stream monitoring station on the Nueces River at Calallen, Texas (USGS Station No. 08211500). Any inflows, including measured wastewater effluent and rainfall runoff meeting lawful discharge standards which are intentionally diverted to the upper Nueces Delta region, shall be credited toward the total inflow amount delivered to Nueces Bay and/or the Nueces
Delta. Inflow passage from the Reservoir System for the purpose of compliance with the monthly targeted amounts prescribed in subparagraphs 1.b. and 1.c. shall in no case exceed the estimated inflow to Lake Corpus Christi as if there were no impoundment of inflows at Choke Canyon Reservoir. The estimated inflow to Lake Corpus Christi as if there were no impoundment of inflows at Choke Canyon Reservoir shall be computed as the sum of the flows measured at the U.S. Geological Survey (USGS) STREAMFLOW GAGING STATIONS ON THE Nueces River near Three Rivers (USGS No. 08210000), Frio River at Tilden, Texas (USGS No. 08206600), and San Miguel Creek near Tilden, Texas (USGS No. 08206700) less computed releases and spills from Choke Canyon Reservoir.

e. The passage of inflow necessary to meet the monthly targeted allocations may be distributed over the calendar month in a manner to be determined by the City. Relief from the above requirements shall be available under subparagraphs (1) or (2) below and Section 2.(b) and 3.(c) at the option of the City of Corpus Christi. However, passage of inflow may only be reduced under one of those subparagraphs below, for any given month.

(1) Inflows to Nueces Bay and/or the Nueces Delta in excess of the required monthly targeted amount may be credited for up to fifty (50) percent of the targeted requirement for the following month, based on the amount received.

(2) When the mean salinity in Upper Nueces Bay (Lat. 27°51'02", Long. 97°28'52") for a 10-day period, ending at any time during the calendar month for which the reduction of the passage of inflow is sought, is below the SUB*, pass through of inflow from the reservoir system for that same calendar month may be reduced as follows:

(a) For any month other than May, June, September and October, if 5 parts per thousand (ppt) below the SUB for the month, a reduction of 25% of the current month's targeted Nueces Bay inflow;

(b) If 10 ppt below the SUB for the month, a reduction of 50 % of the current month's targeted Nueces Bay inflow except that credit under this provision is limited to 25 % during the months of May, June, September and October;

* "SUB" means "salinity upper bounds" as set forth more specifically in Section 3.b.

(c) If 15 ppt below the SUB for that month, a reduction of 75% of the current month's targeted Nueces Bay inflow.
f. The City of Corpus Christi shall submit monthly reports to the Commission containing daily inflow amounts provided to the Nueces Estuary in accordance with this Agreed Order through releases, spills, return flows and other freshwater inflows.

2. a. Certificate holders are to provide in any future contracts or any amendments, modifications or changes to existing contracts the condition that all wholesale customers and any subsequent wholesale customers shall develop and have in effect a water conservation and drought management plan consistent with Commission rule. The City of Corpus Christi shall solicit from its customers and report to the Commission annually the result of conservation under the City's plan, the customers' plans, and the feasibility of implementing conservation plans and programs for all users of water from the reservoir system. This report shall be submitted with the Certificate Holder's annual water use report as provided by 31 T.A.C. §295.202.

b. The Certificate Holders may reduce targeted Nueces Bay inflows during times of prolonged drought in accordance with this subparagraph 2.

(1) When the combined storage in the Choke Canyon/Lake Corpus Christi reservoir system (Reservoir System Storage) falls below 50% of the total system storage capacity, the City of Corpus Christi shall issue public notice advising and informing the water users of the region of voluntary conservation measures that are requested immediately and required drought management measures to be taken should the Reservoir System Storage fall to under 40% and/or 30% of total system storage capacity. To the extent of its legal authority, the City of Corpus Christi shall require its wholesale customers to issue public notice advising and informing the water users of the region of voluntary conservation measures that are requested immediately and required drought management measures to be taken should the Reservoir System Storage fall to under 40% and/or 30% of total system storage capacity.

