City of Corpus Christi

1201 Leopard Street
Corpus Christi, TX 78401
cctexas.com

Meeting Minutes

City Council

Tuesday, August 10, 2021 | **11:30 AM** | **Council Chambers**

Addendums may be added on Friday.

A. Mayor Paulette M. Guajardo to call the meeting to order.

Mayor Guajardo called the meeting to order at 11:35 a.m.

B. Invocation to be given by Pastor Jerry Ward, Lighthouse Tabernacle Church.

Pastor Jerry Ward, Lighthouse Tabernacle Church, gave the invocation.

C. Pledge of Allegiance to the Flag of the United States and to the Texas Flag to be led by Alyssa Santillana, Texas A&M University-Corpus Christi Student.

In lieu of Alissa Santillana, Allie Siegler, Texas A&M University-Corpus Christi Student, led the Pledge of Allegiance to the Flag of the United States and to the Texas Flag.

D. City Secretary Rebecca L. Huerta to call the roll of the required Charter Officers.

City Secretary Rebecca L. Huerta called the roll and verified that a quorum of the City Council and the required Charter Officers were present to conduct the meeting.

Charter Officers: City Manager Peter Zanoni, City Attorney Miles K. Risley and City Secretary Rebecca L. Huerta.

Present: 9 - Mayor Paulette M. Guajardo,Council Member Roland Barrera,Council Member Gil Hernandez,Council Member Michael Hunter,Council Member Billy A. Lerma,Council Member John Martinez,Council Member Ben Molina,Council Member Mike Pusley, and Council Member Greg Smith

E. Proclamations / Commendations

Mayor Guajardo presented a Proclamation declaring August 23, 2021 as "50th Anniversary Day" for the Frame Up.

President and CEO of the Corpus Christi Black Chamber of Commerce Coretta Graham presented a check to the Mayor's Disaster Fund.

F. PUBLIC COMMENT - APPROXIMATELY 12:00 P.M. To speak during this public comment period, you must sign up before the meeting begins. Each speaker is limited to a total of no more than 3 minutes per speaker. You will not be allowed to speak again on an item when the Council is considering the item. Time limits may be restricted further by the Mayor at any meeting. If you have a petition or other information pertaining to your subject, please present it to the City Secretary. Written comments may be submitted at cctexas.com/departments/city-secretary. Electronic media that you would like to use may only be introduced into the City system IF approved by the City's Information Technology (IT) Department at least 24 hours prior to the Meeting. Please contact IT at 826-3211 to coordinate. This is a public hearing for all items on this agenda.

Mayor Guajardo opened the public comment period.

Kelly Bavo spoke on behalf of Dennis Machen, 13933 Windjammer Dr., in support of Item #21.

John Flores, 4102 Western Dr., spoke regarding tort reform.

Jack Gordy, 4118 Bray Dr., spoke regarding the lawsuit that the federal government filed against the City of Corpus Christi.

Maria Ventura, 1438 Brentwood, spoke regarding pothole issues on residential streets, but specifically at Annapolis and Staples St.

Kimberly Lane, 2543 CR 2028, Aransas Pass, spoke regarding animal control regulations.

Melissa Zamora, 3917 Brawner Pkwy., spoke in opposition to the desalination plant in that permits have not been approved yet.

Brandon Marks, 319 Rosebud and Jim Klein, 3501 Monterrey St., spoke in opposition to the desalination plant budget and against the community budget input sessions being held virtually.

Richard Nunez, 7022 Brandon Dr. and Isaac Colmenero, 1711 Ausela, spoke in support of Item #18.

The following citizens spoke in opposition to Item #21: Jeannette Protzeller, 13850 Halyard Dr.; John C. Minners, 13902 Eaglesnest Bay Dr.; Frank Jackson, 13949 Seafarer Dr.; Alex Karis, 14145 Palo Seco Dr.; Daniel Davidson, 13838 Mizzen St.; Franklin Stover, 13817 Longboat Dr.; Ted Mandel, 15306 Key Largo Ct.; Marvin Jones, 15313 Beaufort Ct.; Patti Baker, 15341 Tortuga Ct.; Janelle Payne, 13813 Mizzen St.; Debbie Fitch, 15201 Isla Pinta Ct.; Todd Hunter, Jr., 13526 Catamaran Dr.; Pam Schuchart, 14106 Cutlass; Felicia Krumbeck, 14818 Cobo de Bara; and Sylvia Rendon,

15370 Mutiny Ct.

The following citizens submitted written public comments in opposition to Item No. 27, which are attached to the minutes: Joe Rucinski, 15121 Dasmarinas Dr.; Frank Jackson, 13949 Seafarer Dr.; Natalie Camargo, 15625 Cuttysark St.; Kristin and Dave Allen, 14234 Sand Dollar Ave.; Aaron Davis, 14209 Cabo Blanco Dr.; and Evan Renaud, 4002 Brawner Parkway.

The following citizen submitted a written public comment in favor of Item #27 which is attached to the minutes: Diana Brackenridge, 14733 Dasmarinas Drive.

G. CITY MANAGER'S COMMENTS / UPDATE ON CITY OPERATIONS:

Mayor Guajardo referred to City Manager's Comments.

a. COVID - 19 Update

Director of Public Health Annette Rodriguez gave an update on the COVID-19 numbers.

Governor Abbott stated that he will be sending out of state hospital personnel to Texas.

b. Community Budget Input Sessions Overview

City Manager Peter Zanoni reported that due to the increase in COVID-19 cases, the Community Budget Input Sessions will be held virtually. The first community budget input session was held on August 9th. Police Chief, Fire Chief and other staff members participated in the work sessions. Four additional community input sessions will be held over the next two weeks. The next community budget input sessions will be held on August 11th-District 2, August 12th-District 3, August 16th-District 4 and August 18th-District 5.

c. Games of Texas Update by Neiman Young, Assistant City Manager

Assistant City Manager Neiman Young gave a brief update regarding the success on the Games of Texas in Corpus Christi.

A Council Member commended the Parks and Recreation department for a job well done.

d. Seawater Desalination Update by Mike Murphy, Chief Operating Officer

Chief Operating Officer Mike Murphy presented information on the following topics: status of TCEQ application for water right permit at Inner Harbor; CC Polymers tour with Councilman Pusley; meeting debrief with PICC; Seven Seas; seawater desalination project; team meeting; and next steps.

Council Members and Chief Operating Officer Murphy discussed the following topics: a Council Member would like to see continued communication with the Port on the status of

their permits; the Seawater Desalination team does plan on meeting with the Evangeline group; and an alternative atmospheric water generation removes the water from the environment.

H. BOARD & COMMITTEE APPOINTMENTS:

1. 21-0957 Arts & Cultural Commission (3 vacancies)
Sister City Committee (3 vacancies)

Mayor Guajardo referred to Item 1. The following board appointments were made:

Arts & Cultural Commission:
Wallace Echols (Reappointed)
Abu Waheedzzaman (Reappointed)
Sarah Sells Morgan (Appointed)

Sister City Committee:
Mark Arnold (Reappointed)
Melody Cooper (Reappointed)
Adria Vasquez (Appointed)

I. EXPLANATION OF COUNCIL ACTION:

J. CONSENT AGENDA: (ITEMS 2 - 17)

Approval of the Consent Agenda

Mayor Guajardo referred to the Consent Agenda. Council Members requested that Items 12, 16 and 17 be pulled for individual consideration.

A motion was made by Mayor Guajardo, seconded by Council Member Hunter to approve the Consent Agenda with the exception of Items 12, 16 and 17. The motion carried by the following vote:

Aye: 9 - Mayor Guajardo, Council Member Barrera, Council Member Hernandez, Council Member Hunter, Council Member Lerma, Council Member Martinez, Council Member Molina, Council Member Pusley and Council Member Smith

Abstained: 0

2. 21-0989 Approval of the July 20, 2021 and July 27, 2021 Regular Meeting Minutes, and the July 21, 2021 Workshop Minutes.

The Minutes were passed on the consent agenda.

Consent - Second Reading Ordinances

3. 21-0881 Ordinance authorizing the delegation of the issuance of City of Corpus Christi,

Texas Certificate of Obligations, Series 2021 related to Solid Waste and City Facilities improvements in an amount not to exceed $18,500,000, within set parameters and according to the plan of finance set by the City's financial advisors to the City Manager, Chief Financial Officer, or Director of Finance and Business Analysis and authorizing other matters incident and related thereto.

This Ordinance was passed on second reading on the consent agenda.

Enactment No: 032507

4. 21-0887 Ordinance authorizing the delegation of the issuance of City of Corpus Christi General Improvement Refunding Bonds, Series 2021, refunding various series in an amount not to exceed $60,000,000, within set parameters and according to the plan of finance set by the City's financial advisors to the City Manager, Chief Financial Officer, or Finance Director and authorizing other matters incident and related thereto.

This Ordinance was passed on second reading on the consent agenda.

Enactment No: 032508

Consent - Contracts and Procurement

5. 21-0687 Motion authorizing a two-year service agreement for parts and installation of equipment for Police marked units for a total amount not to exceed $347,759.22 with CAP Fleet Upfitters, LLC., from Houston, Texas, with FY 2021 funding in an amount not to exceed $103,723.40 available through the FY 2021 Fleet Equipment Replacement Fund.

This Motion was passed on the consent agenda.

Enactment No: M2021-156

6. 21-0544 Resolution authorizing a five-year service agreement with Rotork Controls, Inc. of Houston, Texas, in an amount not to exceed $162,802.27 for preventative maintenance, repairs, and purchase of motors for Rotork Actuators at the Wesley Seale Dam, with FY 2021 funding in the amount of $10,853.48 available in the Water Fund.

This Resolution was passed on the consent agenda.

Enactment No: 032509

7. 21-0654 Motion authorizing a one-year service agreement with Environmental Improvements, Inc. of Houston, Texas in an amount not to exceed $253,999.92 for nine cylindrical polyethylene storage tanks (12-foot diameter, 14-foot height) for 50% concentrated caustic soda for O. N. Stevens Water Treatment Plant, effective upon issuance of notice to proceed, with FY 2021 funding in an amount of $253,999.92 available through the Utilities Department Water Fund.

This Motion was passed on the consent agenda.

Enactment No: M2021-157

8. 21-0806 Motion authorizing a three-year supply agreement with Carbonfilt, LLC of Venice, Florida, for a total amount not to exceed $1,508,240.00 for filter media replacement at the O. N. Stevens Water Treatment Plant, with FY 2021 funding in an estimated amount of $83,791.11 available through the Water Fund.

This Motion was passed on the consent agenda.

Enactment No: M2021-158

9. 21-0833 Motion authorizing a one-year service agreement with Camiros, Ltd. of Chicago, Illinois, in an amount of $125,000.00, to update the Unified Development Code, effective upon issuance of a notice to proceed, with FY 2021 funding in an amount of $125,000.00 in the Development Services Fund.

This Motion was passed on the consent agenda.

Enactment No: M2021-159

10. 21-0766 Motion authorizing a three-year supply agreement, with two additional one-year options, with Vulcan Construction Materials, LLC. of San Antonio, Texas, for Aggregate Trap Rock for Public Works for an estimated amount of $1,552,500.00, with an estimated potential amount not to exceed $2,635,500.00 if both one-year option periods are exercised, with FY 2021 funding in an amount not to exceed $86,250.00 available through the Streets Maintenance Fund.

This Motion was passed on the consent agenda.

Enactment No: M2021-160

Consent - Capital Projects

11. 21-0768 Motion awarding a Master Services Agreement to LJA Engineering, Inc., Corpus Christi, Texas, for the development and implementation of a Storm Water Infrastructure Indefinite Delivery Indefinite Quantity program, which includes professional engineering services for Bridge Rehabilitation, Channel Ditch Improvements, and City Wide Storm Water Infrastructure Rehabilitation/Replacement, in an amount up to $500,000 for a one-year term, with two renewal options to be administratively authorized for a total amount not to exceed $1,500,000, with FY 2021 funding available from Storm Water Capital Fund.

This Motion was passed on the consent agenda.

Enactment No: M2021-161

12. 21-0875 Resolution awarding a construction contract to Reytec Construction Resources, Inc., Houston, Texas, for the Concrete Street Improvements Indefinite Delivery Indefinite Quantity program for concrete work repairs, in an amount up to

$1,000,000.00 for the initial term, with a one-year renewal option to be administratively authorized for a total amount not to exceed $2,000,000.00, with FY 2021 funding available from the Streets Fund.

Mayor Guajardo referred to Item 12.

Council Members and Director of Public Works and Streets Richard Martinez discussed the following topics: the selected street segments were last reconstructed in 2014; there is a maintenance cost associated with concrete streets; asphalt street maintenance is being handled in-house; due to high cost of equipment, concrete street maintenance is being contracted out; the FY 2021-22 proposed budget includes funding for a third street maintenance crew for asphalt streets; and in 2023 a fourth crew will be recommended.

Council Member Smith made a motion to approve the resolution, seconded by Council Member Hernandez. This Resolution was passed and approved with the following vote:

Aye: 9 - Mayor Guajardo, Council Member Barrera, Council Member Hernandez, Council Member Hunter, Council Member Lerma, Council Member Martinez, Council Member Molina, Council Member Pusley and Council Member Smith

Abstained: 0

Enactment No: 032510

13. 21-0422 Motion awarding a construction contract to JBT Aero Tech Corporation of Ogden, Utah for the Corpus Christi International Airport Improve Terminal Building - Passenger Boarding Bridges Project, in an amount of $4,422,288.50 with FY 2021 funding available from the Airport CIP Grants Fund.

This Motion was passed on the consent agenda.

Enactment No: M2021-162

14. 21-0879 Resolution authorizing a service agreement with Fountain-Works, LLC of Pearland, Texas in an amount not to exceed $61,759.25 to repair the ultraviolet (UV) system, filtration system, and chlorinator on the Shoreline Fountain located on the Bayfront, effective upon issuance of notice to proceed, with the funding available through the Seawall Capital Fund.

This Resolution was passed on the consent agenda.

Enactment No: 032511

General Consent Items

15. 21-0575 Motion authorizing a five-year service agreement with Enel X North America, Inc. of Boston, Massachusetts, for air emission upgrades to three diesel generators at the O.N. Stevens Water Treatment Plant and management of the City's participation in the Electric Reliability Council of Texas (ERCOT) Demand Response Program, with total estimated payment revenues to the City of $322,000 for helping ERCOT reduce the possibility of blackouts by participating

in the Demand Response Program.

This Motion was passed on the consent agenda.

Enactment No: M2021-163

16. 21-0785 Motion authorizing the purchase of two tracts of parcels located at 4229 & 4233 South Port Avenue for Gas Department parking lot expansion, located in Council District 3, in an amount of $255,000.00 with FY 2021 funding available from the Gas Fund.

Mayor Guajardo referred to Item 16.

Council Members, Director of Engineering Services Jeff Edmonds, City Manager Peter Zanoni, City Attorney Miles Risley, and Director of Gas Operations Bill Mahaffey discussed the following topics: Council Members' concern of not being briefed about the purchase of this property; the City will lose $25,000 if this property is not approved by Council; purchase price of $255,000 warrants Council review; contract was signed in June without council approval; why eminent domain was not recommended; and this is an option contract that only obligates the City to expend the $25,000, which is under $50,000 threshold requiring CIty Council approval.

Council Member Pusley made a motion to approve the motion, seconded by Council Member Barrera. This Motion was passed and approved with the following vote:

Aye: 7 - Mayor Guajardo, Council Member Barrera, Council Member Hunter, Council Member Martinez, Council Member Molina, Council Member Pusley and Council Member Smith

Nay: 2 - Council Member Hernandez and Council Member Lerma

Abstained: 0

Enactment No: M2021-164

17. 21-0863 Resolution to consider a proposed ad valorem tax rate of no more than $0.646264 per $100 valuation for Fiscal Year (FY) 2022, taking a record vote, and setting the date for the City of Corpus Christi's proposed FY 2022 budget and proposed FY 2022 ad valorem tax rate public hearing and first reading ordinances on August 31, 2021 with adoption of the FY 2022 budget and FY 2022 ad valorem tax rate on September 7, 2021.

Mayor Guajardo referred to Item 17.

Council Members, Director of Finance Heather Hurlbert, Chief Financial Officer Constance Sanchez and City Manager Peter Zanoni discussed the following topics: the purpose of this item is to set the date for the tax rate above the no new revenue rate and requires a record vote.

Council Member Barrera made a motion to approve the resolution, seconded by Council Member Hunter. This Resolution was passed and approved with the following vote:

Aye: 9 - Mayor Guajardo, Council Member Barrera, Council Member Hernandez, Council Member Hunter, Council Member Lerma, Council Member Martinez, Council Member Molina, Council Member Pusley and Council Member Smith

Abstained: 0

Enactment No: 032512

K. RECESS FOR LUNCH

Mayor Guajardo recessed the Council meeting for lunch at 3:59 p.m. Mayor Guajardo reconvened the meeting at 4:32 p.m.

L. PUBLIC HEARINGS: (ITEMS 18 - 22)

18. 21-0880 Variance Case No. 21ZN1026, Adam Stern: (District 2); Resolution granting a variance under Corpus Christi Code Section 4-5 to allow Voodoo Promotions, LLC to operate an alcohol beverage establishment with on-premise consumption on the property located at 1911 South Staples Street within 300 feet of a school.

Mayor Guajardo referred to Item 18.

Director of Development Services Al Raymond presented information on the following topics: request; purpose; former "Pleasures" adult club; background of spacing regulations; Staples Street looking southwest; Staples Street looking east; timeline; required findings for variance approval; factors against the variance; and staff recommends denial of the request for a variance.

Council Members and Director Raymond discussed the following topics: alternative uses for the property under the proposed zoning would be an indoor game room or a restaurant; and staff had not spoken with the school but the applicant had.

Mayor Guajardo opened the public hearing.

Applicant Adam Stern stated that this will be an upscale jazz club, a dress code will be enforced, and only 75% of their sales can come from alcohol; food will be served; and had a positive conversation with the school.

Council Members and Mr. Stern discussed the following topics: the building will be painted; and the applicant is still not sure if there will be a cover charge or a "membership" fee for private club; and the site cannot operate a sexually oriented business.

William Skrobarczyk, 711 N. Carancahua and Lori Stern, 5325 Wild Olive Trail, spoke in support of this Item.

Dorothy Span, 502 Del Mar Blvd.; Maria Ochoa, 509 Del Mar Blvd.; Paul Perez, 533

Cole; and Gloria Garza, spoke in opposition to this item.

City Secretary Rebecca Huerta read the following written public comments in support of this item into the record and are attached to the minutes: Jeff Kane, 4126 Meridian Place and Emily Stadnicki, 1604 Casa Grande St., Pasadena, CA.

Mayor Guajardo closed the public hearing.

Council Member Molina made a motion to approve the resolution, seconded by Council Member Hunter. This Resolution was passed and approved with the following vote:

Aye: 9 - Mayor Guajardo, Council Member Barrera, Council Member Hernandez, Council Member Hunter, Council Member Lerma, Council Member Martinez, Council Member Molina, Council Member Pusley and Council Member Smith

Abstained: 0

Enactment No: 032513

19. 21-0759 Zoning Case No. 0521-01, Kitty Hawk Development, Ltd.: (District 5) Ordinance rezoning property at or near 9142 South Staples Street (FM 2444) from the "CN-1" Neighborhood Commercial District to the "RS-15" Single-Family 15 District. (Planning Commission and Staff recommend Approval)

Mayor Guajardo referred to Item 19.

Director of Development Services Al Raymond presented information on the following topics: aerial overview; zoning pattern and adjacent development; public notification; and planning commission and staff recommend approval.

Council Members, Director Raymond, and Director of Public Works and Streets Richard Martinez discussed the following topics: a Council Member's concern about the drainage in this area; and the developer will build the road to access this property; property will use septic tanks; and in response to a Council Member's concerns, Mr. Raymond said staff would discuss if the developer planned to contribute toward the construction of County Road 41 and address appropriate drainage in the area.

Mayor Guajardo opened the public hearing.

There were no comments from the public.

Mayor Guajardo closed the public hearing.

Council Member Hunter made a motion to approve the ordinance, seconded by Council Member Lerma. This Ordinance was passed on first reading and approved with the following vote:

Aye: 9 - Mayor Guajardo, Council Member Barrera, Council Member Hernandez, Council Member Hunter, Council Member Lerma, Council Member Martinez, Council Member Molina, Council Member Pusley and Council Member Smith

Abstained: 0

20. 21-0761 Zoning Case No. 0621-02, Glenn Lyons: (District 3) Ordinance rezoning property at or near 5839 Williams Drive from the "RS-6" Single-Family 6 District to the "ON" Neighborhood Office District. (Planning Commission and Staff recommend Approval)

Mayor Guajardo referred to Item 20.

Director of Development Services Al Raymond presented information on the following topics: aerial overview; zoning pattern and adjacent development; public notification; and planning and staff recommend approval.

Mayor Guajardo opened the public hearing.

There were no comments from the Council or the public.

Mayor Guajardo closed the public hearing.

Council Member Barrera made a motion to approve the ordinance, seconded by Council Member Hunter. This Ordinance was passed on first reading and approved with the following vote:

Aye: 8 - Mayor Guajardo, Council Member Barrera, Council Member Hernandez, Council Member Hunter, Council Member Lerma, Council Member Martinez, Council Member Molina and Council Member Smith

Abstained: 1 - Council Member Pusley

21. 21-0765 Zoning Case No. 0621-01, Joshua and Jasania Morales: (District 4) Ordinance rezoning property at or near 13845 Mizzen Street from the "RS-6" Single-Family 6 District to "RS-6/SP" Single-Family 6 District with a Special Permit. (Planning Commission recommends Denial and Staff recommends Approval) (3/4 vote will be required due to opposition by surrounding property owners and Planning Commission recommends Denial)

Mayor Guajardo referred to Item 21.

Director of Development Services Al Raymond presented information on the following topics: aerial overview; zoning pattern and adjacent development; public notification; planning commission recommends denial and staff recommends approval with special permit; bed and breakfast home requirements; and UDC requirements.

Council Members, Director Raymond, Code Compliance Program Manager Liza Lopez, City Manager Peter Zanoni and City Attorney Miles Risley discussed the following topics: short-term rentals are not allowed in R-6 neighborhoods on the island and the ordinance needs to be enforced; code enforcement issues citations for short-term rentals; a town hall meeting will be scheduled on the island regarding short-term rentals when COVID

numbers go down; and a Council Member requested that $50,000 be included in code enforcement's budget for sting operations.

Mayor Guajardo opened the public hearing.

Robert Algae, 15629 Three Fathoms Bank Dr. stated that he is not opposed to short-term rentals where the zoning is appropriate.

City Secretary Rebecca Huerta read the following written public comments into the record in opposition to Item #21 which are attached to the minutes: Brenda Pack, 13926 Longboat Dr.; Jay Green, 15733 Finistere St.; April Green, 15733 Finistere St.; Roy Sharp, 15037 SPID; Michael Starek, 15917 Cabo Blanco; Candace Tidmore, 15322 Bowsprit Ct.; John Smelley, 15361 Key Largo; Andrew Millman, 13609 Moro Lane; Patti Baker, 15341 Tortuga Ct.; Sheila Trudeau, 13730 Three Fathoms Bank Dr.; Myla Ustymenko, 16121 Jessamine St.; John Pasch, 13734 Three Fathoms Bank Dr.; Jim and Cindy Jory; Susan Kocian, 13533 Peseta Ct.; Kay Buchanan, 13826 Mizzen St.; Jim Flowers, 15638 Cuttysark St.; Kay Buchanan, 13826 Mizzen St.; Chris Hornberger, 14514 E. Cabana St.; Greg and Darla Gierczak, 13918 El Soccorro Loop; Dennis Hanson, 13818 Eaglesnest Bay Dr.; Elise Lippincott, 13557 Peseta Ct.; Jean Rene Ebelt, 15361 Beaufort Ct.; Marilyn Litt, 15842 Portillo Dr.; Royce Wells, 15717 Cuttysark St.; Taunya Luna, 13525 Peseta Ct.; Debbie Wall, 15909 Punta Bonaire Dr.; Frank Jackson, 13949 Seafarer Dr.; and Kristin and Dave Allen, 14234 Sand Dollar Ave.

City Secretary Rebecca Huerta read the following written public comment into the record in favor of Item #21 which is attached to the minutes: Jacob Manich, 15853 Cuttysark St.

Mayor Guajardo closed the public hearing.

Council Member Smith made a motion to deny the zoning request on 13845 Mizzen Street, seconded by Council Member Hunter. This Ordinance was passed on first reading and approved with the following vote:

Aye: 9 - Mayor Guajardo, Council Member Barrera, Council Member Hernandez, Council Member Hunter, Council Member Lerma, Council Member Martinez, Council Member Molina, Council Member Pusley and Council Member Smith

Abstained: 0

Enactment No:

22. 21-0790 Zoning Case No. 0621-03, Mostaghasi Investment Trust: (District 3) Ordinance rezoning property at or near 2302 County Road 43 from the “FR” Farm Rural District to the “RS-6” Single-Family 6 District. (Planning Commission and Staff recommend Approval)

Mayor Guajardo referred to Item 22.

Director of Development Services Al Raymond presented information on the following topics: aerial overview; zoning pattern and adjacent development; public notification; and

planning commission and staff recommend approval.

Council Members, Director Raymond and Director of Water Utilities Kevin Norton discussed the following topics: a Council Member would like to ensure the capacity in the wastewater system; this particular zoning plat is for 376 homes; none of this property is in the flood zone; the layout meets RS-6, but the developer is requesting RS-4.5; and a Council Member's concern about overtaxing the infrastructure.

Mayor Guajardo opened the public hearing.

A Council Member and Representative and Engineer of Mostaghasi Investment Trust Juan Perales discussed the following topics: some preliminary reviews have been done on the wastewater system, but more details will be provided when the actual development of the construction plans occur; and the lots are over 6,000 square feet, so it should not affect the proposed development.

Mayor Guajardo closed the public hearing.

Council Member Hernandez made a motion to amend the ordinance the RS-4.5 in lieu of an RS-6 zoning, seconded by Council Member Lerma and passed unanimously. Council Member Barrera-absent.

Council Member Hernandez made a motion to approve the ordinance as amended, seconded by Council Member Lerma. This Ordinance was passed on first reading as amended and approved with the following vote:

Aye:	8 -	Mayor Guajardo, Council Member Hernandez, Council Member Hunter, Council Member Lerma, Council Member Martinez, Council Member Molina, Council Member Pusley and Council Member Smith
Absent:	1 -	Council Member Barrera
Abstained:	0	

M. INDIVIDUAL CONSIDERATION ITEMS:

N. FIRST READING ORDINANCES: (ITEMS 23 - 28)

23. 21-0802 Ordinance to establish a 15 member Capital Improvement Advisory Committee to advise on Infrastructure Master Plan and impact fees; adding section 2-60 to the Corpus Christi Code.

Mayor Guajardo referred to Items 23-28.

Council Member Pusley made a motion to approve Items 23-28 with the exception of Items 25 and 27, seconded by Council Member Lerma. These Ordinances were passed on first reading and approved with the following vote:

Aye: 8 - Mayor Guajardo, Council Member Hernandez, Council Member Hunter, Council Member Lerma, Council Member Martinez, Council Member Molina, Council Member Pusley and Council Member Smith

Absent: 1 - Council Member Barrera

Abstained: 0

24. 21-0850 Ordinance adopting the procedure to terminate the campaign treasurer appointment of an inactive candidate or inactive specific-purpose political committee in accordance with Texas Election Code Section 252.0131; and amending the City Code of Ordinances, Chapter 2, Administration, with addition of new Section 2-7.

See Item 23.

Aye: 8 - Mayor Guajardo, Council Member Hernandez, Council Member Hunter, Council Member Lerma, Council Member Martinez, Council Member Molina, Council Member Pusley and Council Member Smith

Absent: 1 - Council Member Barrera

Abstained: 0

25. 21-0649 Ordinance amending Corpus Christi Code Chapter 2, Article III to update City departments and functions; and amending Corpus Christi Code Chapter 39 to clarify payment of sick and vacation leave upon termination, retirement, or death.

Mayor Guajardo referred to Item 25.

Director of Human Resources Eyvon McHaney stated that an updated copy of the ordinance was submitted to further clarify the language of sick leave upon termination; and to update the word "offices" to "departments".

Council Member Hunter made a motion to approve the ordinance, seconded by Council Member Pusley. This Ordinance was passed on first reading and approved with the following vote:

Aye: 8 - Mayor Guajardo, Council Member Hernandez, Council Member Hunter, Council Member Lerma, Council Member Martinez, Council Member Molina, Council Member Pusley and Council Member Smith

Absent: 1 - Council Member Barrera

Abstained: 0

26. 21-0805 Ordinance appropriating Airport Grant # 62 in an amount of $3,310,001.00 from the United States Department of Transportation-Federal Aviation Administration to the Airport CIP Grants Fund, amending the FY 2021 Capital Budget, and awarding a construction contract in an amount of $2,625,000.00 to Bay Ltd., Corpus Christi, Texas, for the Corpus Christi International Airport Rehabilitate Runway 13-31, Taxiway B, and Associated Improvements, with FY 2021 funding

available from the Airport CIP Grants Fund.

See Item 23.

Aye: 8 - Mayor Guajardo, Council Member Hernandez, Council Member Hunter, Council Member Lerma, Council Member Martinez, Council Member Molina, Council Member Pusley and Council Member Smith

Absent: 1 - Council Member Barrera

Abstained: 0

27. 21-1010 Ordinance adding Section 33-17 to Corpus Christi Code to prohibit parking on an unimproved surface on residential lots; and providing for a penalty not to exceed $500 per violation.

Mayor Guajardo referred to Item 27.

Mayor Guajardo asked for public comment.

Robert Algae, 15629 Three Fathoms Bank Dr., spoke in opposition to this item and suggested another solution.

Interim Director of Neighborhood Services Tracey Cantu stated that this policy has allowable exceptions, and gravel and rocks on the island are considered improved surfaces.

Council Member Pusley made a motion to approve the ordinance, seconded by Council Member Hunter. This Ordinance was passed on first reading and approved with the following vote:

Aye: 8 - Mayor Guajardo, Council Member Hernandez, Council Member Hunter, Council Member Lerma, Council Member Martinez, Council Member Molina, Council Member Pusley and Council Member Smith

Absent: 1 - Council Member Barrera

Abstained: 0

28. 21-0999 Ordinance adding Section 49 - 16 to the Corpus Christi Code to prohibit sitting or lying in public right-of-way within the Corpus Christi Central Business District, North Beach, and Flour Bluff; and providing for penalty of up to $500 per violation.

See Item 23.

Aye: 8 - Mayor Guajardo, Council Member Hernandez, Council Member Hunter, Council Member Lerma, Council Member Martinez, Council Member Molina, Council Member Pusley and Council Member Smith

Absent: 1 - Council Member Barrera

Abstained: 0

O. BRIEFINGS: (ITEMS 29 - 30)

29. 21-0838 Al Kruse Tennis Center Pickleball Renovation Project Presentation

Mayor Guajardo referred to Item 29.

Interim Director Dante Gonzalez presented information on the following topics: background; Al Kruse Tennis Center; why convert courts; original plan; amended plan; courts; surrounding area pickleball tournaments; and love tennis and education-way ahead.

Council Members, Interim Director Gonzalez and Director of Al Kruse Tennis Center Ronald Elizondo discussed the following topics: the Al Kruse Tennis Center is well maintained; HEB Tennis Center has temporary pickleball courts; and the possibility of expanding Al Kruse Tennis Center to other locations in the future.

30. 21-1006 HALFF Associates, Inc. will provide a mid-point update for the Bill Witt Park Master Plan and the 10-Year Parks Recreational Plan along with Virtual Town Hall meeting room and park mapping tools update.

Mayor Guajardo referred to Item 30.

Director of HALFF Associates Inc. James Hemenes presented information on the following topics: virtual engagement launch; overview; project team; project timeframe; park system assessment methods; demand-based assessment; resource-based assessment; access-based assessment; conditions-based assessment; Bill Witt Park master site plan; and next steps.

Council Members, Director Hemenes, Interim Director of Parks and Recreation Dante Gonzalez and City Manager Peter Zanoni discussed the following topics: a Council Member stated that some of the parks on the map are not City parks, they are County parks; and a Council Member's request for the swimming pool at Bill Witt Park to be a competition pool.

P. EXECUTIVE SESSION: None

Q. ADJOURNMENT

There being no further business, Mayor Guajardo adjourned the meeting at 6:03 p.m.

Norma Duran

From: JotForm <noreply@jotform.com>
Sent: Sunday, August 8, 2021 7:37 PM
To: CitySecretary; Norma Duran
Subject: [EXTERNAL]Public Input: 08-10-2021 - Jacob Manich

+8 21
In favor

Public Comment & Input Form

Date of Meeting	08-10-2021
Name	Jacob Manich
Address	Street Address: 15853 Cuttysark St City: Corpus Christi State / Province: TX Postal / Zip Code: 78418
Topic	RS-6 Single Family 6 District
Agenda Item Number	0621-01
Describe Feedback:	Document attached
Uploads:	BNB.docx
Provide an email to receive a copy of your submission.	manichjacob@yahoo.com

Good morning,

Thank you for offering a venue to voice concerns to those unable to attend the meetings in person today. My name is Jacob Manich and I have lived in Corpus Christi for just about two years, though I lived here previously from 2014-2016. I believe that allowing home owners to apply for, and be approved, for a special permit to host a Bed and Breakfast allows for the appropriate oversight to operate such a business while also providing the homeowner an opportunity, not currently afforded, to cover expenses of owning a home. Properly managed properties allow people to enjoy what many of us have come to love about Corpus Christi while infusing our local economy with funds that otherwise would be spent elsewhere. From a personal perspective this also allows homeowners, like me, who are here on military orders an opportunity to cover expenses that other local homeowners don't have to worry about. For military families when you are ordered to move you obviously have to go, while the housing market is great for sellers right now, this might not always be the case. Military families could only have the choice between long term renters or to sell the property, possibly at a loss, where most homeowners here could just wait to sell or move until the market improves. Having another option, in the BnB application, greatly reduces the risk of homeownership and with the proper application and permitting process could be a great thing for all of Corpus Christi. Thank you for your time.

Jacob Manich

#18

August 10, 2021

THE LAW OFFICE of
JEFFREY F. KANE

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jfk@jeffkanelaw.com

TO: Corpus Christi City Council
RE: 1911 Tavern Proposal for Liquor Permit at 1911 S. Staples St.

Respected Members of the Council;

I come before you today to urge your support for the proposal of Mr. Adam Stern to open the 1911 Tavern in the location occupied by the former liquor license-holder at that location, "Pleasures".

We are all well aware of the urban blight that area of the Del Mar neighborhood has suffered over the years. Six Points was, at one time, a large part of the beating heart of commerce in our city. We all know what's transpired there and in downtown. Only now are downtown revitalization efforts beginning to take hold. Those efforts are beginning to take hold because venues that attract citizens and tourists have opened, bringing vitality to the area.

The proposed business will be the polar opposite of the former license-holder that occupied the address. Instead of a sexually oriented business; a music venue is proposed, one that will highlight and showcase live jazz and blues, two musical genres that are woefully underrepresented and under-presented in Corpus Christi.

Were the prior license surrendered years ago, arguments of change of character or impact to the neighborhood might resonate. Here, we have a license that was surrendered only in August of 2020. Less than a year. Were a liquor license proposed where no such licensee had operated before, community arguments might have more weight. But the conditions that exist were present long before now, and a grant of this license will not have an adverse impact on the character of the neighborhood. I put forth that the effects will be quite the contrary.

Further; the Supreme Court of the State of Texas decided in *Dallas Merchant's and Concessionaire's Ass'n v. City of Dallas*, decided that, in non-residential areas, the Texas Alcoholic Beverage Code exclusively governs the regulation of alcoholic beverages except as provided by the TABC. My understanding is that the premises is zoned non-residential CN-1. For such areas, my understanding is that relevant portions of the Code supersede home-rule city zoning regulations and ordinances.

The standards and restrictions permitted under § 109.33 state that the proper measurement for a restriction under the section is **along** property lines, **from door to door.** Caselaw from the 13th Court of Appeals of Texas, supports this contention. In *Helms v. Texas Alcoholic Beverage Com'n*, the 13th CoA held that, although a measurement from door to door in a direct line may have been 250 feet, the premises in question were outside the 300 foot distance measured *in accordance with the regulations.* If the contention for the refusal is that the measurement is from the edge of the property line to the edge of the property line, that is an interpretation unsupported by code or case-law. Attached please find a copy of the statute and the relevant cases.

Very truly yours,

Jeffrey F Kane
Proud Corpus Christi Resident, and Uncompensated Supporter of Live Music

852 S.W.2d 489
Supreme Court of Texas.

DALLAS MERCHANT'S AND CONCESSIONAIRE'S ASSOCIATION et al., Petitioners,

v.

CITY OF DALLAS, Respondent.

No. D–2159.
|
April 7, 1993.
|
Rehearing Overruled June 3, 1993.

Synopsis
Merchants association challenged validity of home-rule city's zoning ordinance dispersing location of alcohol-related businesses. The 134th District Court, Dallas County, Anne Ashby Packer, J., granted relief, and city appealed. The Court of Appeals, 823 S.W.2d 347,reversed and rendered, and further appeal was taken. The Supreme Court, Hightower, J., held that ordinance of home-rule city prohibiting sale of alcoholic beverages within 300 feet of residential areas was preempted by Texas Alcoholic Beverages Code.

Reversed.

Enoch, J., dissented and filed opinion in which Hecht and Cornyn, JJ., joined.

Attorneys and Law Firms

***489** Richard M. Lannen, Diane Snelson, Eric V. Moyé, Eric R. Cromartie, David C. Godbey, Andrew L. Siegel, Dallas, for petitioners.

Dan Morales, Austin, John Rogers, Dallas, W. Reed Lockhoof, Austin, Analeslie U. Muncy, Fort Worth, Angela Washington, ***490** Sam A. Lindsay, Dallas, for respondent.

OPINION

HIGHTOWER, Justice.

In this cause, we consider whether an ordinance of a home-rule city prohibiting the sale of alcoholic beverages within 300 feet of a residential area is preempted by the Texas Alcoholic Beverage Code (TABC). In 1990, the Dallas Merchants and Concessionaires Association, the Texas Package Stores Association, and other individuals (hereinafter "Merchants") filed suit against the City of Dallas ("City") for declaratory and injunctive relief. The trial court held that the ordinance was preempted by the TABC. The court of appeals reversed. 823 S.W.2d 347. We hold that an ordinance of a home-rule city prohibiting the sale of alcoholic beverages within 300 feet of a residential area is preempted by the TABC. Consequently, we reverse the judgment of the court of appeals and affirm the judgment of the trial court.

On September 30, 1987, the Dallas City Council ("Council") passed Ordinance No. 19694 ("Ordinance"), which created new zoning categories for South Dallas. The Ordinance imposed a D–1 overlay on certain areas of South Dallas and exempted certain areas that are outside of and do not effect the residential areas of South Dallas. In this D–1 overlay area, no business is allowed to sell or serve alcoholic beverages within 300 feet of residentially zoned properties not located on a freeway service road or other specified road. However, a business in a D–1 overlay area may sell or serve alcoholic beverages if the Council grants a specific use permit (SUP). On October 12, 1988, the Council approved Resolution 883306, which established the guidelines for evaluating SUP applications for selling or serving alcoholic beverages in areas of South Dallas affected by the D–1 overlay. In June 1990, the Merchants filed suit against the City.

Following a bench trial, the trial court rendered judgment which, among other things, granted the declaratory and injunctive relief requested by the Merchants. The trial court concluded that the D–1 overlay provisions of the Ordinance conflicted with the TABC and was void to that extent under article XI, section 5 of the Texas Constitution.[1] The trial court also permanently enjoined the City from enforcing the D–1 overlay provisions of the Ordinance. The court of appeals reversed and rendered judgment.

I.

The Merchants argue that the Ordinance is preempted by the TABC. We agree.

PREEMPTION OF HOME-RULE CITIES

To determine whether the Ordinance is preempted by the Texas Alcoholic Beverage Code, we must decide whether the Legislature, by enacting and amending the TABC, preempted ordinances of home-rule cities that prohibit the sale of alcoholic beverages under these circumstances. Home-rule cities have broad discretionary powers, provided that no ordinance "shall contain any provision inconsistent with the Constitution of the State, or of the general laws enacted by the Legislature of this State." TEX. CONST. art. XI, § 5. Home-rule cities possess the full power of self government and look to the Legislature not ***491** for grants of power, but only for limitations on their power. *MJR's Fare of Dallas v. City of Dallas,* 792 S.W.2d 569, 573 (Tex.App.—Dallas 1990, writ denied).

An ordinance of a home-rule city that attempts to regulate a subject matter preempted by a state statute is unenforceable to the extent it conflicts with the state statute. *See City of Brookside Village v. Comeau,* 633 S.W.2d 790, 796 (Tex.1982), *cert. denied,* 459 U.S. 1087, 103 S.Ct. 570, 74 L.Ed.2d 932 (1982). However, "the mere fact that the legislature has enacted a law addressing a subject does not mean the complete subject matter is completely preempted." *City of Richardson v. Responsible Dog Owners,* 794 S.W.2d 17, 19 (Tex.1990). "[A] general law and a city ordinance will not be held repugnant to each other if any other reasonable construction leaving both in effect can be reached." *City of Beaumont v. Fall,* 116 Tex. 314, 291 S.W. 202, 206 (1927). Thus, if the Legislature chooses to preempt a subject matter usually encompassed by the broad powers of a home-rule city, it must do so with unmistakable clarity. *See City of Sweetwater v. Geron,* 380 S.W.2d 550, 552 (Tex.1964).

TEXAS ALCOHOLIC BEVERAGE CODE

In 1977, the Legislature codified the Texas Liquor Control Act into the TABC.[2] Prior to the codification, several courts of appeals held that various ordinances of home-rule cities prohibiting the sale of alcoholic beverages were not preempted by the Texas Liquor Control Act. *See, e.g., City of Clute v. Linscomb,* 446 S.W.2d 377 (Tex.Civ.App.—Houston [1st Dist.] 1969, no writ); *Louder v. Texas Control Board,* 214 S.W.2d 336 (Tex.Civ.App.—Beaumont 1948, writ ref'd n.r.e.); *Eckert v. Jacobs,* 142 S.W.2d 374 (Tex.Civ.App. —Austin 1940, no writ). Subsequent to the codification, the Eleventh Court of Appeals held that the TABC did not preempt ordinances prohibiting the sale of alcoholic beverages. *See Young, Wilkinson & Roberts v. City of Abilene,* 704 S.W.2d 380, 383 (Tex.App.—Eastland 1985, writ ref'd n.r.e.) ("We hold that the Constitution and general statutes of this State do not deny the City [a home rule city] the right to regulate the area of the City in which liquor could be sold."); *Abilene Oil Distributors v. City of Abilene,* 712 S.W.2d 644 (Tex.App.—Eastland 1986, writ ref'd n.r.e.).

Subsequently, in 1987, the Legislature added section 109.57 to the TABC and further amended it in 1991 to read in part:

> (a) Except as expressly authorized by this code, a regulation, charter, or ordinance promulgated by a governmental entity of this state may not impose stricter standards on premises or businesses required to have a license or permit under this code than are imposed on similar premises or businesses that are not required to have such a license or permit.
>
> (b) It is the intent of the legislature that this code shall exclusively govern the regulation of alcoholic beverages in this state, and that except as permitted by this code, a governmental entity of this state may not discriminate against a business holding a license or permit under this code.
>
> (c) Neither this section nor Section 1.06 of this code affects the validity or invalidity of a zoning regulation that was formally enacted before June 11, 1987 and that is otherwise valid, or any amendment to such a regulation enacted after June 11, 1987 if the amendment lessens the restrictions on the licensee or permittee or does not impose additional restrictions on the licensee or permittee. For purposes of this subsection, "zoning regulation" means any charter provision, rule regulation, or other enactment governing the location or use of buildings, other structures, and land.

TEX.ALCO.BEV.CODE ANN. § 109.57(a), (b) & (c) (Vernon Supp.1992). The Legislature's intent is clearly expressed in section 109.57(b) of the TABC—the regulation of alcoholic beverages is exclusively governed by the provisions of the TABC unless otherwise ***492** provided.[3] TEX.ALCO.BEV.CODE ANN. § 109.57(b) (Vernon Supp.1992). Section 109.57 clearly preempts an ordinance of a home-rule city that regulates where alcoholic beverages are sold under most circumstances.[4] Accordingly, we hold that, to the extent of any conflict, the TABC preempts the Ordinance.[5]

II.

The City argues that if section 109.57 preempts an ordinance of a home-rule city regulating where alcoholic beverages are sold, sections 61.37, 109.31, 109.32, and 109.33 will be rendered meaningless.[6] We disagree.

*493 Section 109.57 expressly states that the TABC will exclusively govern the regulation of alcoholic beverages except as otherwise provided by the TABC.[7] TEX.ALCO.BEV.CODE ANN. § 109.57 (Vernon Supp.1992). Thus, the TABC allows ordinances of home-rule cities to prohibit the sale of alcoholic beverages only under limited circumstances. Pursuant to section 109.31, the sale of liquor may be prohibited within residential areas only by charter. TEX.ALCO.BEV.CODE ANN. § 109.31 (Vernon 1978). Under section 109.32, the sale of beer may be prohibited within residential areas by ordinance or charter. TEX.ALCO.BEV.CODE ANN. § 109.32 (Vernon 1978). These options are still available to the City. However, in this case, the Ordinance attempts to prohibit the sale of liquor and beer in non-residential areas. An ordinance may not prohibit the sale of beer in non-residential areas or the sale of liquor in residential or non-residential areas. *See* TEX.ALCO.BEV.CODE ANN. §§ 109.31–32 (Vernon 1978).

Section 109.33 permits a county or city to prohibit the sale of alcoholic beverages by a dealer whose place of business is within 300 feet of a church, school, or public hospital. TEX.ALCO.BEV.CODE § 109.33(a) (Vernon Supp.1992). This option is still available to the City.[8] However, in this case, the Ordinance attempts to prohibit the sale of alcoholic beverages within 300 feet of a residential area—not within 300 feet of a church, school or public hospital.

Likewise, section 61.37 does not conflict with section 109.57. Section 61.37 states that a city secretary will merely certify whether an ordinance or charter prohibits the sale of alcoholic beverages in the area where alcoholic beverages will potentially be sold. TEX.ALCO.BEV.CODE ANN. § 61.37 (Vernon 1978). Under this section, certification is properly withheld only if an ordinance or charter prohibits the *494 sale of alcoholic beverages in a manner allowed by the TABC. *See* TEX.ALCO.BEV.CODE ANN. § 61.37 (Vernon 1978).

We recognize the benefits of ordinances which prohibit the sale of alcoholic beverages under these circumstances. However, the express language of section 109.57 compels this court to give effect to the Legislature's clear intent—the Ordinance is preempted to the extent it conflicts with the TABC. Therefore, we reverse the judgment of the court of appeals and affirm the judgment of the trial court.

Dissenting opinion by ENOCH, J., joined by HECHT and CORNYN, JJ.

ENOCH, Justice, dissenting.

The city of Dallas faces a severe impediment to its redevelopment efforts for a portion of its community (South Dallas) that suffers disproportionately from poverty and crime. The Dallas Merchant's and Concessionaire's Association, the Texas Package Stores Association, Inc., and the five grocery and liquor store owners[1] who are petitioners in this Court all readily concede that alcohol-related businesses are overly concentrated in certain areas of the City of Dallas, that this concentration of such businesses causes severe problems in these areas, and that the City of Dallas adopted Ordinance No. 19694 to reduce this concentration and alleviate these problems. Today the Court adopts petitioners' argument that, regardless, the Legislature requires these matters to only be addressed by the Texas Alcoholic Beverage Commission in Austin, and not by the Dallas City Council. As much as we all are concerned about community restoration, I too would have joined the majority if the law required this result. But, the Court's decision is not mandated by the law. Therefore I dissent.

Ordinance No. 19694 prohibits the location of businesses selling or serving alcoholic beverages within 300 feet of residentially zoned property in certain areas of the city without a special use permit. The issue before us is whether this limited restriction on the location of alcohol-related businesses is preempted by Tex.Alco.Bev.Code § 109.57(a) and (b). Section 109.57(a) provides that an ordinance "may not impose *stricter standards on premises or businesses*" required to be licensed under the Code than on similar premises or businesses. (emphasis added). Section 109.57(b) states that "it is the intent of the legislature that this code shall exclusively govern the *regulation of alcoholic beverages* in this state, and that except as permitted by this code, a governmental entity of this state may not *discriminate*

against a business holding a license or permit under this code." (Emphasis added.)

In my view, Ordinance No. 19694 does not "impose stricter standards on alcohol-related businesses or premises" within the meaning of section 109.57(a). Rather, it restricts the location of such businesses in some areas under some conditions. Nor does the ordinance attempt a "regulation of alcoholic beverages." The ordinance has nothing to do with beverages. Nor does the ordinance "discriminate" against alcohol-related businesses. It merely imposes a restriction on their location to alleviate community problems which petitioners concede such businesses cause.[2] This Ordinance is not, on its face, inconsistent or in conflict with state law. The ordinance is a reasonable supplement to state law to address a local problem. Both should remain in effect.

Assuming for the sake of argument that "location" may be considered a type of ***495** "standard" governing businesses, the law would still not mandate the outcome claimed by the Court. The Local Government Code states:

> If a zoning regulation adopted under this subchapter ... imposes higher standards than those required under another statute or local ordinance or regulation, *the regulation adopted under this subchapter controls.* If the other statute or local ordinance or regulation imposes higher standards, that statute, ordinance, or regulation controls.

Tex.Loc.Gov't Code Ann. § 211.013(a) (Vernon 1988) (emphasis added).

The Court's reading of section 109.57 of the Alcoholic Beverage Code creates a direct conflict between it and section 211.013(a). 852 S.W.2d 489, 493 n. 7. Where possible, courts are to construe language used in statutes so as to harmonize all relevant laws, not create conflict. *La Sara Grain Co. v. First Nat'l Bank of Mercedes.* 673 S.W.2d 558, 565 (Tex.1984); *State v. Standard Oil Co.,* 107 S.W.2d 550, 559 (Tex.1937). Since it is possible, this court must construe the Local Government Code and the Alcoholic Beverage Code so that both provisions are given effect.