(2) In any month when Reservoir System Storage is less than 40%, but equal to or greater than 30% of total system storage capacity, the City of Corpus Christi shall implement time of day outdoor watering restrictions and shall reduce targeted inflows to Nueces Bay to 1,200 acre-feet per month (1,200 acre-feet per month represents the quantity of water that is the median inflow into Lake Corpus Christi during the drought of record). Time of day outdoor watering restrictions prohibit lawn watering between the hours of 10:00 o'clock a.m. and 6:00 o'clock p.m. and are subject to additional conditions as described in the City of Corpus Christi’s approved “Water Conservation and Drought Contingency Plan (“Plan”).” To the extent of its legal authority, the City of Corpus Christi shall require its wholesale customers to implement time of day outdoor watering restrictions similar to those of the City.
(3) In any month when Reservoir System Storage is less than 30% of total system storage capacity, the City of Corpus Christi shall implement a lawn watering schedule in addition to time of day outdoor watering restrictions (see subparagraph 2.b.(2)) and shall suspend the passage of inflow from the Reservoir System for targeted inflows to Nueces Bay. However, return flows directed into Nueces Bay and/or the Nueces Delta shall continue. The lawn watering schedule shall allow customers to water lawns no oftener than every five days, subject to the time of day restrictions described in subparagraph 2.b.(2) and any additional conditions as described in the City’s Plan.

(4) Certificate Holders may implement whole or partial suspension of the passage of inflow through the reservoir as described above when the City implements, and requires its customers to implement, water conservation and drought management measures at diminished Reservoir System levels, as set forth in subparagraphs b.(2) and b.(3).

c. For purposes of this Agreed Order, Reservoir System storage capacity shall be determined by the most recently completed bathymetric survey of each reservoir. As of 2001, completed bathymetric surveys of each reservoir reports conservation storage capacities of 695,271 acre-feet (below 220.5 feet mean sea level) for Choke Canyon Reservoir (Volumetric Survey of Choke Canyon Reservoir, TWDB September 23, 1993) and 241,241 acre-feet (below 94 feet mean sea level) for Lake Corpus Christi (Regional Water Supply Planning Study-Phase I Nueces River Basin, HDR, December, 1990).

d. Percentage of the Reservoir System capacity shall be determined on a daily basis and shall govern, in part, the inflow to be passed through the reservoir during the remaining days of the month.

e. Within the first ten days of each month, the City of Corpus Christi shall submit to the Commission a monthly report containing the daily capacity of the Reservoir System in percentages and mean sea levels as recorded for the previous month as well as reservoir surface areas and estimated inflows to Lake Corpus Christi assuming no impoundment of inflows at Choke Canyon Reservoir. The report shall indicate which gages or measuring devices were used to determine Reservoir System capacity and estimate inflows to Lake Corpus Christi.

f. Concurrent with implementing subparagraphs 2.b.(1) through 2.b.(3), the City shall proceed to:

1. Acquire land rights to properties necessary to re-open the Nueces River Overflow Channel and make the Nueces River Overflow Channel and Rincon Bayou Overflow Channel permanent features of the Rincon Bayou Diversion;
2. Construct and operate a conveyance facility to deliver up to 3,000 acre-feet per month of required Reservoir System "pass-throughs" directly from the Calallen Pool into the Upper Rincon Bayou by use of one or two of the five authorized points of diversion under Certificate of Adjudication No. 2464, being the existing San Patricio Municipal Water District point of diversion and/or a point on the North bank of the Calallen Pool located at Latitude 27.8823°N, Longitude 97.6254°W, also bearing S 27° 24' W, 4,739 feet from the southwest corner of the J.H.W. Ottman Survey, Abstract No. 212, San Patricio County, Texas, where the water will be pumped at the maximum rate of 45,000 gpm; and

3. Implement an on-going monitoring and assessment program designed to facilitate an "adaptive management" program for freshwater inflows into the Nueces Estuary.