Section 109.57(a) prohibits a city from imposing stricter standards on *premises or businesses* licensed under the Alcoholic Beverage Code than are imposed on *similar premises or businesses* not required to have a license. Tex.Alco.Bev.Code Ann. § 109.57(a) (Vernon 1978) (emphasis added). The Alcoholic Beverage Code defines "premises" as "the grounds and all buildings, vehicles, and appurtenances pertaining to the grounds, including any adjacent premises if they are directly or indirectly under the control of the same person." Tex.Alco.Bev.Code Ann. § 11.49(a) (Vernon 1978). Section 11.49(a) refers only to the *physical* premises; it does *not* define "premises" to include the *location* of a licensed business. The Ordinance does not attempt to regulate the physical premises. Additionally, nothing in the Ordinance addresses how the business of selling alcohol is to be conducted. The Ordinance only regulates the location of the business.

The Court recognizes that a city ordinance will not be held repugnant to a general law of the state "if any other reasonable construction leaving both in effect can be reached," 852 S.W.2d at 491, (citing to *City of Richardson v. Responsible Dog Owners,* 794 S.W.2d 17 (Tex.1990)). Because a reasonable reading of these two statutes prevents the conflict the reasoning of the Court creates, there is no basis for restricting the City of Dallas' grant of authority to promulgate zoning regulations under sections 211.001–.013 of the Local Government Code.

The Court's holding seriously hampers the ability of municipalities to combat problems associated with the sale of alcohol. The City of Dallas did not seek to prohibit the sale of alcohol, merely to disperse the locations for its sale in order to achieve a reduction in the problems associated with the sale of alcohol such as increased crime, drinking on premises, litter, loitering, public intoxication, urinating in public, and harassment of children and elderly residents.[3] As petitioners admit, if cities cannot restrict the location of alcohol-related businesses, then only the Texas Alcoholic Beverage Commission can, in the course of granting licenses to businesses. Yet it would be virtually impossible for the Commission to obtain sufficient information in licensing proceedings to determine whether, how and where to impose such restrictions in the dozens of cities where they might be used. Petitioners admit that the Commission has not undertaken this responsibility to date, and it is farfetched to think the Commission would even try. The suggestion that the Legislature has decided that the Commission should address the local problems involved here instead of home-rule cities is most unlikely. Only those local planning, zoning and legislative bodies have, or can be expected to have, a pulse on the particular land use needs of their jurisdiction.

***496** I agree with the Court that "if the Legislature chooses to preempt a subject matter encompassed by the broad powers of a home-rule city, it must do so with unmistakable

clarity." 852 S.W.2d at 491. Whatever may be said of section 109.57, it cannot seriously be argued that the statute makes *unmistakably clear* that the Legislature has preempted the City of Dallas from exercising its broad zoning powers to improve living conditions within its borders. Preemption is even less likely when one considers the result.

I would affirm the judgment of the court of appeals, thus I respectfully dissent.

HECHT and CORNYN, JJ., join in this dissenting opinion.

All Citations

852 S.W.2d 489

Footnotes

1 In the findings of fact, the trial court stated in part:

> 14. None of the SUPs filed by any Establishment within the areas zoned D–1 by Ordinance 19694 had been granted.
>
> 15. The criteria adopted by the Dallas City Council make it virtually impossible for any existing Establishment to qualify for a SUP.
>
> 16. Ordinance 19694 conflicts with and is preempted by the Texas Alcoholic Beverages Code ("TABC"), in that: the Ordinance and the SUP standards impose location restrictions that are inconsistent with the TABC; the Ordinance and the SUP standards attempt to regulate the sale of alcoholic beverages, other than beer, by ordinance; the Ordinance and the SUP standards discriminate against establishments holding permits issued under the TABC, and; the Ordinance and the SUP standards impermissibly attempt to disenfranchise the choice of the voters of the areas affected by Ordinance 19694 in violation of the Local Option provisions and procedures set forth in the TABC.

2 "[The TABC] is intended as a recodification only, and no substantive change in the law is intended by this Act." Acts 1977, 65th Leg., ch. 194, § 7.

3 While the dissent contends that the legislature did not deny home rule cities the ability to regulate with unmistakable clarity under these circumstances, how much more clear must the legislature be than Section 109.57(b), which states: "It is the intent of the legislature that this code [TABC] shall exclusively govern the regulation of alcoholic beverages in this state...." TEX.ALCO.BEV.CODE ANN. § 109.57(b) (Vernon Supp.1992). In addition, Senator McFarland, who was a member of the Conference Committee on H.B. 1652 which enacted Section 109.57, indicated that Section 109.57 was intended to clarify that the TABC governed the location of licensees and permittees and that cities could only regulate the location of licensees and permittees in the instances provided by the TABC. Specifically, Senator McFarland stated,

> [I]t [Section 109.57] says except as authorized by this code [a governmental entity may not regulate the location of a business holding a license or a permit] and there's numerous provisions throughout the code which governmental entities have the authority by zoning or other ordinances, to limit the location of businesses or the type of businesses selling alcoholic beverage.

Debate of conference committee report on Tex.H.B. 1652 on the floor of the Senate, 70th Leg. (June 1, 1987) (colloquy between Senators McFarland and Washington).

4 Section 109.57(d) of the TABC states:

> (d) This section does not effect the authority of a governmental entity to regulate, in a manner as otherwise permitted by law, the location of:
>
> (1) a massage parlor, nude modeling studio, or other sexually oriented business; or
>
> (2) an establishment that derives 75 percent or more of the establishment's gross revenue from the on-premise sale of alcoholic beverages.

Because none of the parties assert that the Ordinance implicates this provision, we express no opinion concerning its applicability.

Since the following cases pre-date the enactment of section 109.57, they are not applicable when determining the preemptive effect of section 109.57. *See Abilene Oil Distributors v. City of Abilene,* 712 S.W.2d 644 (Tex.App.—Eastland 1986, writ ref'd n.r.e.); *Young, Wilkinson & Roberts v. City of Abilene,* 704 S.W.2d 380 (Tex.App.—Eastland 1985, writ ref'd n.r.e.); *T & R Assoc., Inc. v. City of Amarillo,* 688 S.W.2d 622, 625 (Tex.Civ.App.—Amarillo, writ ref'd n.r.e.); *Massengale v. City of Copperas Cove,* 520 S.W.2d 824, 829 (Tex.Civ.App.—Waco 1975, writ ref'd n.r.e.; *Derkard v. City of Port Lavaca,* 491 S.W.2d 748, 751 (Tex.Civ.App.—Corpus Christi 1973, no writ); *City of Clute v. Linscomb,* 446 S.W.2d 377 (Tex.Civ.App.—Houston [1st Dist.] 1969, no writ); *Discount Liquors No. 2, Inc. v. Texas Liquor Control Board,* 420 S.W.2d

422, 423, 425 (Tex.Civ.App.—Amarillo 1967, writ ref'd n.r.e.); *Louder v. Texas Liquor Control Board,* 214 S.W.2d 336 (Tex.Civ.App.—Beaumont 1948, writ ref'd n.r.e.); *Eckert v. Jacobs,* 142 S.W.2d 374 (Tex.Civ.App.—Austin 1940, no writ).

5 The dissent argues that if this court holds that the TABC preempts an ordinance regulating where alcoholic beverages are sold, sellers of alcoholic beverages will not have to comply with any city ordinance. This argument is without merit. Section 109.57(a) provides that an ordinance may not impose stricter standards on alcohol related businesses than on non-alcohol related businesses. TEX.ALCO.BEV.CODE § 109.57(a) (Vernon Supp.1992). For example, under section 109.57(a), an ordinance requiring all businesses with the same kind of premises to have a fire extinguisher on their premises would not violate section 109.57(a). On the other hand, an ordinance requiring an alcohol related business to have two fire extinguishers and only required a non-alcohol related business with the same kind of premises to have one fire extinguisher would violate section 109.57(a).

6 Section 61.37 reads in pertinent part:

> (a) The County Clerk of the county in which an application for a license is made shall certify whether the location or address given in the application is in a wet area and whether the sale of alcoholic beverages for which the license is sought is prohibited by any valid order of the commissioners court.
>
> (b) The city secretary or clerk of the city in which an application for a license is made shall certify whether the location or address given in the application is in a wet area and whether the sale of alcoholic beverages for which the license is sought is prohibited by charter or ordinance.

TEX.ALCO.BEV.CODE ANN. § 61.37 (Vernon 1978). Section 109.31 reads:

> A city by charter may prohibit the sale of liquor in all or part of the residential sections of the city.

TEX.ALCO.BEV.CODE ANN. § 109.31 (Vernon 1978). Section 109.32 reads in pertinent part:

> (a) An incorporated city or town by charter or ordinance may:
>
> (1) prohibit the sale of beer in a residential area; and
>
> (2) regulate the sale of beer and prescribe hours when it may be sold, except a city or town may not permit the sale of beer when its sale is prohibited by this code.

TEX.ALCO.BEV.CODE ANN. § 109.32 (Vernon 1978). Section 109.33 reads in pertinent part:

> (a) The commissioners court of a county may enact regulations applicable in areas in the county outside an incorporated city or town, and the governing board of a city or town may enact regulations applicable in the city or town, prohibiting the sale of alcoholic beverages by a dealer whose place of business is within 300 feet of a church, public school, or public hospital.

TEX.ALCO.BEV.CODE ANN. § 109.33 (Vernon Supp.1992).

7 The dissent incorrectly asserts that Section 211.013 of the Local Government Code allows a home rule city to impose higher standards upon licensees and permittees. This conclusion is erroneous because of Section 109.57(a) of the TABC. Section 109.57(a) states than an ordinance promulgated by a governmental entity may not impose stricter standards on premises or businesses of a permittee than on similar premises and businesses not required to have a license or permit. The Ordinance imposes a stricter standard than allowed by the TABC, specifically, by regulating the location of businesses required to have licenses or permits under the TABC in circumstances not allowed by the TABC. Section 109.57(a) was by its terms enacted to exempt licensees and permittees from Section 211.013 of the Local Government Code.

The application of the doctrine of expressio unius est exclusio alterius further demonstrates the weakness of the dissent's conclusion that the City may regulate in this instance. That doctrine provides that the inclusion of a specific limitation excludes all others. *Royer v. Ritter,* 531 S.W.2d 448, 449 (Tex.Civ.App.—Beaumont 1976, writ ref'd n.r.e.). Sections 109.31–33 and 109.57(d) provide specific instances when a governmental entity, such as a home-rule city, may regulate the location of an alcohol related business. Thus, by expressly stating under what circumstances a governmental entity may regulate the location of an alcohol related business, it follows that there are no other instances when a governmental entity may regulate the location of an alcohol related business. The parties do not assert and we can not find any applicable grant of power to governmental entities to regulate the location of the sale of alcohol in this case.

8 In addition to regulating alcoholic beverages pursuant to sections 109.31–33, a city may make recommendations or protest the issuance of a permit by the Texas Alcoholic Beverage Commission. *See* TEX.ALCO.BEV.CODE ANN. § 11.41(a) (Vernon 1978).

1 The five business owners are Solomon Tadesse, d/b/a S & M Grocery, Nguyen Ha Lam, d/b/a M & D Liquor, Son Ngoc Nguyen, d/b/a Bingo Liquor, Youg Suk Bragdon, d/b/a K & B Grocery, and Thung Vam Tam, d/b/a Lee's Grocery.

2 This is not to say that any ordinance restricting the location of alcohol-related businesses would be allowed by state law. Obviously, an ordinance that prohibited the location of such businesses within a much larger distance from residential property might have the effect of eliminating those businesses altogether. Such an ordinance would conflict with state

law. But an ordinance which is both written and applied to impose a limited restriction on location for a valid purpose does not conflict with section 109.57.

3 Several community leaders in the South Dallas/Fair Park area testified that these problems were exacerbated by the excessive concentration of alcohol related businesses in the area.

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700 S.W.2d 607
Court of Appeals of Texas, Corpus Christi-Edinburg.

David HELMS d/b/a, The Thirsty Turtle, Appellant,

v.

TEXAS ALCOHOLIC BEVERAGE, COMMISSION, Appellee.

No. 13-85-010-CV.

|

Sept. 30, 1985.

|

Rehearing Denied Nov. 7, 1985.

Synopsis

Applicant for on-premises beer and wine retailer's permit sought review of order of State Alcoholic Beverage Commission which denied permit. The 267th District Court, Victoria County, Frank H. Crain, J., affirmed denial of permit. Applicant appealed. The Court of Appeals, Nye, C.J., held that: (1) evidence was not such that reasonable minds could not have reached conclusion of administrative tribunal in denying permit and denial would be sustained; (2) applicant was not denied equal protection of law by denial of permit under statute regarding refusal of license based on general welfare of people; and (3) County Court acting as administrative tribunal properly considered written recommendations of chief of police and county sheriff.

Affirmed.

Attorneys and Law Firms

*609 Larry Woody, Victoria, for appellant.

W. Reed Lockhoof, Asst. Atty. Gen., Austin, for appellee.

Emmett Cole, Jr., Victoria, for intervenor.

Before NYE, C.J., and BENAVIDES and DORSEY, JJ.

OPINION

NYE, Chief Justice.

This is an appeal from a judgment denying an application for an on-premises beer and wine retailer's permit.

On October 5, 1984, appellant, David Helms, applied to appellee, the Texas Alcoholic Beverage Commission (hereinafter TABC), for a permit to sell beer and wine on the premises known as "The Thirsty Turtle" located in Victoria County, Texas. After opposition to the issuance of such permit was filed by the Northside Baptist Church and others, an administrative hearing was conducted by the Honorable Donald R. Pozzi, a Special County Judge appointed to hear and render a decision on appellant's application. The church appeared in opposition. The Special Judge entered an order on behalf of TABC denying the permit sought by appellant on the ground that "[t]he place or manner in which the Applicant may conduct his business warrants the refusal of the license based on the general welfare, health, peace, morals, safety and sense of decency of the people of Victoria County." *See* TEX.ALCO.BEV.CODE ANN. § 61.42(a)(3) (Vernon Supp.1985).

In making this ruling denying the permit, the county judge had before him certain evidence. Included in the evidence were *610 about 94 letters of protest from property owners living in the immediate area, church members, members of the Board of a nearby public school, and from the Mayor, Chief of Police, and the Sheriff. Each commented about the probable increased traffic hazard and the overall adverse effects on the character of the neighborhood which would be caused by granting the permit at the proposed location. There was, however, a petition signed by approximately 450 individuals favoring the granting of the on-premises permit.

The appellant appealed the decision of the County Judge to the district court, seeking a review of the evidence and to set aside the adverse decision of the county judge. Appellant alleged, among other things, that the county court's denial of a beer and wine permit was not reasonably supported by substantial evidence and that the denial of his application discriminates between him and his competitors. A petition in intervention was filed in the district court by the church and by Ruth and John Nelson personally as residents near the location of the proposed licensed premises. The intervenors alleged that the place or manner in which the applicant (appellant) would conduct his business is of such a nature which, based on the general welfare, health, peace, morals, safety, and on the public sense of decency, warrants refusal of the permit.

The district court entered judgment affirming the administrative decision of the county court denying appellant's application for an on-premises permit. The appellant perfected his appeal from such judgment.

In his first point of error, appellant asserts that the district court erred in affirming the judgment of the county court because there was no substantial evidence to support the judgment.

The substantial evidence rule is that the finding of the administrative agency (or, as in this case, a county judge acting in an administrative capacity) will be sustained by the trial court if the finding is reasonably supported by substantial evidence. The duty of the trial court, as well as the appellate court, is to determine from all the evidence presented whether, as a matter of law, the decision of the agency (county court) was supported by substantial evidence. The evidence may be substantial and yet preponderate the other way. *See Lewis v. Metropolitan Savings & Loan Assn,* 550 S.W.2d 11, 13 (Tex.1977).

It is a rule that the court may consider relevant evidence that was available but not introduced at the administrative hearing. All of the evidence introduced before the administrative agency that supported the agency's decision is relevant. After *all* of the evidence is considered, the issue then before the trial court is not whether the agency came to the proper fact conclusion on the basis of evidence received (conflicting as it may have been), but whether or not the agency acted arbitrarily and without regard to the facts. *See Trapp v. Shell Oil Co.,* 145 Tex. 323, 198 S.W.2d 424, 440 (Tex.1946).

The district trial court, or this appellate Court, is not to substitute its discretion for that of the administrative tribunal (the county judge in this case), but rather is required to sustain the administrative tribunal if its action is reasonably supported by substantial evidence presented to the trial court. If the evidence as a whole is such that reasonable minds could not have reached the conclusion that the administrative court or agency reached, then the order must be set aside. Otherwise, it must be sustained. *Jones v. Marsh,* 148 Tex. 362, 224 S.W.2d 198, 202–03 (Tex.1949); *Trapp v. Shell Oil Co.,* 145 Tex. 323, 198 S.W.2d 424, 440–41 (Tex.1946). *See also Gerst v. Goldsbury,* 434 S.W.2d 665, 667 (Tex.1968); *Gerst v. Nixon,* 411 S.W.2d 350, 354 (Tex.1966); *Dienst v. Texas Alcoholic Beverage Commission,* 536 S.W.2d 667, 668–69 (Tex.Civ.App.—Corpus Christi 1976, no writ); *Morgan v. Texas Alcoholic Beverage Commission,* 519 S.W.2d 250, 253–54 (Tex.Civ.App.—Texarkana 1975, no writ).

***611** In the case at bar, the main evidentiary issue was based on the location of the proposed licensed premises. Evidence concerning the manner in which the applicant (appellant) may conduct his business was also raised briefly during the hearing before the special county judge.[1] The applicant's qualifications or character were not in issue. For a fully qualified applicant who is proposing to operate a lawful business in a wet area and in compliance with the zoning ordinances of the city to be denied a permit, some conditions or situations must be shown so as to justify the denial under TEX.ALCO.BEV.CODE ANN. § 61.42 (Vernon Supp.1985). *Texas Alcoholic Beverage Commission v. Mikulenka,* 510 S.W.2d 616, 619 (Tex.Civ.App.—San Antonio 1974, no writ); *see also Smith v. Cove Area Citizens Committee,* 345 S.W.2d 850, 852 (Tex.Civ.App.—Austin 1961, writ ref'd n.r.e.). The evidence showed that appellant's business is located in a wet area and that appellant has met the procedural requirements for a permit. We pause to note, however, that the location and surroundings of a proposed retail beer and wine establishment and the number of such licensed establishments in the community are proper considerations and could be the basis for the refusal of a license. *See Elliott v. Dawson,* 473 S.W.2d 668, 670 (Tex.Civ.App.—Houston [1st Dist.] 1971, no writ). Each substantial evidence case must be decided on its own facts in relation to the above recited rules of law.

Appellant initially applied for a mixed beverage and a mixed beverage late hours permit which would have allowed him to sell mixed beverages until 2:00 a.m. These permits were denied. The Thirsty Turtle is presently an eating establishment with hours of operation from 11:00 a.m. to 11:00 p.m. Monday through Friday, and 12:00 p.m. to 11:00 p.m. Saturday and Sunday. The patrons are allowed to bring their own liquor and consume it on the premises in question. The facilities on the location have been remodeled to include a parquet dance floor and a large wooden ceramic-topped bar. All activities are presently conducted inside a closed building.

The property in question is situated on Laurent Street, a heavily traveled street designated as an arterial thoroughfare. The immediate area in which the proposed licensed premises is located is made up primarily of churches, schools and residences. There are segments of property up and down Laurent Street which are predominantly commercial in usage. There is no comparable type of business within a 5-block

radius that allows on-premises consumption of alcoholic beverages.

The property of the proposed licensed premises is directly adjacent to, and on the same city block as, the Northside Baptist Church, both properties being on the east side of Laurent Street. The front door of Northside Baptist Church, *on a direct line*, is approximately 250 feet from the front door of the proposed licensed premises. The premises, however, are outside the minimum of 300 feet distance when figured in accordance with the regulations. *See* TEX.ALCO.BEV.CODE ANN. § 109.33 (Vernon Supp.1985). The evidence showed that there are a number of church, civic and social activities held on the premises of the church which take place daily from early in the morning until late in the evening (and sometimes overnight) involving young children, adults and elderly people. There is a private day school at the church with a large number of young children attending.

Located one block behind the proposed licensed premises is a large low-income housing project. The remainder of the area behind the premises is primarily residential in nature. Directly across Laurent Street from the proposed licensed premises is a large residential neighborhood of predominantly single family homes. Many children live in the immediate neighborhood ***612** of The Thirsty Turtle establishment and play and travel within a close proximity to the business.

One block south and on the west side of Laurent Street is Shields Elementary School. The proposed licensed premises is located less than 700 feet from the nearest property line of the elementary school, although the premises are outside the minimum distance permitted by law. Approximately 500 students attend Shields and live in an area within approximately a two-mile radius of the school. It was also shown that these children generally walk or ride their bicycles to and from school, or are brought to school in automobiles driven by parents. There are a large number of activities, other than the usual school activities, that take place at the school which involve both children and adults.[2]

The appellant gave testimony as to the location of other "on premises" businesses in the area. It was shown that five blocks up Laurent Street from The Thirsty Turtle there was a business operating with an on-premises beer and wine license. Eight blocks away, on the same street, is an establishment selling mixed drinks on the premises. Fourteen blocks away, on the same street, is another establishment operating with an on-premises mixed beverages permit.

There was substantial testimony that the granting of the beer and wine permit at the proposed licensed premises would result in an adverse change in the character of the neighborhood. There was testimony that the granting of the permit at this location would result in an increase in the number of patrons and combined with a limited amount of parking (i.e., 37 parking spaces), would result in an even greater amount of traffic and congestion on this already heavily traveled street. There was also testimony that the increased traffic congestion and the increased probability of persons driving under the influence of alcohol in the immediate area would result in an increase in danger to area children and residents and a hazard to the general public.

The other apparent reason for the denial of the permit was based on the general welfare and safety of persons in the vicinity of The Thirsty Turtle. In this respect, Officer Rodney Tashiro, a member of the Sheriff's Department, was quoted by another witness, without objection, as having stated: "that the presence of an establishment that sells or serves alcoholic beverages in an immediate location of a residential neighborhood, and especially in the vicinity of a low-income housing project, results in a increase and [sic] police activity in that area."

City Police Captain Jessie Ramirez, with twenty-three years experience with the police department, testified as follows:

> Q. Do you, based on your experience as a police officer, have an opinion as to whether or not the granting of this license would increase the hazard to the general—in the license we are talking about—a license to consume on premises beer and wine at the Thirsty Turtle? Do you have an opinion, based on your experience, whether or not that would increase the hazard to the general welfare and safety, and peace of that particular neighborhood?
>
> A. Yes, sir. I feel it would.

Chief of Police Kenneth Rosenquest recommended that the permit be denied at this location, saying that: "the location of this business in an area that is primarily residential, near a public elementary school, and a church with a private elementary school, and a low income housing project would change the character of this neighborhood as it presently exists and would ***613** affect the health, safety and welfare of the community."

Sheriff Dalton G. "Dutch" Meyer wrote a letter to the county judge objecting to the granting of the application for the wine and beer retailer's permit at the Thirsty Turtle. Sheriff Meyer stated:

> This business is located in an area that is primarily residential and [sic] close proximity to a public elementary school. In addition it adjoins Church property which also operates a day school for pre-school children. The traffic generated from the business would pose an immediate danger to the many elementary aged children using the sidewalks in going to and from school. In addition the operation of this business would represent an adverse change in the nature of the neighborhood and contribute adverse effects to the general welfare, health, peace and morals of the neighborhood.

We also note that the record before the district court contained letters from a number of residents of Victoria who had expressed similar reasons why the TABC should deny the mixed-beverage permit. The Honorable Ted Reed, Mayor of the City of Victoria, stated in a letter addressed to the TABC that the location of The Thirsty Turtle is in a primarily residential neighborhood and that, in addition to a large number of residences, within a two-block radius of the location is a public elementary school, a private parochial elementary school, a church, and a low-income housing project. The Mayor also expressed his opinion that "the granting of these permits in this location would serve to change the character of this neighborhood as it presently exists and would adversely affect the health, safety and welfare of the community."

Considering the entire record and all the evidence, we cannot say that reasonable minds could not have reached the same conclusion that the county court reached in denying appellant his permit. Appellant's first point of error is overruled.

In his second point of error, appellant contends that the decisions of the trial court and the county court denied him the right to equal protection of the law as guaranteed by the Constitution of the United States and the State of Texas in that other restaurants along Laurent Street that are in direct competition with the appellant have been granted permits to sell beer and wine, while he has been denied such a right.

The County Court Special Judge, after hearing considerable evidence and personally viewing the premises in question and the surrounding area, found there were no establishments licensed for on-premises consumption within a five block radius of the proposed licensed premises and that the location of the proposed licensed premises on this already heavily traveled thoroughfare, in the middle of an area comprised of residences, a church and schools, would cause an increased traffic hazard and would result in an increase in danger to area children and residents and a safety hazard to the general public. *See* TEX.ALCO.BEV.CODE ANN. § 61.42(a)(3) (Vernon Supp.1985).

There appears no evidence that the statute which provides for the protection of the people of this State under the legitimate exercise of the State's police power was applied discriminatorily. *See Dienst v. Texas Alcoholic Beverage Commission,* 536 S.W.2d at 670–71; *Morgan v. Texas Alcoholic Beverage Commission,* 519 S.W.2d 250, 253 (Tex.Civ.App.—Texarkana 1975, no writ). Appellant's second point of error is overruled.

In his third point of error, appellant contends that he was denied due process because of the manner that the administrative hearing before the special county judge was conducted. His primary complaint is that he was denied the right to cross-examine several witnesses.

Specifically, a letter in opposition to the permit signed by Kenneth Rosenquest, Chief of Police of Victoria County, was admitted into evidence for consideration by the county judge. *See* TEX.ALCO.BEV.CODE ANN. § 61.32(c) (Vernon 1978). ***614** Similarly, a letter signed by Dutch Meyer, Sheriff of Victoria County, was admitted into evidence. Appellant contends that these written recommendations were received into evidence and considered by the court without either of these two persons being present to be sworn in or cross-examined by appellant.

At the county court hearing, appellant objected to the introduction of both these letters solely on *hearsay* grounds. At no time did appellant complain to the county judge that he was denied a right to cross-examine the Chief of Police or Sheriff and, therefore, denied due process. The record before us does not show that appellant ever attempted to subpoena the Chief of Police or the Sheriff as adverse witnesses, nor does the record reflect that appellant requested a recess during the administrative hearing so that he could obtain their presence.

We hold that, under these circumstances, the county court properly considered the recommendations of the Chief of

Police and County Sheriff. *See id.* at § 61.32(c) and TEX.R.EVID. 803(8) and 901(7). Appellant's third point of error is overruled.

In his fourth point of error, appellant contends that section 61.42(a)(3), relied on by the county court to deny his permit, is unconstitutional because it is impermissibly vague. Section 61.42(a) mandates the county judge to "refuse to approve" an application for a license as a distributor or retailer if he has reasonable grounds to believe and finds that:

> (3) the place or manner in which the applicant for a retail dealer's license may conduct his business warrants a refusal of a license based on the general welfare, health, peace, morals, safety, and sense of decency of the people.

Whenever an attack on the constitutionality of a statute is presented for determination, there is a presumption that such statute is valid and that the legislature has not acted unreasonably or arbitrarily in enacting the statute. The burden is on the individual who challenges the Act to establish its unconstitutionality. *International Association of Firefighters v. City of Kingsville,* 568 S.W.2d 391, 393–94 (Tex.Civ.App.—Corpus Christi 1978, writ ref'd n.r.e.).

Furthermore, a statute is only considered to be unconstitutional when it is so incomplete, vague, indefinite and uncertain that it forbids the doing of an act so vague that men of common intelligence must necessarily guess at its meaning. *Sanders v. State Department of Public Welfare,* 472 S.W.2d 179, 182 (Tex.Civ.App.—Corpus Christi 1971, writ dism'd w.o.j.). *See Murphy v. Rowland,* 609 S.W.2d 292, 297 (Tex.Civ.App.—Corpus Christi 1980, writ ref'd n.r.e.). Appellant failed to meet this burden. Appellant's fourth point of error is overruled.

In his fifth and final point of error, appellant complains that the county court erred when, under color of State law, it allowed a church to effectively veto appellant's application for a permit. In that regard, appellant goes on to complain that the State of Texas has "encouraged and fostered the establishment of a religion" in violation of the Establishment Clause of the First Amendment to the constitution of the United States.

Appellant's argument, although multifarious, is basically that the Northside Baptist Church opposed his permit on philosophical and morality issues rather than bonafide legal grounds. We disagree. This argument goes to the heart of the substantial evidence issue. Without reiterating the pertinent facts of the case as stated in the first part of this opinion, we hold that the order of the county court was supported by substantial evidence. Appellant's fifth point of error is overruled.

The judgment of the trial court is AFFIRMED.

OPINION ON MOTION FOR REHEARING

We have reviewed that portion of our original opinion which discusses appellant's ***615** objection on hearsay grounds to the letters admitted as evidence in opposition to appellant's permit application. Appellant's Motion for Rehearing complains that TEX.ALCO.BEV.CODE ANN. § 61.32(c) (Vernon 1978) and TEX.R.EVID. 803(8) and 901(b)(7) do not support the admission of those letters.

As stated in our original opinion, appellant's objection to the letters was based on hearsay grounds only. On appeal, appellant complained that he was denied due process, and did not reurge his hearsay objection. Therefore, neither the hearsay objection at trial nor the point of error urging denial of due process was properly before us.

Additionally, it is a well-settled rule that a judge sitting without a jury can provisionally admit evidence during trial. It is then presumed on appeal that the judge had disregarded any incompetent evidence in reaching a judgment. *See Gillespie v. Gillespie,* 644 S.W.2d 449, 450 (1982); *Victory v. State,* 138 Tex. 285, 158 S.W.2d 760, 765 (1942); *Kaufhold v. McIver,* 682 S.W.2d 660, 668 (Tex.Civ.App.—Houston [1st Dist.] 1984, writ ref'd n.r.e.); *Raymond v. Aquarius Condominium Owners Ass'n,* 662 S.W.2d 82, 92 (Tex.App.—Corpus Christi 1983, no writ).

Finally, even if there was error in admitting the letters of the public officials, there was sufficient other evidence to support the finding of the county court. Therefore, we cannot say that the error, if any, resulted in the rendition of an improper judgment. TEX.R.CIV.P. 434; *Raymond v. Aquarius Condominium Owners Ass'n,* 662 S.W.2d at 92. Appellant's Motion for Rehearing is overruled.

All Citations

700 S.W.2d 607

Footnotes

1 Several witnesses testified that the appellant had stated that he intended to keep some turtles in a tank at the restaurant and, when things got slow, allow the patrons to choose a turtle to engage in turtle races. The person who picked the fastest turtle would win a prize, such as a drink.

2 The P.T.A. meets once a month at the school from 7:00 p.m.—9:00 p.m.; the boy scouts meet there in the evening several times a month; football teams (Little League and the YMCA) practice there two or three days a week until 5:00 p.m.; the YMCA Sunshine program is held there every Tuesday from approximately 2:15 p.m. to 4:30 p.m.; and other seasonal activities occur, such as the Halloween Carnival.

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OPINION

NYE, Chief Justice.

This is an appeal from a judgment denying an application for an on-premises beer and wine retailer's permit.

On October 5, 1984, appellant, David Helms, applied to appellee, the Texas Alcoholic Beverage Commission (hereinafter TABC), for a permit to sell beer and wine on the premises known as "The Thirsty Turtle" located in Victoria County, Texas. After opposition to the issuance of such permit was filed by the Northside Baptist Church and others, an administrative hearing was conducted by the Honorable Donald R. Pozzi, a Special County Judge appointed to hear and render a decision on appellant's application. The church appeared in opposition. The Special Judge entered an order on behalf of TABC denying the permit sought by appellant on the ground that "[t]he place or manner in which the Applicant may conduct his business warrants the refusal of the license based on the general welfare, health, peace, morals, safety and sense of decency of the people of Victoria County." *See* TEX.ALCO.BEV.CODE ANN. § 61.42(a)(3) (Vernon Supp.1985).

In making this ruling denying the permit, the county judge had before him certain evidence. Included in the evidence were *610 about 94 letters of protest from property owners living in the immediate area, church members, members of the Board of a nearby public school, and from the Mayor, Chief of Police, and the Sheriff. Each commented about the probable increased traffic hazard and the overall adverse effects on the character of the neighborhood which would be caused by granting the permit at the proposed location. There was, however, a petition signed by approximately 450 individuals favoring the granting of the on-premises permit.

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Located one block behind the proposed licensed premises is a large low-income housing project. The remainder of the area behind the premises is primarily residential in nature. Directly across Laurent Street from the proposed licensed premises is a large residential neighborhood of predominantly single family homes. Many children live in the immediate neighborhood ***612** of The Thirsty Turtle establishment and play and travel within a close proximity to the business.

One block south and on the west side of Laurent Street is Shields Elementary School. The proposed licensed premises is located less than 700 feet from the nearest property line of the elementary school, although the premises are outside the minimum distance permitted by law. Approximately 500 students attend Shields and live in an area within approximately a two-mile radius of the school. It was also shown that these children generally walk or ride their bicycles to and from school, or are brought to school in automobiles driven by parents. There are a large number of activities, other than the usual school activities, that take place at the school which involve both children and adults.[2]

The appellant gave testimony as to the location of other "on premises" businesses in the area. It was shown that five blocks up Laurent Street from The Thirsty Turtle there was a business operating with an on-premises beer and wine license. Eight blocks away, on the same street, is an establishment selling mixed drinks on the premises. Fourteen blocks away, on the same street, is another establishment operating with an on-premises mixed beverages permit.

There was substantial testimony that the granting of the beer and wine permit at the proposed licensed premises would result in an adverse change in the character of the neighborhood. There was testimony that the granting of the permit at this location would result in an increase in the number of patrons and combined with a limited amount of parking (i.e., 37 parking spaces), would result in an even greater amount of traffic and congestion on this already heavily traveled street. There was also testimony that the increased traffic congestion and the increased probability of persons driving under the influence of alcohol in the immediate area would result in an increase in danger to area children and residents and a hazard to the general public.

The other apparent reason for the denial of the permit was based on the general welfare and safety of persons in the vicinity of The Thirsty Turtle. In this respect, Officer Rodney Tashiro, a member of the Sheriff's Department, was quoted by another witness, without objection, as having stated: "that the presence of an establishment that sells or serves alcoholic beverages in an immediate location of a residential neighborhood, and especially in the vicinity of a low-income housing project, results in a increase and [sic] police activity in that area."

City Police Captain Jessie Ramirez, with twenty-three years experience with the police department, testified as follows:

> Q. Do you, based on your experience as a police officer, have an opinion as to whether or not the granting of this license would increase the hazard to the general—in the license we are talking about—a license to consume on premises beer and wine at the Thirsty Turtle? Do you have an opinion, based on your experience, whether or not that would increase the hazard to the general welfare and safety, and peace of that particular neighborhood?
>
> A. Yes, sir. I feel it would.

Chief of Police Kenneth Rosenquest recommended that the permit be denied at this location, saying that: "the location of this business in an area that is primarily residential, near a public elementary school, and a church with a private elementary school, and a low income housing project would change the character of this neighborhood as it presently exists and would ***613** affect the health, safety and welfare of the community."

Sheriff Dalton G. "Dutch" Meyer wrote a letter to the county judge objecting to the granting of the application for the wine and beer retailer's permit at the Thirsty Turtle. Sheriff Meyer stated:

> This business is located in an area that is primarily residential and [sic] close proximity to a public elementary school. In addition it adjoins Church property which also operates a day school for pre-school children. The traffic generated from the business would pose an immediate danger to the many elementary aged children using the sidewalks in going to and from school. In addition the operation of this business would represent an adverse change in the nature of the neighborhood and contribute adverse effects to the general welfare, health, peace and morals of the neighborhood.

We also note that the record before the district court contained letters from a number of residents of Victoria who had expressed similar reasons why the TABC should deny the mixed-beverage permit. The Honorable Ted Reed, Mayor of the City of Victoria, stated in a letter addressed to the TABC that the location of The Thirsty Turtle is in a primarily residential neighborhood and that, in addition to a large number of residences, within a two-block radius of the location is a public elementary school, a private parochial elementary school, a church, and a low-income housing project. The Mayor also expressed his opinion that "the granting of these permits in this location would serve to change the character of this neighborhood as it presently exists and would adversely affect the health, safety and welfare of the community."

Considering the entire record and all the evidence, we cannot say that reasonable minds could not have reached the same conclusion that the county court reached in denying appellant his permit. Appellant's first point of error is overruled.

In his second point of error, appellant contends that the decisions of the trial court and the county court denied him the right to equal protection of the law as guaranteed by the Constitution of the United States and the State of Texas in that other restaurants along Laurent Street that are in direct competition with the appellant have been granted permits to sell beer and wine, while he has been denied such a right.

The County Court Special Judge, after hearing considerable evidence and personally viewing the premises in question and the surrounding area, found there were no establishments licensed for on-premises consumption within a five block radius of the proposed licensed premises and that the location of the proposed licensed premises on this already heavily traveled thoroughfare, in the middle of an area comprised of residences, a church and schools, would cause an increased traffic hazard and would result in an increase in danger to area children and residents and a safety hazard to the general public. *See* TEX.ALCO.BEV.CODE ANN. § 61.42(a)(3) (Vernon Supp.1985).

There appears no evidence that the statute which provides for the protection of the people of this State under the legitimate exercise of the State's police power was applied discriminatorily. *See Dienst v. Texas Alcoholic Beverage Commission,* 536 S.W.2d at 670–71; *Morgan v. Texas Alcoholic Beverage Commission,* 519 S.W.2d 250, 253 (Tex.Civ.App.—Texarkana 1975, no writ). Appellant's second point of error is overruled.

In his third point of error, appellant contends that he was denied due process because of the manner that the administrative hearing before the special county judge was conducted. His primary complaint is that he was denied the right to cross-examine several witnesses.

Specifically, a letter in opposition to the permit signed by Kenneth Rosenquest, Chief of Police of Victoria County, was admitted into evidence for consideration by the county judge. *See* TEX.ALCO.BEV.CODE ANN. § 61.32(c) (Vernon 1978). ***614** Similarly, a letter signed by Dutch Meyer, Sheriff of Victoria County, was admitted into evidence. Appellant contends that these written recommendations were received into evidence and considered by the court without either of these two persons being present to be sworn in or cross-examined by appellant.

At the county court hearing, appellant objected to the introduction of both these letters solely on *hearsay* grounds. At no time did appellant complain to the county judge that he was denied a right to cross-examine the Chief of Police or Sheriff and, therefore, denied due process. The record before us does not show that appellant ever attempted to subpoena the Chief of Police or the Sheriff as adverse witnesses, nor does the record reflect that appellant requested a recess during the administrative hearing so that he could obtain their presence.

We hold that, under these circumstances, the county court properly considered the recommendations of the Chief of

Police and County Sheriff. *See id.* at § 61.32(c) and TEX.R.EVID. 803(8) and 901(7). Appellant's third point of error is overruled.

In his fourth point of error, appellant contends that section 61.42(a)(3), relied on by the county court to deny his permit, is unconstitutional because it is impermissibly vague. Section 61.42(a) mandates the county judge to "refuse to approve" an application for a license as a distributor or retailer if he has reasonable grounds to believe and finds that:

> (3) the place or manner in which the applicant for a retail dealer's license may conduct his business warrants a refusal of a license based on the general welfare, health, peace, morals, safety, and sense of decency of the people.

Whenever an attack on the constitutionality of a statute is presented for determination, there is a presumption that such statute is valid and that the legislature has not acted unreasonably or arbitrarily in enacting the statute. The burden is on the individual who challenges the Act to establish its unconstitutionality. *International Association of Firefighters v. City of Kingsville,* 568 S.W.2d 391, 393–94 (Tex.Civ.App.—Corpus Christi 1978, writ ref'd n.r.e.).

Furthermore, a statute is only considered to be unconstitutional when it is so incomplete, vague, indefinite and uncertain that it forbids the doing of an act so vague that men of common intelligence must necessarily guess at its meaning. *Sanders v. State Department of Public Welfare,* 472 S.W.2d 179, 182 (Tex.Civ.App.—Corpus Christi 1971, writ dism'd w.o.j.). *See Murphy v. Rowland,* 609 S.W.2d 292, 297 (Tex.Civ.App.—Corpus Christi 1980, writ ref'd n.r.e.). Appellant failed to meet this burden. Appellant's fourth point of error is overruled.

In his fifth and final point of error, appellant complains that the county court erred when, under color of State law, it allowed a church to effectively veto appellant's application for a permit. In that regard, appellant goes on to complain that the State of Texas has "encouraged and fostered the establishment of a religion" in violation of the Establishment Clause of the First Amendment to the constitution of the United States.

Appellant's argument, although multifarious, is basically that the Northside Baptist Church opposed his permit on philosophical and morality issues rather than bonafide legal grounds. We disagree. This argument goes to the heart of the substantial evidence issue. Without reiterating the pertinent facts of the case as stated in the first part of this opinion, we hold that the order of the county court was supported by substantial evidence. Appellant's fifth point of error is overruled.

The judgment of the trial court is AFFIRMED.

OPINION ON MOTION FOR REHEARING

We have reviewed that portion of our original opinion which discusses appellant's ***615** objection on hearsay grounds to the letters admitted as evidence in opposition to appellant's permit application. Appellant's Motion for Rehearing complains that TEX.ALCO.BEV.CODE ANN. § 61.32(c) (Vernon 1978) and TEX.R.EVID. 803(8) and 901(b)(7) do not support the admission of those letters.

As stated in our original opinion, appellant's objection to the letters was based on hearsay grounds only. On appeal, appellant complained that he was denied due process, and did not reurge his hearsay objection. Therefore, neither the hearsay objection at trial nor the point of error urging denial of due process was properly before us.

Additionally, it is a well-settled rule that a judge sitting without a jury can provisionally admit evidence during trial. It is then presumed on appeal that the judge had disregarded any incompetent evidence in reaching a judgment. *See Gillespie v. Gillespie,* 644 S.W.2d 449, 450 (1982); *Victory v. State,* 138 Tex. 285, 158 S.W.2d 760, 765 (1942); *Kaufhold v. McIver,* 682 S.W.2d 660, 668 (Tex.Civ.App.—Houston [1st Dist.] 1984, writ ref'd n.r.e.); *Raymond v. Aquarius Condominium Owners Ass'n,* 662 S.W.2d 82, 92 (Tex.App.—Corpus Christi 1983, no writ).

Finally, even if there was error in admitting the letters of the public officials, there was sufficient other evidence to support the finding of the county court. Therefore, we cannot say that the error, if any, resulted in the rendition of an improper judgment. TEX.R.CIV.P. 434; *Raymond v. Aquarius Condominium Owners Ass'n,* 662 S.W.2d at 92. Appellant's Motion for Rehearing is overruled.

All Citations

700 S.W.2d 607

Footnotes

1 Several witnesses testified that the appellant had stated that he intended to keep some turtles in a tank at the restaurant and, when things got slow, allow the patrons to choose a turtle to engage in turtle races. The person who picked the fastest turtle would win a prize, such as a drink.

2 The P.T.A. meets once a month at the school from 7:00 p.m.—9:00 p.m.; the boy scouts meet there in the evening several times a month; football teams (Little League and the YMCA) practice there two or three days a week until 5:00 p.m.; the YMCA Sunshine program is held there every Tuesday from approximately 2:15 p.m. to 4:30 p.m.; and other seasonal activities occur, such as the Halloween Carnival.

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852 S.W.2d 489
Supreme Court of Texas.

DALLAS MERCHANT'S AND CONCESSIONAIRE'S ASSOCIATION et al., Petitioners, v. CITY OF DALLAS, Respondent.

No. D–2159.
|
April 7, 1993.
|
Rehearing Overruled June 3, 1993.

Synopsis
Merchants association challenged validity of home-rule city's zoning ordinance dispersing location of alcohol-related businesses. The 134th District Court, Dallas County, Anne Ashby Packer, J., granted relief, and city appealed. The Court of Appeals, 823 S.W.2d 347,reversed and rendered, and further appeal was taken. The Supreme Court, Hightower, J., held that ordinance of home-rule city prohibiting sale of alcoholic beverages within 300 feet of residential areas was preempted by Texas Alcoholic Beverages Code.

Reversed.

Enoch, J., dissented and filed opinion in which Hecht and Cornyn, JJ., joined.

Attorneys and Law Firms

***489** Richard M. Lannen, Diane Snelson, Eric V. Moyé, Eric R. Cromartie, David C. Godbey, Andrew L. Siegel, Dallas, for petitioners.

Dan Morales, Austin, John Rogers, Dallas, W. Reed Lockhoof, Austin, Analeslie U. Muncy, Fort Worth, Angela Washington, ***490** Sam A. Lindsay, Dallas, for respondent.

OPINION

HIGHTOWER, Justice.

In this cause, we consider whether an ordinance of a home-rule city prohibiting the sale of alcoholic beverages within 300 feet of a residential area is preempted by the Texas Alcoholic Beverage Code (TABC). In 1990, the Dallas Merchants and Concessionaires Association, the Texas Package Stores Association, and other individuals (hereinafter "Merchants") filed suit against the City of Dallas ("City") for declaratory and injunctive relief. The trial court held that the ordinance was preempted by the TABC. The court of appeals reversed. 823 S.W.2d 347. We hold that an ordinance of a home-rule city prohibiting the sale of alcoholic beverages within 300 feet of a residential area is preempted by the TABC. Consequently, we reverse the judgment of the court of appeals and affirm the judgment of the trial court.

On September 30, 1987, the Dallas City Council ("Council") passed Ordinance No. 19694 ("Ordinance"), which created new zoning categories for South Dallas. The Ordinance imposed a D–1 overlay on certain areas of South Dallas and exempted certain areas that are outside of and do not effect the residential areas of South Dallas. In this D–1 overlay area, no business is allowed to sell or serve alcoholic beverages within 300 feet of residentially zoned properties not located on a freeway service road or other specified road. However, a business in a D–1 overlay area may sell or serve alcoholic beverages if the Council grants a specific use permit (SUP). On October 12, 1988, the Council approved Resolution 883306, which established the guidelines for evaluating SUP applications for selling or serving alcoholic beverages in areas of South Dallas affected by the D–1 overlay. In June 1990, the Merchants filed suit against the City.

Following a bench trial, the trial court rendered judgment which, among other things, granted the declaratory and injunctive relief requested by the Merchants. The trial court concluded that the D–1 overlay provisions of the Ordinance conflicted with the TABC and was void to that extent under article XI, section 5 of the Texas Constitution.[1] The trial court also permanently enjoined the City from enforcing the D–1 overlay provisions of the Ordinance. The court of appeals reversed and rendered judgment.

I.

The Merchants argue that the Ordinance is preempted by the TABC. We agree.

PREEMPTION OF HOME-RULE CITIES

To determine whether the Ordinance is preempted by the Texas Alcoholic Beverage Code, we must decide whether the Legislature, by enacting and amending the TABC, preempted ordinances of home-rule cities that prohibit the sale of alcoholic beverages under these circumstances. Home-rule cities have broad discretionary powers, provided that no ordinance "shall contain any provision inconsistent with the Constitution of the State, or of the general laws enacted by the Legislature of this State." TEX. CONST. art. XI, § 5. Home-rule cities possess the full power of self government and look to the Legislature not ***491** for grants of power, but only for limitations on their power. *MJR's Fare of Dallas v. City of Dallas,* 792 S.W.2d 569, 573 (Tex.App.—Dallas 1990, writ denied).

An ordinance of a home-rule city that attempts to regulate a subject matter preempted by a state statute is unenforceable to the extent it conflicts with the state statute. *See City of Brookside Village v. Comeau,* 633 S.W.2d 790, 796 (Tex.1982), *cert. denied,* 459 U.S. 1087, 103 S.Ct. 570, 74 L.Ed.2d 932 (1982). However, "the mere fact that the legislature has enacted a law addressing a subject does not mean the complete subject matter is completely preempted." *City of Richardson v. Responsible Dog Owners,* 794 S.W.2d 17, 19 (Tex.1990). "[A] general law and a city ordinance will not be held repugnant to each other if any other reasonable construction leaving both in effect can be reached." *City of Beaumont v. Fall,* 116 Tex. 314, 291 S.W. 202, 206 (1927). Thus, if the Legislature chooses to preempt a subject matter usually encompassed by the broad powers of a home-rule city, it must do so with unmistakable clarity. *See City of Sweetwater v. Geron,* 380 S.W.2d 550, 552 (Tex.1964).

TEXAS ALCOHOLIC BEVERAGE CODE

In 1977, the Legislature codified the Texas Liquor Control Act into the TABC.[2] Prior to the codification, several courts of appeals held that various ordinances of home-rule cities prohibiting the sale of alcoholic beverages were not preempted by the Texas Liquor Control Act. *See, e.g., City of Clute v. Linscomb,* 446 S.W.2d 377 (Tex.Civ.App.—Houston [1st Dist.] 1969, no writ); *Louder v. Texas Control Board,* 214 S.W.2d 336 (Tex.Civ.App.—Beaumont 1948, writ ref'd n.r.e.); *Eckert v. Jacobs,* 142 S.W.2d 374 (Tex.Civ.App.—Austin 1940, no writ). Subsequent to the codification, the Eleventh Court of Appeals held that the TABC did not preempt ordinances prohibiting the sale of alcoholic beverages. *See Young, Wilkinson & Roberts v. City of Abilene,* 704 S.W.2d 380, 383 (Tex.App.—Eastland 1985, writ ref'd n.r.e.) ("We hold that the Constitution and general statutes of this State do not deny the City [a home rule city] the right to regulate the area of the City in which liquor could be sold."); *Abilene Oil Distributors v. City of Abilene,* 712 S.W.2d 644 (Tex.App.—Eastland 1986, writ ref'd n.r.e.).