4. Construction necessary to implement subparagraph 2.f.1. shall be accomplished by December 31, 2001 and work necessary to accomplish subparagraph 2.f.2. shall be accomplished by December 31, 2002.

5. In the event the City fails to timely complete the work set forth in subparagraphs 2.f.1. and 2.f.2., this amendment shall automatically terminate and the provisions of the Agreed Order of April 28, 1995 shall be reinstated and become operative despite this amendment, unless the Executive Director grants a modification after considering the recommendations of the Nueces Estuary Advisory Council.

g. The Executive Director is delegated authority to make modifications to subparagraph 2.f., after considering the recommendations of the Nueces Estuary Advisory Council. However, changes may be made through this process only with the City’s consent if the changes result in increased costs to the City.

If the Executive Director makes modifications to subparagraph 2.f. as authorized in this paragraph, any affected person may file with the chief clerk a motion for reconsideration of the Executive Director’s action no later than 23 days after the date the Executive Director mails notice of the modification to the City. This motion shall be considered under the provisions of 30 Texas Administrative Code § 50.39(d) and (e).

h. The City shall obtain all necessary permits from the Commission before beginning these projects. The deadlines set out above include time necessary to apply for, process and, if necessary, complete hearings on these permits.

3. a. The City of Corpus Christi, with the assistance and/or participation of federal, state and local entities, shall maintain a monitoring program to assess the effect of this
operating plan on Nueces Bay. The cornerstone of this program is the development of a salinity monitoring program. The program shall include at least two monitoring stations, one in upper Nueces Bay (Lat. 27°51'02", Long. 97°28'52") and one in mid Nueces Bay (Lat. 27°51'25", Long. 97°25'28") with the capability of providing continuous salinity and/or conductivity data, temperature, pH, and dissolved oxygen levels. Additional stations may be established at the recommendation of the Advisory Council (continued by paragraph 4 of this Agreed Order) to assess inflow effects throughout the estuarine system, but the City shall not be obligated to establish such additional stations except to the extent authorized by its City Council.

b. The City of Corpus Christi or its designated representatives shall monitor salinity levels in Upper and Mid-Nueces Bay. The lower (SLB) and upper (SUB) salinity bounds (in parts per thousand-ppt) developed for application of the Texas Estuarine Mathematical Programming Model and considered appropriate for use herein, are as follows:

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<td>December</td>
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c. When the average salinity for the third week (the third week includes the seven days from the 15th through 21st) of any month is at or below the subsequent month's established SLB for upper Nueces Bay (Lat. 27°51'02", Long. 97°28'52"), no releases from the Reservoir System to satisfy targeted Nueces Bay inflow mounts shall be required for that subsequent month.

d. All data collected as a result of the monitoring program required by paragraph 3 of this Agreed Order shall be submitted monthly to the Commission within the first ten days of the immediately following month. The Nueces Estuary Advisory Council shall study the feasibility of developing a method of granting credits for inflows which exceed the required amounts to replace the credits that are set out in subparagraph 1.e.(l) and make recommendations to the Commission for possible implementation. That method shall have as its goal the maintenance of the proper ecological environment and health of related living marine resources and the provision of maximum reasonable credits towards monthly inflow requirements.