Subsequently, in 1987, the Legislature added section 109.57 to the TABC and further amended it in 1991 to read in part:

> (a) Except as expressly authorized by this code, a regulation, charter, or ordinance promulgated by a governmental entity of this state may not impose stricter standards on premises or businesses required to have a license or permit under this code than are imposed on similar premises or businesses that are not required to have such a license or permit.
>
> (b) It is the intent of the legislature that this code shall exclusively govern the regulation of alcoholic beverages in this state, and that except as permitted by this code, a governmental entity of this state may not discriminate against a business holding a license or permit under this code.
>
> (c) Neither this section nor Section 1.06 of this code affects the validity or invalidity of a zoning regulation that was formally enacted before June 11, 1987 and that is otherwise valid, or any amendment to such a regulation enacted after June 11, 1987 if the amendment lessens the restrictions on the licensee or permittee or does not impose additional restrictions on the licensee or permittee. For purposes of this subsection, "zoning regulation" means any charter provision, rule regulation, or other enactment governing the location or use of buildings, other structures, and land.

TEX.ALCO.BEV.CODE ANN. § 109.57(a), (b) & (c) (Vernon Supp.1992). The Legislature's intent is clearly expressed in section 109.57(b) of the TABC—the regulation of alcoholic beverages is exclusively governed by the provisions of the TABC unless otherwise ***492** provided.[3] TEX.ALCO.BEV.CODE ANN. § 109.57(b) (Vernon Supp.1992). Section 109.57 clearly preempts an ordinance of a home-rule city that regulates where alcoholic beverages are sold under most circumstances.[4] Accordingly, we hold that, to the extent of any conflict, the TABC preempts the Ordinance.[5]

II.

The City argues that if section 109.57 preempts an ordinance of a home-rule city regulating where alcoholic beverages are sold, sections 61.37, 109.31, 109.32, and 109.33 will be rendered meaningless.[6] We disagree.

*493 Section 109.57 expressly states that the TABC will exclusively govern the regulation of alcoholic beverages except as otherwise provided by the TABC.[7] TEX.ALCO.BEV.CODE ANN. § 109.57 (Vernon Supp.1992). Thus, the TABC allows ordinances of home-rule cities to prohibit the sale of alcoholic beverages only under limited circumstances. Pursuant to section 109.31, the sale of liquor may be prohibited within residential areas only by charter. TEX.ALCO.BEV.CODE ANN. § 109.31 (Vernon 1978). Under section 109.32, the sale of beer may be prohibited within residential areas by ordinance or charter. TEX.ALCO.BEV.CODE ANN. § 109.32 (Vernon 1978). These options are still available to the City. However, in this case, the Ordinance attempts to prohibit the sale of liquor and beer in non-residential areas. An ordinance may not prohibit the sale of beer in non-residential areas or the sale of liquor in residential or non-residential areas. *See* TEX.ALCO.BEV.CODE ANN. §§ 109.31-32 (Vernon 1978).

Section 109.33 permits a county or city to prohibit the sale of alcoholic beverages by a dealer whose place of business is within 300 feet of a church, school, or public hospital. TEX.ALCO.BEV.CODE § 109.33(a) (Vernon Supp.1992). This option is still available to the City.[8] However, in this case, the Ordinance attempts to prohibit the sale of alcoholic beverages within 300 feet of a residential area—not within 300 feet of a church, school or public hospital.

Likewise, section 61.37 does not conflict with section 109.57. Section 61.37 states that a city secretary will merely certify whether an ordinance or charter prohibits the sale of alcoholic beverages in the area where alcoholic beverages will potentially be sold. TEX.ALCO.BEV.CODE ANN. § 61.37 (Vernon 1978). Under this section, certification is properly withheld only if an ordinance or charter prohibits the *494 sale of alcoholic beverages in a manner allowed by the TABC. *See* TEX.ALCO.BEV.CODE ANN. § 61.37 (Vernon 1978).

We recognize the benefits of ordinances which prohibit the sale of alcoholic beverages under these circumstances. However, the express language of section 109.57 compels this court to give effect to the Legislature's clear intent—the Ordinance is preempted to the extent it conflicts with the TABC. Therefore, we reverse the judgment of the court of appeals and affirm the judgment of the trial court.

Dissenting opinion by ENOCH, J., joined by HECHT and CORNYN, JJ.

ENOCH, Justice, dissenting.

The city of Dallas faces a severe impediment to its redevelopment efforts for a portion of its community (South Dallas) that suffers disproportionately from poverty and crime. The Dallas Merchant's and Concessionaire's Association, the Texas Package Stores Association, Inc., and the five grocery and liquor store owners[1] who are petitioners in this Court all readily concede that alcohol-related businesses are overly concentrated in certain areas of the City of Dallas, that this concentration of such businesses causes severe problems in these areas, and that the City of Dallas adopted Ordinance No. 19694 to reduce this concentration and alleviate these problems. Today the Court adopts petitioners' argument that, regardless, the Legislature requires these matters to only be addressed by the Texas Alcoholic Beverage Commission in Austin, and not by the Dallas City Council. As much as we all are concerned about community restoration, I too would have joined the majority if the law required this result. But, the Court's decision is not mandated by the law. Therefore I dissent.

Ordinance No. 19694 prohibits the location of businesses selling or serving alcoholic beverages within 300 feet of residentially zoned property in certain areas of the city without a special use permit. The issue before us is whether this limited restriction on the location of alcohol-related businesses is preempted by Tex.Alco.Bev.Code § 109.57(a) and (b). Section 109.57(a) provides that an ordinance "may not impose *stricter standards on premises or businesses*" required to be licensed under the Code than on similar premises or businesses. (emphasis added). Section 109.57(b) states that "it is the intent of the legislature that this code shall exclusively govern the *regulation of alcoholic beverages* in this state, and that except as permitted by this code, a governmental entity of this state may not *discriminate*

against a business holding a license or permit under this code." (Emphasis added.)

In my view, Ordinance No. 19694 does not "impose stricter standards on alcohol-related businesses or premises" within the meaning of section 109.57(a). Rather, it restricts the location of such businesses in some areas under some conditions. Nor does the ordinance attempt a "regulation of alcoholic beverages." The ordinance has nothing to do with beverages. Nor does the ordinance "discriminate" against alcohol-related businesses. It merely imposes a restriction on their location to alleviate community problems which petitioners concede such businesses cause.[2] This Ordinance is not, on its face, inconsistent or in conflict with state law. The ordinance is a reasonable supplement to state law to address a local problem. Both should remain in effect.

Assuming for the sake of argument that "location" may be considered a type of ***495** "standard" governing businesses, the law would still not mandate the outcome claimed by the Court. The Local Government Code states:

> If a zoning regulation adopted under this subchapter ... imposes higher standards than those required under another statute or local ordinance or regulation, *the regulation adopted under this subchapter controls.* If the other statute or local ordinance or regulation imposes higher standards, that statute, ordinance, or regulation controls.

Tex.Loc.Gov't Code Ann. § 211.013(a) (Vernon 1988) (emphasis added).

The Court's reading of section 109.57 of the Alcoholic Beverage Code creates a direct conflict between it and section 211.013(a). 852 S.W.2d 489, 493 n. 7. Where possible, courts are to construe language used in statutes so as to harmonize all relevant laws, not create conflict. *La Sara Grain Co. v. First Nat'l Bank of Mercedes,* 673 S.W.2d 558, 565 (Tex.1984); *State v. Standard Oil Co.,* 107 S.W.2d 550, 559 (Tex.1937). Since it is possible, this court must construe the Local Government Code and the Alcoholic Beverage Code so that both provisions are given effect.

Section 109.57(a) prohibits a city from imposing stricter standards on *premises or businesses* licensed under the Alcoholic Beverage Code than are imposed on *similar premises or businesses* not required to have a license. Tex.Alco.Bev.Code Ann. § 109.57(a) (Vernon 1978) (emphasis added). The Alcoholic Beverage Code defines "premises" as "the grounds and all buildings, vehicles, and appurtenances pertaining to the grounds, including any adjacent premises if they are directly or indirectly under the control of the same person." Tex.Alco.Bev.Code Ann. § 11.49(a) (Vernon 1978). Section 11.49(a) refers only to the *physical* premises; it does *not* define "premises" to include the *location* of a licensed business. The Ordinance does not attempt to regulate the physical premises. Additionally, nothing in the Ordinance addresses how the business of selling alcohol is to be conducted. The Ordinance only regulates the location of the business.

The Court recognizes that a city ordinance will not be held repugnant to a general law of the state "if any other reasonable construction leaving both in effect can be reached," 852 S.W.2d at 491, (citing to *City of Richardson v. Responsible Dog Owners,* 794 S.W.2d 17 (Tex.1990)). Because a reasonable reading of these two statutes prevents the conflict the reasoning of the Court creates, there is no basis for restricting the City of Dallas' grant of authority to promulgate zoning regulations under sections 211.001–.013 of the Local Government Code.

The Court's holding seriously hampers the ability of municipalities to combat problems associated with the sale of alcohol. The City of Dallas did not seek to prohibit the sale of alcohol, merely to disperse the locations for its sale in order to achieve a reduction in the problems associated with the sale of alcohol such as increased crime, drinking on premises, litter, loitering, public intoxication, urinating in public, and harassment of children and elderly residents.[3] As petitioners admit, if cities cannot restrict the location of alcohol-related businesses, then only the Texas Alcoholic Beverage Commission can, in the course of granting licenses to businesses. Yet it would be virtually impossible for the Commission to obtain sufficient information in licensing proceedings to determine whether, how and where to impose such restrictions in the dozens of cities where they might be used. Petitioners admit that the Commission has not undertaken this responsibility to date, and it is farfetched to think the Commission would even try. The suggestion that the Legislature has decided that the Commission should address the local problems involved here instead of home-rule cities is most unlikely. Only those local planning, zoning and legislative bodies have, or can be expected to have, a pulse on the particular land use needs of their jurisdiction.

***496** I agree with the Court that "if the Legislature chooses to preempt a subject matter encompassed by the broad powers of a home-rule city, it must do so with unmistakable

clarity." 852 S.W.2d at 491. Whatever may be said of section 109.57, it cannot seriously be argued that the statute makes *unmistakably clear* that the Legislature has preempted the City of Dallas from exercising its broad zoning powers to improve living conditions within its borders. Preemption is even less likely when one considers the result.

I would affirm the judgment of the court of appeals, thus I respectfully dissent.

HECHT and CORNYN, JJ., join in this dissenting opinion.

All Citations

852 S.W.2d 489

Footnotes

1 In the findings of fact, the trial court stated in part:

> 14. None of the SUPs filed by any Establishment within the areas zoned D–1 by Ordinance 19694 had been granted.
>
> 15. The criteria adopted by the Dallas City Council make it virtually impossible for any existing Establishment to qualify for a SUP.
>
> 16. Ordinance 19694 conflicts with and is preempted by the Texas Alcoholic Beverages Code ("TABC"), in that: the Ordinance and the SUP standards impose location restrictions that are inconsistent with the TABC; the Ordinance and the SUP standards attempt to regulate the sale of alcoholic beverages, other than beer, by ordinance; the Ordinance and the SUP standards discriminate against establishments holding permits issued under the TABC, and; the Ordinance and the SUP standards impermissibly attempt to disenfranchise the choice of the voters of the areas affected by Ordinance 19694 in violation of the Local Option provisions and procedures set forth in the TABC.

2 "[The TABC] is intended as a recodification only, and no substantive change in the law is intended by this Act." Acts 1977, 65th Leg., ch. 194, § 7.

3 While the dissent contends that the legislature did not deny home rule cities the ability to regulate with unmistakable clarity under these circumstances, how much more clear must the legislature be than Section 109.57(b), which states: "It is the intent of the legislature that this code [TABC] shall exclusively govern the regulation of alcoholic beverages in this state...." TEX.ALCO.BEV.CODE ANN. § 109.57(b) (Vernon Supp.1992). In addition, Senator McFarland, who was a member of the Conference Committee on H.B. 1652 which enacted Section 109.57, indicated that Section 109.57 was intended to clarify that the TABC governed the location of licensees and permittees and that cities could only regulate the location of licensees and permittees in the instances provided by the TABC. Specifically, Senator McFarland stated,

> [I]t [Section 109.57] says except as authorized by this code [a governmental entity may not regulate the location of a business holding a license or a permit] and there's numerous provisions throughout the code which governmental entities have the authority by zoning or other ordinances, to limit the location of businesses or the type of businesses selling alcoholic beverage.

Debate of conference committee report on Tex.H.B. 1652 on the floor of the Senate, 70th Leg. (June 1, 1987) (colloquy between Senators McFarland and Washington).

4 Section 109.57(d) of the TABC states:

> (d) This section does not effect the authority of a governmental entity to regulate, in a manner as otherwise permitted by law, the location of:
>
> (1) a massage parlor, nude modeling studio, or other sexually oriented business; or
>
> (2) an establishment that derives 75 percent or more of the establishment's gross revenue from the on-premise sale of alcoholic beverages.

Because none of the parties assert that the Ordinance implicates this provision, we express no opinion concerning its applicability.

Since the following cases pre-date the enactment of section 109.57, they are not applicable when determining the preemptive effect of section 109.57. *See Abilene Oil Distributors v. City of Abilene,* 712 S.W.2d 644 (Tex.App.—Eastland 1986, writ ref'd n.r.e.); *Young, Wilkinson & Roberts v. City of Abilene,* 704 S.W.2d 380 (Tex.App.—Eastland 1985, writ ref'd n.r.e.); *T & R Assoc., Inc. v. City of Amarillo,* 688 S.W.2d 622, 625 (Tex.Civ.App.—Amarillo, writ ref'd n.r.e.); *Massengale v. City of Copperas Cove,* 520 S.W.2d 824, 829 (Tex.Civ.App.—Waco 1975, writ ref'd n.r.e.; *Derkard v. City of Port Lavaca,* 491 S.W.2d 748, 751 (Tex.Civ.App.—Corpus Christi 1973, no writ); *City of Clute v. Linscomb,* 446 S.W.2d 377 (Tex.Civ.App.—Houston [1st Dist.] 1969, no writ); *Discount Liquors No. 2, Inc. v. Texas Liquor Control Board,* 420 S.W.2d

422, 423, 425 (Tex.Civ.App.—Amarillo 1967, writ ref'd n.r.e.); *Louder v. Texas Liquor Control Board,* 214 S.W.2d 336 (Tex.Civ.App.—Beaumont 1948, writ ref'd n.r.e.); *Eckert v. Jacobs,* 142 S.W.2d 374 (Tex.Civ.App.—Austin 1940, no writ).

5 The dissent argues that if this court holds that the TABC preempts an ordinance regulating where alcoholic beverages are sold, sellers of alcoholic beverages will not have to comply with any city ordinance. This argument is without merit. Section 109.57(a) provides that an ordinance may not impose stricter standards on alcohol related businesses than on non-alcohol related businesses. TEX.ALCO.BEV.CODE § 109.57(a) (Vernon Supp.1992). For example, under section 109.57(a), an ordinance requiring all businesses with the same kind of premises to have a fire extinguisher on their premises would not violate section 109.57(a). On the other hand, an ordinance requiring an alcohol related business to have two fire extinguishers and only required a non-alcohol related business with the same kind of premises to have one fire extinguisher would violate section 109.57(a).

6 Section 61.37 reads in pertinent part:

> (a) The County Clerk of the county in which an application for a license is made shall certify whether the location or address given in the application is in a wet area and whether the sale of alcoholic beverages for which the license is sought is prohibited by any valid order of the commissioners court.
>
> (b) The city secretary or clerk of the city in which an application for a license is made shall certify whether the location or address given in the application is in a wet area and whether the sale of alcoholic beverages for which the license is sought is prohibited by charter or ordinance.

TEX.ALCO.BEV.CODE ANN. § 61.37 (Vernon 1978). Section 109.31 reads:

> A city by charter may prohibit the sale of liquor in all or part of the residential sections of the city.

TEX.ALCO.BEV.CODE ANN. § 109.31 (Vernon 1978). Section 109.32 reads in pertinent part:

> (a) An incorporated city or town by charter or ordinance may:
>
> (1) prohibit the sale of beer in a residential area; and
>
> (2) regulate the sale of beer and prescribe hours when it may be sold, except a city or town may not permit the sale of beer when its sale is prohibited by this code.

TEX.ALCO.BEV.CODE ANN. § 109.32 (Vernon 1978). Section 109.33 reads in pertinent part:

> (a) The commissioners court of a county may enact regulations applicable in areas in the county outside an incorporated city or town, and the governing board of a city or town may enact regulations applicable in the city or town, prohibiting the sale of alcoholic beverages by a dealer whose place of business is within 300 feet of a church, public school, or public hospital.

TEX.ALCO.BEV.CODE ANN. § 109.33 (Vernon Supp.1992).

7 The dissent incorrectly asserts that Section 211.013 of the Local Government Code allows a home rule city to impose higher standards upon licensees and permittees. This conclusion is erroneous because of Section 109.57(a) of the TABC. Section 109.57(a) states than an ordinance promulgated by a governmental entity may not impose stricter standards on premises or businesses of a permittee than on similar premises and businesses not required to have a license or permit. The Ordinance imposes a stricter standard than allowed by the TABC, specifically, by regulating the location of businesses required to have licenses or permits under the TABC in circumstances not allowed by the TABC. Section 109.57(a) was by its terms enacted to exempt licensees and permittees from Section 211.013 of the Local Government Code.

The application of the doctrine of expressio unius est exclusio alterius further demonstrates the weakness of the dissent's conclusion that the City may regulate in this instance. That doctrine provides that the inclusion of a specific limitation excludes all others. *Royer v. Ritter,* 531 S.W.2d 448, 449 (Tex.Civ.App.—Beaumont 1976, writ ref'd n.r.e.). Sections 109.31–33 and 109.57(d) provide specific instances when a governmental entity, such as a home-rule city, may regulate the location of an alcohol related business. Thus, by expressly stating under what circumstances a governmental entity may regulate the location of an alcohol related business, it follows that there are no other instances when a governmental entity may regulate the location of an alcohol related business. The parties do not assert and we can not find any applicable grant of power to governmental entities to regulate the location of the sale of alcohol in this case.

8 In addition to regulating alcoholic beverages pursuant to sections 109.31–33, a city may make recommendations or protest the issuance of a permit by the Texas Alcoholic Beverage Commission. *See* TEX.ALCO.BEV.CODE ANN. § 11.41(a) (Vernon 1978).

1 The five business owners are Solomon Tadesse, d/b/a S & M Grocery, Nguyen Ha Lam, d/b/a M & D Liquor, Son Ngoc Nguyen, d/b/a Bingo Liquor, Youg Suk Bragdon, d/b/a K & B Grocery, and Thung Vam Tarn, d/b/a Lee's Grocery.

2 This is not to say that any ordinance restricting the location of alcohol-related businesses would be allowed by state law. Obviously, an ordinance that prohibited the location of such businesses within a much larger distance from residential property might have the effect of eliminating those businesses altogether. Such an ordinance would conflict with state

law. But an ordinance which is both written and applied to impose a limited restriction on location for a valid purpose does not conflict with section 109.57.

3 Several community leaders in the South Dallas/Fair Park area testified that these problems were exacerbated by the excessive concentration of alcohol related businesses in the area.

End of Document

Item #18

Sarah Brunkenhoefer

From: CitySecretary
Sent: Monday, August 9, 2021 1:20 PM
To: Rebecca Huerta
Cc: Sarah Brunkenhoefer; Norma Duran
Subject: FW: Public Input: 08-10-2021 - Emily Stadnicki

FYI.

Thank you,
Aly Berlanga

From: JotForm <noreply@jotform.com>
Sent: Monday, August 9, 2021 12:03 PM
To: CitySecretary <CitySecretary@cctexas.com>; Norma Duran <NormaD2@cctexas.com>
Subject: Public Input: 08-10-2021 - Emily Stadnicki

Public Comment & Input Form

Date of Meeting	08-10-2021
Name	Emily Stadnicki
Address	Street Address: 1604 Casa Grande Street City: Pasadena State / Province: CA Postal / Zip Code: 91104
Topic	Variance Case No. 21ZN1026, 1911 South Staples Street
Agenda Item Number	18
Describe Feedback:	Please see attached letter of support.
Uploads:	Letter of support for 1911 S Staples.pdf
Provide an email to receive a copy of your submission.	emilystadnicki@gmail.com

EMILY FOELKER STADNICKI, AICP

1604 CASA GRANDE STREET • PASADENA, CALIFORNIA 91104 • PHONE 213.509.9640

August 9, 2021

Rebecca L. Huerta, City Secretary
City of Corpus Christi
P.O. Box 9277
Corpus Christi, TX 78469

Via email to citysecretary@cctexas.com

RE: Variance Case No. 21ZN1026, 1911 South Staples Street

Dear Ms. Huerta,

Please share with the members of City Council. I am writing to express my support for the aforementioned variance for 1911 South Staples Street to allow the sale of alcoholic beverages for on-premise consumption within 300 feet of a public school. I was born and raised in Corpus Christi and although I now live in Pasadena, California - Corpus will always be home. (I have a Master's degree in City & Regional Planning and over twenty-five years as a professional planner; I have worked in several states in a variety of settings, mostly municipalities.) The applicant and his partners are long-time friends and asked me to review the particulars of this case. I have examined Senior City Planner David Stallworth's staff report and the relevant Municipal Code and Texas Alcoholic Beverage Code sections. Mr. Stallworth's analysis is very thorough and well written, but I'd offer the following for your consideration:

- This Six Points area is obviously ripe for redevelopment. An establishment of the kind proposed could serve as a catalyst for an upward trend. As you know, absentee landlords and vacant buildings breed undesirable activity. While neighbors had to endure the negative impacts of a sexually oriented business for decades and are understandably weary of a business that serves alcohol, the proposal couldn't be more different from the previous use. The applicant team is passionate about this type of music venue, has the capacity to bring it to fruition, and the experience to manage it successfully. The City should be supporting this type of development in every way possible. It is nonsensical to impede this use that doesn't conflict with school hours, when liquor stores, tobacco stores, convenience stores selling beer and wine and vape stores (all of which have overlapping hours with the school in question) would be allowed by-right.
- My interpretation of Corpus Christi Municipal Code §4-5(f)[1], which mirrors the state code language, is that only one of the findings must be made. While I see why the Development Services Department assumed otherwise, I think without more definitive language explicit in the Code, an argument could be made that the "or" indicates that only one of the preceding must be demonstrated. In this case, several of the findings can be made – and, in fact, are made in the staff report.

---

[1] (f) *The city council may, upon application of a business regulated under this section, allow a variance to the regulation if the council determines that enforcement of the regulation in a particular instance is not in the best interest of the public, constitutes waste or inefficient use of land or other resources, creates an undue hardship on an applicant for a license or permit, does not serve its intended purpose, is not effective or necessary, or for any other reason, after consideration of the health, safety, and welfare of the public and the equities of the situation, determines it is in the best interest of the community.* [Corpus Christi Municipal Code §4-5(f)]

- Variances are, by definition, an exception that is made for special circumstances. They are often included in state Codes to allow for local control, because it is understood that general rules aren't always effective in particular situations or have unintended consequences. As a corollary, those most informed to determine when that is the case are local decision-making bodies. This is one of those instances where City Council can look at the totality of the circumstances and apply good judgement and logic.
- In my experience, if the principal of Metro Elementary School of Design, CCISD, the Metro E PTA and other interested parties associated with the school haven't come out in opposition, they are neutral. There may even be an opportunity to collaborate with this innovative arts-oriented curriculum. The owners are certainly open to this type of prospect, perhaps providing space for musicians to meet with students during school hours or hosting school fundraisers. This venue wants to be a part of the community.

Thank you for your time and attention. I hope that you will use this as an opportunity to propel the neighborhood in the right direction.

Sincerely,

Emily Stadnicki

Emily F. Stadnicki, AICP

CC: David Stallworth, AICP
Senior City Planner
Development Services Department
City of Corpus Christi
2406 Leopard St,
Corpus Christi, TX 78408

Via email to davids7@cctexas.com

Item #21

Norma Duran

From: JotForm <noreply@jotform.com>
Sent: Sunday, August 8, 2021 4:38 PM
To: CitySecretary; Norma Duran
Subject: [EXTERNAL]Public Input: 08-10-2021 - Brenda Pack

Public Comment & Input Form

Date of Meeting	08-10-2021
Name	Brenda Pack
Address	Street Address: 13926 Longboat Dr Street Address Line 2: - City: Corpus Christi State / Province: TX Postal / Zip Code: 78418
Topic	Rezoning SFR to Bed and Breakfast
Agenda Item Number	0621-01
Describe Feedback:	I, along with 80% of the other PIPOA members are vehemently AGAINST allowing any STR in the residential portions of our neighborhoods west of Park Road 22. There is a preponderance of evidence from other locales that allow STRs (as close as Port Aransas) to support our wishes AGAINST allowing STRs in any form in our neighborhoods. In this specific location on Mizzen, along with all our other streets, there is not enough parking to support 10 guests! No one wants to live next to a party house and this is specifically designed to be just that. This is not what the majority of residents moved here for nor what we pay huge amounts of taxes for. We expect the city to whom we contribute so much to protect us from this ridiculous idea of allowing STRs. We also expect the city to ENFORCE current and future ordinances regarding this problem. Those who refuse will be voted out.