4. a. To assist the Commission in monitoring implementation of this Order and making recommendations to the Commission relating to any changes to this Agreed Order and the establishment of future operating procedures, the Nueces Estuary Advisory
Council shall be continued. Its members shall include, but are not limited to a qualified representative chosen by each of the following entities or groups: the Executive Director of the Texas Natural Resource Conservation Commission, whose representative shall serve as chair; the Texas Water Development Board; the Texas Parks and Wildlife Department; the Texas Department of Health; the General Land Office; the holders of Certificate of Adjudication No. 21-3214 (the Cities of Corpus Christi and Three Rivers and the Nueces River Authority; the University of Texas Marine Science Institute; Texas A&M University - Corpus Christi; Save Lake Corpus Christi; Corpus Christi Chamber of Commerce; the City of Mathis; Coastal Bend Bays and Estuaries Program, Inc.; a commercial bay fishing group; a conservation group (e.g. the Sierra Club and the Coastal Bend Bays Foundation); wholesale water suppliers who are customers of the Certificate Holders (e.g., the South Texas Water Authority and the San Patricio Municipal Water District); the Port of Corpus Christi Authority; and a representative of industry. The representatives should have experience and knowledge relating to current or future water use and management or environmental and economic needs of the Coastal Bend area.

b. No modification shall be made to this Order without the unanimous consent of the Certificate Holders, except to the extent provided by law.

c. Matters to be studied by the Nueces Estuary Advisory Council and upon which the Executive Director shall certify recommendations to the Commission shall include, but are not limited to:

1. the effectiveness of the inflow requirements contained in this Agreed Order on Nueces Estuary and any recommended changes;

2. the effect of the releases from the Reservoir System upon the aquatic and wildlife habitat and other beneficial and recreational uses of Choke Canyon Reservoir and Lake Corpus Christi;

3. the development and implementation of a short and long-term regional water management plan for the Coastal Bend Area;

4. the salinity level to be applied in Paragraphs 1.e. and 3.c., at which targeted inflows in the subsequent month may be suspended;

5. the feasibility of discharges at locations where the increased biological productivity justifies an inflow credit computed by multiplying the amount of discharge by a number greater than one; and development of a methodology for granting credits for inflows which exceed the required amount to replace the credits that are set out in subparagraph 1.e. That methodology shall have as its goal the maintenance of the proper ecological
environment and health of related living marine resources and the provision of maximum reasonable credits towards monthly inflow requirements; and,

(6) any other matter pertinent to the conditions contained in this Agreed Order.
5. This Agreed Order shall remain in effect until amended or superseded by the Commission.

Issued date: APR 05 2001

TEXAS NATURAL RESOURCE
CONSERVATION COMMISSION

[Signature]
Robert J. Hutton, Chairman
APPENDIX B
OPERATIONS PLAN FOR THE
LAKE CORPUS CHRISTI-CHOKE CANYON RESERVOIR SYSTEM

The following operations plan for the Lake Corpus Christi –Choke Canyon Reservoir water system provides for the two reservoirs to be operated as a regional water supply with primary purpose to be furnishing a dependable supply to the people in the Coastal Bend area. The plan also recognizes the need for the recreational facilities for public use and the Texas Water Commission adjudicated water permit which requires a minimum flow of 151,000 acre-feet of water annually to bays and estuaries from return flows, spills, or fresh water releases from Lake Corpus Christi once Choke Canyon Reservoir fills.

The Plan consists of four phases of operation depending on the water levels in the two reservoirs.

PHASE I - This phase applies only to the initial filling period of Choke Canyon Reservoir. It is necessary that this reservoir be filled at the earliest opportunity so that all structures and mechanical equipment can be tested. Initial filling of the reservoir also triggers the requirement that minimal flows be made available for bays and estuaries.

1. During the initial period, only the releases requires required by agreement between the City of Corpus Christi and the Texas Parks and Wildlife Department, varying between 15 and 33 cubic feet per second depending on the reservoir level, will be made unless Lake Corpus Christi elevation falls below elevation 86 feet.

2. If water user demand is less than 200,000 acre-feet annually and Lake Corpus Christi is at elevation 86 feet, water will be released from Choke Canyon to maintain this elevation until Choke Canyon Reservoir falls to elevation 184 feet.

3. When Lake Corpus Christi has fallen to elevation 86 feet and Choke Canyon has fallen to elevation 184 feet, Lake Corpus Christi will be allowed to drop to elevation 76 feet, at which time water will be released from Choke Canyon to allow user’s intake structures at Lake Corpus Christi to be used.

4. Should water user demand exceed 200,000 acre-feet annually, the water level of Lake Corpus Christi will be allowed to drop to elevation 76 feet prior to releases from Choke Canyon Reservoir.

PHASE II - This phase applies after Choke Canyon Reservoir is filled and water user demand is less than 150,000 acre-feet annually.

1. A minimum of 2,000 acre-feet per month will be released from Choke Canyon Reservoir to meet conditions of the release agreement between City of Corpus Christi and the Texas Parks and Wildlife Department.
2. Whenever Lake Corpus Christi water surface falls to elevation 88 feet and Choke Canyon Reservoir surface elevation is above 204 feet, releases will be made from Choke Canyon Reservoir to maintain Lake Corpus Christi surface at elevation 88 feet.

3. Whenever Lake Corpus Christi water surface is at or below elevation 88 feet and Choke Canyon Reservoir surface elevation is below 204 feet, the Choke Canyon release for the current month is made equal to the Lake Corpus Christi release from the preceding month. This minimizes drawdown at Lake Corpus Christi for recreation purposes and promotes a more constant quality of water by mixing Choke Canyon Reservoir releases with Lake Corpus Christi content.

**PHASE III** -

This phase applies after Choke Canyon Reservoir is filled and water user demand is between 150,000 and 200,000 acre-feet annually. During this period, water release plan prepared by the Bureau of Reclamation will be followed to produce a dependable yield of 252,000 acre-feet.

1. A minimum of 200,000 acre-feet per month will be releases from Choke Canyon Reservoir to meet conditions of the release agreement between the City of Corpus Christi and the Texas Parks and Wildlife Department.

2. Whenever Lake Corpus Christi water surface is at or below elevation 88 feet, and the ratio of Choke Canyon Reservoir content to Lake Corpus Christi content (both at the end of the preceding month) exceeds the corresponding ratio with 6-foot drawdown at both reservoirs, the Choke Canyon Reservoir release for the current month is made equal to the Lake Corpus Christi release during the preceding month. This equalizes drawdown at the two reservoirs for recreation purposes and promotes a more constant quality of water by mixing Choke Canyon Reservoir releases with Lake Corpus Christi content.

**PHASE IV** -

This phase applies after Choke Canyon Reservoir is filled, water user demand exceeds 200,000 acre-feet annually, and developed long-term supply is less than 300,000 acre-feet annually.

1. A minimum of 2,000 acre-feet per month will be released from Choke Canyon Reservoir to meet conditions of the release agreement between the City of Corpus Christi and the Texas Parks and Wildlife Department.

2. In order to provide maximum dependable yield from the two reservoirs, the water level in Lake Corpus Christi will be allowed to drop top elevation 74.0 feet (Ordinance Changed #022661) before water is released from Choke Canyon Reservoir in excess of the 2,000 acre-feet per month requirement. When the elevation of Choke Canyon Reservoir drops to 155 feet, Lake Corpus Christi will be lowered to its minimum elevation.
LAKE CORPUS CHRISTI-CHOKE CANYON RESERVOIR STATISTICAL DATA

<table>
<thead>
<tr>
<th></th>
<th>Capacity, Acre-Feet*</th>
<th>Water Elevation When Full, Feet</th>
<th>Minimum Functional Elevation, Feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lake Corpus Christi</td>
<td>272,000</td>
<td>94.0</td>
<td>76.0</td>
</tr>
<tr>
<td>Choke Canyon Reservoir</td>
<td>692,000</td>
<td>220.5</td>
<td>147.5</td>
</tr>
</tbody>
</table>

Intake Structure Elevations of Customers Withdrawing Water Directly from Lake Corpus Christi:

<table>
<thead>
<tr>
<th>Elevation, Feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>City of Mathis</td>
</tr>
<tr>
<td>Beeville Water Authority</td>
</tr>
<tr>
<td>Alice Water Authority</td>
</tr>
<tr>
<td>City of Corpus Christi</td>
</tr>
</tbody>
</table>