Provide an email to receive a copy of your submission.	bryndapack@gmail.com

Item #21

Norma Duran

From: JotForm <noreply@jotform.com>
Sent: Sunday, August 8, 2021 4:46 PM
To: CitySecretary; Norma Duran
Subject: [EXTERNAL]Public Input: 08-10-2021 - Jay Green

[[**WARNING:** External e-mail. Avoid clicking on links or attachments. We will **NEVER** ask for a password, username, payment or to take action from an email. When in doubt, please forward to SecurityAlert@cctexas.com.]]

Warning: Replies to this message will go to returns@jotform.com. If you are unsure this is correct please contact the Helpdesk at 826-3766.

Public Comment & Input Form

Date of Meeting	08-10-2021
Name	Jay Green
Address	Street Address: 15733 Finistere Street City: Corpus Christi State / Province: TX Postal / Zip Code: 78418
Topic	Rezoning Case No. 0621-01
Agenda Item Number	18
Describe Feedback:	I am OPPOSED to rezoning any single family residents on North Padre Island to Bed & Breakfasts. Neighborhoods are designed for families to live in, make communities, and have stability. Homeowners generally pay attention to house upkeep, are respectful of their neighborhood and neighbors, and take an active interest in the betterment of their community, to include crime prevention. None of this is achieved with a bed & breakfast. The transient nature o the guests, who will have no interest in the upkeep of the home they are renting or the temporary neighborhood in which they are staying, will erode the North Padre Island community. The quality of life in our North Padre Island neighborhoods will be lost to the desires of "investors" who care not about our Island or Corpus Christi, but only about making short-term profits. Crime will increase as it has in other costal communities who let bed & breakfasts and "short-

	term rentals" in. Hotels, which are REGULATED, exist for visitors.
Provide an email to receive a copy of your submission.	1greenpirate@gmail.com

Norma Duran

From: JotForm <noreply@jotform.com>
Sent: Sunday, August 8, 2021 4:48 PM
To: CitySecretary; Norma Duran
Subject: Public Input: 08-10-2021 - April Green

Public Comment & Input Form

Date of Meeting	08-10-2021
Name	April Green
Address	Street Address: 15733 Finistere Street City: Corpus Christi State / Province: TX Postal / Zip Code: 78418
Topic	Rezoning Case No. 0621-01
Agenda Item Number	18
Describe Feedback:	I am OPPOSED to rezoning any single family residents on North Padre Island to Bed & Breakfasts. Neighborhoods are designed for families to live in, make communities, and have stability. Homeowners generally pay attention to house upkeep, are respectful of their neighborhood and neighbors, and take an active interest in the betterment of their community, to include crime prevention. None of this is achieved with a bed & breakfast. The transient nature o the guests, who will have no interest in the upkeep of the home they are renting or the temporary neighborhood in which they are staying, will erode the North Padre Island community. The quality of life in our North Padre Island neighborhoods will be lost to the desires of "investors" who care not about our Island or Corpus Christi, but only about making short-term profits. Crime will increase as it has in other costal communities who let bed & breakfasts and "short-

	term rentals" in. Hotels, which are REGULATED, exist for visitors.
Provide an email to receive a copy of your submission.	aprilsgreen@gmail.com

Norma Duran

From: JotForm <noreply@jotform.com>
Sent: Sunday, August 8, 2021 7:06 PM
To: CitySecretary; Norma Duran
Subject: Public Input: 08-10-2021 - Roy Sharp

Public Comment & Input Form

Date of Meeting	08-10-2021
Name	Roy Sharp
Address	Street Address: 15037 SPID City: Corpus Christi State / Province: TX Postal / Zip Code: 78418
Topic	item #18 property at 13845 Mizzen Street
Agenda Item Number	item #18 property at 13845 Mizzen Street
Describe Feedback:	Ms Mayor & City Council members, I am extremely opposed to changing zoning in Single Family Residential areas to allow mini hotels or Short Term Rentals. My family researched and avoided other cities which allow STRs and specifically chose Corpus Christi because we could live in a neighborhood where they are illegal. If you retroactively change this zoning we will retain legal counsel and sue all parties who support this change. No STRs in Single Family Residential ! Roy Sharp

Provide an email to receive a copy of your submission.	roy.sharp@mail.com

Norma Duran

From: JotForm <noreply@jotform.com>
Sent: Sunday, August 8, 2021 8:36 PM
To: CitySecretary; Norma Duran
Subject: [EXTERNAL]Public Input: 08-10-2021 - Michael Starek

Public Comment & Input Form

Date of Meeting	08-10-2021
Name	Michael Starek
Address	Street Address: 15917 Cabo Blanco City: Corpus Christi State / Province: TX Postal / Zip Code: 78418
Topic	Short term rentals and bed and breakfast on Padre zisland
Agenda Item Number	21-0765
Describe Feedback:	As a property owner on North Padre Island, I vehemently oppose the allowing of short term rentals, bed and breakfast properties, or any other related businesses or activities within residentially zoned neighborhoods/sections/divisions on North Padre Island, especially those under jurisdiction of the PIPOA. The community is already under attack from lack of consistent regulation of property upkeep, increasing crime and traffic, increasing litter and pollution, while we are paying increasing property taxes to the city. That is fine provided the community is respected and treated well, so as to maintain its integrity and aesthetics as a beautiful place to live. Allowing STRs or B&Bs within these zoned residential/family areas will assuredly result in deterioration of these community zones as intended.

Respectfully

Provide an email to receive a copy of your submission.	mstarek@gmail.com

Norma Duran

From: JotForm <noreply@jotform.com>
Sent: Sunday, August 8, 2021 9:54 PM
To: CitySecretary; Norma Duran
Subject: Public Input: 08-10-2021 - Candace Tidmore

Public Comment & Input Form

Date of Meeting	08-10-2021
Name	Candace Tidmore
Address	Street Address: 15322 Bowsprit Ct City: Corpus Christi State / Province: Texas Postal / Zip Code: 78418
Topic	Oppose Request for Zoning Change
Agenda Item Number	18
Describe Feedback:	As an Island resident, I oppose a zoning change from RS6 to the special permit status as requested for 13845 Mizzen Street. I am opposed to this request for a bed and breakfast in my neighbor as it will change the economic and social fabric of our residential neighborhood. Businesses currently are not allowed to operate in our neighborhood and this should continue to include bed and breakfasts. Not only will this affect the character of our neighborhood, but to allow this zoning change will lead us down the slippery slope to short-term rentals, which 80% of the neighborhood has already indicated by survey is not wanted due to short term rentals creating disruptive party houses, negatively impacting the housing inventory for long term renters (as is occurring now in Port Aransas), and creating an unequal playing field for our local hotel industry (no staff on payroll or safety regulations to

	comply with). We object to the change. Please protect our neighborhood.
Provide an email to receive a copy of your submission.	candace_tidmore@yahoo.com

Norma Duran

From: CitySecretary
Sent: Monday, August 9, 2021 8:53 AM
To: Rebecca Huerta
Cc: Sarah Brunkenhoefer; Norma Duran
Subject: FW: City Council Meeting August 10, 2021 Rezoning Request at13845 Mizzen St. 78418

FYI.

Thank you,
Aly Berlanga

From: john smelley <johns6@sbcglobal.net>
Sent: Monday, August 9, 2021 7:32 AM
To: CitySecretary <CitySecretary@cctexas.com>
Subject: City Council Meeting August 10, 2021 Rezoning Request at13845 Mizzen St. 78418

Dear City Council Members,

As a property owner on Padre Island I am opposed to August 10,2021 City council Meeting item #18 deals with a property at 13845 Mizzen Street. The owners of this property are requesting a zoning change to allow this property to be a Bed and Breakfast. This property has been used as a short-term rental and is located in the RS6 single-family zoned district. By City ordinance, short-term rentals are not allowed in the RS6 Zone. Please vote NO.

John Smelley
15361 Key Largo
Corpus Christi, Tx 78418

Norma Duran

From: JotForm <noreply@jotform.com>
Sent: Monday, August 9, 2021 9:08 AM
To: CitySecretary; Norma Duran
Subject: Public Input: 08-10-2021 - Andrew Millman

Public Comment & Input Form

Date of Meeting	08-10-2021
Name	Andrew Millman
Address	Street Address: 13609 Moro Lane City: Corpus Christi State / Province: TX Postal / Zip Code: 78418
Topic	Rezoning Residence on Mizzen St
Agenda Item Number	18
Describe Feedback:	Corpus Christi has always been family friendly and a primary contributing factor has been the zoning laws. I am opposed to the rezoning of this residence as approval of the special permit for the "Bed and Breakfast" erodes the intent of the RS-6 zoning. There are many owners who are illegally operating short term rentals in the RS-6 zoned areas who will this as an opportunity to circumvent the existing regulations by posing as B&B. The existing zoning serves the entire community. Approval of this special permit serves only the investors who's focus is increasing their bottom line and who do not care about the community itself.
Provide an email to receive a copy of your submission.	agmillman@gmail.com

Norma Duran

From: JotForm <noreply@jotform.com>
Sent: Monday, August 9, 2021 9:12 AM
To: CitySecretary; Norma Duran
Subject: [EXTERNAL]Public Input: 08-10-2021 - Patti Baker

Public Comment & Input Form

Date of Meeting	08-10-2021
Name	Patti Baker
Address	Street Address: 15341 Tortuga Court City: Corpus Christi State / Province: TX Postal / Zip Code: 78418
Topic	Rezone on Mizzen
Agenda Item Number	21-0765
Describe Feedback:	I'm writing to encourage everyone to vote "No" on item 18. It is a request to rezone a single family home to a bed a breakfast on Mizzen Avenue. Rules and zoning are in place to protect our way of life on the island. Please don't let greed takeover our quality of life. We purchased our home on the island specifically to avoid STR's. We were looking in Port A and saw the STR situation there, and this was years ago. We have lived in vacation communities that allowed STR's in single family residence areas and it ruined the full time residents quality of life. Police and emergency service use greatly increased at these STR homes. The funds gained for the city on the STR will be gone due to increased emergency service needs.

	Please listen to the majority of residents, not the loud minority. Thank you, Patti Baker
Provide an email to receive a copy of your submission.	hbscubagirl@yahoo.com

Norma Duran

From: JotForm <noreply@jotform.com>
Sent: Monday, August 9, 2021 9:49 AM
To: CitySecretary; Norma Duran
Subject: Public Input: 08-10-2021 - Sheila Trudeau

Public Comment & Input Form

Date of Meeting	08-10-2021
Name	Sheila Trudeau
Address	Street Address: 13730 three fathoms bank dr City: corpus christi State / Province: texas Postal / Zip Code: 78418
Topic	Mizzen St bed and breakfast
Agenda Item Number	21-0765
Describe Feedback:	I and everyone I know is opposed to STR in our neighborhoods, including the proposed Bed & Breakfast on Mizzen. Our neighborhoods are residential areas, not commercial. We bought homes there with an expectation of a quiet neighborhood. Our Protective Covenants addresses this issue. Under General Land Use it states in part "No commercial, trade or business activity of any nature shall be carried on upon any lot, nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood." A bed & breakfast is a business. Loud partying vacationers are an annoyance/nuisance to the neighborhood. Noise really travels across the canals. Don't turn our residential streets &

	backyards into a commercial area with excess vacationers so investors can make a profit. Consider how you would feel if STR came to your street. Allow the new hotels going up everywhere to generate tax revenue for the city-not our neighborhoods Thank you Sheila Trudeau
Provide an email to receive a copy of your submission.	strudeau1@me.com

Norma Duran

From: CitySecretary
Sent: Monday, August 9, 2021 8:51 AM
To: Rebecca Huerta
Cc: Sarah Brunkenhoefer; Norma Duran
Subject: FW: A Vote Against Short Term Rental in Padre Isles

FYI.

Thank you,
Aly Berlanga

From: sheila trudeau <strudeau1@me.com>
Sent: Sunday, August 8, 2021 5:03 PM
To: CitySecretary <CitySecretary@cctexas.com>
Subject: Fwd: A Vote Against Short Term Rental in Padre Isles

Begin forwarded message:

From: sheila trudeau <strudeau1@me.com>
Subject: A Vote Against Short Term Rental in Padre Isles
Date: August 8, 2021 at 4:55:28 PM CDT
To: -citysecretary@cctexas.com

I am a 20 year resident on Padre Island and love my life here. I and everyone I know is vehemently opposed to STR in our neighborhoods. The only people who are interested in rezoning to allow them are the investors who don't live here. They live in the San Antonio area or Houston or in Iowa or Minnesota and use their houses here as 2nd homes or investment property. They see it as a business opportunity. Those of us who live here full time see it as home.

I live on 3 Fathoms Bank. The house to my right is a second home. The next 4 houses after that one are also second homes. If STR is allowed here, those 5 homes could all become rental properties. Unfortunately there are many streets out here with many vacant second homes which could all be turned into STRs. When that happens the neighborhood changes. The people who would be renting those properties would be on vacation and would act accordingly. The impact and disruption to the lives of the people who actually reside on this street and the surrounding canals would be tremendous because of the noise that could be generated by partiers, the increased road traffic and need for additional parking, the increased water vehicle traffic on our canals and the disruptive behavior that would come with that, which could cause water safety issues. I would be willing to bet that these out-of-town investors would not want STRs if it was happening to them in their primary neighborhoods.

I think our **Protective Covenants and Landowners' Agreement** addresses this issue. Under **General Land Use** it states in part *"No commercial, trade or business activity of any nature shall be carried on upon any lot, nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood."* If an investor rents out their home for profit, that is a business. This is Prohibited. If vacationing renters are on the property, they may very likely party by drinking with rowdy behavior which is definitely an annoyance or nuisance to the neighborhood. This is prohibited.

Every person who bought a house out here received a copy of these covenants. We all bought homes out here with an expectation of a quiet neighborhood to raise our children in or to retire in. We don't want our residential neighborhood to become a commercial district with an excess of vacationers so some investor who doesn't even live here can make a profit on his second house. These investors bought their houses knowing that the neighborhoods were zoned RS6.

I'd also bet that every person on the City Council would vote against rezoning their own neighborhoods because they wouldn't want STRs next door to them either. Who would? I'd like those in power to stop thinking about the money they might collect for the city coffers and instead think about how the current residents/voters feel. We don't want STR. Please put yourselves in our place and understand that this is not a good idea for the island. There are plenty of hotels being built that will will be occupied if STRs don't happen. The city will still get their tax money. Leave our neighborhood a private neighborhood and not a commercial business.

Thank you,

Sheila Trudeau

Norma Duran

From: JotForm <noreply@jotform.com>
Sent: Sunday, August 8, 2021 7:29 PM
To: CitySecretary; Norma Duran
Subject: [EXTERNAL]Public Input: 08-10-2021 - Myla Ustymenko

Public Comment & Input Form

Date of Meeting	08-10-2021
Name	Myla Ustymenko
Address	Street Address: 16121 Jessamine St City: Corpus Christi State / Province: TX Postal / Zip Code: 78418
Topic	Rezoning
Agenda Item Number	18
Describe Feedback:	To whom it may concern My family and I strongly object the rezoning in question. Thank you, Myla Ustymenko, CPA
Provide an email to receive a copy of your submission.	lyussy@hotmail.com

Norma Duran

From: CitySecretary
Sent: Monday, August 9, 2021 8:52 AM
To: Rebecca Huerta
Cc: Sarah Brunkenhoefer; Norma Duran
Subject: FW: No STRs unless Zoned

FYI.

Thank you,
Aly Berlanga

From: John Pasch <johnrpasch@gmail.com>
Sent: Sunday, August 8, 2021 5:43 PM
To: CitySecretary <CitySecretary@cctexas.com>
Subject: No STRs unless Zoned

Dear Secretary

STRs should not be permitted in single family Neighborhoods that aren't zoned for them.

John Pasch
13734 Three Fathoms Bank
Corpus Christi Tx 78418
(504) 236-6562

Norma Duran

From: CitySecretary
Sent: Monday, August 9, 2021 8:52 AM
To: Rebecca Huerta
Cc: Norma Duran; Sarah Brunkenhoefer
Subject: FW: Padre Island Short Term Rentals

FYI.

Thank you,
Aly Berlanga

From: Jim Jory <joryj3@icloud.com>
Sent: Sunday, August 8, 2021 5:45 PM
To: CitySecretary <CitySecretary@cctexas.com>
Subject: Padre Island Short Term Rentals

Dear Mayor & City Council of Corpus Christ,

My wife and I are unable to make the City Council Meeting on Tuesday because we are out of town so I wanted to share our thoughts with you regarding Short Term Rentals.

We are against Short Term Rentals (STRs) and against any rezoning to legally allow STRs in single family home neighborhoods. We are members of the PIPOA and live on Cruiser Street.

We all know that STRs are absolutely destroying the beach town feel of Port Aransas. We enjoyed our home in Corpus Christi on the island so much that my wife and I decided to leave San Antonio and make Corpus Christi our permanent residence.

We are requesting the City Council vote down STRs in our community and prevent ST renters from ruining our peaceful island community.

Jim & Cindy Jory

Sarah Brunkenhoefer

From: CitySecretary
Sent: Monday, August 9, 2021 10:19 AM
To: Rebecca Huerta
Cc: Sarah Brunkenhoefer; Norma Duran
Subject: FW: [EXTERNAL]Public Input: 08-10-2021 - Susan Kocian

FYI.

Thank you,
Aly Berlanga

From: JotForm <noreply@jotform.com>
Sent: Monday, August 9, 2021 10:09 AM
To: CitySecretary <CitySecretary@cctexas.com>; Norma Duran <NormaD2@cctexas.com>
Subject: [EXTERNAL]Public Input: 08-10-2021 - Susan Kocian

Public Comment & Input Form

Date of Meeting	08-10-2021
Name	Susan Kocian
Address	Street Address: 13533 Peseta Court City: Corpus Christi State / Province: TX Postal / Zip Code: 78418
Topic	Zoning Case No. 0621-01, Joshua and Jasania Morales
Agenda Item Number	21-0765
Describe Feedback:	I am urgently requesting that the Council deny the request for re-zoning of 13845 Mizzen Street for purposes to use the property as a "Bed and Breakfast". The City of Corpus Christi Zoning Ordinance defines a B&B as: "A private owner-occupied residence that offers sleeping accomodations to lodgers. ....A Bed and Breakfast

	(B&B) home is not a Single Family Dwelling." The subject property is not the primary residence of the owners; therefore, it is not an owner-occupied property. Additionally, a B&B is not defined as a SFR and should not exist in Zone 6. This Special Permit Request is an obvious attempt by the property owners to circumvent the regulation prohibiting short term rentals in Zone 6 on the Island. If this Special Permit is allowed, a precedent is set and the door is open for others to obtain special permits. Allowing short term rentals disguised as a "Bed and Breakfast" will ruin our Island community.
Provide an email to receive a copy of your submission.	slkocian@sbcglobal.net

Sarah Brunkenhoefer

From: CitySecretary
Sent: Monday, August 9, 2021 1:19 PM
To: Rebecca Huerta
Cc: Sarah Brunkenhoefer; Norma Duran
Subject: FW: [EXTERNAL]Public Input: 08-10-2021 - Kay Buchanan

FYI.

Thank you,
Aly Berlanga

From: JotForm <noreply@jotform.com>
Sent: Monday, August 9, 2021 11:51 AM
To: CitySecretary <CitySecretary@cctexas.com>; Norma Duran <NormaD2@cctexas.com>
Subject: [EXTERNAL]Public Input: 08-10-2021 - Kay Buchanan

Public Comment & Input Form

Date of Meeting	08-10-2021
Name	Kay Buchanan
Address	Street Address: 13826 Mizzen Street City: Corpus Christi State / Province: TX Postal / Zip Code: 78418
Topic	Zoning Case No. 0621-01
Agenda Item Number	Agenda Item F
Describe Feedback:	In regards to: Zoning Case No. 0621-01, Joshua and Jasania Morales: (District 4) Ordinance rezoning property at or near 13845 Mizzen Street from the "RS-6" Single-Family 6 District to "RS-6/SP" Single-Family 6 District with a Special Permit. (Planning Commission recommends Denial and Staff recommends Approval) (3/4 vote will be required due to

	opposition by surrounding property owners and Planning Commission recommends Denial)" Gary Ericksen and I own a single family home at 13826 Mizzen Street, Corpus Christi,TX 78418. We are opposed to the zoning change. We believe the change would decrease the quality of life in our neighborhood. We believe there are plenty of other short-term rental options available on North Padre Island in the areas currently zoned for them. We urge the Council to vote NO and to not grant this Special Permit. Thank you for this opportunity to address the Council. Kay Buchanan
Provide an email to receive a copy of your submission.	buchanankay@comcast.net

Sarah Brunkenhoefer

From: CitySecretary
Sent: Monday, August 9, 2021 1:19 PM
To: Rebecca Huerta
Cc: Sarah Brunkenhoefer; Norma Duran
Subject: FW: [EXTERNAL]Public Input: 08-10-2021 - Jim Flowers

FYI.

Thank you,
Aly Berlanga

From: JotForm <noreply@jotform.com>
Sent: Monday, August 9, 2021 11:51 AM
To: CitySecretary <CitySecretary@cctexas.com>; Norma Duran <NormaD2@cctexas.com>
Subject: [EXTERNAL]Public Input: 08-10-2021 - Jim Flowers

Public Comment & Input Form

Date of Meeting	08-10-2021
Name	Jim Flowers
Address	Street Address: 15638 CUTTYSARK ST City: CORPUS CHRISTI State / Province: Texas Postal / Zip Code: 78418
Topic	Special permit to allow Bed and Breakfast
Agenda Item Number	18
Describe Feedback:	I am 100% against allowing any type of short term rentals in our single family neighborhoods. We purchased our home with the knowledge that STRs are not allowed. We would not have purchased this home had that not been the case. Now the city has decided to allow this illegal activity and is considering making special exceptions.

	The owners of the home of Mizzen has already shown they have no respect of the city or our laws. They have been using this home as a STR since they purchased. We have already seen a significant rise in crime and disturbances in areas that are illegally using their homes as STRs. Keep the zoning laws as they currently exist and start enforcing.
Provide an email to receive a copy of your submission.	jflowers62@gmail.com

Sarah Brunkenhoefer

From: CitySecretary
Sent: Monday, August 9, 2021 1:20 PM
To: Rebecca Huerta
Cc: Sarah Brunkenhoefer; Norma Duran
Subject: FW: [EXTERNAL]Public Input: 08-10-2021 - Kay Buchanan

FYI.

Thank you,
Aly Berlanga

From: JotForm <noreply@jotform.com>
Sent: Monday, August 9, 2021 12:05 PM
To: CitySecretary <CitySecretary@cctexas.com>; Norma Duran <NormaD2@cctexas.com>
Subject: [EXTERNAL]Public Input: 08-10-2021 - Kay Buchanan

Public Comment & Input Form

Date of Meeting	08-10-2021
Name	Kay Buchanan
Address	Street Address: 13826 Mizzen Street City: Corpus Christi State / Province: TX Postal / Zip Code: 78418
Topic	Special Permit: Zoning Case No. 0621-01
Agenda Item Number	21-0765
Describe Feedback:	Gary Ericksen and I own a single-family home located at 13826 Mizzen Street on the Island. We are opposed to the zoning change. We believe the change will decrease the quality of life in our neighborhood. We believe there are plenty adequate choices of other rental options in the areas currently zoned for short-term rentals.

	We urge the Council to vote NO and to not grant this permit request. Thank you. Kay Buchanan and Gary Ericksen [Please note I submitted a completed form a while ago but did not have the Agenda Item Number properly identified. So please diregard my first form.]
Provide an email to receive a copy of your submission.	buchanankay@comcast.net

Sarah Brunkenhoefer

From: CitySecretary
Sent: Monday, August 9, 2021 1:38 PM
To: Rebecca Huerta
Cc: Sarah Brunkenhoefer; Norma Duran
Subject: FW: Public Input: 08-10-2021 - CHRIS HORNBERGER

FYI.

Thank you,
Aly Berlanga

From: JotForm <noreply@jotform.com>
Sent: Monday, August 9, 2021 1:27 PM
To: CitySecretary <CitySecretary@cctexas.com>; Norma Duran <NormaD2@cctexas.com>
Subject: Public Input: 08-10-2021 - CHRIS HORNBERGER

Public Comment & Input Form

Date of Meeting	08-10-2021
Name	CHRIS HORNBERGER
Address	Street Address: 14514 E Cabana St Street Address Line 2: Apt 311 City: Corpus Christi State / Province: TX Postal / Zip Code: 78418
Topic	STR Zoning Request on Mizzen Street
Agenda Item Number	21-0765
Describe Feedback:	Dear City Council Members, I am opposed to the request to rezone the Mizzen Street property for STR. STRs do not belong within established single family neighborhoods.

	Regards, Chris Hornberger
Provide an email to receive a copy of your submission.	bergerone@aol.com

Sarah Brunkenhoefer

From: CitySecretary
Sent: Monday, August 9, 2021 1:49 PM
To: Rebecca Huerta
Cc: Sarah Brunkenhoefer; Norma Duran
Subject: FW: [EXTERNAL]Public Input: 08-10-2021 - Greg & Darla Gierczak

FYI.