Annual Lake Corpus Christi Withdrawals:

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Total Withdrawn From Lake, Acre-Feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>1975-76</td>
<td>86,416</td>
</tr>
<tr>
<td>1976-77</td>
<td>86,408</td>
</tr>
<tr>
<td>1977-78</td>
<td>101,596</td>
</tr>
<tr>
<td>1978-79</td>
<td>96,029</td>
</tr>
<tr>
<td>1979-80</td>
<td>106,851</td>
</tr>
<tr>
<td>1980-81</td>
<td>104,657</td>
</tr>
<tr>
<td>1981-82</td>
<td>107,002</td>
</tr>
<tr>
<td>1982-83</td>
<td>107,348</td>
</tr>
<tr>
<td>1983-84</td>
<td>119,701</td>
</tr>
<tr>
<td>1984-85</td>
<td>90,226</td>
</tr>
<tr>
<td>1985-86</td>
<td>105,469</td>
</tr>
</tbody>
</table>

* 1 acre-foot = 325,850 gallons
AGENDA ITEM: 15

Deliberate and act to direct which tax calculation method for the Aransas County Tax Assessor-Collector to use in calculating the voter-approval tax rate.

SUBMITTED BY: City Manager Kevin Carruth

APPROVED FOR AGENDA: PKC

BACKGROUND: The 2019 Texas Legislature enacted Senate Bill 2 which, in short, limits the City’s ability to raise new ad valorem revenue by more than 3.5 percent more than the previous year without a vote of the citizens. However, in the event any part of the city is located within an area declared a disaster area during the current tax year by the governor or president, the City can increase the ad valorem revenue by up to 8.0 percent for the year following in which the disaster occurs.

Rockport qualifies for the 8.0 percent option due to the COVID-19 pandemic disaster declared by President Trump and Governor Abbott. Consequently, Council must direct the Aransas County Tax Assessor-Collector which one of two following tax methods to use in calculating the voter-approval tax rate:

1. Per Texas Property Tax Code Sec. 26.04.(c)(2)(B): VOTER-APPROVAL TAX RATE = (NO-NEW-REVENUE MAINTENANCE AND OPERATIONS RATE x 1.035) + (CURRENT DEBT RATE + UNUSED INCREMENT RATE; or

2. Per Texas Property Tax Code Sec. 26.04.(c-1) and Sec. 26.07.(b): VOTER-APPROVAL TAX RATE = (NO-NEW-REVENUE MAINTENANCE AND OPERATIONS RATE x 1.08) + CURRENT DEBT RATE, due to current tax year disaster declaration by governor and the disaster’s impact on the taxing unit.

Under option 2, this calculation shall continue until the earlier of the 2nd tax year in which the total taxable value of property exceeds the total taxable value of property on January 1 of the tax year in which the disaster occurred or the 3rd tax year after the tax year in which the disaster occurred.

Please see the accompanying slides from McCreary, Veselka, Bragg, and Allen and excerpts from the statute for more information.

FISCAL ANALYSIS: Staff recommends Council direct the Tax Assessor to use option 2 (8%). Option 2 does not commit the City to go above 3.5 percent (or to raise revenue at all) but it does preserve the Council’s options as we move forward in the budget process.