Thank you,
Aly Berlanga

From: JotForm <noreply@jotform.com>
Sent: Monday, August 9, 2021 1:48 PM
To: CitySecretary <CitySecretary@cctexas.com>; Norma Duran <NormaD2@cctexas.com>
Subject: [EXTERNAL]Public Input: 08-10-2021 - Greg & Darla Gierczak

Public Comment & Input Form

Date of Meeting	08-10-2021
Name	Greg & Darla Gierczak
Address	Street Address: 13918 El Soccorro Loop City: Corpus Christi State / Province: TX Postal / Zip Code: 78418
Topic	Opposition to Rezoning a property at or near 13845 Mizzen Street
Agenda Item Number	Agenda #18 - Please read at the specific agenda item for the rezoning request presentation
Describe Feedback:	See attached Letter...
Uploads:	Special Permit on City Council agenda to allow B&B.pdf

Provide an email to receive a copy of your submission.	gregndarla@live.com

August 9, 2021

Dear Councilmembers:

I am writing regarding the City Council's agenda on Tuesday, August 10, 2021, at 11:30 AM at City Hall. The issue at hand is the Council's meeting agenda item #18 which deals with a property at 13845 Mizzen Street. The owners of this property are requesting a zoning change/exemption to allow this property to be a Bed and Breakfast. This property appears to have been used as a short-term rental (STR), and it is located in the RS6 single-family zoned district. By City ordinance already, short-term rentals are not allowed in this RS6 Zone. A Bed & Breakfast is nothing but a short-term rental and should not be allowed.

We're against any rezoning to allow Bed & Breakfast or STRs in single family home neighborhoods in this area. This item should not even be coming up as City ordinance already does not allow this in RS6 Zone. This area is in a close-nit single-family neighborhood and to operate a bed and breakfast business next to the homes where people live is inappropriate. The city should NOT approve a Special Permit for any business, such as this proposed Bed & Breakfast, in a residential-zoned neighborhood.

Apparently, they've already been breaking the Ordinance that prohibits STRs in Zone 6 and they should not be awarded a special permit to keep doing this. They should actually be fined for breaking the current ordinance! Why in the world would Staff recommend approval of a Special Permit like this in a residential neighborhood is beyond me. While the Planning Commission recommends denial, the staff report recommends approval stating, "It is a legitimate alternative to undocumented or illegal overnight accommodations also known as "short-term rentals." This is a mockery of the actual zoning rules that are meant to prevent these types of short-term rentals in residential single-family neighborhoods, and it should not be approved in an attempt to skirt around the current zoning rules. So, if passed...this sends a clear message to all other owners that all they need to do is say they operate a Bed & Breakfast and then they can avoid the short-term rental ordinance! That is just wrong, but that is what would happen by passing this special permit!

Thank you for taking the time to review our input on this matter...

Sincerely,

Greg and Darla Gierczak
13918 El Soccorro Loop
Corpus Christi, TX 78418

Sarah Brunkenhoefer

From: CitySecretary
Sent: Monday, August 9, 2021 2:39 PM
To: Rebecca Huerta
Cc: Sarah Brunkenhoefer; Norma Duran
Subject: FW: [EXTERNAL]Public Input: 08-10-2021 - Dennis Hanson

FYI.

Thank you,
Aly Berlanga

From: JotForm <noreply@jotform.com>
Sent: Monday, August 9, 2021 2:34 PM
To: CitySecretary <CitySecretary@cctexas.com>; Norma Duran <NormaD2@cctexas.com>
Subject: [EXTERNAL]Public Input: 08-10-2021 - Dennis Hanson

Public Comment & Input Form

Date of Meeting	08-10-2021
Name	Dennis Hanson
Address	Street Address: 13818 Eaglesnest Bay Dr City: Corpus Christi State / Province: TX Postal / Zip Code: 78418
Topic	13845 Mizzen Street Bed and Breakfast Zoning Exception
Agenda Item Number	18
Describe Feedback:	I am opposed to allowing a zoning change to allow a Bed and Breakfast business at 13845 Mizzen Street. This location is R-6 zoning and is a not a business compatible with single family zoning located west of SPID 22. It is noteworthy that nearby City residents responding to a zoning survey were all against having such a activity operated in

	their neighborhood. It is incredulous that zoning staff would make a recommendation against the wishes of those who live in the neighborhood and against the decision of the City's zoning committee which agreed with those living the neighborhood. I am unaware of City staff identifying how Bed and Breakfast requirements would be enforced. The question that must be asked of City staff is why they made a recommendation that a business will allowed to operate in a single family residential area when those mostly affected and the City's own zoning committee does not believe it should be able to do so.
Provide an email to receive a copy of your submission.	iamdenish@yahoo.com

Sarah Brunkenhoefer

From: CitySecretary
Sent: Monday, August 9, 2021 2:39 PM
To: Rebecca Huerta
Cc: Sarah Brunkenhoefer; Norma Duran
Subject: FW: Public Input: 08-10-2021 - Elise Lippincott

FYI.

Thank you,
Aly Berlanga

From: JotForm <noreply@jotform.com>
Sent: Monday, August 9, 2021 2:25 PM
To: CitySecretary <CitySecretary@cctexas.com>; Norma Duran <NormaD2@cctexas.com>
Subject: Public Input: 08-10-2021 - Elise Lippincott

Public Comment & Input Form

Date of Meeting	08-10-2021
Name	Elise Lippincott
Address	Street Address: 13557 Peseta Ct City: Corpus Christi State / Province: TX Postal / Zip Code: 78418
Topic	Bed & Breakfast at 13845 Mizzen
Agenda Item Number	18
Describe Feedback:	As Larry & I have owned a home on the island since 2006, I strongly oppose this request to have our community re-zoned and allow STR's/Bed & Breakfasts in this community. I am also a realtor. When a buyer buys into this community, it is written in the sales contract that they will receive our covenants and by-laws before

	closing (see attached). AND It is clearing written in our by-laws that NO commercial enterprise shall take place on any of these lots that are zoned for single-family detached homes - (see attached). The Mizzen owners were given these by-laws when they bought Mizzen as I was. I would have never bought in this community if it had been zoned for short-term rentals or Bed & Breakfasts. I DO NOT want a revolving door next door to me. I have enough trouble trying to get long-term tenants to keep up their yards. PLEASE DON'T APPROVE THIS REQUEST & ANY FUTURE REQUESTS. Thank you for reading my comment. Elise Lippincott 919-720-1646.
Uploads:	IMG_0418.jpeg IMG_0425.jpeg IMG_0426.jpeg
Provide an email to receive a copy of your submission.	eliselippincott@currently.com

Sarah Brunkenhoefer

From: CitySecretary
Sent: Monday, August 9, 2021 3:22 PM
To: Rebecca Huerta
Cc: Sarah Brunkenhoefer; Norma Duran
Subject: FW: Public Input: 08-10-2021 - Jean Rene Ebelt

FYI.

Thank you,
Aly Berlanga

From: JotForm <noreply@jotform.com>
Sent: Monday, August 9, 2021 3:04 PM
To: CitySecretary <CitySecretary@cctexas.com>; Norma Duran <NormaD2@cctexas.com>
Subject: Public Input: 08-10-2021 - Jean Rene Ebelt

Public Comment & Input Form

Date of Meeting	08-10-2021
Name	Jean Rene Ebelt
Address	Street Address: 15361 Beaufort Ct City: Corpus Christi State / Province: Texas Postal / Zip Code: 78418
Topic	STR's and Bed and Breakfast
Agenda Item Number	18
Describe Feedback:	I moved here because there were no Short Term Rentals on Padre Island in single family residences. I can think of a multitude of reasons why there should not be a change in the zoning. Where are all the additional vehicles and boat trailers going to park? This is going to cause a dangerous situation on the streets. The city needs to hire employees to enforce the existing laws.

	If you can't do this, we will vote in someone who can.
Provide an email to receive a copy of your submission.	ebelt49@gmail.com

Sarah Brunkenhoefer

From: CitySecretary
Sent: Tuesday, August 10, 2021 8:23 AM
To: Rebecca Huerta
Cc: Sarah Brunkenhoefer; Norma Duran
Subject: FW: Public Input: 08-10-2021 - Marilyn Litt

FYI.

Thank you,
Aly Berlanga

From: JotForm <noreply@jotform.com>
Sent: Monday, August 9, 2021 5:00 PM
To: CitySecretary <CitySecretary@cctexas.com>; Norma Duran <NormaD2@cctexas.com>
Subject: Public Input: 08-10-2021 - Marilyn Litt

Public Comment & Input Form

Date of Meeting	08-10-2021
Name	Marilyn Litt
Address	Street Address: 15842 Portillo Dr City: Corpus Christi State / Province: TX Postal / Zip Code: 78418-6467
Topic	B&B
Agenda Item Number	18
Describe Feedback:	I live on the island and own my own home. I am opposed to allowing a B&B to be run on the island.
Provide an email to receive a copy of your submission.	marilyn@marilynlitt.com

Sarah Brunkenhoefer

From: CitySecretary
Sent: Tuesday, August 10, 2021 8:24 AM
To: Rebecca Huerta
Cc: Sarah Brunkenhoefer; Norma Duran
Subject: FW: Public Input: 08-10-2021 - Royce Wells

FYI.

Thank you,
Aly Berlanga

From: JotForm <noreply@jotform.com>
Sent: Monday, August 9, 2021 5:41 PM
To: CitySecretary <CitySecretary@cctexas.com>; Norma Duran <NormaD2@cctexas.com>
Subject: Public Input: 08-10-2021 - Royce Wells

Public Comment & Input Form

Date of Meeting	08-10-2021
Name	Royce Wells
Address	Street Address: 15717 Cuttysark St City: Corp Christi State / Province: TX Postal / Zip Code: 78418
Topic	18
Agenda Item Number	Short term rental on the island
Describe Feedback:	Very opposed to this being allowed The city allowed homes to be built with neighbors pools within 10' of my bedroom , renters come down to party until all hours of the night. The previous owner of the house behind mine did rent and many times I would have to get out of bed at 2am after being annoyed for hours by music and loud talking and laughing to ask or demand the

	party move indoors. Sometimes it was successful others I had to threaten to call police. The renters would fill the driveway and the street with vehicles also. It is unfortunate vacationing renters can't seem understand this is a residential area with people and kids that need to sleep at night, not their personal party zone
Provide an email to receive a copy of your submission.	rwells8269@aol.com

Sarah Brunkenhoefer

From: CitySecretary
Sent: Tuesday, August 10, 2021 8:24 AM
To: Rebecca Huerta
Cc: Sarah Brunkenhoefer; Norma Duran
Subject: FW: Public Input: 08-10-2021 - Taunya Luna

FYI.

Thank you,
Aly Berlanga

From: JotForm <noreply@jotform.com>
Sent: Monday, August 9, 2021 7:45 PM
To: CitySecretary <CitySecretary@cctexas.com>; Norma Duran <NormaD2@cctexas.com>
Subject: Public Input: 08-10-2021 - Taunya Luna

Public Comment & Input Form

Date of Meeting	08-10-2021
Name	Taunya Luna
Address	Street Address: 13525 Peseta Court City: CORPUS CHRISTI State / Province: Texas Postal / Zip Code: 78418
Topic	Opposition to Re-Zoning
Agenda Item Number	21
Describe Feedback:	Please accept my comment as violently opposed to this re-zoning request and the repercussions that will following with permitting a loop-hole in the system to get around the Short Term Rental ban in North Padre Island Residential areas. We purchased in this area as full time residents to specifically live in community with residents and not transient renters.

	I respectfully appreciate your consideration of the local full time residents on the island.
Provide an email to receive a copy of your submission.	btrkluna@verizon.net

Sarah Brunkenhoefer

From: CitySecretary
Sent: Tuesday, August 10, 2021 8:24 AM
To: Rebecca Huerta
Cc: Sarah Brunkenhoefer; Norma Duran
Subject: FW: [EXTERNAL]Public Input: 08-10-2021 - Debbie Wall

FYI.

Thank you,
Aly Berlanga

From: JotForm <noreply@jotform.com>
Sent: Tuesday, August 10, 2021 3:20 AM
To: CitySecretary <CitySecretary@cctexas.com>; Norma Duran <NormaD2@cctexas.com>
Subject: [EXTERNAL]Public Input: 08-10-2021 - Debbie Wall

Public Comment & Input Form

Date of Meeting	08-10-2021
Name	Debbie Wall
Address	Street Address: 15909 Punta Bonaire Dr Street Address Line 2: 15909 Punta Bonaire Dr City: Corpus Christi State / Province: TX Postal / Zip Code: 78418
Topic	13845 Mizzen rezoning
Agenda Item Number	0621-01
Describe Feedback:	OBJECT TO REZONING This is a 2nd home to homeowner that lives in San Antonio -home is not homestead status. Also, they have been operating as a STR since purchase which is in violation of City zoning ordinance for R36 zoned community. This property has 3 bedrooms and the city states 10 guests can accommodate...yet

	where do the owners sleep since they have to be present for each rental if approved as b&b..this SHOULD NOT BE APPROVED.
Provide an email to receive a copy of your submission.	txpeach1@gmail.com

Sarah Brunkenhoefer

From: CitySecretary
Sent: Tuesday, August 10, 2021 8:24 AM
To: Rebecca Huerta
Cc: Sarah Brunkenhoefer; Norma Duran
Subject: FW: [EXTERNAL]Public Input: 08-10-2021 - frank jackson

FYI.

Thank you,
Aly Berlanga

From: JotForm <noreply@jotform.com>
Sent: Monday, August 9, 2021 10:49 PM
To: CitySecretary <CitySecretary@cctexas.com>; Norma Duran <NormaD2@cctexas.com>
Subject: [EXTERNAL]Public Input: 08-10-2021 - frank jackson

Public Comment & Input Form

Date of Meeting	08-10-2021
Name	frank jackson
Address	Street Address: 13949 seafarer dr City: corpus christi State / Province: tx Postal / Zip Code: 78418
Topic	Agenda Item # 21 Zoning Case No. 0621-01
Agenda Item Number	21
Describe Feedback:	This was denied by the Planning Commission unanimously and now comes to the council because "the staff" recommends approval. Who is "the staff" that thinks they know better than the Planning Commission or the nearby residents that have voted 100% in opposition? According to "the staff" report, the Petitioners,

	who have owned the property for 9 months have already been sited four times for zoning violations: "Zoning Violations: Four total violations were issued to Joshua and Jasania Morales (two each) for renting for less than thirty days." No one believes the Petitioners will follow the rules of this new zoning. It is a back door for them to continue to use the property as a short-term rental. The property is currently advertised on booking.com and expedia.com (and maybe other sites) as a short-term rental in direct violation of current zoning. This will not be a "Bed and Breakfast", no "owners" will ever be staying there, just short-term rental clients.
Uploads:	$140_night - Rent a 4bd 3ba Entire house in North Padre Island, TX__VacationRenter.pdf Mrs Potters on the Water for 13 in Corpus Christi on Orbitz.pdf Mrs Potters on the Waters, Beach, Bay, Pool for 13 (Corpus Christi, USA)__Expedia.co.nz.pdf Mrs Potters on the Waters, Beach, Bay, Pool for 13 in Corpus Christi__Best Rates & Deals on Orbitz.pdf
Provide an email to receive a copy of your submission.	fkj123@gmail.com

Save

Mrs Potters on the Waters, Beach, Bay, Pool for 13

Entire house | Booking.com

Located in Corpus Christi, within 2.7 km of Whitecap Beach and 9 km of Mustang Island State Park, Mrs Potters on the Waters, Beach, Bay, Pool for 13 offers accommodation with free WiFi, air conditioning and an outdoor swimming pool.

$140 per night Booking.com

This listing is not available on these dates. Check out similar stays below.

Aug 7 Aug 8

Guests

View deal

Similar stays to Mrs Potters on the Waters, Beach, Bay, Pool for 13

See all results

ENTIRE HOUSE
Aruba Beach Getaway 18 by Padre Esca...
Booking.com
4.5 ★★★★★ (2)
$151 Details

ENTIRE VILLA
Padre Beach View 237K by Padre Escap...
Booking.com
5.0 ★★★★★ (1)
$160 Details

ENTIRE HOUSE
Aruba Beach Getaway II 22 by Padre Es...
Booking.com
$152 Details

ENTIRE VILLA
Nemo Cay Resort BC105K by Padre Esc...
Booking.com
$132 Details

13+ guests · $112 - $168 · North Padre Island TX

Popular stays in North Padre Island

See all results

RV
2014 Forest River Surveyor Sport
5 Guests · Outdoorsy
5.0 ★★★★★ (25)
$117 Details

ENTIRE HOUSE
El Pescador Del Mar 201
Booking.com
5.0 ★★★★★ (11)
$132 Details

RV
Family Friendly Coastal Modern 2021 P...
7 Guests · Outdoorsy
5.0 ★★★★★ (9)
$129 Details

RV
2021 Prime Time Avenger - Sleeps 8+
8 Guests · RVShare
5.0 ★★★★★ (7)
$120 Details

Amenities

See all amenities

Pool | Air Conditioner | Pets Allowed | Kitchen / Kitchenette | Internet / Wifi | Fireplace

Enhanced cleaning

This property has implemented procedures to keep you healthy & safe.

North Padre Island, TX

More about this location

Company

Home
About
List Your Rental
Careers
Blog
Press

Support

Contact
FAQ
Sitemap

$ USD

VacationRenter

$140 per night

Booking.com View deal

Check-in

mm/dd/yyyy

Check-out

mm/dd/yyyy

Rooms

1

Adults

1

Children

0

Check Availability

Mrs Potters on the Waters, Beach, Bay, Pool for 13

Overview Amenities & Policies

Corpus Christi, TX
1-844-663-2269

✔ Price Guarantee
+Get more as an Orbitz Rewards member

1/27 Room

Mrs Potters on the Waters, Beach, Bay, Pool for 13

0
out of 5

Corpus Christi, TX

Hotel highlights

Water park

Outdoor pool

Located within 2 miles (3 km) of Schlitterbahn Waterpark Corpus Christi, this vacation home is within 3 miles (5 km) of Bob Hall Pier. The vacation home includes a private pool, a kitchen, and a fireplace.

Rooms

The vacation home is air-conditioned and features a kitchen, 3 bathrooms, and a balcony, and there's space to spread out with 4 bedrooms. Other standard amenities include a private pool, a washing machine, and a fireplace.

Property features

Guests staying at this vacation home enjoy features like a water park, an outdoor pool, and barbecue grills.

Room options

Check-in

mm/dd/yyyy

Check-out

mm/dd/yyyy

Rooms

1

Adults

1

Children

0

Check Availability

- 1 room

Rooms

- Private pool
- Private balcony
- Fireplace
- Kitchen with refrigerator, oven, and stovetop
- Microwave
- Coffee maker
- Washing machine
- Hair dryer
- TV
- Air conditioning
- Crib rentals
- Homes are wheelchair accessible

Having Fun

Recreation features at this vacation home include a water park and an outdoor pool.

Pools

- Water park
- 1 outdoor swimming pool

Accessibility

If you have requests for specific accessibility needs, please contact the property using the information on the reservation confirmation received after booking.

Hotel Area

Airport

The nearest major airport is Corpus Christi Intl. Airport (CRP): 29-min drive, 24 mi/38.7 km.

Nearby Places of Interest

- Schlitterbahn Waterpark Corpus Christi: 3-min drive, 1.2 mi/2 km
- Mollie Beattie Coastal Habitat Community: 5-min drive, 2.7 mi/4.3 km
- Whitecap Beach: 5-min drive, 2 mi/3.3 km
- North Padre Island Beach: 5-min drive, 2.5 mi/4 km
- J P Luby: 6-min drive, 2.6 mi/4.2 km
- Packery Channel: 6-min drive, 2.5 mi/4 km
- New Port Pass: 7-min drive, 3.6 mi/5.8 km
- JP Luby Surf Park: 7-min drive, 3.6 mi/5.8 km
- Mustang Beach: 9-min drive, 4.6 mi/7.3 km
- Bob Hall Pier: 10-min drive, 2.9 mi/4.7 km
- Funtrackers Family Fun Center: 10-min drive, 7.7 mi/12.4 km
- Mustang Island Beach: 10-min drive, 6.2 mi/10 km
- Corpus Christi Medical Center - Bay Area: 13-min drive, 11.3 mi/18.1 km
- Hans A. Suter Wildlife Area: 14-min drive, 11.4 mi/18.4 km
- Sunrise Mall: 14-min drive, 12.5 mi/20.2 km

Check-in

mm/dd/yyyy

Check-out

mm/dd/yyyy

Rooms

1

Adults

1

Children

0

Check Availability

- Near the beach

Hotel Policies

Special Check-in Details

You will receive an email from the host with check-in and check-out instructions. You will also receive an email from Vrbo with a link to a Vrbo account which will enable you to manage your booking.

Kids + Beds

- Cribs/infant beds are available

Pet Policy

- This property welcomes pets
- Restrictions apply
- For more information, guests can reach out to the property at the number on the booking confirmation

Things To Know

Additional information about polices, regulations, and more:

- Long-term renters welcome.

Charges for extra guests may apply and vary according to property policy.

A cash deposit, credit card, or debit card for incidental charges and government-issued photo identification may be required upon check-in.

Special requests are subject to availability at the time of check-in. Special requests can't be guaranteed and may incur additional charges.

Onsite parties or group events are strictly prohibited. Long-term renters welcome. For guests' safety, the property includes a carbon monoxide detector, a fire extinguisher, a smoke detector, a first aid kit, and a deadbolt lock in each accommodation. This property advises that enhanced cleaning and guest safety measures are currently in place. Disinfectant is used to clean the property; commonly-touched surfaces are cleaned with disinfectant between stays; bed sheets and towels are laundered at a temperature of at least 60°C/140°F. Contactless check-in is available.

Information missing or incorrect? Tell us!

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Microtel Inn & Suites by Wyndham Aransas Pass/Corpus Christi Above and Beyond in Port Aransas by RedAwning
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Beachgate CondoSuites and Oceanfront Resort Econo Lodge Inn & Suites Corpus Christi Island Hotel Port Aransas
The 101 at Endless Summer- Golf Cart Included and Heated Salt Water Pool
Slow M'ocean- Private Heated Pool and 6 Passenger Golf Cart!!!! Tropic Island Resort Fairbridge Inn Express Corpus Christi
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Hampton Inn & Suites Corpus Christi I-37 - Navigation Blvd Plantation Suites & Conference Center Wingate by Wyndham Corpus Christi
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Country Inn & Suites by Radisson, Portland, TX The Place Hotel Best Western Ingleside Inn & Suites
Executive Keys Condominiums on the Beach Motel 6 Corpus Christi, TX - East - North Padre Island

*Price based on the lowest price found within past 24 hours and based upon one night stay for two adults over the next thirty days. Prices and availability subject to change. Additional terms may apply.

Check-in

mm/dd/yyyy

Check-out

mm/dd/yyyy

Rooms

1

Adults

1

Children

0

Check Availability

Enter your phone number

Send

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Important: This destination may have COVID-19 travel restrictions in place, including specific restrictions for lodging. Check any national, local and health advisories for this destination before you book.

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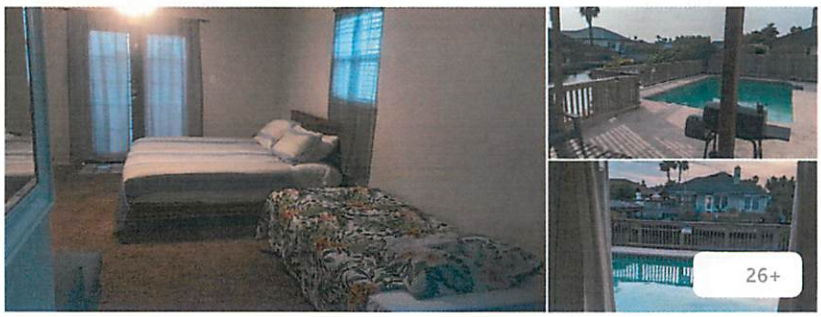


Overview Amenities Policies Location Reviews

Mrs Potters on the Waters, Beach, Bay, Pool for 13

5.0/5 Exceptional

2 reviews ›

Popular amenities

Pool · Kitchen · Air conditioning · Pet-friendly · Washer · Dryer · Outdoor Space · Barbecue grill · Fireplace

Cleaning and safety practices

- Cleaned with disinfectant
- Contactless check-in
- Sheets and towels washed at 60°C

See all ›

Explore the area

La Palmera Mall	19 min drive
Texas A&M University - Corpus Christi	21 min drive
Port Aransas Beach	23 min drive
Corpus Christi, TX (CRP-Corpus Christi Intl.)	29 min drive

Corpus Christi, TX View map ›

Space details

4 bedrooms, 3 bathrooms, sleeps 13

Bedroom 1

1 king bed

1 single bed

Bedroom 2

2 single beds

Bedroom 3

1 queen bed

Bedroom 4

3 double beds

Bathroom 1

Combined bath/shower

Bathroom 2

Shower

Bathroom 3

Combined shower/bath

About this property

Entire place

You'll have the entire home to yourself and will only share it with other guests in your party.