RECOMMENDATION: Staff recommends Council direct the Aransas County Tax Assessor-Collector to utilize the tax calculation method prescribed in Texas Property Tax Code Sec.
26.04.(c-1) and Sec. 26.07.(b), wherein the voter-approval tax rate equals the (no new revenue maintenance and operation rate x 1.08) plus the current debt rate, as presented.
A quick look at some changes:

- 1 Public Hearing /Meeting
- 3.5% Allowed Increase
- 3 types of Water Districts
- Notice in newspaper 5 days before
Modifications to calculations

Special Taxing Units

- Hospital Districts
- Junior Colleges
- Proposed M&O Rate of 2.5 cents per $100 or less

Adjusted NNR M&O Rate $ \times 1.08 = $Voter-Approval Rate
Modifications to calculations

Governing body can **direct** the designated officer or employee to calculate rate according to Special Taxing Units:

- If President or Governor declares disaster area
- During the current year

- Continues until earlier of:
  - second year unless taxable value exceeds value in year of disaster or
  - the third year
Increase Limit(s)

In a declared* disaster area:

- Declared by the governor or president

Counties
Cities
ESD
Port Authority
Navigation Dist.
Rec. and Con. Dist.

Voter Approval Tax Rate = No-New-Revenue M&O Rate (times) 1.08 (plus) Current Debt Rate

McCreary, Veselka, Bragg and Allen, P. C.
Supporting Tax Code Rate Information:

- green highlights for 3.5% voter-approved tax rate
- blue highlights for 8% election trigger
- yellow highlights for 8% without an election for the following year

Sec. 26.04. SUBMISSION OF ROLL TO GOVERNING BODY; NO-NEW-REVENUE AND VOTER-APPROVAL TAX RATES. (a) On receipt of the appraisal roll, the assessor for a taxing unit shall determine the total appraised value, the total assessed value, and the total taxable value of property taxable by the unit. He shall also determine, using information provided by the appraisal office, the appraised, assessed, and taxable value of new property.

(b) The assessor shall submit the appraisal roll for the taxing unit showing the total appraised, assessed, and taxable values of all property and the total taxable value of new property to the governing body of the taxing unit by August 1 or as soon thereafter as practicable. By August 1 or as soon thereafter as practicable, the taxing unit’s collector shall certify the anticipated collection rate as calculated under Subsections (h), (h-1), and (h-2) for the current year to the governing body. If the collector certified an anticipated collection rate in the preceding year and the actual collection rate in that year exceeded the anticipated rate, the collector shall also certify the amount of debt taxes collected in excess of the anticipated amount in the preceding year.

(c) After the assessor for the taxing unit submits the appraisal roll for the taxing unit to the governing body of the taxing unit as required by Subsection (b), an officer or employee designated by the governing body shall calculate the no-new-revenue tax rate and the voter-approval tax rate for the taxing unit, where:

(1) "No-new-revenue tax rate" means a rate expressed in dollars per $100 of taxable value calculated according to the following formula:

\[
\text{NO-NEW-REVENUE TAX RATE} = \frac{\text{LAST YEAR'S LEVY} - \text{LOST PROPERTY LEVY}}{\text{CURRENT TOTAL VALUE} - \text{NEW PROPERTY VALUE}}
\]

; and

(2) "Voter-approval tax rate" means a rate expressed in dollars per $100 of taxable value calculated according to the following applicable formula:

\[
\begin{align*}
\text{VOTER-APPROVAL TAX RATE} & = (\text{NO-NEW-REVENUE MAINTENANCE AND OPERATIONS RATE} \times 1.08) + \text{CURRENT DEBT RATE} \\
\text{or} \quad \text{VOTER-APPROVAL TAX RATE} & = (\text{NO-NEW-REVENUE MAINTENANCE AND OPERATIONS RATE} \times 1.035) + (\text{CURRENT DEBT RATE} + \text{UNUSED INCREMENT RATE})
\end{align*}
\]