Mrs Potters on the Waters, Beach, Bay, Pool for 13

Family-friendly holiday home with water park and outdoor pool

Clean, good wifi, and ready for you! Enjoy your stay on N. Padre Island with a pool and a view! With 3.5 bedrooms and 3 baths, you can enjoy the privacy of a cozy stay. We are just 5 minutes from Whitecap Beach and Bob Hall Pier. With a big living space, an open kitchen, a large patio and the pool, you can enjoy time together inside or out. Fish off the back patio, grill and enjoy the views, take a short hop to the beach, or enjoy whole home wifi with Netflix, Disney, Hulu, and ESPN+ included!

Air-conditioned accommodation at this holiday home offers private pools and fireplaces. Rooms open to balconies. Kitchens offer fridges, hobs, microwaves and kitchenware and utensils.

See more

Cleaning and safety practices

Enhanced cleanliness measures

Disinfectant is used to clean the property

High-touch surfaces are cleaned and disinfected

Sheets and towels are washed at 60°C or hotter

Check-in

Contactless social distancing

This information is provided by our partners.

Check-in
Select date

Check-out
Select date

Travellers
1 room, 2 travellers

Check Availability

Private pool

Outdoor pool

Internet

WiFi available

Parking and transport

On-site parking options include a garage

Family friendly

Cot/infant bed available

Children's games

Children's toys

Kitchen

Fridge

Hob

Microwave

Oven

Dishwasher

Cookware/dishes/utensils

Paper towels

Coffee/tea maker

Blender

Bedrooms

4 bedrooms

Bed sheets provided

Bathrooms

3 bathrooms

Combined shower/bath

Towels provided

Toilet paper

Hairdryer

Living spaces

Fireplace

Entertainment

TV

Outdoor areas

Balcony

Barbecue

Laundry

Washing machine and dryer

Comfort

Air conditioning

Heating

Pets

Pet friendly

Suitability/Accessibility

If you have any requests for specific accessibility needs, please contact the property using the information on the reservation confirmation received after booking.

Wheelchair accessible

Smoke-free property

Services and conveniences

Iron/ironing board

Location highlights

Near the sea
On the waterfront
Near outlet shopping
Near the bay

Things to do

Water Park
Waterskiing nearby
Wildlife and game walks nearby
Parasailing nearby
Water tubing nearby
Power boating nearby
Swimming nearby
Cycling nearby
Sailing nearby
Surfing/boogie boarding nearby

Safety features

Carbon monoxide detector
Fire extinguisher
First aid kit
Smoke detector
Deadbolt lock

General

Sleeps 13

Similar properties

Currently viewing
Mrs Potters on the Waters, Beach, Bay, Pool...
Corpus Christi

✓ Pool
✓ Parking included
✓ Free WiFi

5.0/5 Exceptional (2 reviews)

Reserve

Watch the Ships go Through the Channel!...
Port Aransas

✗ Pool
✗ Parking included
✓ Free WiFi

View

Experience Island Vibes With Amazing Views of...
Corpus Christi

✓ Pool
✓ Parking included
✓ Free WiFi

4.4/5 Excellent (9 reviews)

View

C
C
R

See similar properties

Corpus Christi › Pool › Private holiday home ›

Guest rating 4.5+ › Family-friendly › Washer and dryer ›

Policies

Check-in

Check-in time starts at 4:00 PM

Minimum check-in age - 25

Check-out

Check-out before 11:00 AM

Special check-in instructions

You will receive an email from the host with check-in and check-out instructions; you will also receive an email from Vrbo with a link to a Vrbo account, which will enable you to manage your booking

Pets

Pets are allowed

Restrictions apply; for more information contact the property on the number on the booking confirmation

Children and extra beds

Children are welcome

Cots (infant beds) are available

Important information

You need to know

Extra-person charges may apply and vary depending on property policy

Government-issued photo identification and a credit card, debit card or cash deposit may be required at check-in for incidental charges

Special requests are subject to availability upon check-in and may incur additional charges; special requests cannot be guaranteed

On-site parties or group events are strictly prohibited

Long-term renters welcome

Safety features at this property include a carbon monoxide detector, a fire extinguisher, a smoke detector, a first aid kit and a deadlock

We should mention

Guests can arrange to bring pets by contacting the property directly, using the contact information on the booking confirmation

Frequently asked questions

- **Does Mrs Potters on the Waters, Beach, Bay, Pool for 13 have a pool?**
- **Is Mrs Potters on the Waters, Beach, Bay, Pool for 13 pet-friendly?**
- **What time is check-in at Mrs Potters on the Waters, Beach, Bay, Pool for 13?**
- **What time is check-out at Mrs Potters on the Waters, Beach, Bay, Pool for 13?**
- **Where is Mrs Potters on the Waters, Beach, Bay, Pool for 13 located?**

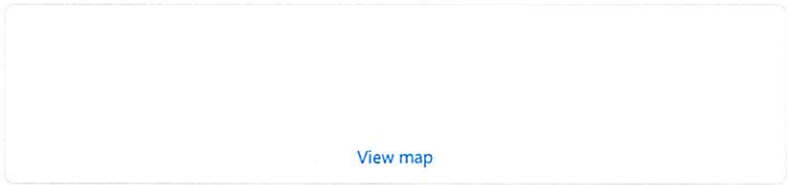
About this area

Corpus Christi

Located in Corpus Christi, this holiday home is on the waterfront. Schlitterbahn Waterpark Corpus Christi and Funtrackers Family Fun Center are local attractions and those in the mood for shopping can visit Sunrise Mall and La Palmera Mall. Waterskiing, water tubing and parasailing offer great chances to get out on the surrounding water, or you can seek out an adventure with cycling nearby.

Visit our Corpus Christi travel guide

View more Holiday Homes in Corpus Christi



What's nearby

Schlitterbahn Waterpark Corpus Christi - 3 min drive

Whitecap Beach - 5 min drive

La Palmera Mall - 19 min drive

Texas A&M University - Corpus Christi - 21 min drive

Port Aransas Beach - 23 min drive

Getting around

Corpus Christi, TX (CRP-Corpus Christi Intl.) - 29 min drive

Restaurants

Whataburger - 3 min drive

JB's German Bakery & Cafe - 3 min drive

Surfside Sandwich Shoppe - 3 min drive

Costa Sur Wok & Ceviche Bar - 3 min drive

Rock and Rolls Sushi Lounge - 3 min drive

5.0 **Exceptional**

2 reviews

5 - Excellent	2
4 - Good	0
3 - Okay	0
2 - Poor	0
1 - Terrible	0

Write a review

5/5 Excellent

Zachary L.
28 May 2021

Great location and awesome pool!

We had a wonderful time. Easily slept all 8 of us and beds are comfortable. The pool was a huge hit.

0

5/5 Excellent

aaron j.
13 Mar. 2021

Perfect beach getaway

This house was amazing!! On the water, check. Seconds from the beach the beach, check. Pool in the backyard, check. Great fishing spot, check. Everything about our trip was great and the hosts were on point for everything. This will be our go to place to stay from here on out.

0

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Check-in

mm/dd/yyyy

Check-out

mm/dd/yyyy

Rooms

1

Adults

1

Children

0

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1-844-663-2276

Orbitz.com > Hotels > United States of America > Texas > Corpus Christi Hotels > Mrs Potters on the Waters, Beach, Bay, Pool for 13, Corpus Chr...

Mrs Potters on the Waters, Beach, Bay, Pool for 13

Overview Amenities & Policies

Corpus Christi, TX
1-844-663-2269

✔ Price Guarantee
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1/27 Room

Mrs Potters on the Waters, Beach, Bay, Pool for 13

0
out of 5

Corpus Christi, TX

Hotel highlights

Water park

Outdoor pool

Located within 2 miles (3 km) of Schlitterbahn Waterpark Corpus Christi, this vacation home is within 3 miles (5 km) of Bob Hall Pier. The vacation home includes a private pool, a kitchen, and a fireplace.

Rooms

The vacation home is air-conditioned and features a kitchen, 3 bathrooms, and a balcony, and there's space to spread out with 4 bedrooms. Other standard amenities include a private pool, a washing machine, and a fireplace.

Property features

Guests staying at this vacation home enjoy features like a water park, an outdoor pool, and barbecue grills.

Room options

Check-in

mm/dd/yyyy

Check-out

mm/dd/yyyy

Rooms

1

Adults

1

Children

0

Check Availability

- 1 room

Rooms

- Private pool
- Private balcony
- Fireplace
- Kitchen with refrigerator, oven, and stovetop
- Microwave
- Coffee maker
- Washing machine
- Hair dryer
- TV
- Air conditioning
- Crib rentals
- Homes are wheelchair accessible

Having Fun

Recreation features at this vacation home include a water park and an outdoor pool.

Pools

- Water park
- 1 outdoor swimming pool

Accessibility

If you have requests for specific accessibility needs, please contact the property using the information on the reservation confirmation received after booking.

Hotel Area

Airport

The nearest major airport is Corpus Christi Intl. Airport (CRP): 29-min drive, 24 mi/38.7 km.

Nearby Places of Interest

- Schlitterbahn Waterpark Corpus Christi: 3-min drive, 1.2 mi/2 km
- Mollie Beattie Coastal Habitat Community: 5-min drive, 2.7 mi/4.3 km
- Whitecap Beach: 5-min drive, 2 mi/3.3 km
- North Padre Island Beach: 5-min drive, 2.5 mi/4 km
- J P Luby: 6-min drive, 2.6 mi/4.2 km
- Packery Channel: 6-min drive, 2.5 mi/4 km
- New Port Pass: 7-min drive, 3.6 mi/5.8 km
- JP Luby Surf Park: 7-min drive, 3.6 mi/5.8 km
- Mustang Beach: 9-min drive, 4.6 mi/7.3 km
- Bob Hall Pier: 10-min drive, 2.9 mi/4.7 km
- Funtrackers Family Fun Center: 10-min drive, 7.7 mi/12.4 km
- Mustang Island Beach: 10-min drive, 6.2 mi/10 km
- Corpus Christi Medical Center - Bay Area: 13-min drive, 11.3 mi/18.1 km
- Hans A. Suter Wildlife Area: 14-min drive, 11.4 mi/18.4 km
- Sunrise Mall: 14-min drive, 12.5 mi/20.2 km

Check-in

mm/dd/yyyy

Check-out

mm/dd/yyyy

Rooms

1

Adults

1

Children

0

Check Availability

- Near the beach

Hotel Policies

Special Check-in Details

You will receive an email from the host with check-in and check-out instructions. You will also receive an email from Vrbo with a link to a Vrbo account which will enable you to manage your booking.

Kids + Beds

- Cribs/infant beds are available

Pet Policy

- This property welcomes pets
- Restrictions apply
- For more information, guests can reach out to the property at the number on the booking confirmation

Things To Know

Additional information about polices, regulations, and more:

- Long-term renters welcome.

Charges for extra guests may apply and vary according to property policy.

A cash deposit, credit card, or debit card for incidental charges and government-issued photo identification may be required upon check-in.

Special requests are subject to availability at the time of check-in. Special requests can't be guaranteed and may incur additional charges.

Onsite parties or group events are strictly prohibited. Long-term renters welcome. For guests' safety, the property includes a carbon monoxide detector, a fire extinguisher, a smoke detector, a first aid kit, and a deadbolt lock in each accommodation. This property advises that enhanced cleaning and guest safety measures are currently in place. Disinfectant is used to clean the property; commonly-touched surfaces are cleaned with disinfectant between stays; bed sheets and towels are laundered at a temperature of at least 60°C/140°F. Contactless check-in is available.

Information missing or incorrect? Tell us!

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1908 Port Aransas - 3 Br Home Port Royal Ocean Resort & Conference Center Candlewood Suites Aransas Pass, an IHG Hotel
Beachgate CondoSuites and Oceanfront Resort Econo Lodge Inn & Suites Corpus Christi Island Hotel Port Aransas
The 101 at Endless Summer- Golf Cart Included and Heated Salt Water Pool
Slow M'ocean- Private Heated Pool and 6 Passenger Golf Cart!!!! Tropic Island Resort Fairbridge Inn Express Corpus Christi
Days Inn by Wyndham Port Aransas TX TownePlace Suites Corpus Christi Portland Omni Corpus Christi Hotel Lively Beach
Holiday Inn Express & Suites Port Aransas/Beach Area, an IHG Hotel Hampton Inn & Suites Port Aransas
Hampton Inn & Suites Corpus Christi I-37 - Navigation Blvd Plantation Suites & Conference Center Wingate by Wyndham Corpus Christi
The Black Pearl 2 Bedroom Condo Best Western Corpus Christi Motel 6 Portland, TX Americas Best Value Inn Sinton
Country Inn & Suites by Radisson, Portland, TX The Place Hotel Best Western Ingleside Inn & Suites
Executive Keys Condominiums on the Beach Motel 6 Corpus Christi, TX - East - North Padre Island

*Price based on the lowest price found within past 24 hours and based upon one night stay for two adults over the next thirty days. Prices and availability subject to change. Additional terms may apply.

Check-in

mm/dd/yyyy

Check-out

mm/dd/yyyy

Rooms

1

Adults

1

Children

0

Check Availability

Enter your phone number

Send

Access to chat support

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Aly Berlanga

From: JotForm <noreply@jotform.com>
Sent: Tuesday, August 10, 2021 10:50 AM
To: CitySecretary; Norma Duran
Subject: Public Input: 08-10-2021 - Kristin Allen

Public Comment & Input Form

Date of Meeting	08-10-2021
Name	Kristin Allen
Address	Street Address: 14234 Sand Dollar Ave City: Corpus Christi State / Province: TX Postal / Zip Code: 78418
Topic	Zoning case 0621-01
Agenda Item Number	21
Describe Feedback:	I am writing to object to the rezoning of the property at 13845 Mizzen St. from RS-6 to RS-6/SP. This area is not appropriate for short term rentals. Short term rentals should not be permitted among densely packed single family homes. The complaints of residents in Port Aransas make it clear what happens if short term rentals are allowed to proliferate in a residential neighborhood. It destroys the quality of life for the residents in the area. Please vote against this zoning change.
Provide an email to receive a copy of your submission.	theallensmail@gmail.com

Aly Berlanga

From: JotForm <noreply@jotform.com>
Sent: Tuesday, August 10, 2021 11:28 AM
To: CitySecretary; Norma Duran
Subject: Public Input: 08-10-2021 - Dave Allen

Public Comment & Input Form

Date of Meeting	08-10-2021
Name	Dave Allen
Address	Street Address: 14234 Sand Dollar Ave City: Corpus Christi State / Province: TX Postal / Zip Code: 78418
Topic	Zoning case 0621-01
Agenda Item Number	21
Describe Feedback:	I am writing to object to the rezoning of the property at 13845 Mizzen St. from RS-6 to RS-6/SP. This area is not appropriate for short term rentals. Calling it a Bed & Breakfast does not negate the fact that it's a short term rental. Short term renters have less respect for neighbors and destroy communities.
Provide an email to receive a copy of your submission.	allenshopping@gmail.com

Item #27

Sarah Brunkenhoefer

From: CitySecretary
Sent: Tuesday, August 10, 2021 9:05 AM
To: Rebecca Huerta
Cc: Sarah Brunkenhoefer; Norma Duran
Subject: FW: Public Input: 08-10-2021 - Joe Rucinski

FYI.

Thank you,
Aly Berlanga

From: JotForm <noreply@jotform.com>
Sent: Tuesday, August 10, 2021 9:01 AM
To: CitySecretary <CitySecretary@cctexas.com>; Norma Duran <NormaD2@cctexas.com>
Subject: Public Input: 08-10-2021 - Joe Rucinski

Public Comment & Input Form

Date of Meeting	08-10-2021
Name	Joe Rucinski
Address	Street Address: 15121 Dasmarinas Dr City: Corpus Christi State / Province: TX Postal / Zip Code: 78418
Topic	Parking on Unimproved surfaces
Agenda Item Number	21-1010
Describe Feedback:	What I'm looking for is an amendment to this proposed ordinance, which specifically states that a rock yard on top of underlayment will meet the definition of an improved hard surface. The majority of the island is rock yards. To ask homeowners to completely asphalt, cement, etc.

	their entire yards, is absurd. It creates a very ugly, hot exterior.
Provide an email to receive a copy of your submission.	cjrucinski@yahoo.com

#27

Sarah Brunkenhoefer

From: CitySecretary
Sent: Tuesday, August 10, 2021 9:13 AM
To: Rebecca Huerta
Cc: Norma Duran; Sarah Brunkenhoefer
Subject: FW: [EXTERNAL]Public Input: 08-10-2021 - frank jackson

FYI.

Thank you,
Aly Berlanga

From: JotForm <noreply@jotform.com>
Sent: Tuesday, August 10, 2021 9:08 AM
To: CitySecretary <CitySecretary@cctexas.com>; Norma Duran <NormaD2@cctexas.com>
Subject: [EXTERNAL]Public Input: 08-10-2021 - frank jackson

Public Comment & Input Form

Date of Meeting	08-10-2021
Name	frank jackson
Address	Street Address: 13949 seafarer dr City: corpus christi State / Province: tx Postal / Zip Code: 78418
Topic	Ordinance adding Section 33-17 to Corpus Christi Code to prohibit parking on an unimproved surface on residential lots
Agenda Item Number	27
Describe Feedback:	As written, this new ordinance will require people with rock yard coverings to pave those over which will result in a great deal of additional run off into the storm sewer system. How does that make sense? The last thing we need is more impervious cover. I understand that there is a desire to have

	everyone comply with Neighborhood Services ideas on what is ascetic and what is unsightly but do we need more ordinances? Why not just enforce the ones we already have on the books? The examples in the supporting documents for this resolution appear to already violate one or more existing ordinances. why make everyone's life just a bot more complicated?
Provide an email to receive a copy of your submission.	fkj123@gmail.com

#27

Sarah Brunkenhoefer

From: CitySecretary
Sent: Tuesday, August 10, 2021 10:22 AM
To: Rebecca Huerta
Cc: Sarah Brunkenhoefer; Norma Duran
Subject: FW: Public Input: 08-10-2021 - Natalie Camargo

FYI.

Thank you,
Aly Berlanga

From: JotForm <noreply@jotform.com>
Sent: Tuesday, August 10, 2021 9:57 AM
To: CitySecretary <CitySecretary@cctexas.com>; Norma Duran <NormaD2@cctexas.com>
Subject: Public Input: 08-10-2021 - Natalie Camargo

Public Comment & Input Form

Date of Meeting	08-10-2021
Name	Natalie Camargo
Address	Street Address: 15625 Cuttysark St City: Corpus Christi State / Province: TX Postal / Zip Code: 78418
Topic	Proposed ordinance Section 33-17
Agenda Item Number	Sec. 33-17. – Parking on unimproved surfaces
Describe Feedback:	Please consider allowing parking on rock-paved surfaces. The should be considered as improved surfaces for parking boats, trailers or RV's. Most Islanders have rock paved surfaces. Thank you. Natalie Camargo

Provide an email to receive a copy of your submission.	njpasley@gmail.com

Aly Berlanga

From: JotForm <noreply@jotform.com>
Sent: Tuesday, August 10, 2021 11:01 AM
To: CitySecretary; Norma Duran
Subject: Public Input: 08-10-2021 - Kristin Allen

Public Comment & Input Form

Date of Meeting	08-10-2021
Name	Kristin Allen
Address	Street Address: 14234 Sand Dollar Ave City: Corpus Christi State / Province: TX Postal / Zip Code: 78418
Topic	Parking on unimproved surfaces
Agenda Item Number	27
Describe Feedback:	I am writing to object to the application of this ordinance on Padre Island. The lack of sidewalks and the narrow streets make parking on residential lots the best option in many cases. At a very minimum, this ordinance should be amended to specifically permit parking on gravel driveways, spaces, and yards. I would much rather see ticketing of abandoned and derelict vehicles on the streets than banning of overflow parking on our own private properties. Please reject this ordinance on Padre Island.
Provide an email to receive a copy of your submission.	theallensmail@gmail.com

Aly Berlanga

From: JotForm <noreply@jotform.com>
Sent: Tuesday, August 10, 2021 11:25 AM
To: CitySecretary; Norma Duran
Subject: Public Input: 08-10-2021 - Dave Allen

Public Comment & Input Form

Date of Meeting	08-10-2021
Name	Dave Allen
Address	Street Address: 14234 Sand Dollar Ave City: CORPUS CHRISTI State / Province: TX Postal / Zip Code: 78418
Topic	parking on unimproved surfaces
Agenda Item Number	27
Describe Feedback:	I am writing to object to the application of this ordinance. At a very minimum, this ordinance should be amended to specifically permit parking on gravel driveways, spaces, and yards. Where I grew up, the city council passed such a measure, which resulted in residents paving their front yards. This did not improve the neighborhoods in any way.
Provide an email to receive a copy of your submission.	allenshopping@gmail.com

#27

Sarah Brunkenhoefer

From: CitySecretary
Sent: Tuesday, August 10, 2021 9:02 AM
To: Rebecca Huerta
Cc: Sarah Brunkenhoefer; Norma Duran
Subject: FW: [EXTERNAL]Public Input: 08-10-2021 - Diana Brackenridge

FYI.

Thank you,
Aly Berlanga

From: JotForm <noreply@jotform.com>
Sent: Tuesday, August 10, 2021 9:00 AM
To: CitySecretary <CitySecretary@cctexas.com>; Norma Duran <NormaD2@cctexas.com>
Subject: [EXTERNAL]Public Input: 08-10-2021 - Diana Brackenridge

Public Comment & Input Form

Date of Meeting	08-10-2021
Name	Diana Brackenridge
Address	Street Address: 14733 Dasmarinas Drive City: Corpus Christi State / Province: TX Postal / Zip Code: 78418
Topic	Vehicle Parking on Unpaved Surfaces
Agenda Item Number	Ordinance 33-17
Describe Feedback:	I think this is an excellent idea and will greatly improve the appearance of our neighborhoods. Some residences have multiple vehicles parked in the yard. They should be on the driveway or behind the fence. Yards are not parking lots. This will also assist in curtailing short term rentals as they will not be able to park multiple vehicles on the property. Thank you.

Provide an email to receive a copy of your submission.	dbrackenridge@hotmail.com

Sarah Brunkenhoefer

From: CitySecretary
Sent: Tuesday, August 10, 2021 12:06 PM
To: Rebecca Huerta
Cc: Sarah Brunkenhoefer; Norma Duran
Subject: FW: Public Input: 08-10-2021 - Aaron Davis

FYI.

Thank you,
Aly Berlanga

From: JotForm <noreply@jotform.com>
Sent: Tuesday, August 10, 2021 12:05 PM
To: CitySecretary <CitySecretary@cctexas.com>; Norma Duran <NormaD2@cctexas.com>
Subject: Public Input: 08-10-2021 - Aaron Davis

Public Comment & Input Form

Date of Meeting	08-10-2021
Name	Aaron Davis
Address	Street Address: 14209 Cabo Blanco Dr City: Corpus Christi State / Province: Texas Postal / Zip Code: 78418
Topic	parking vehicles on unpaved surfaces in front of homes
Agenda Item Number	27
Describe Feedback:	As written,this ordnance will only force homeowners on the island to park their vehicles on the street. we do not have sidewalks to protest pedestrians. This is a concern for our unique community . There is quite a bit of pedestrian traffic to include: strollers, children at play, bicycles, and joggers. I could not imagine going on a walk

	with any increase in parked vehicles. My street isn't particularly wide enough. I recommend rewording the language to include rocked yards as being improved. this is unique to the island. The sad consequence of enforcing this on island home owners will be continued destruction of yards and landscaping which reduce heating effects. I couldn't imagine more paved properties. This is unsightly and bad for heating effects. I can tell you that if this passes i will be forced to pave my entire front yard. This will look just as hideous when i park in front of my home- no improved yard or not.
Provide an email to receive a copy of your submission.	flynavy79@hotmail.com

Sarah Brunkenhoefer

From: CitySecretary
Sent: Wednesday, August 11, 2021 8:12 AM
To: Rebecca Huerta
Cc: Sarah Brunkenhoefer; Norma Duran
Subject: FW: Public Input: 08-17-2021 - Evan Renaud

FYI.

Thank you,
Aly Berlanga

From: JotForm <noreply@jotform.com>
Sent: Wednesday, August 11, 2021 12:27 AM
To: CitySecretary <CitySecretary@cctexas.com>; Norma Duran <NormaD2@cctexas.com>
Subject: Public Input: 08-17-2021 - Evan Renaud

Public Comment & Input Form

Date of Meeting	08-17-2021
Name	Evan Renaud
Address	Street Address: 4002 Brawner Parkway City: Corpus Christi State / Province: Texas Postal / Zip Code: 78411
Topic	Front Yard Parking Ban
Agenda Item Number	21-1010
Describe Feedback:	There is no need for a front yard parking ban. If people wanted HOA style rules, they would move to a neighborhood with an HOA. While some HOA style rules in city limits make sense, particularly those regarding overgrown lawns that could harbor mosquitoes, this parking ban would affect people whose actions are not hurting anyone. Furthermore, a ban on front yard parking would

	disproportionately affect lower income households that may have more family members under one roof, and therefore more licensed drivers parking at that household, possibly parking in the yard if necessary.
Provide an email to receive a copy of your submission.	e.renaud@live.com