(c-1) Notwithstanding any other provision of this section, the governing body of a taxing unit other than a special taxing unit may direct the designated officer or employee to calculate the voter-approval tax rate of the taxing unit in the manner provided for a special taxing unit if any part of the taxing unit is located in an area declared a disaster area during the current tax year by the governor or by the president of the United States. The designated officer or employee shall continue calculating the voter-approval tax rate in the manner provided by this subsection until the earlier of:
(1) the second tax year in which the total taxable value of property taxable by the taxing unit as shown on the appraisal roll for the taxing unit submitted by the assessor for the taxing unit to the governing body exceeds the total taxable value of property taxable by the taxing unit on January 1 of the tax year in which the disaster occurred; or
(2) the third tax year after the tax year in which the disaster occurred.
(c-2) Notwithstanding any other provision of this section, if the assessor for a taxing unit receives a certified estimate of the taxable value of property in the taxing unit under Section 26.01(a-1), the officer or employee designated by the governing body of the taxing unit shall calculate the no-new-revenue tax rate and voter-approval tax rate using the certified estimate of taxable value.
(d) The no-new-revenue tax rate for a county is the sum of the no-new-revenue tax rates calculated for each type of tax the county levies and the voter-approval tax rate for a county is the sum of the voter-approval tax rates calculated for each type of tax the county levies.

Sec. 26.07. AUTOMATIC ELECTION TO APPROVE TAX RATE OF TAXING UNIT OTHER THAN SCHOOL DISTRICT.
(a) This section applies to a taxing unit other than a school district.
(b) If the governing body of a special taxing unit or a municipality with a population of 30,000 or more adopts a tax rate that exceeds the taxing unit's voter-approval tax rate, or the governing body of a taxing unit other than a special taxing unit or a municipality with a population of less than 30,000 regardless of whether it is a special taxing unit adopts a tax rate that exceeds the greater of the taxing unit's voter-approval tax rate or de minimis rate, the registered voters of the taxing unit at an election held for that purpose must determine whether to approve the adopted tax rate. When increased expenditure of money by a taxing unit is necessary to respond to a disaster, including a tornado, hurricane, flood, wildfire, or other calamity, but not including a drought, that has impacted the taxing unit and the governor has declared any part of the area in which the taxing unit is located as a disaster area, an election is not required under this section to approve the tax rate adopted by the governing body for the year following the year in which the disaster occurs.
CITY COUNCIL AGENDA
Regular Meeting: Tuesday, July 14, 2020

AGENDA ITEM: 16

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 July 14 – July 28, 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; on May 12, 2020 they adopted an Ordinance continuing and renewing the Disaster Declaration for the period of May 12, 2020 – May 26, 2020; on May 26, 2020, they adopted an Ordinance continuing and renewing the Disaster Declaration for the period of May 26, 2020 – June 9, 2020; on June 9, 2020, they adopted an Ordinance continuing and renewing the Disaster Declaration for the period of June 9, 2020 – June 23, 2020; and on June 23, 2020 they adopted an Ordinance continuing and renewing the Disaster Declaration for the period of June 23, 2020 – July 14, 2020. The proposed Ordinance continues and renews the Disaster Declaration for the period of July 14, 2020 – July 28, 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 July 14, 2020 – July 28, 2020; establishing rules and regulations for the duration of the disaster; restricting certain activities; and establishing penalties for violations, as presented.
ORDINANCE NO. ____


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.

WHEREAS, Pursuant to §418.108(b) of the Government Code, Mayor Patrick R. Rios, on May 26, 2020, renewed and extended the local state of disaster and public health emergency for the period of May 26 – June 9, 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 June 9, 2020, renewed and extended the local state of disaster and public health emergency for the period of June 9 – June 23, 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 June 23, 2020, renewed and extended the local state of disaster and public health emergency for the period of June 23 – July 14, 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 July 14, 2020 – July 28, 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 14th DAY of JULY 2020.

CITY OF ROCKPORT, TEXAS

________________________________________
Patrick R. Rios, Mayor

ATTEST:

________________________________________
Teresa Valdez, City Secretary
AGENDA ITEM:  17

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

SUBMITTED BY:  City Manager Kevin Carruth

APPROVED FOR AGENDA:  PKC

BACKGROUND:  Staff will provide the latest information on the COVID-19 pandemic and local response efforts.

FISCAL ANALYSIS:  N/A

RECOMMENDATION:  Not an action item.